Fecc
EUROPEAN ASSOCIATION OF CHEMICAL DISTRIBUTORS

Experience from chemical distribution

Cefic
REACH Implementation workshop IX

Dr. Uta Jensen-Korte
Fecc, Director General

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Responsible Care®
OUR COMMITMENT TO SUSTAINABILITY

Content

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- The different roles of chemical distributors
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Fecc in a nutshell

- **Fecc is the voice of the chemical distribution industry in Europe**
  - Fecc represents around 1,500 companies
  - Chemical distribution in Europe has an annual sales leverage of around €25 billion
  - Employs over 31,000 people
  - Supplies to over 1 million Downstream Users

- **Fecc is particularly active in:**
  - Responsible Care
  - REACH & CLP
  - Product Stewardship
  - GTDP
  - Logistics

Fecc Membership

- National Associations: 16
- Company Members: 36
- Associate Members: 10
- Affiliate Members: 2

REACH and CLP: the dynamic duo

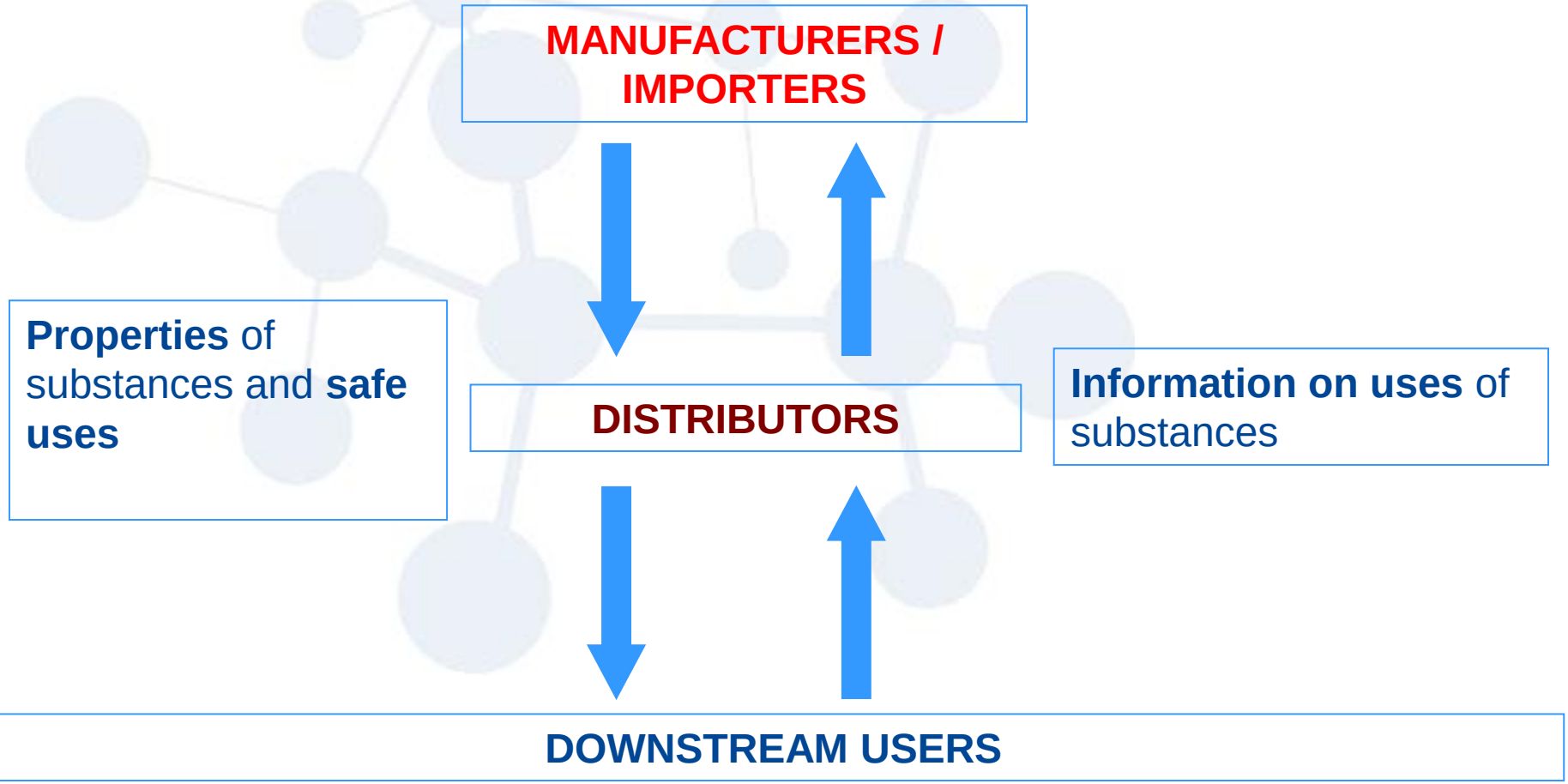
REACH and CLP complements each other

- **REACH does NOT include CRITERIA for C&L, it refers for:**
  - Substance Classification ⇨ Regulation (EC) No 1272/2008 (CLP)
  - Mixture Classification ⇨ CLP and Directive 1999/45/EC
  - Safety Data Sheets ⇨ REACH Annex II

- **CLP triggers obligation under REACH**
  - Registration
  - Information in the supply chain
  - Restrictions and authorisation

REACH & CLP - Chemical Distributors

REACH & CLP affects the entire supply chain
Chemical Distributors play a key role



REACH & CLP – Chemical Distributors

Chemical Distributors may have different roles in REACH & CLP

- Manufacturer: manufactures a substance within the EU
- Importer: imports into the EU a substance or a substance in a mixture
- Distributor: only stores and places on the market a substance, on its own or in a mixture, for third parties
- Downstream user: uses a substance, either on its own or in a mixture, in the course of his industrial or professional activities, e.g. formulation, dilution, re-packaging, etc

