

ECHA-18-B-09-EN

How to provide information on prohibited and allowed uses in PIC export notifications



Section 6 of a PIC export notification, *Summary information on final regulatory action taken by the exporting country*, provides information to the authorities in the importing country on how the chemical is regulated in the EU under the PIC Regulation. Section 6.2 highlights the use category for which the final regulatory action (FRA) was taken and provides information on the uses of the PIC chemical in the EU.

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WHY IS IT IMPORTANT TO PROVIDE GOOD QUALITY INFORMATION?

Section 6.2 of an export notification is linked to the requirements provided in point 8 of Annex II to the PIC Regulation:

Use of the chemical in the Union:

- uses, category(ies) under the Convention and Union subcategory(ies) subject to control measure (ban or severe restriction);*
- uses for which the chemical is not severely restricted or banned (use categories and subcategories as defined in Annex I of the Regulation);*
- estimation, where available, of quantities of the chemical produced, imported, exported and used.*

The aim of Section 6.2 is to provide good quality information for authorities in the importing non-EU countries to understand the regulatory status of the PIC chemical in the EU. The authorities rely strongly on this information when making decisions on whether to allow a certain import, and complete and accurate information about the uses of a substance provides them with a clearer and more comprehensive picture of how these substances are or are not used in the EU. The information is particularly highly valued, as the EU is considered a reliable source of information.

WHAT INFORMATION DOES SECTION 6.2 CONTAIN?

Section 6.2 provides three types of information:

- The category (industrial or pesticide) for the chemical for which the final regulatory action was taken in the EU. This field is pre-filled in ePIC and cannot be edited.
- Data on prohibited and allowed uses for the chemical in the EU. This information needs to be entered manually by the user.
- Estimations, where available, of the quantities of the chemical produced, imported, exported and used at EU level. It is recommended that you do not include figures that you are unsure about and could be potentially misleading.

6.2 The final regulatory action has been taken for the category

Industrial chemical Pesticide

Prohibited uses:

Wood impregnation agent (PT 8) for consumer use

Allowed uses:

Wood impregnation agent (PT 8) for industrial and professional use provided the conditions of the REACH restriction are met.

The image above shows part of Section 6.2 for an export of creosote, CAS 8001-58-9, which belongs to the PIC entry "Creosote and creosote related substances".



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PROHIBITED AND ALLOWED USES - PRINCIPLES

When you provide information in your notification on the prohibited and allowed uses, keep in mind these general principles:

- Section 6 as a whole refers to the regulatory situation (including the allowed and prohibited uses) in the EU, not in the country of destination of the export.
- The information should be relevant in the context of the PIC Regulation. For example, stating that a certain PIC chemical is banned for military use is not considered relevant under the PIC Regulation, which specifically deals with industrial chemicals, plant protection products and biocides.
- The use for which you are exporting the chemical does not necessarily correspond to an allowed use in the EU.
- Elements of the safety data sheet, such as hazard statements and precautionary measures, are not applicable to Section 6.2.
- It is not mandatory to provide information on both prohibited and allowed uses, even though it is recommended. If you are in doubt, it is better not to include a statement than to provide an incorrect one.

Make accurate statements and use appropriate language

When entering information into your notification, make sure that it is:

- clear, to the point and not misleading;
- written in a way that can be understood outside the EU, using complete sentences and correct spelling; and
- typed into the appropriate fields, based on whether the uses described are allowed or prohibited.

Make sure the prohibited and allowed uses refer to the PIC chemical

Note the following if you are exporting a mixture or product which contains a PIC chemical:

- The information you give must refer to the PIC chemical, not to the mixture or product



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containing it or to other non-PIC components potentially present in the mixture or product. For example, a biocidal product you are exporting may contain both an active substance not subject to PIC and a PIC chemical with no biocidal uses at all. In such a case, it would be incorrect to indicate an allowed use as a biocidal product in your PIC notification, as this use does not refer to the PIC chemical.

- The *Product description* cannot be considered as a use in these fields.
- When more than one PIC chemical is present in a mixture, you need to provide information on each of these chemicals and be clear which substance a use refers to.

Make sure your sources are accurate and easily verifiable

When including references to legal texts or supporting evidence in your statements, bear the following in mind:

- A reference to a legal text should be correct, complete and enable the recipient to identify the source document. For example, if your substance is subject to PIC because it has been restricted under REACH, you should refer to the complete REACH restriction (including the entry number). Simply stating *REACH* is not enough.
- In general, it is best if you include any legal references in section 6.3, *Reference to the regulatory document*
- As the recipients of the information are

authorities in non-EU countries, avoid abbreviations and EU jargon without placing them in context. For example, *Annex I part 1, subcategory p(1)-p(2), use Limitation b-sr and PPP* are incomplete sentences which are difficult to understand.

- Referencing section 6.1, *Summary of and reasons for the final regulatory action and date of entry into force*, is acceptable when the prohibited or allowed uses are clearly specified in that section (for example, for substances which are restricted under REACH).
- The safety data sheet can be referred to in the *Allowed uses* field only if it actually includes allowed uses.



If you duplicate a previously submitted export notification, check that the allowed and prohibited uses comply with these current recommendations. Previous acceptance does not guarantee acceptance of your new notification.

FURTHER INFORMATION AND SUPPORT

Export notification procedure:

- » <https://echa.europa.eu/regulations/prior-informed-consent/export-notification-procedure>

ePIC User Manual for industry:

- » <https://echa.europa.eu/support/dossier-submission-tools/epic/epic-manuals>