HelpNet REACH Workshop – WebEx session

17 May 2022

Summary of discussions

The HelpNet REACH Workshop, organised for the REACH members and observers of HelpNet, took place on 17 May 2022 by web conference. This document summarises the topics discussed[1] during the workshop (Annex I), the results of the polls (Annex II) and the follow-up action points (Annex III).

Opening of the REACH Workshop

The Chair of the HelpNet, Elena BIGI (ECHA) opened the REACH Workshop and welcomed representatives of the national helpdesks, observers from potential candidate and third countries and industry attending the event. The names of the participants attending the workshop are listed in Annex IV to these minutes.

The action points from the previous REACH Workshop in November 2021 were all closed. The Chair introduced the agenda of the day, which was adopted without further comments.

1. Updates from the European Commission and ECHA

1.1 Update from the European Commission, including the REACH revision

Riccardo ZORGNO (European Commission, DG GROW) gave an update on the REACH revision, and an overview on legislative developments:

- Amendment of Annex XIV: introduction of a regulation on the endocrine disrupting (ED) properties of four phthalates that impacts existing regulation of phthalates and pending applications.
- Amendment of Annex XVII: update on published Annex XVII. Safeguard clause extending the timeline to allow France to prepare an Annex XV dossier for creosote.
- Annex XVII – in the pipeline: a closed restriction process is foreseen for cobalt salts. In April 2022, the Commission published a Restrictions Roadmap as part of the Chemicals Strategy for Sustainability (CSS).
- State of play of authorisations: list of adopted authorisations presented. The high number of decisions is due to a specific issue with the monitoring program that has now been solved. The first cases were highlighted of authorisation being refused for non-fulfilment of the conditions for authorisation under Article 64 for uses of pitch, coal tar, high-temperature (CTPht).
- Authorisation – in the pipeline: high number of chromium VI requests due to uncertainty linked to upstream authorisation.

[1] Note that the text of the REACH Regulation is the only authentic legal reference and that the summary in this document do not constitute legal advice. For further advice, contact your national helpdesk: https://echa.europa.eu/support/helpdesks

- State of play of the REACH revision: Work in progress. The Commission received many comments through the public consultation. The timeline remains unchanged, with the possibility of a slight postponement to early 2023 due to the complexity of the report.

Riccardo ZORGNO indicated that there is not much news to present on polymers yet: discussions are ongoing on criteria for polymers requiring registration. He is hopeful to be able to present more details on the proposal by the Commission in the next REACH Workshop in October 2022.

Discussion

The Chair asked clarifying questions on the ongoing 11 studies for the CSS development. The representative of the Commission responded that the studies are not available at this stage. They are expected to be finalised for the impact assessment step and will be shared afterwards.

Participants were invited to share their potential follow-up questions by email directly to the Riccardo ZORGNO.

1.2 Use and placing on the market of substances no longer registered under REACH

Fausto COMANDÈ (ECHA) gave an overview on the different issues related to the use and placing on the market of substances no longer registered under REACH ('substances in stocks') and underscoring the policy implications in this area.

He provided participants with more insights on the on-going discussions and possible alternatives and acknowledged the several questions received on the topic. He presented the proposal for progressing with this topic: starting with the current discussion and gathering input from national helpdesks (NHDs), seeking input from the Commission and understanding if the matter should be considered in the REACH revision exercise. The review of the Q&As[2] will be completed and general questions from NHDs will be addressed at a later stage, once policy input from the Commission is received. In the meantime, questions from industry will be addressed on a case-by-case basis.

Discussion

The Chair opened the floor for questions asking if placing on the market or use of stocks is a recurring topic for national helpdesks (NHDs). ECHA received a few questions from companies willing to prepare to stock in view of potential or an already existing lack of supplies due to the current situation in Ukraine.

Participants highlighted the importance to consider responses that have already been provided on this topic by ECHA or NHDs, as the current practice is long established. It was suggested that ECHA collects input from NHDs on previously provided responses and their views on the topic before reaching out to Commission. Participants reported no indicators of abuse by operators.