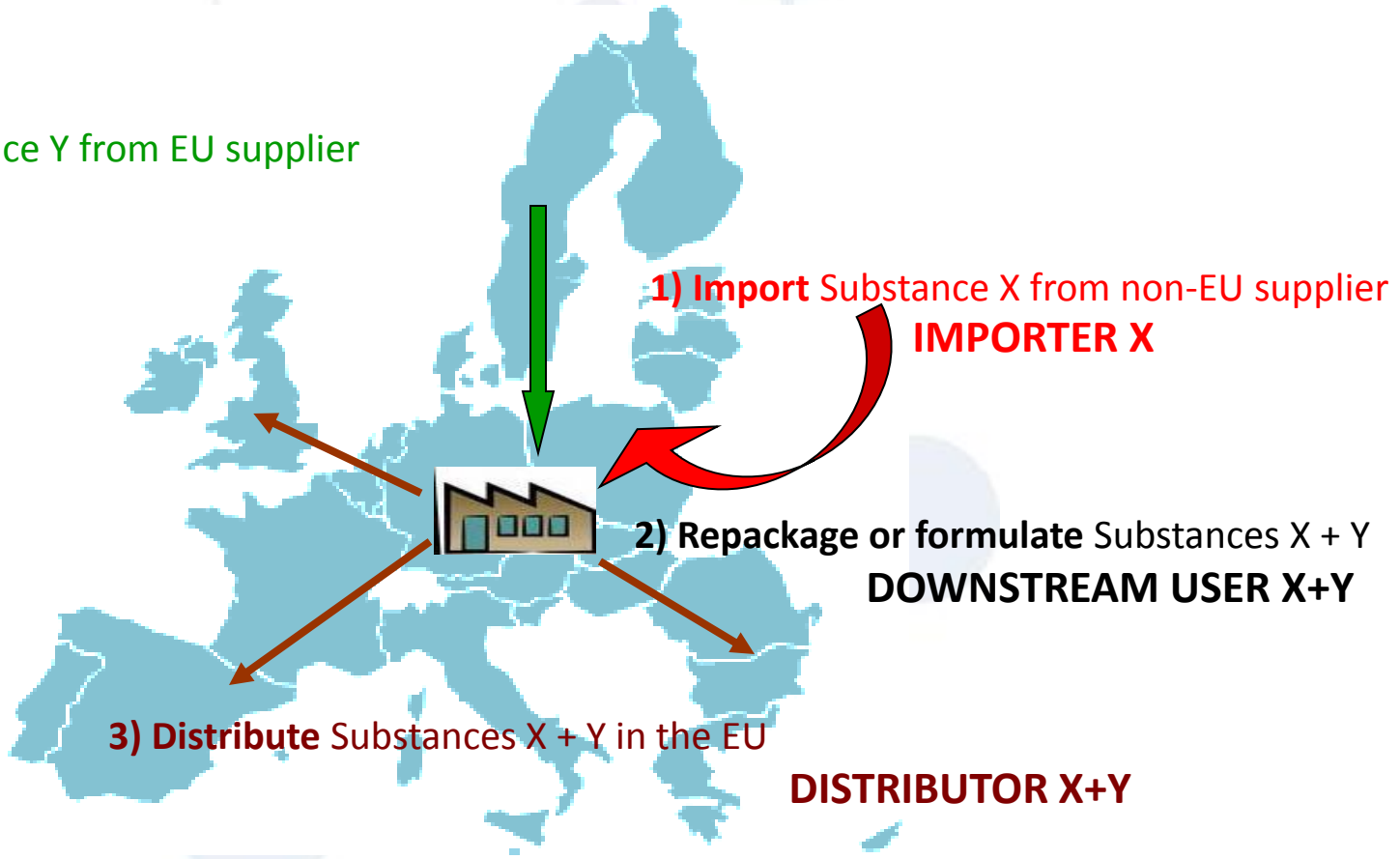
REACH & CLP - Chemical Distributors

…which entails different obligations

- Manufacturer:
  - Register imported substances at or > 1 t/y
  - Notify to the C&L Inventory, no tonnage threshold
- Importer:
  - (Pre)-register imported substances or substances in mixture at or > 1 t/y
  - Notify to the C&L Inventory, no tonnage threshold
- Distributor: Make sure information is passed up and down in the supply chain
- Downstream user: communication of information on own uses upstream or carry out own assessment

REACH & CLP - Chemical Distributors

Different roles for the same company



Distributor as importer

- **Importers have same obligation as manufacturer under REACH**
  - except non-EU manufacturer has appointed an Only Representative (OR)
  - → then the importer becomes Downstream User and has no registration obligation
- Some of our members have (pre)-registered substances as **importer**
- Some have **acted as OR** for non-EU manufacturers
- Some have **registered substances** on their own or on behalf of DUs to extend the use coverage

Distributor as importer

Main challenges:

- Obtaining the needed information from non-EU suppliers
  - to ensure substance sameness,
  - (eco)toxicological information
- Data management
- Resources, expertise and costs

Advantages:

- Access of SIEF information
- Control over imports and volume
- Control over uses covered

Distributor as distributor

No obligation to (pre)-register, therefore no access to SIEF information

- **Main obligations and challenges:**
  - Information flow up and down the supply chain
    - Receive from manufacturer/importer information about properties of substances & safe uses and inform down
    - Receive from downstream users (DU) information about the uses and inform up the supply chain
  - Check that your uses are covered /no legal requirement to check that DUs' uses are covered
  - Implementation of the measures resulting from ES
  - Data management

⇒ Supply chain communication needs to be improved

Distributor as downstream user

No obligation to (pre)-register, therefore no access to SIEF information

- **Main obligations and challenges:**
  - Information flow in the supply chain
    - Receive information from manufacturer/importer/distributor about properties of substances & safe uses
    - Inform manufacturer/ importer/distributor about your uses
  - Check that your uses are covered
  - Implementation of the measures resulting from ES
  - Data management

Manufacturers, distributors and downstream users are often faced with similar challenges

CLP Regulation - challenges

Classification - challenges:

- New data → new classifications ?
- Divergences in the C&L inventory → confusion?
- More severe classifications under CLP → more mixtures

Downstream impact of classification changes!

