

POSITION PAPER ON THE NEED TO PROVIDE THE LIST OF IMPORTERS IN THE IUCLID5  
REGISTRATION DOSSIER OF AN ONLY REPRESENTATIVE

Article 8 of the REACH Regulation includes the following provision regarding Only Representative (OR) and the list of importers:

*The representative [...] shall keep available and up-to-date information on quantities imported and customers sold to*

However, the Guidance on registration, section 1.5.3.4 goes further and demands that the OR includes the list of importers in the IUCLID registration dossier:

*The list of the importers that are covered by the registration **is to be reported** in IUCLID in section “1.7 Suppliers”*

The Data Submission Manual 5, page 16 states:

*If the box “Only representative” is ticked in IUCLID section “1.1 Identification” then [...] **you are also advised** to indicate the list of the importers’ names covered by the registration in the field “Other importers.”*

The wording in these two guidance documents is leading to confusion to whether this is a mandatory requirement or a recommendation.

Cefic members find that if this is a requirement, it will be extremely burdensome and would like to highlight the following points:

- this requirement is not part of the REACH Regulation which only refers to the need to keep available and up-to-date information, and not the need to submit this information to ECHA
- if the list of importers is part of the registration dossier, this would mean that the OR would need to continuously update his registration dossier and re-send the entire IUCLID5 file to ECHA every time there is a new importer covered.
- In case the OR is part of the same company as the non-EU entity who appoints him as OR, CBI and potential competition law considerations should also be considered particularly if there is a supply chain outside the EU. In this case, the importers are not direct customers of the non-EU manufacturer. The submission of such list could lead to the disclosure of customers and volumes to the non-EU manufacturer

Cefic therefore requests:

- clarification in the guidance that this is not a ‘must’ but just a recommendation. In this context, Cefic proposes the following amendment of the Guidance on registration:

*The list of the importers that are covered by the registration **may ~~is to be~~** reported in IUCLID in section "1.7 Suppliers"*

- the verification that the list of importers is attached should not be part of the Technical Completeness Check that is undertaken after the submission of the dossier

The Only Representative must be aware of the importers that are covered by his registration. The OR must have an available and up-to-date record of those importers that are covered by his registration and therefore became Downstream users. This can be available for example via a trustee.

In addition, all the importers covered by an OR must be aware that such OR exists and that he covers his substance and volume in his registration.

Cefic remains open to discuss the above points in more detail if necessary.