

## **Notice on contacting ECHA to provide information about being in an exceptional situation as identified by the DCG**

### **Issue 10.2: Difficulties for importers to obtain data on substances in mixtures**

#### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. The IUPAC/chemical name of all the substances in the mixture that are subject to registration, based on documentary evidence provided by the mixture formulator either directly or through a distributor.
2. The concentration of all the substances in the mixture that are subject to registration either:
  - from evidence provided by the mixture formulator, either directly or through a distributor, or
  - based on an unequivocal derivation from the chemical analysis of the mixture itself.
3. Reasons why the registrant was not provided with compositional and analytical data on an individual substance (i.e. nature and concentration of impurities) through evidence of:
  - explicit refusal from companies in the supply chain to provide this information, or
  - absence of reply from the companies in the supply chain.

#### **Consequences that the registrant may expect:**

The registrant will not be submitting compositional and analytical information on an individual substance, but would derive this data from the mixture itself, subject to scientifically valid justification. However, the submission would pass the Completeness Check, provided the dossier is filled in as explained in manual “How to prepare registration and PPORD dossiers” and the Validation assistant plug-in is used to check completeness before submitting. The Agency may assess the validity of the scientific justification at any time, and especially during the Compliance Check.

More generally, the registrant acknowledges that it is at ECHA’s sole discretion to grant or to decide otherwise at any point in time following the registrant’s submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors’ Contact Group. The registrant further needs to be aware that competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant’s situation in accordance with national REACH implementation legislation.

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### **Issue 10.3: Data required in Annexes VII and VIII of REACH not yet available by the registration deadline**

#### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. Exhaustive list of reasons that prevent the registrant from submitting the required data by the registration deadline:
  - Test was ordered in a timely manner, but could not be completed before the deadline (written justification and documentary evidence is required);
2. In the above cases, the missing tests must have been ordered before 31 March 2018 (being the last possible date for registrants to follow Directors' Contact Group recommendation to freeze the lead dossier at least two months before submitting it); documentary evidence is required (e.g. copy of the testing contract).
3. The Directors' Contact Group identified two other potential reasons for the unavailability of data by the registration deadline:
  - Intermediates: late information from a customer that the customer does not meet the requirement of strictly controlled conditions; documentary evidence is required (e.g. copy of a dated letter from a customer);
  - Intermediates: late information from a customer that the customer has non-intermediate uses; documentary evidence is required (e.g. copy of a dated letter from a customer).
4. In these two cases, the missing tests must have been ordered without undue delay after receiving the information and before the registration deadline. Documentary evidence is required (e.g. copy of the testing contract).
5. The SIEF members must have communicated with each other about the situation; documentary evidence is required (e.g. SIEF or consortium communication).

#### **Consequences that the registrant may expect:**

The lead dossier of the joint submission will not pass the Completeness Check, but ECHA may grant the registrant a reasonable time period to complete the dossier, taking into account the need to finalise the missing tests.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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## **Issue 15.1: Company split and one legal entity does not have a pre-registration**

### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. Only one of the registrants resulting from the split can make use of the pre-registration number granted to their legal predecessor. The other company(ies) can submit the contact form.
2. The registrant(s) not holding the pre-registration must provide:
  - Official documentary evidence of the split (e.g. authorisation delivered by the national authorities regulating corporate financial activities);
  - Documentary evidence of the registration/incorporation of the new legal entity making use of the contact form.

### **Consequences that the registrant may expect:**

The registrant(s) not holding the pre-registration need first to submit an inquiry to ECHA. According to the matching substance identity information, ECHA will grant the access to the Co-registrants page where the contact details of the lead registrant and member registrants are displayed. After agreeing with the existing registrants of the substance on data sharing and/or access to the joint submission, the company(ies) should get access to the joint submission from the lead registrant, and be able to submit their registration dossier as a member of the joint submission.

In the meantime, until they hold a valid registration number for their substance, the company(ies) having officially declared their situation by submitting the contact form will be in a position to document their actions in case of control by national enforcement authorities.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that the competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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## **Issue 15.2: Transfer of assets**

### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. Only one of the registrants involved in the transfer can make use of the pre-registration number of an affected substance. The other company(ies) can submit the contact form.
2. The registrant(s) not holding the pre-registration must provide:
  - Official documentary evidence of the transfer of assets (e.g. a deed or an operational authorisation delivered by the competent authorities to the new operator).

### **Consequences that the registrant may expect:**

The registrant(s) not holding the pre-registration need first to submit an inquiry to ECHA. According to the matching substance identity information, ECHA will grant the access to the Co-registrants page where the contact details of the lead registrant and member registrants are displayed. After agreeing with the existing registrants of the substance on data sharing and/or access to the joint submission, the registrants should get access to the joint submission from the lead registrant, and be able to submit their registration dossier as a member of the joint submission.

