

EUROFER: Common REACH Questions & Answers

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Introduction

This document is intended as a supplement to the REACH Regulation and the official REACH Technical Guidance Documents published by the European Chemicals Agency (ECHA). It is provided as an advisory document and, as such, has no legal standing. Therefore, in conjunction with this document, users are advised to consult Regulation [EC 1907/2006](#) (for the legally binding requirements of REACH) and the official REACH Technical Guidance Documents (for detailed information on REACH implementation). It may also be appropriate to seek independent legal advice. While every effort has been made to ensure the accuracy of this document, neither EUROFER nor the authors of this document accept liability for its content or for the use which might be made of the information herein. The answers should only be seen as a guidance as they build on the interpretation of the legislation and ECHA technical guidance, applied to the steel industry.

Articles versus Preparations

Are steel products articles or preparations?

Look at <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Eurofer-position-papers>; EUROFER position paper determining the borderline between preparations and articles for steel and steel products. 28 October 2008.

Why is it important to know if steel products are preparations or articles?

The obligations for producers and importers of preparations and articles are fundamentally different. See further under “[Registration](#)”.

What are the legal grounds for the classification of coils as "articles"?

It can be argued that the shape/surface/design is more relevant for the function than the chemical composition. See also <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Eurofer-position-papers>; EUROFER position paper determining the borderline between preparations and articles for steel and steel products. 28 October 2008.

Substance identification

What are the arguments of EUROFER in support of the ECHA guidance for identification and naming of substances (Substance ID) under REACH published in June 2007?

EU Chemical Policy has regarded alloys as preparations and REACH continues this approach. However, the industry has always argued that alloys are not simple mixtures and that the properties of the constituent substances are often significantly changed by the alloying process. We have been fortunate to obtain recognition of these effects in REACH, where Recital 31 and Annex I, paragraph 011 refer to special preparations and taking their inclusion in a chemical matrix into account during the assessment of substances.

While REACH provides a clear approach to the assessment of alloys, its registration requirements have introduced a further complication. Article 6 requires the registration of substances on their own or in preparations. For alloys produced by melting, the situation is clear. They are a downstream use of substances and, therefore, alloy producers are downstream users with no

obligation to register the substances in their alloys. However, this concept does not apply to smelted alloys. Smelted alloys are formed directly from the transformation of one or more ores or ore concentrates to an alloy (e.g. chromite ore is reacted with aluminium, carbon or silicon to form ferro-chrome). Thus, the producers of smelted alloys are obliged to register the "new" substances produced in their alloy. However, under the ECHA guidance on Substance ID, such reaction products could be regarded as multi-constituent substances (MCS). The alloys industry has debated whether smelted alloys should be registered as MCS or whether the individual substances should be registered instead. After much debate, EIMAG (European Industry Metallic Alloys Group) published a guidance. We concluded that most alloys would be registered by the standard Article 6 approach (i.e. as individual substances), but under certain circumstances it would be appropriate to register smelted alloys as MCS. For example, CaSi is a smelted alloy and there are no producers of calcium metal in the EU. Furthermore, it is unlikely that the Chinese producers of calcium metal will register under REACH. Therefore, under Article 6, manufacturers and importers of CaSi would be obliged to register and undertake an assessment of calcium metal and silicon. As the properties of calcium metal on its own are very different from calcium metal incorporated in CaSi, this approach makes little sense. Hence, CaSi and FeCaSi will be registered as MCS. Alliages Blanc (a smelted alloy consisting of Fe, Co and Cu) will also probably be registered as a MCS.

Therefore, the alloys industry is in favour of making limited use of the MCS approach provided by the ECHA guidance on Substance ID.

How does “alliage blanc” or “white alloy” have to be treated, as a multi-constituent substance or as an intermediate?

“Alliage blanc” or “white alloy” is a raw material which contains elemental cobalt, copper and iron as its main constituents over 10%. As a smelted alloy, it would meet the criteria for a multi-constituent substance and, therefore, the EIMAG guidance would apply. However, it does not meet the REACH definition of an intermediate because at the end of the process there is no transformation from one substance another. In the alloy, the metals are in the zero valency state and, even though, they may have been separated in the process, they return to the same substance with the same (zero) valency state. The fact that, during the process, they formed ions is not relevant. Metallic ions are not substances, but merely a charged form of a substance. Furthermore, MCS are reaction products that are effectively mixtures of substances where the chemical composition can be clearly defined and where it falls outside the 80% limit set for mono-constituent substances.

Guidance

Is there any steel specific guidance available?

Look at <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Guidance>; EUROFER REACH Guidance for the European Steel Industry

Consortia

What are the benefits of a consortium?

Potential registrants participating in a SIEF are free to organise themselves as they want in order to meet their obligations under REACH. They can use different forms of cooperation to do so, including the creation of a consortium.