It was confirmed that, according to the current text of Q&A ID 0155, downstream users and distributors need to verify that the registration is still valid any time they place a substance on the market. However, it was acknowledged that the other Q&As on this topic (Q&A ID 0040, Q&A ID 0131) express diverging messages in that respect. It was noted that substances in

[2] https://echa.europa.eu/support/qas-support/browse

tonnages below one tonne do not currently need registration. This is not included in the considerations as there are no references in the legal text.

Participants also raised particular cases related to Brexit. Specific Q&As have been developed to address Brexit-related topics and Fausto COMANDÈ highlighted that partially different rules were set out in this respect in the legal framework regulating the UK's withdrawal. Yet, he confirmed that registrations no longer valid because of Brexit may also give rise to similar issues for substances left in stocks.

ECHA will collect the views of NHDs in writing, consult the Commission for policy guidance and continue the review of Q&As related to substances in stock.

1.3 Registration obligations for importers of polymers: implications of the Board of Appeal decision in case A-001-2020

Laszlo MAJOROS (ECHA) presented the implications of the Board of Appeal decision in case A-001-2020 on the registration obligations for importers of polymers. The decision clarifies that only the monomers and other substances that have reacted to form the polymer substance need to be registered if the conditions set out in Article 6(3) of REACH have been met.

There are no registration requirements for unreacted monomers and other unreacted reactants. The chemical safety report (CSR) for the monomer is not required to cover uses after polymerisation. The *Guidance for monomers and polymers* will be amended by Q3 2022 to enable better advice on questions we may receive. In the meanwhile, registrants are advised to follow the current version of the Guidance.

Discussion

The Chair opened the floor for questions.

Laszlo MAJOROS clarified that this discussion applies to importers only.

Participants discussed the potential impact of the polymer registration that is expected to come into force. This topic will need to be considered carefully once the draft REACH proposal is available.

1.4 Only representatives: obligation to identify non-EU manufacturers

Alexis QUINTANA-SAINZ (ECHA) gave a presentation on the new information requirements that only representatives need to provide, and how this is being implemented in REACH-IT through the REACH-IT accounts. He clarified the new information requirements and timelines and gave some more details on how this is implemented in REACH-IT. He explained that the obligation to identify non-EU manufacturers will become compulsory as of October 2022.

In practice, each only representative will need to have one account for each company (legal entity) that they represent. If there are registrations that belong to different non-EU manufacturers from the same REACH-IT account, the user needs to reorganise them (and make sure that each REACH-IT account has only registrations that belong to one non-EU manufacturer). The accounts reorganising will be free of charge until 14 October 2022. The information was published on ECHA's website on 25 April 2022. A webinar was organised on 26

April 2022 with a demonstration of the information that should be provided. Participants were invited to join.

It was noted that information on the non-EU manufacturer will be not disseminated on ECHA's website. It can be visible in REACH-IT, if the non-EU manufacturer decides so.

Discussion

Kevin HOBAN (ORO[3]) raised a key concern on publication of information. As it was mentioned that the country of origin may be used for statistical purposes, and potentially also used by other authorities, it was asked which authorities and how will it be used? Alexis QUINTANA-SAINZ responded that this is under discussion in the Forum.

1.5 Q&A search project: outline & feedback (ECHA, Elena BIGI, Roxana BROASCA)

The Chair introduced Elena BIGI and Roxana BROASCA (ECHA). After a brief outline of the new Q&As management and planned improvements in the involvement of NHDs, the new Q&A search tool was presented. The tool was developed by the Regulatory Support and iTEX teams as an improvement of the searchability of the Q&As in response to the feedback received from customers and NHDs. Roxana BROASCA demonstrated how the tool can be used in various ways to search Q&As – by topic/scope, by ID and by keyword. The tool still needs to be finalised and further comments are welcome, before the go live foreseen for Q3/Q4 2022. Two polls were launched to gather first impressions from the participants.

Discussion

Participants gave positive feedback indicating a great improvement in the searchability of Q&As, in particular, referring to the possibility of using multiple filters at the same time.

