



Helsinki, 13 -08- 2008
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To: Competent Authorities responsible for the implementation of Regulation (EC) No 1907/2006 (REACH) and observers to the REACH CA meeting.

Subject: Guidance update in a “fast-track” procedure

Please find enclosed a proposal for updating the Guidance document on registration.

The update is based on the recent clarification by the European Commission with regard to the following two issues:

1) Question of direct and indirect import:

It is clarified now that REACH does not distinguish between direct and indirect imports. As long as it is clear who in the supply chain of a substance is the manufacturer, formulator or producer of an article who has appointed the only representative and it is clear for which imports the only representative is responsible, it does not matter what are the steps or supply chain outside the EU between the manufacturer, formulator or producer of an article and the importer in the EU.

2) Change of the only representative:

It is also clarified that in case of a change of the only representative, the successor can submit an update of the earlier registration dossier provided that the earlier only representative agrees to this change. In contrast, the current guidance document says that the successor will have to submit a new registration dossier as there is no link between the two only representatives who are separate legal entities.

In terms of content, the update affects section 1.5.3.4 of the current Guidance document on registration. The concerned part of the Guidance is enclosed to this note with track changes.

This revised section was already presented to the REACH CA on their 4th meeting on 16-17 June 2008 under agenda point 11.4 as “only representative updates”. Remaining open points could be handled in the next update of the Guidance Document.

The update should be implemented as soon as possible in order to avoid potentially wrong activities under REACH. To this end, I have initiated a “fast-track” procedure in accordance with the consultation procedure on guidance, as endorsed by the ECHA Management Board on 29 February 2008. The procedure foresees the consultation of the REACH CA and the Commission.

Competent Authorities and Observers are kindly requested to send their written comments by 4 September 2008 to ECHA-guidance.update@echa.europa.eu.


for Geert Dancet
Executive Director, *about*

Udo HEIDER
Director

Enclosures:

1. Proposed text for section 1.5.3.4 of the Guidance on registration