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Downstream Users of Chemicals Co-ordination group



Fecc
EUROPEAN ASSOCIATION OF
CHEMICAL DISTRIBUTORS

Factsheet on Registration of a substance and use communication

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1. Introduction

This fact sheet aims to explain to the different parties in the supply chain how to approach the communication of uses in an efficient and practical way. It addresses the main questions that may be raised in a Q&As format. It should be noted that this communication process is linked to the obligation to prepare Exposure Scenarios which is only applicable to certain situations; there are a number of situations where this communication may not be needed. The [industry guidance on extended SDS](#) explains this in more detail.

2. What is the top-down approach?

The process of listing uses for the registration should follow the top-down approach: this requires that manufacturers and importers, in cooperation with their customers (downstream users) as appropriate, develop and publish information on uses they intend to cover in the registration, taking into consideration the [use mapping tables](#) developed by Trade Associations.

This approach was already used for the preparation for 2010 registrations and industry will be using it again in preparing for 2013 registrations. With this, industry hopes to avoid unsolicited communications from customers to suppliers, unless they have good reasons to believe their uses will not be considered and/or are unknown to suppliers.

3. Where can the downstream user find information about his uses?

There are a number of **sources of information** on the uses that the supplier intends to cover, which can be checked by the downstream user, e.g.:

- Supplier's website

- Section 1 of the current SDS includes use information (see also if there are indications of a later registration deadline, exemptions, etc.)
- Any other information received from the supplier
- Many European Trade Associations have made available **use mapping tables** for the various uses that are relevant for their chemical sector. The downstream user can determine whether a relevant Trade Association has defined and published a use mapping containing his use at: <http://www.cefic.org/Industry-support/Implementing-reach/Libraries/>

Before considering communicating his use upstream, the downstream user can check these sources because upstream communication may not be needed if these sources include his uses. However, if a DU has not received any communication from his supplier about the uses he plans to register for the substance by mid-2012, and it is not clear from the above mentioned sources, in this situation a DU might approach his supplier to ask for confirmation that his use is to be covered.

4. What if the downstream user cannot find his use?

It is possible that the downstream user does not find his use on any of the above mentioned information sources and, in that case, he is advised to contact the supplier in short notice, preferably via whichever means the supplier has made available for this communication e.g. a standard form, link, email, etc.

5. How shall the downstream user proceed if he concludes he needs to communicate a use?

Experience from the 2010 registrations showed that supply chain communication on use can only be processed when the downstream user communicates uses in a **substance-specific way** using the standard formats and use descriptors¹.

Similarly, past experience showed that if the downstream user sends tables reporting uses of a product only by means of combinations of the use descriptors, this does not provide all the information the registrant needs for an assessment. As a minimum, the operational conditions and typical Risk Management Measures applied by the DU should be communicated. Please see the [UseR Template](#) developed by DUCC as an example of this set of information.

6. When should this communication on uses take place?

For substances that need to be registered by 31 May 2013, this process should happen as soon as possible and preferably before mid-2012. A timely top-down communication informing downstream users that this information is available should avoid suppliers receiving numerous letters from customers seeking assurance that their uses are included.

¹See ECHA guidance for more information on Use Descriptors: chapter R.12 of the “Guidance on information requirements and chemical safety assessment”:
http://echa.europa.eu/documents/10162/17224/information_requirements_r12_en.pdf

7. What happens if the downstream user does not communicate his use at least 12 months before the relevant registration deadline?

Article 37.2 of the REACH Regulation suggests that only uses communicated at least 12 months before the relevant registration deadline must be considered by the registrant. In reality most suppliers will continue to accept and consider further communications on uses after this deadline, although for practical reasons the closer this happens to the registrant completing his dossier the more difficult it will be for the registrant to consider including the use in the registration, and may be subject to an update of the registration later on.

It is important to highlight the fact that DU does not have to immediately stop his activity if his use is not covered in the ES he receives.

8. If a downstream user reports his use, does it mean that the use will be included in the registration?

Reporting a use does not guarantee the downstream user that the use will be included in the registration, only that it will be considered. There may be different situations:

- The use is assessed and found safe. This is an identified use and an ES will be provided with the SDS
- The use is assessed and the registrant considers that it cannot be included due to reasons of protection of human health or environmental safety. In this case, this use is considered as 'advised against' and will be listed as such in the SDS. This decision needs to be communicated to ECHA and the downstream user in writing and without delay (according to article 37.3)
- The use is not assessed e.g. for economical reasons. The supplier needs to stop selling for this use.

9. What if the downstream user is purchasing mixtures?

The principles explained in this fact sheet apply to both substances and mixtures, as uses of substances in the mixture need to be covered by the registrants as well.

However there are some particular considerations for mixtures, for example an important aspect to be communicated by formulators of mixtures is to indicate concentration of the substances in the mixture if no confidentiality issues are at stake. This would allow the registrant to carry out a realistic assessment of the use. The [UseR template](#) developed by DUCG has been recently updated to include this option.

For compliance purposes or for the purpose of assuring the downstream user that the product will remain available for the foreseeable future, suppliers of mixtures may confirm that the product(s) conform(s) to REACH and that there are no plans to withdraw it/them for REACH purposes without consultation with the DU.

For more information on supply chain communication and ES:

Industry guidance on supply chain communication:

<http://www.cefic.org/Industry-support/Implementing-reach/Guidances-and-Tools1/>

ECHA fact sheet for DU:

<http://echa.europa.eu/web/guest/support/guidance-on-reach-and-clp-implementation/guidance-fact-sheets>



In short, the communication on uses prior to registration should happen as follows:

- Manufacturers/Importers make the information on uses they intend to cover available to their customers taking into account use mappings from relevant sector associations if available
- Downstream users consult the available sources of information on uses
- Only when no information on coverage of a specific use is available, downstream users should communicate their uses to suppliers in a substance-specific way and providing sufficient information

This process shall preferably take place before mid-2012.