In the meantime until they hold a valid registration number for their substance, the registrants having officially declared their situation by submitting the contact form will be in a position to document their actions in case of checks by national enforcement authorities.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that the competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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### **Issue 15.3: Transfer of production from one entity to another**

#### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. As the pre-registration number is legal entity specific, it can remain only with one of the registrants involved in the transfer. The other registrant can submit the contact form.
2. The registrant(s) not holding the pre-registration must provide:
  - Official documentary evidence of the transfer of production (e.g. an operation authorisation delivered by the competent authorities to the new operator).

#### **Consequences that the registrant may expect:**

The registrant(s) not holding the pre-registration need first to submit an inquiry to ECHA. According to the matching substance identity information, ECHA will grant the access to the Co-registrants page where the contact details of the lead registrant and member registrants are displayed. After agreeing with the existing registrants of the substance on data sharing and/or access to the joint submission, the company should get access to the joint submission from the lead registrant, and be able to submit their registration dossier as a member of the joint submission.

In the meantime until they hold a valid registration number for their substance, the registrants having officially declared their situation by submitting the contact form will be in a position to document their actions in case of checks by national enforcement authorities.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that the competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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### **Issue 20.1: Lead registrant has submitted a registration but fails to complete the dossier within the TCC deadline**

#### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. A new lead registrant must have been appointed in the SIEF;
2. All SIEF members concerned must submit a contact form individually (not only the lead registrant);
3. Explanation of the circumstances surrounding the former lead registrant's failure to complete the registration dossier (e.g. bankruptcy, cessation of production and importation):
  - Written justification is required, and
  - Documentary evidence is required (e.g. copy of a judicial act or a letter from the trustee in bankruptcy, copy of several requests to the former lead registrant for information on completion of the dossier).

#### **Consequences that the registrant may expect:**

The original registration dossiers of both the former and the new lead registrant (when applicable) will have to be cancelled by ECHA. The joint submission in REACH-IT has to be updated to reflect the change of the lead registrant, the new lead registrant will have to create a new lead registration dossier and submit it to REACH-IT. This new lead dossier will undergo the regular Business Rules and Completeness Check as an initial submission.

If it is not complete, the lead dossier of the joint submission will not pass the Completeness Check, but ECHA may grant the lead registrant a reasonable time period in which complete the dossier, taking into account the need to perform the missing tests. Until the completion of the lead dossier, the member registrants' dossiers remain pending in the system.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that the competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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## **Issue 20.2: Lead registrant fails to submit his registration dossier before the registration deadline**

### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. A new lead registrant must have been appointed in the SIEF;
2. All SIEF members concerned must submit a contact form individually (not only the lead registrant);
3. Explanation of the circumstances surrounding the lead registrant's failure to complete the registration dossier (e.g. bankruptcy, cessation of production and importation):
  - Written justification is required, and
  - Documentary evidence is required (e.g. copy of a judicial act or a letter from the trustee bankruptcy, copy of several requests to the former lead registrant for information on completion of the dossier).

### **Consequences that the registrant may expect:**

The joint submission in REACH-IT has to be updated to reflect the change of the lead registrant. The new lead registrant will have to create a lead registration dossier and submit it to REACH-IT. This new lead dossier will undergo the Business Rules Check and the Completeness Check as an initial submission.

If it is not complete, the lead dossier of the joint submission will not pass the Completeness Check, but ECHA may grant the lead registrant a reasonable time period in which complete the dossier, taking into account the need to perform the missing tests. Until the completion of the lead dossier, the member registrants' dossiers remain pending in the system.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that the competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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## **Issue 21: SIEF without EU manufacturer**

### **Information that the registrant must provide on the specific case as a prerequisite to make use of the contact form:**

1. Explanation of the reasons behind the supplier's failure to complete the registration dossier (e.g. bankruptcy, cessation of production and importation):
  - Written justification is required, and
  - Documentary evidence is required:

- Copy of an assurance from the supplier regarding the registration of the substance; and
- Copy of at least one request to the supplier for information on the submission of a registration dossier.

**Consequences that the registrant may expect:**

The registrant may realise that he will have to import the substance directly, ahead of the registration deadline that applies to the imported substance without having a valid pre-registration.

The affected registrant may also realise only after the registration deadline that applies to the respective substance that he will need to import the substance directly and hence register it.

In all cases, that registrant will have to submit without delay a registration dossier containing the data available at the time of its submission.

In the meantime, until the registrant holds a valid registration number for his substance, if he has officially declared his situation to the Agency by submitting the relevant information via the contact form, he will be in a position to document his actions in case of checks by national enforcement authorities in relation to imports without valid pre-registration before the registration deadline or without prior registration after the deadline.

As it will probably not be complete, the registration dossier will not pass the Completeness Check, but ECHA may grant the registrant a reasonable time period to complete the dossier, taking into account the need to perform the missing tests.

Finally, the registrant acknowledges that it is at ECHA's sole discretion to grant or to decide otherwise at any point in time following the registrant's submission of information via the contact form, the benefits of the exceptional conditions set out by the Directors' Contact Group. The registrant further needs to be aware that the competence for enforcing REACH lies exclusively with national authorities who ultimately will potentially react to the registrant's situation in accordance with national REACH implementation legislation.

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**Please note that the contact form is only available in English**