Conclusions from the workshop with ECHA's Accredited Stakeholders Organisations (ASOs) and industry representatives.

The overall conclusions of the workshop (agreed by the majority of participants) are outlined below:

1. There is a general agreement among industry, ECHA, ASOs and national enforcement authorities on the main results and conclusions reported in the REF-9 project report.
2. Supply chain communication is a challenge for upstream authorisations. The ability of downstream users to understand the information provided by suppliers in relation to the authorisation conditions needs to be improved.
3. The provision of training was identified as the best method to assist the downstream user in relation to this matter. All actors in the supply chain (suppliers), and not just the authorisation holders, need to be involved in order to reach out to all distributors and downstream users throughout the supply chain.
4. The involvement of all suppliers, actors, and downstream users in the supply chain in the form of a consortium (or other format of contractual agreement) could help improve the quality, the flow, exchange and update of information between all affected duty holders.
5. Upstream authorisations covering a number of downstream users are seen as the most efficient and effective use of resources for the implementation of Title VII of REACH. The successful communication of understandable and applicable information in the supply chain is a critical element that requires improvement in upstream authorisations. Such improvement is needed to prevent downstream users moving to their own individual applications for authorisations for the same uses.
6. The European Commission could extend the obligations of Article 66(2) to distributors (including formulators) and establish an explicit duty for them to pass on information in the supply chain.
7. ECHA could propose a new condition for the authorisation decisions to lay down clear requirements for communication in the supply chain for the suppliers and distributors of the authorised substance.

The discussion covered a number of specific issues raised by participants during the workshop:

Awareness raising:

1. Authorisation holders can organize information campaigns for their downstream users to ensure clear communication.
2. Authorisation holders could further explore why the information does not reach the downstream users or why the information is insufficient. Where do things go wrong in the supply chain?
3. Upstream authorisation holders could explore which of their actions have been effective in raising awareness among the downstream users and explore what could be improved.
4. Direct communication between the authorisation holder and downstream users may improve awareness/knowledge and implementation of authorisation requirements by the downstream users.
5. The Member States could run educational and awareness campaigns for compliance with authorisation decisions. They should clarify the overlap of any national regulations/requirements or site permits and REACH authorisation decisions.
6. Where downstream users are known, the European Commission may require in its decision following a review report that they participate in training events and may ask for proof of completion of training.

7. ECHA could provide further support to industry (e.g., via workshops) to support compliance with the authorisation duties.
8. The European Commission or ECHA could undertake further awareness raising to clearly communicate whether different uses of Annex XIV substances are banned or not to avoid uncertainty in the supply chain.
9. Further awareness raising and training of affected duty holders about their specific duties - in particular downstream users and distributors - is key and is a task for all actors in the supply chain and for associations.
10. The ability of the downstream users to understand the information in relation to the authorisation conditions provided by suppliers needs to be improved.
11. For DUs, among them many SMEs, clarity, predictability and certainty that they will be allowed to use their substance legally for their uses covered by REACH authorisation is very important.

Conditions in the Authorisation Decision

1. The European Commission may ask authorisation holders and downstream users (formulators) to issue uniform eSDS, including publishing them on their websites. This should be part of the general improvements of communication in the supply chain, not just limited to Authorisation.
2. ECHA could propose a new condition for the authorisation decisions to lay down clear requirements for the suppliers and distributors of the authorised substance in relation to the communication of information in the supply chain.
3. The European Commission to aim to harmonise the format of the information required from the authorisation holder for upstream authorisation decisions covering downstream users for their customers.

Legislative change

1. The European Commission could extent the obligations of Article 66(2) to distributors (including formulators) and establish an explicit duty for them to pass on the information in the supply chain.

Enforcement

1. Member States enforcement campaigns related to authorisation could focus on downstream users and also on importers, formulators and distributors.
2. Member States should ensure that sufficient resources are available for enforcement.