1.6 Update on the new way of working (NWOW)

Elena BIGI provided an overview of the impact of the division of competences between ECHA and NHDs (new way of working) from the ECHA's perspective. The percentage for redirection is around 25 % and 22 % for questions coming from EU and non-EU companies, respectively. The percentages were relatively stable since the inception of the NWOW.

Furthermore, the way the NWOW has been implemented was outlined, in particular:

- handbooks were revised and published and new ones are in the making;
- six videoconferences held since the NWOW started have enabled ECHA and NHDs to discuss complex issues and to identify area for improvements and hot topics;
- further consultations on Q&As (e.g. 7th batch of restrictions Q&As) have been initiated also after questions discussed at the video conferences.

A full evaluation of the NWOW will be conducted in the context of the 17th Steering Group meeting in autumn, when both ECHA and NHDs can assess over 12 months of operation. Finally, the HelpNet Secretariat was interested in getting feedback and insights from the REACH correspondents during the meeting through a poll.

[3] Only Representative Organisation: https://www.onlyrepresentative.org/

Discussion

Participants were invited to provide further feedback and the NWOW will be discussed more extensively during the autumn HelpNet events.

2. Topics proposed by national helpdesks and observers

2.1 Problematic REACH provisions on SVHC communication – considerations and practical examples from the German Helpdesk perspective

Heinz BÜLTER (German Helpdesk) provided an overview of problematic provisions regarding the SVHC communication from the German Helpdesk perspective. He explained that every example presented comes from enquiries received by the German helpdesk. The below issues highlight errors, unclarities or practical problems from the legal text or guidance:

- Article 33(1) applies with no transition period: importer needs to foresee and organise before the date of inclusion with non-EU supplier. In this scenario, the requirement is impractical. In addition, the supplier of an article has no retroactive duty to inform the recipient after a Candidate List update. Thus, there is an information gap in the supply chain after a Candidate List update.
- The distributor definition according to Article 3 No. 14 does not include articles. Consequently, it is proposed to modify the definition of distributor to include articles, and not only substances and mixtures.
- The term "Other actors in the supply chain" in the definition of supplier of an article (Article 3 No. 33) is not addressed by "actors in the supply chain" according to Article 3 No. 17. Hence, the term "Other actors in the supply chain" is not defined.

According to the German Helpdesk Article 33 applies in cases of article repair and to articles that are returned to the supplier. A poll of the audience revealed that all feedback supported the view of the German Helpdesk (see results of the poll in Annex III).

A consumer request based on Article 33 (2) can be made at different times. In case of article supply, the information obligation refers to the SVHC list at the time of supply. In addition, there is no time limit for a consumer request. Consequently, the information obligation still exists, even if the article is no longer offered by companies or owned by consumers. Article 36 (1) states that information must be kept available for at least 10 years regarding substances and mixtures. Still it remains unclear, referring to Article 36 how long article information has to be kept available.

The interpretation of substances with constituents in the Candidate List has been discussed before in HelpNet[4] and for more than one constituent substance (MOCS). An example for such an entry is "Tris(4-nonylphenyl, branched and linear) phosphate (TNPP) with ≥0.1 % w/w of 4-nonylphenol, branched and linear (4-NP)". The constituent "4-nonylphenol, branched and linear (4-NP)" is also itself listed as a "pure" substance in the Candidate List. The interpretation still remains unclear.

Discussion

The restriction of nonylphenols was discussed and participants mentioned it could be proposed for revision under the Restrictions Roadmap. The detection limit could be a factor in

[4] Agenda point 3.2 in the minutes of the HelpNet REACH and CLP Workshop on 8 June 2021: https://echa.europa.eu/about-us/partners-and-networks/helpnet/2021

determining the enforceability. The Chair noted that the Forum has established the compendium of analytical methods and this collection of methods is regularly updated.

Participants discussed the 10-year duration for keeping information for substances and mixtures that are classified as hazardous from Article 36 of REACH. It is noted that the application of this obligation to articles is an interpretation of the text. The hazard of substances in articles could potentially be on a longer-term than 10 years.