A consortium is a form of voluntary cooperation between manufacturers and importers of the same substance to structure how parties can work together to fulfil their registration requirements, in an effective manner and in compliance with the REACH legislation and European Competition laws.

Under clear operating rules and transparent cost sharing mechanisms, the consortium members work together on the collection, evaluation, sharing and completion of the necessary data to complete and to submit the registration dossier in time and cost efficiently.

Many consortia have been formed even before the pre-registration period has started in order to prepare for the registration and to understand the obligations. Many consortia also provide helpdesks for their members.

Will there be a steel/iron consortia? How will it work? Who are the members? Will it be opened for non-European steel companies?

The Iron Platform is the iron and iron-containing substances [pig iron, DRI (Directly Reduced Iron), HBI (Hot Briquetted Iron), iron powder and iron oxide] REACH Consortium established by the International Pig Iron Association (IPIA).

Chris Barrington (IPIA's secretariat) and his wife, Sue Barrington, will act as administrators for the Iron platform.

While, from a scientific perspective, cooperation between IPIA's Iron Platform and EUROFER makes sense, EUROFER will not become a Member of the Iron Platform as we have established our internal Clusters as well as the external REACH Implementation WG that provides an opportunity to exchange information with external interests in iron and steel.

What is the role of the EUROFER clusters? How do they work? Who are the members? These consortia and clusters are opened for non-European steel companies?

The designated task of the Cluster is to facilitate its members to fulfil their individual obligations under REACH. The Cluster will provide a mean by which its members may collectively address common issues of concern, reach consensus on such issues and, where appropriate, share data as well as undertake new REACH-related studies on shared cost basis and to minimise costs.

Three EUROFER Clusters have been established (Integrated Steel & Iron Cluster, Stainless, Special Steels & Special Alloys Cluster and EAF Carbon Steel Cluster) and they consist only of EUROFER members.

EUROFER and the Iron Platform have signed a contract to gather existing health and environmental data for metallic iron, iron oxide and some inorganic iron compounds. This project is jointly financed and the results will be jointly owned by EUROFER and the Iron Platform. The members of EUROFER and the Iron Platform will have access to this data, but EUROFER has yet to agree a cost for non-members to have access to the data. Cost-effective ways to exchange data have been discussed with EuroAlliages, the International Chromium Development Association (ICDA) as well as the Manganese and Nickel consortia. The possibility to provide access to the data via a "License to use" or a "letter to access" are currently being explored. In this way, the data owner retains ownership of the data, while other named parties would have access to, or use of, the data for specifically identified purposes.

What other steel sector clusters and consortia of chemical substances found in steel products are there and how do they operate?

EUROFER has developed a Steel Related Substance Consortia/Consortium list that is publically available via the [EUROFER REACH Website](#). This living document contains relevant contact information and details related to the Consortium Agreements, possibilities of membership and fees among others. It is also possible to find a list of existing Steel related substance consortia on <http://chemicalwatch.com/consortia>. Each consortium decides on its own how it will work and who are welcome as a member. The best way to find out more about a specific consortia is to contact the organiser (secretariat) directly.

Registration

What are the registration obligations for a preparation?

A manufacturer/importer/only representative has to register all the substances out of which the preparation is made.

How to treat impurities in preparations?

We believe there is no straightforward answer to this question. This is a matter of common sense and knowledge of the characteristics of the substances and which impurities that are present.

Do impurities have to be registered?

Look at <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Eurofer-position-papers>; EUROFER REACH position on impurities. 4 November 2008

Completion of IUCLID 5 (for pre-registration) for a mono-constituent substance for instance (see ECHA guidance on substance ID): impurities present in a concentration $\geq 1\%$ (or above any lower concentration limit, if relevant for the classification of the substances) should be specified by at least one of the chemical identifiers (EC number and EC name, CAS number and CAS name, IUPAC name). The chemical identity is defined by the link to the Reference substance. For each impurity, the concentration (typical and range) shall be given in % (w/w). If known, the number and total concentration of non-specified impurities shall be specified to make the total concentration complete up to 100%.

Out of REACH Alliance Q& A document dated June 2007: Do “unintentional impurities” (from ores or secondary raw materials) have to be registered? No, the Classification & Labelling of the substance must be notified to the Agency as of 1 December 2010. What if they are CMR's? If an impurity meets the criteria for classification and is present above a certain threshold, the substance itself shall be classified and labelled, and thus this classification and labelling shall be notified to the Agency as of 1 December 2010.

What are the registration obligations for an article?