- Legislation: sector specific legislation, Seveso, Ecolabel, Transport, etc.

REACH - Challenges

- **Coming registration deadlines**
  - more SMEs, more “distributors”
  - Data generation, data access costs
  - Less experience

- **SIEF management issues**
  - set clear rules for internal SIEF organisation - use industry standards, e.g. contracts, customer replies etc.
  - cost sharing must be fair , transparent and non discriminatory – avoid disputes
  - improve information flow up and down the supply chain

The clock is ticking again – start now for 2013!!!!

REACH & CLP - challenges

SDS main tool for the communication within the supply chain about the safe use of chemicals

- **To improve readibilty and comphrehensibility, ideally**
  - use of a common format and standard phrases
  - include a table of content between the main part of the SDS and the ES in the annex
  - outline why no registration No. (exempted, low tonnage etc.) and/or no ES is attached
  - for mixtures, different options need to be assessed – task for the future
  - submission of eSDS electronically or via a link

The data exchange standard for ES "ESCom" launched 20 May 2011 will improve workability

REACH & CLP – ideal picture

- **Ideal communication chain:**
  - **M/I** to use CHESAR → XML output (extended SDS)
  - **Distributors and DU1** to use ESCOM XML 1.1 standard
  - **DU2 - n** to use ESCOM XML 1.1 standard
  - **IT providers** to develop interface to implement ESCOM XML 1.1 in their IT systems

→ **Whole supply chain needs to use the same tool !!!**

All parties should work towards this common aim

REACH review 2012

Review and reporting obligations of the Commission

- **3 Reviews required by 1 June 2012**
  - ECHA (Art 75.2)
  - Low tonnage (Art 138.3)
  - Scope of REACH (Art 138.6)
- **General report by the Commission on operation of REACH by 1 June 2012 and funding of alternative test methods (Art 117.4)**
  - Member States Reports (evaluation and enforcement)
  - ECHA Reports (non-animal test methods)

Review does not mean necessarily revision

REACH review obligations

Article	Title of review	Deadline
75(2)	Review of ECHA	1 June 2012
138(1)	Review of CSA obligations	1 June 2014 - for CMRs cat. 1A 1B 1 June 2019 - for other substances
138(2)	Review of polymers	Not specified
138(3)	Low tonnage review	1 June 2012
138(4)	Review of Annexes I, IV and V	1 June 2008
138(5)	Review of Annex XIII	1 June 2008
138(6)	Review of the scope of REACH	1 June 2012
138(7)	Endocrine disrupters review	1 June 2013
138(8)	Review of Article 33	1 June 2019
138(9)	Review of testing requirements	1 June 2019
22.2(fee regulation)	Review of the fee Regulation	1 June 2013
Recital 10 (board of appeal)	Review of the Board of Appeal Regulation	Not specified

REACH review 2012

12 thematic studies have been launched by the Commission:

- Assessment to whether or not to amend **scope** of REACH
- Experience acquired with **operation** of REACH
- **Nanomaterials** in REACH registration dossiers
- **Inspection requirements** REACH and CLP
- Nominal **risk** caused by chemicals in 2012 compared to 2007
- Functioning **of EU chemicals market** after the introduction of REACH
- Impact of REACH on the **innovativeness** of EU chemical industry
- Health and environmental **benefits** REACH
- Registration requirements for **1-10 t substances and polymers**
- Review ECHA based on Article 75 REACH
- REACH contribution to development **emerging technologies**
- Implementation and enforcement of restrictions in Member States

REACH review 2012

- **Although 12 thematic studies have been launched**
  - The Commission may, **if appropriate**, present a legislative proposal after June 2012 based on the review outcomes
  - Review does not mean necessarily revision

→ **Commission's right of initiative**

- **Fecc view:**
  - Industry to gain experience first and need of legal certainty
  - To cope with a moving target would be challenging
  - Prefers smooth approaches to better implement the current provisions e.g. through guidance and tools

Thank you
for your attention!

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