



Helsinki, 20-10-2010

[REDACTED]

EC number: [REDACTED]

Reference number: DSH-30-3-[REDACTED]-2010

Decision No: DSH-30-3-D-[REDACTED]-2010

**Decision on permission to refer to information requested by [REDACTED] under Article 30(3) of Regulation (EC) No 1907/2006**

In accordance with Article 30(3) of Regulation (EC) No 1907/2006 ("the REACH Regulation"), the European Chemicals Agency (ECHA) has examined the information you (for [REDACTED]) provided on 21 August 2010, regarding failure in reaching an agreement on data sharing under Article 30(3) of the REACH Regulation with [REDACTED] as the lead registrant.

The information you provided was considered complete and appropriately documented, as indicated in our communication to you dated 8 September 2010. ECHA received information from [REDACTED] within the set deadline and conducted a contradictory assessment of the information provided by both parties.

As a result of this assessment covering the exchange of communication up to the date of the complaint, ECHA has decided to not grant permission to refer to the information requested from [REDACTED].

[REDACTED] and information requirements as listed in Annexes [REDACTED].

On the basis of the information provided by both you and previous registrants, ECHA concluded that you have not made every effort, pursuant to Article 30(1) of the REACH Regulation, to reach an agreement on the sharing of the information you requested and the sharing of the costs in a fair, transparent and non-discriminatory way. More specifically, ECHA took its decision on the basis of the following reason(s):

You initiated the data sharing negotiations on 16 August 2010 only very shortly before lodging a complaint to ECHA, on 21 August 2010. ECHA also notes that the registration of the substance of concern by you is due on 1 June 2013. You have not clearly indicated to the previous registrants your exact information requirements.

In addition, the conduct of the previous registrants appears to be appropriate as the consortium's consultant has been sufficiently diligent in providing the answers that were not

available on the specific website of the consortium. Based on these circumstances, as well as considering the complexity of data sharing negotiations in general and the time still available for you before you are compelled to register, ECHA considers that you have stopped the negotiations prematurely without making every effort to reach an agreement.

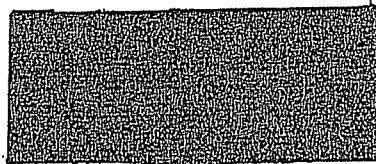
If you would like to proceed with registration, please note that you must comply with Article 30(1) of the REACH Regulation. Therefore, both parties are still required to make every effort to reach an agreement on the sharing of the information and of costs.

Besides the result of its assessment, ECHA would like to make some general observations in order to facilitate a future agreement. Each party shall give reasonable time to the other for providing appropriate answers to its questions. In the current case, ECHA understands that you were concerned by possible extra costs relating to data sharing arrangements agreed after 14 September 2010. ECHA stresses that the sharing of the cost requested by previous registrants shall not discriminate between registrants according to the deadline in 2013 and 2018. Claims for future costs, if any, shall be non-discriminatory, transparent and fully justified. In addition, ECHA always advises previous registrants to address all relevant requests for clarification from future registrants, including details on costs of existing studies, but also arguments against the reliability, relevance and adequacy of data used. Previous registrants shall also ensure that future registrants are only required to share in the costs of information that they are required to submit to satisfy their registration requirements.

If you have a specific concern about the content of this message you can contact ECHA using the webform at [http://echa.europa.eu/about/contact-form\\_en.asp](http://echa.europa.eu/about/contact-form_en.asp) and then selecting the menu item 'Enquiry on specific submission to ECHA'.

In accordance with Article 30(5) of the REACH Regulation, the potential registrant or the previous registrants may appeal against this decision to the Board of Appeal of ECHA within three months of receiving notification of this decision. The procedure for lodging an appeal is described at [http://echa.europa.eu/appeals/app\\_procedure\\_en.asp](http://echa.europa.eu/appeals/app_procedure_en.asp).

Yours faithfully,



Gaetan Dancoet  
Executive Director

