

## Position Paper

Date: 07. Aug. 2009

# ORO claims justified Only Representative change for Non-Community Manufacturers toward ECHA and Commission

The REACH-IT System currently does not allow changing the Only Representative (OR) for a pre-registered or registered substance. Though legally possible and in compliance with REACH - this functionality is not yet available and according to ECHA, the agency is planning to make such functionality available later on this year.

### ECHA Statement:

“Unfortunately, the functionality is not yet available in REACH-IT which would enable the communication of the change of Only Representative to the Agency. However, ECHA is now working to make such functionality available later on this year. Registrants wishing to make an Only Representative change are advised to change already their contact details in REACH-IT (so that they appear to be the contact details of the new only representative) and gather relevant documentation proving the Only Representative change. This documentation will need to be submitted when the Only Representative change functionality is available on REACH-IT. Once the functionality to change Only Representative data is available, the new Only Representative would need to submit through REACH-IT:

- Individual letter(s)/contract(s) **from the new Only Representative** demonstrating that he/she has been appointed as Only Representative by the non-Community manufacturer under the REACH Regulation for the substance(s) in question.
- Letter/contract from the previous Only Representative declaring that he/she will no longer act as an only representative and that he/she agrees to transfer his duties to the new only representative under the REACH Regulation for the substance”

### ORO Position

**The change of an OR shall be made immediately possible, otherwise non-Community Manufacturers are facing EU trade disadvantages.**

For non-EU manufacturers it is of utmost importance to have a capable and reliable OR in place in order to fulfill the REACH requirements and being able to continue business in the EU. Therefore, non-EU manufacturers must have the possibility to change the OR; otherwise they are discriminated against EU-manufacturers and importers.

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The OR-change is actually enabled by the REACH Regulation and described in the Guidance for Registration published by ECHA.

Only Representatives are (by mutual agreement) representing the non-EU manufacturers industry, taking over all duties and responsibilities of an importer and are the assurance that non-EU manufacturers can participate in the EU market and by this, are an essential argument against WTO Trade Barrier concerns.

Major implication for non-EU manufacturers can only be avoided if this issue is solved instantly.

**If fixing the problem is not possible inside REACH-IT, ORO is urging on ECHA or the Commission to develop a procedure of handling this topic outside of REACH-IT.**

ORO is prepared to offer support, contribute with its expertise and to cooperate with ECHA and the Commission in order to help finding an appropriate solution - on the interim and long term.

ORO is the professional industry association of Only Representatives, which represents the interest of non-EU manufacturers and ORs and which has set-up quality standards for Only Representatives.

sign: ORO