The discussion on repair is underlined as being of growing importance by some participants from the NHDs. Previous enquiries on this topic have considered that Article 33 applies only to the part of the object being repaired that is undergoing a change/repair (safe parts). However, other NHDs have considered that the company sending the article or object for repair should inform the repair company of potential SVHCs contained in the object. The repair company then would have the duty to share the information back after the object is repaired. This is especially true if the article is provided to a new customer.

SCIP questions about retail were also discussed, in particular what would be the obligations for an article that was supplied before the update of the Candidate List. In theory, the original supplier holds the obligation to inform but the article has already been supplied. The distributor would have the obligation to provide the information but can only do so if the supplier makes the information available, and there is no obligation.

Concerning the application of REACH Article 36, during the last guidance[5] update, there were different interpretations (literal or systematic) of the legal text. The compromise reached is given in Chapter 2.6 of the *Guidance on requirements for substances in articles*.

2.2 Restriction of hazardous substances in tattoo inks and permanent make-up (webinar follow-up)

Peter SIMPSON (ECHA) informed participants of the meeting that ECHA and the Commission organised a webinar addressing the tattoo ink restriction earlier this year. The restriction entered into force on 5 January 2022 and it restricts certain hazardous substances used in mixtures for tattooing and permanent make-up.

The webinar which took place on 29 March 2022 covered the scope and the background of the restriction, the available analytical methods for tattoo inks, communication in the supply chain, preservatives used in tattoo inks, and included a live Q&A session at the end of the event. Many tattoo artists joined and a part of the questions asked were addressed during the webinar during the live Q&A session. The questions and responses will be published on ECHA's webinar page and the information will be circulated in ECHA Weekly[6]. The video is available on ECHA's website[7].

Discussion

The Chair opened the floor with a comment on the popularity of tattoos. It was noted that artists were complaining that they could not get alternative inks on the market at the announcement of the restriction, however this seems to be sorted now.

[5] Guidance on requirements for substances in articles:
https://echa.europa.eu/guidance-documents/guidance-on-reach
[6] ECHA weekly news: https://echa.europa.eu/news
[7] Webinar 'REACH restriction of hazardous substances in tattoo inks and permanent make-up'
https://echa.europa.eu/es/-/reach-restriction-of-hazardous-substances-in-tattoo-inks-and-permanent-make-up

2.3 Update on SCIP

Eduardo BARRETO TEJERA (ECHA) provided an overview on the basics of the SCIP database. The presentation introduced the main objectives of the database, when the SCIP notification applies to duty holders, who needs to submit a SCIP notification and what type of information is required in the notification.

Camille GOULON (ECHA) gave an update on the number of SCIP notifications received. This included an update on the number of notifications and number of legal entities submitting SCIP notifications by Member State. Furthermore, the top 10 most reported article categories and Candidate List substances with number of notified articles were highlighted.

Furthermore, an overview of the simplified SCIP notification was presented. Finally, Eduardo gave an overview of the questions received to date, the main hot topics and examples and SCIP support material that has been updated in the past year.

Discussion

The figures that were presented have been published in the past and will continue to be published. Some participants were interested to hear if there had been any feedback from waste operators and consumers on how they use the SCIP database. The waste operators can use the database by filtering by article category and find information by families of products or on material categories. Furthermore, consumers can filter by article names. ECHA is collecting input from both parties, feedback is welcome and can be sent to the SCIP mailbox[8].

Furthermore, it was noted that the volume of SCIP notifications is difficult to forecast. It was highlighted that it would be helpful if the NHDs could promote the SCIP database to help companies understand their SCIP obligations.

On the other hand, a survey on SCIP has been circulated in March 2022 to collect responses from Member State authorities. The results are being analysed with the aim of identifying efficiencies and improvements that could be made in the future. Once the assessment is finalised, it will be published on ECHA's website. Moreover, it was noted that not all the NHDs are dealing with SCIP questions as the tasks under the Waste Framework Directive (WFD) may fall under other units/authorities not dealing with REACH.

