



## FAQ on SIEFs April 2009



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## Introduction

SIEFs are starting to work and companies are identifying a number of difficulties. Cefic welcomes the clarification from ECHA in the News Alert '[Clarification in relation to pre-SIEFs and SIEFs](#)' and '[Getting started in SIEFs – Top Tips](#)'. In addition, the points below are Cefic recommendations on how to solve some of the practical issues being encountered in the SIEFs.

## Why is Cefic recommending assigning the codes so urgently?

Cefic has recommended the 4-code system<sup>1</sup> to be used for starting the activities in SIEFs. For those SIEFs who plan to submit a joint submission by December 2010 the deadlines are extremely tight: no time should be wasted in getting the SIEFs started.

Cefic believes that the assignment of the 4-code offers a practical way to start organizing the work in the SIEFs. Current experience within industry shows that the next steps to be done can take long time<sup>2</sup> so it is important that the first step is done as soon as possible.

## Am I signing a 'blank check' when selecting a code?

In some of the 4-code selection it is indicated that an invoice will be received. It is acknowledged that the participation in SIEFs will most likely entail costs for potential registrants, in particular the payment of data needed for registration.

With regard to both payment of data and any administrative cost, it should be realized that companies cannot be forced to pay any cost they have not previously agreed upon. Please note that whenever the invoice is mentioned in the Cefic recommendation, there is a footnote: *Invoice will include the data needed for the corresponding registration and any additional management compensation according to cost sharing system **agreed in the entire SIEF***. Actually, SIEF members who have selected Codes 1-3 will be consulted on cost sharing. There is no need to consult the dormant (Code 4) as they do not intend to register and therefore don't have to pay anything.

## What will be the cost-sharing rules, if I decide to become more active in the SIEF (codes 1-3) after having been dormant (code 4)?

Each SIEF may define cost-sharing rules for LE willing to change its code and late comers. A suggestion could be cost sharing rules as defined for Code 3.

## Do I commit to anything when selecting a code?

The answer to the 4-code questionnaire is not binding (the 4-codes do not have any legal status).

<sup>1</sup> See Cefic recommendation on 4 codes :

<http://cefic.org/en/reach-for-industries-documents-and-tools.html>

<sup>2</sup> Cefic has published a timing chart that shows the various tasks to be done in the SIEF and the corresponding tight deadlines: <http://cefic.org/en/reach-for-industries-documents-and-tools.html>



Moreover, companies can at any time change their selection and upgrade/downgrade themselves. The only use of the selected code is to build different distribution lists in order to structure the communication in the SIEF.

Companies should be responsible when selecting a code category. Please note that companies selecting Codes 1 and 2 are expected to actively participate in the preparation of the joint submission dossier. Companies who plan to register, but not have any data, or resources to be an active participant, are advised to select Code 3 (passive).

#### **What if there is no SFF claimed in REACH-IT?**

Companies who are planning to (or should) register by December 2010, and who can commit resources for the start of the work in the SIEF, are urged to claim the SIEF Formation facilitator (SFF) role, in the REACH-IT system if this has not been done yet. They should also send out the request for the 4 codes to all SIEF participants as soon as possible.

Please note that being the SFF does not automatically imply becoming Lead Registrant (cf. [ECHA Fact Sheet](#)).

#### **What if the SFF is taking no initiative?**

Companies willing to take on the SFF role, to kick-start the work are advised to contact the current SFF and ask him if he is willing to give up the SFF role. The current SFF should also be given a deadline to start the discussions e.g. deadline to send out the request for the 4 codes.

If the current SFF accepts to give up the role, he should enter in REACH-IT and deactivate the SFF option. The company can then claim the SFF and start the process (described above).

If there is no response from the current SFF, or no action is undertaken in the reasonable given deadline, a communication must be sent to all SIEF members explaining that the SFF will be 'by-passed' and introducing the new company as the possible new SFF (or Lead Registrant (LR) if already elected by other SIEF members). Individual companies are encouraged to use the comments field in REACH-IT to promote this new SFF or LR.

Efforts to contact the current SFF and process to by-pass him must be documented.

#### **What if SIEF members are not reacting to emails?**

It is generally accepted that no reply to the 4-code questionnaire means dormant status. 'Dormants' do not need further individual systematic communication. Efforts to contact all members must be documented e.g. emails sent including those unopened or bounced back.

## How can I distinguish SIEF emails from spam?

A number of service providers are extracting the contact information from the pre-SIEF xml files (in REACH-IT) to offer their services / promote their companies. ECHA has made clear that data in REACH-IT may only be used for the purposes of meeting REACH legal obligations and not for commercial purposes.

Cefic makes the following recommendations:

- A SFF with a serious intention to organise the SIEF discussions should send out an email, indicating the EC number in the subject of the email, as well as the name of the company.
- The SFF should also include a short overview of the next steps s/he plans to undertake e.g. whether a standard communication platform will be used such as [SIEFreach](#) for example.
- In order to facilitate the archiving of emails and retrieval of information, the EC number, or the list number (retrieved from the list of pre-registered substances, if there is no EC/ CAS number available), should always be mentioned in the subject of the emails sent to all SIEF Members.

