

Ms. Helene Magaud
European Chemicals Agency
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Brussels, 17 December 2007

Re: Industry Guidelines on Registration

Dear Ms Magaud,

I am writing to you regarding the revision of the Guidance for registration. The European Association of Chemical Distributors (FECC) would like to raise the following:

- Article 8 of the REACH Regulation gives the possibility to non-EU Manufacturers of substances on its own, in preparations or in articles, as well as to non-EU formulators to appoint an Only Representative (OR). FECC fails to see why non-EU distributors and traders have been excluded. **FECC believes that non-EU distributors and traders should also have the possibility to appoint an OR. This possibility should be clarified in the guidance document (section 1.5.3.4).**
- It is not clear that non-EU companies do not necessarily have to export chemicals directly to the EU to be able to appoint an Only Representative. FECC received the following clarification from the ECHA and would like to kindly request to add it to section 1.5.3.4. : **Non-EU entities who can appoint an OR, do not necessary have to directly export the substance, preparation or article to the Community but a supply chain may follow outside the Community before an import takes place.**
- The section 1.6.3.2. of the guidance states that companies operating substances 'in transit' in a free zone will have to follow REACH. Many chemical distributors transfer substances from one container to another in these free zones. The statement 'For that purpose a free zone or a free warehouse on the EU territory is regarded as being part of the EU' could be interpreted as if these companies will be regarded as importers. **FECC would like to clarify that the companies operating substances 'in transit' in a free zone will be regarded as downstream users and therefore will not have any registration obligation.**
- The structure of the registration number is explained on page 71. Many companies fear that the disclosure of the full registration number may lead to the factual identification of the original manufacturer to all the downstream users down the supply chain. This could imply the disclosure of confidential information. Therefore FECC suggests to add the following clarification: **The Index number does not have to be added to the SDS.**
- The Annex II of the REACH Regulation states that 'Identify the person responsible for placing the substance or preparation on the market within the Community, whether it is the manufacturer, importer or distributor.' and continues 'for registrants, the person identified shall be consistent with the information on the identity of the manufacturer or importer provided in the registration'. Many FECC Members issue their own SDS and therefore, **FECC would like to clarify in the guidance that the contact details in the SDS will be those of the responsible person/company and not always those of the registrant.**



FECC would like to kindly request ECHA to take the above into consideration. Should you need further information, please do not hesitate to contact FECC.

Yours sincerely,



Hendrik Abma
Director General

The European Association of Chemical Distributors (FECC) represents around 1,200 European chemical distributors to the EU Institutions. FECC Members – most of them SMEs - create value in the supply chain meeting the demands of over one million downstream users with a large range of products. FECC Members distribute and regularly import substances and preparations vital for the success of the European economy. Thousands of industrial plants are supplied with the specific chemicals that are required to continue their production.