Finally, it was noted that discrepancies and problems of the current text are being discussed with the European Commission. In that respect, the European Commission is planning to review the WFD in the short term. The scope of this update will be limited but a broader review will take place in 2025.

Conclusions of the day

The Chair gave a short wrap-up of the meeting, thanking participants and presenters for their active and valuable contributions to the meeting. He then informed about the action points and the usual satisfaction survey which will follow after the meeting.

He expressed his wishes to meet all the REACH members and observers in autumn, at the REACH Workshop and the 17th Steering Group meeting including the social event taking place on 25 and 26 October 2022.

[8] scip@echa.europa.eu

Annex I – Agenda of the REACH Workshop

Opening by Elena Bigi, acting Chair of HelpNet

Session 1 - Updates from the European Commission and ECHA

1.1 Update from the European Commission including the REACH revision (European Commission, Riccardo ZORGNO)

1.2 Use and placing on the market of substances no longer registered under REACH (ECHA, Fausto COMANDÈ)

1.3 Registration obligations for importers of polymers: implications of the Board of Appeal decision in case A-001-2020 (ECHA, Laszlo MAJOROS, Pertti ELO)

1.4 Only Representative: obligation to identify the non-EU manufacturers (ECHA, Alexis QUINTANA-SAINZ)

1.5 Q&A search project: outline & feedback (ECHA, Elena BIGI, Roxana BROASCA)

1.6 Update on the new way of working (NWOW) (ECHA, Elena BIGI)

Session 2 - Topics proposed by national helpdesks and observers (chaired by Erwin Annys, the Chair of HelpNet)

2.1 Problematic REACH provisions on SVHC communication - Considerations and practical examples from the German Helpdesk perspective (Germany, Heinz BÜLTER)

2.2 Restriction of hazardous substances in tattoo inks and permanent make-up (webinar follow-up) (ECHA, Peter SIMPSON)

2.3 Update on SCIP (ECHA, Camille GOULON, Eduardo BARRETO TEJERA)

Conclusions of the day

Closing the REACH Workshop

Annex II - Action points

No.	Action	Agenda item	Who	Due date	Status
1.	Collect input from national helpdesks on: (i) questions received and replies provided so far related to use and placing on the market of substances no longer registered under REACH (substances in stocks) (ii) their views and specific comments on the topic	1.2	ECHA	Q2	Ongoing
2.	Kick off the review of Q&As related to substances in stock, inform national helpdesks and consult the Commission.	1.2	ECHA	Q3/Q4	Open

Annex III – Results of the polls

Agenda item 1.5 Q&A search project: outline & feedback

1. Is there any feature that you would really want to have in the new Q&A search tool and it was not included yet?

Yes	**2/62**
No	**25/62**
No Answer	**35/62**

If 'yes', please specify:

When searching for a Q&A, could it be possible to have the number of hits	**1/62**
It is not important, but when you remove a Q&A, would be nice to have a text with the reasons	**1/62**
Hot topic section	**1/62**
No Answer	**59/62**

2. What do you think about the new Q&A tool overall?

I like it!	**32/62**
I don't like it, could be better.	**0/62**
I am not sure yet	**5/62**
I have some suggestions	**0/62**
No Answer	**25/62**

Agenda item 1.6 Update on the new way of working

3. Do you have any suggestions on the NWOW implementation, something you would want to see more? Please select your preferred tool:

HelpNet newsletter adapted to NWOW	**8/61**
Videoconference (different format, HelpEx discussions?)	**9/61**
Handbooks and guide	**10/61**
Other	**0/61**
No Answer	**41/61**

If Other, please specify:

No suggestions, I like videoconferences	**1/61**
No Answer	**60/61**

Agenda item 2.1 Problematic REACH provisions on SVHC communication - Considerations and practical examples from the German Helpdesk perspective

4. Do other Helpdesks agree that Art. 33 applies in case of article repair and for returned articles?

Yes	**21/62**
No	**1/62**
No Answer	**40/62**

Agenda item 2.3 Update on SCIP

5. Which kind of SCIP questions –if any, did you receive?

Questions on notification practicalities (grouping, referencing, Simplified SCIP notifications (SSN))	**8/59**
Substance in articles (SiA): article definition, Article 33 and Article 7(2) obligations	**15/59**
Lead (alloys, RoHS, Entry 63, PCBs)	**5/59**
Other	**4/59**
No answer	**44/59**

