

INDIVIDUAL SUBMISSIONS FOR SAME SUBSTANCE

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Issue: The ECHA dissemination website shows duplicated entries for around 300 substances. It appears that a number of companies have submitted their registrations individually i.e. not as members of the Joint submission. Depending on the particular circumstances related to the SIEF process and the way the joint dossier has been prepared, the individual submitters may reasonably allege in certain limited cases that their situation is legitimate and proportionate. In absence of any valid justification, some authorities may regard as proven the breach of the article 11 REACH in regard to the process of joint submission in the SIEF.

It needs to be noted that the obligation of sharing data applies to all cases, where a request for data exists.

ECHA has published a news alert on the topic on the 10th of August 2011:

http://echa.europa.eu/web/guest/view-article/-/journal_content/e257f8a2-6e56-46e0-8ec5-ddad50500df3

Cefic has also published a paper explaining the process for these companies in case they wish to join the Joint submission:

http://www.cefic.org/Documents/IndustrySupport/Update%20individual%20registrations_180211.pdf

Therefore, these are the different scenarios that industry may face.

Scenario 1: the National Inspectors may proactively ask for justification to individual submitters. This verification may be included in regular inspections currently being done at companies.

Scenario 2: companies may decide to report cases to the national authorities (“whistle blowing”)

The combination of both scenarios is also possible, where inspectors will verify compliance with this provision prioritising suspicious cases reported by other companies.

Incidentally, it should be noted that such actions may also apply to other cases where companies have registered for a tonnage band higher than the one they have paid for in terms of information in the SIEF.



The possible actions by authorities (e.g. dossier evaluation by ECHA, REACH sanctions by national authority) may lead to the update by the individual registrant of his dossier (with possible purchase of the Letter of Access and sign up to the joint submission).

Taking those considerations into account, the general recommendation to companies that face an individual submission for their substance is to follow the three-step approach below:

1. Ask ECHA for details of individual submitters via the ECHA helpdesk, upon submission of a minimum of information (registration number and submission number) <http://echa.europa.eu/web/guest/contact>)

The individual submitter will be informed by ECHA about your request for his contact details.

2. Once the contact details are received from ECHA, write a formal letter to the individual submitters inviting them to join the joint submission, unless an appropriate justification is provided.

The invitation to join the JS should explain the conditions and the process (see Cefic paper explaining the process which may be used as reference:

http://www.cefic.org/Documents/IndustrySupport/Update%20individual%20registrations_180211.pdf).

3. If suspicion of a potential breach of obligation remains, relevant enforcement authorities may be contacted (see list available on ECHA website: <http://echa.europa.eu/web/guest/regulations/enforcement/national-inspectorates>)

4. In the circumscribed cases when their situation does not seem legitimate, it may also be envisaged to inform ECHA so that they can consider an evaluation of the dossiers.