



PHOTOINITIATORS PLATFORM

REACH enforcement across EU

November 2021



REACH enforcement across EU

- ▶ SDS responsibilities - different interpretation across and sometimes within an EU Member State
 - ❖ Who is responsible for SDS content?
 - ❖ Who is responsible for SDS distribution
 - ❖ Who is responsible for SDS record keeping
 - ❖ Where does an Only Representative fit in?
 - Multiple ORs on one SDS
 - Bulk distribution e.g. via pipeline



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► Postbox ORs

- ❖ Companies that repeatedly hijack lead registrant position without due process
- ❖ Submit poor quality dossiers and sell LoAs for access
- ❖ ECHA assesses dossier quality, but
 - Enforcement sits with Member State Competent Authority
 - Some Member States more robust with dubious quality ORs
 - ECHA can only enforce through dossier review process (and has)
 - Some Member State Competent Authorities may be driven by quotas for action rather than science



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- ▶ Opt Outs
 - ❖ Some registrants and ORs have a history of inquiring for a price and, no matter if reasonable, request an opt-out and simply get awarded one.
 - Inquirer gets free JSO token and access to registration
 - ECHA does not remove “rogue registrants”
- ▶ Lack of enforcement where tonnage bands exceeded
- ▶ Lack of policing of companies that don't bother to register and hijack registration numbers
- ▶ Industry has the feeling that they are “guilty until proven otherwise”
- ▶ Absence of a robust complaints procedure where two companies are in disagreement



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► Possible ways forward

- ❖ More comprehensive guidance documents for enforcement agencies to work with
- ❖ REACH amendment?
 - Amendment of Article 8 to make OR responsibilities clearer regarding SDSs (content, distribution and storage)
- Work with Member State Competent Authorities to achieve a more consistent and robust approach with rogue consultancies/ORs
- Public position via Accredited Stakeholder forums
- Work with registrants, trade associations and consortium management consultancies to gather intelligence information