Companies in SIEFs are advised to check regularly their junk email or spam folder to check whether 'good' emails have been left there.

## What if I find myself in the wrong SIEF?

The first step for the SFF is to conduct the discussions on substance sameness. Following the agreement on the substance sameness, the SIEF is officially formed. In the course of the sameness discussions, your company may decide that the SIEF being formed is not the most suitable. You can look for a more suitable SIEF using the list of pre-registered substances published by ECHA.

Since the substance identity of a pre-registration cannot be adjusted, ECHA has recommended using the read-across possibility in REACH-IT (i.e. the "similar substances" tab in the pre-registration page). This will allow you to view the contact information of the members of the other pre-SIEF. You should then outside of REACH-IT approach the SFF or main active members and explain that you wish to join their SIEF.

Alternatively, companies can also look for existing consortia or SIEFs outside of REACH-IT. In this context, SIEF members are encouraged to check the existing lists of SIEFs formed in [SIEFreach](#) for example, or existing consortia<sup>3</sup> and verify whether there is a group/consortium covering their substance(s).

It should be noted that a justified change of SIEF does not make companies lose their phase-in status for that particular substance: if a company joins another SIEF, the registration may be done under a different identifier from the one that was pre-registered, but is to remain in line with the pre-registered substance information.

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<sup>3</sup> E.g. REACH-Link : [www.reachlink-eu.com](http://www.reachlink-eu.com) ; Chemical Watch : [www.chemicalwatch.com](http://www.chemicalwatch.com) ;



In case of a merge or split, it is advised to inform ECHA about it. ECHA is examining what is the best approach to use.

The reasons to change to another SIEF and the process must be documented.

### What if there is an existing consortium?

If an existing consortium is active in one or more SIEFs, and is ready to prepare the registration dossier, they are encouraged to make themselves known using the REACH-IT SFF or comments field. In doing so, they should indicate the name of the consortium, the substance(s) covered, a work plan / outline of the intentions and a contact point. Efforts in making themselves known must be documented.

The consortium also needs to ensure that proper communication with the SIEF e.g. such as sending regular reports to the SIEF members.

The Lead Company of the consortium should also indicate to ECHA that they have become the Lead Registrant by sending an email address to: [lead-registrant@echa.europa.eu](mailto:lead-registrant@echa.europa.eu) as recommended by ECHA<sup>4</sup>. For example, the consortium manager, or the Lead Registrant, on behalf of the consortium members, proposes a LR to the 'rest of the SIEF members'.

### My substance has been published with deadline 2010, but the available statistics do not show such high volumes produced or imported.

Some companies may have indicated a higher tonnage for commercial purposes. In case the LR and his SIEF team aim at a later registration deadline than 2010, this must be communicated to all companies in the SIEF. When exchanging information, companies need only to refer to tonnage bands and not actual figures, for competition law rules reason.

If those who have an interest in registering in 2010 do not react, the pre-SIEF can go ahead for a later deadline.

Documentation of such communications must always be kept.

### What if a company registers early without waiting for the Joint submission? Does this company become *de-facto* Lead registrant?

When joining a SIEF, an early registrant does NOT become *de facto* the LR. When the Joint Submission (JS) is submitted by the LR, the early registrant must update his registration to become part of the JS for the same substance (according to Article 11(1)). His data must also be aligned with those of the JS.

Alternatively, the early registrant may justify an opt-out (most likely due to disproportionate costs).

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<sup>4</sup> [http://echa.europa.eu/doc/reachit/sief\\_key\\_principles.pdf](http://echa.europa.eu/doc/reachit/sief_key_principles.pdf)



**Can there be more than one Joint submission for the same substance  
e.g. two consortia for one substance?**

Whereas there can be more than one consortia for the same substance, the REACH Regulation foresees only one JS per substance. More than one LR/JS per substance should therefore be avoided (Article 11(1)). ECHA will take no decision on who is to be the lead when more than one JS combine their effort.

In case there are various pre-SIEFs/consortia for the same substance, REACH requires that efforts must be made to reach agreement about cooperation and exchange of information among them. Such efforts must be documented.

Violations of the data sharing obligations and/or joint submission requirements are subject to enforcement.

*Please note that the deadlines for the completion of a joint submission dossier are extremely tight so no time must be wasted. Companies with a registration deadline December 2010, should seriously consider the possibility of becoming SFF, in particular if there is no SFF / or no action has been undertaken. Main players in industry must consider taking responsibility for the SIEF process and leading the discussions.*

*Cefic has published and is developing a number of guidance documents to support SIEF work. Please visit the REACH section of the Cefic website for more information: <http://cefic.org/en/reach-for-industries-documents-and-tools.html>*