If other, please specify:

SCIP obligations in other countries	**1/59**
Enforcement, larger companies (corporate groups), SVHC reference	**1/59**
Notifications by tool manufacturers	**1/59**
If the company has to notify or not	**1/59**
No answer	**55/59**

Closing the REACH Workshop

6. Would you be able to attend the REACH and HelpNet workshop on 25-26 October (27 would be CLP and BPR)?

Yes	**27/51**
No	**2/51**
No answer	**22/51**

Will you attend face to face?

Yes	**23/51**
No	**3/51**
No answer	**25/51**

Annex IV - List of participants

Country	Name
Austria	Barbara WETZTER
Belgium	Daphné HOYAUX
Bulgaria	Zvezdelina PETROVA*
	Margarita GAIGUROVA
Croatia	Tajana KOVAČEVIĆ*
Cyprus	Maria ORPHANOU
	Maria PALEOMILITOU
Czech Republic	Jarmila SLADKOVA
Denmark	Toke THOMSEN
	Maria THESTRUP JENSEN
Estonia	Aigi LAHE
	Anna AMELKINA
Finland	Mervi ASSMANN
	Sari TUHKUNEN
France	Nathalie HAYAUD
	Stephanie COPIN
	Gaëlle DUFFORT
Germany	Claus HAAS *
	Angelina GADERMANN*
	Anja HACKMANN
	Dana RUEHL*
	Kristof SEUBERT*
	Raimund WEIß*
	Heinz BÜLTER
Hungary	Nikoletta MAROSVÖLGYI
Ireland	Majella COSGRAVE
	Margarete HOULIHAN
Italy	Francesca CARFÌ
	Sabrina MORO IACOPINI*
	Sonia D'ILIO
Latvia	Evija PORIKE
	Sandra MATISA
Lithuania	Beata VOLUJEVIC
	Jurgita BALCIUNIENE
Luxembourg	Ghaya RZIGA*
	Laurène CHOCHOIS
Malta	Antonino MAZZONELLO
Netherlands	Peter VAN IERSEL
Poland	Krzysztof DOMAŃSKI
	Monika WASIAK-GROMEK

Portugal	Isabel SANTANA
	Isabel LAGINHA
Slovakia	Jana CHMELIKOVA
	Martina KUROVA
	Karol BLESAK*
Slovenia	Anja MENARD SRPCIC
Spain	Laura ZAMORA
Sweden	Helena DORFH*
	Helena KRAMER
	Karin ALKELL*[9]

European Commission

DG	**Name, surname**
DG GROW	Riccardo ZORGNO

Candidate countries observers

Country	**Name, surname**
Montenegro	Tatjana MUJICIC

Industry observers

Organisation	**Name, surname**
EDANA	Luminița BARBU
ORO	Kevin HOBAN

ECHA staff

Unit	**Name, surname**
A2	Amandine JOMIER
	Elena BIGI
	Eduardo BARRETO TEJERA
	Erwin ANNYS
	Evelyne FRAUMAN
	Joose KORHONEN
	Julia SIERRA
	Laure PAIN

[9] * invited experts

	Pedro ROSELLÓ VILLAROIG
	Roxana BROASCA
	Viorica NAGHY
	Malgorzata SZKLAREK
A3	Clara RUEDA
A4	Alexis QUINTANA-SAINZ
	Maria Jose BELMONTE SANCHEZ
B1	Gabi CHRIST
	Laszlo MAJOROS
	Pertti ELO
	Ronan NICOLAS
	Rosella DEMI
B4	Camille GOULON
	Michaela SIMJAKOVA
	Telmo Jorge VIEIRA PRAZERES
D4	Christina LOUKOU
E2	Fausto COMANDÈ
	Stefan MAHONEY
	William BROERE
I2	Apostolia PAPAPOSTOLOU
R3	Marko POPOVIC