

ECHA-17-B-09-EN

Proposing waivers through ePIC



The Prior Informed Consent (PIC) Regulation allows exporters to request waivers for exports of Annex I Part 2 and Part 3 chemicals or mixtures if they get no response (positive or negative) to their requests for explicit consents. The waivers are only granted under specific circumstances and should not be considered as a way to bypass explicit consents.

The request for a waiver proposal is made through the PIC IT system, ePIC. To become applicable, it must be adequately justified and agreed to by the exporter's designated national authority (DNA) and the European Commission.

TWO TYPES OF WAIVERS

There are two types of waivers: standard waivers and OECD waivers. The conditions for proposing a waiver differ according to the waiver type. Both waiver types are exporter-specific and subject to case-by-case approval.

Standard waiver

You can propose a standard waiver if:

- you have submitted your export notification to your DNA and a reference identification number (RIN) has been assigned to it;
- your notification is for a chemical or mixture listed in Annex I Part 2 or 3;
- the country you are exporting to has not responded within 60 days from the date of the first request for an explicit consent;
- there is documentary evidence from an official source that your chemical is licensed, registered or authorised in the importing country.

The standard waiver is valid for up to 12 months.

OECD waiver

You can propose an OECD waiver if:

- the importing country is an OECD country;
- you have submitted your export notification to your DNA and a reference identification number (RIN) has been assigned to it;
- your notification is for a chemical/mixture listed in Annex I Part 2;
- there is documentary evidence from an official source that your chemical is licensed, registered or authorised in the importing country.

You can propose an OECD waiver at any time after submitting your export notification. This means that the 60-day waiting period does not have to be respected.

The OECD waiver is valid for up to 12 months.

HOW TO PROPOSE WAIVERS

You must submit proposals for both waiver types through the ePIC tool.

To start, open the export notification in question in ePIC. Click the Propose waiver functionality under the Actions drop-down menu, in the upper right-hand corner of your export notification, and the application will give you a pre-filled waiver proposal form.

You can only submit your proposal once you have attached the mandatory justification document and selected the appropriate legal declaration(s). After submitting, your DNA and the Commission will give their decision.

SUPPORTING DOCUMENTS

The following supporting documents should be provided together with a waiver request:

- a translation into English if the documentary evidence is not in English/French/Spanish;
- a short explanation on the nature of the document presented;
- an explanation on the expiry date if it is not explicitly mentioned in the document itself;
- an explanation as to why the document is still valid if the date of issue is >15 years.



IMPORTANT TO REMEMBER

- As standard waivers can only be requested at the earliest 60 days after the initial request for an explicit consent, verify from the Event history in ePIC when the explicit consent was originally requested by your DNA.
- At least one document justifying the waiver proposal must be attached.
- Waivers cannot be proposed for notifications whose status is Draft.
- Users can follow the status of the waiver proposal from the Event history.

FURTHER INFORMATION AND SUPPORT

Articles 14(6) and 14(7) of the PIC Regulation, explaining the OECD and standard waivers:

» <http://www.echa.europa.eu/regulations/prior-informed-consent/legislation>

ePIC User Manual for Industry:

» http://www.echa.europa.eu/documents/10162/21731237/epic_usm_industry_en.pdf