The registration requirement under the REACH Regulation according to Article 7(1) applies to substances in articles for which all the following conditions are met:

- the substance is intended to be released during normal and reasonable foreseeable conditions of use; and
- the total amount of the substance present in the articles exceeds one tonne per producer or importer per year; and
- the substance has not yet been registered for that specific use

However, before December 2008, it is very unlikely that a phase-in substance would have been

registered (this refers to any registration of that use of the substance in the same supply chain or any other supply chain). Thus, respective checking only makes sense from 2009. This means that you should pre-register any substance intended to be released, which you already use or import in your articles, if you want to continue supplying these articles.

Do chemically surface treated preparations and articles have to be registered?

Out of Frequently Asked Questions on REACH from ECHA, June 2008: “The surface treatment of a substance is a “two dimensional” modification of macroscopic particles. A “two dimensional” modification means a chemical reaction between the functional groups only on the surface of a macroscopic particle with a substance which is called a surface treating substance. ”

By this definition it becomes clear that this kind of modification means a reaction of only a minor part (surface) of a macroscopic particle with the surface treating substance (preparation or article), i.e. most of the macroscopic particle is unmodified.

Therefore a chemically surface treated substance (preparation or article) cannot be regarded as a preparation nor be defined by the criteria of the "Guidance for identification and naming of substances under REACH".

With the same reasoning, a chemically surface treated substance (preparation or article) could not be reported for EINECS nor be notified according to Directive 67/548/EEC because it was covered by the separate EINECS entries of both the basis substance (preparations or article) (macroscopic particle) and the surface treating substance.

Taking this decision up under REACH means a consequent continuation of former decisions. Using the same line of arguments, chemically surface treated substances (preparations or article) should not be registered as such under REACH, but the following requirements should be fulfilled:

1. Registration of the basis substance (preparation or article) (macroscopic particle)
2. Registration of the surface treating substance (preparation or article)
3. Description of the use “surface treatment” in the registration dossier of the surface treating substance (preparation or article) and in the registration dossier of the surface treated substance (preparation or article)
4. Any specific hazards or risks of the surface treated substance (preparation or article) should be appropriately covered by the classification and labelling and by the chemicals safety assessment and resulting exposure scenarios.

Do scrap processors have to pre-register iron and other substances in the steel scrap due to the fact that article 2.7 of the REACH Regulation talks about “registered” and not “pre-registered” substances ?

Article 2, 7 of the REACH regulation says that the following shall be exempted from Titles II, V and VI:

- (d) substances, on their own, in preparations or in articles, which have been registered in accordance

with Title II and which are recovered in the Community if:

(i) the substance that results from the recovery process is the same as the substance that has been registered in accordance with Title II; and

(ii) the information required by Articles 31 or 32 relating to the substance that has been registered in accordance with Title II is available to the establishment undertaking the recovery.

Page 37 of the updated ECHA Guidance dealing with registration (dated 26 May 2008) states: if the recycled substance is a phase-in substance, it is recommended that the recycler pre-registers that substance in order to benefit from the transitional provisions laid down in Article 23 and eventually be later on exempted from the registration requirements if another pre-registrant registers the substance.

Look at <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Eurofer-position-papers>; European Steel Industry approach on Steel Scrap and REACH. 14 November 2008

Who is responsible for the registration?

Only a natural or legal person established in the European Union who is manufacturing and/or importing can be a registrant and it is defined by the national laws of each EU Member State. In REACH guidance documents as well as in IUCLID, the term ‘legal entity’ refers to such a natural or legal person having rights and obligations under REACH.

What about non-EU producers?

The “*non-Community manufacturer*” or supplier who is exporting a substance, preparation or article has no responsibilities under REACH.

In case of import (see definition in section 1.5.1), the registration should be made by the legal entity established in the EU who is responsible for the import. The responsibility for import depends on many factors such as who orders, who pays, who is dealing with the customs formalities, but this might not be conclusive on its own. For example, in the case of a "sales agency" established in the EU but only acting as a kind of facilitator, a letter-box transmitting an order from a buyer to a non-EU supplier (and being paid for that service) but taking no responsibility whatsoever for the goods or the payment for the goods and not having ownership at any stage, then, the sales agency is not to be considered as the "importer" for purposes of REACH.

In the case of companies with various units exporting to Europe, is it possible to have a single registration for the group (thus minimizing costs) or must each exporting unit obtain a separate registration?

In the case of a company group which is composed of several legal entities (e.g. a parent company and its subsidiaries), each of those legal entities must submit its own registrations. If however one legal entity has two or more production plants which are not separate legal entities, then only one registration covering the different sites needs to be submitted by the legal entity.

What does “intended to be released” mean and are there any intended releases in relation to steel products (e.g. Zn from galvanized products)?

Substances which are released because of ageing of articles (corrosion), because of wear and tear or as a result of accidents, are not intended releases, as the release as such does not provide a function in itself.

As a general rule, the intention of the article producer in relation to the release of the substance is

relevant. The question “Is it wanted that a substance/preparation is released from the article during its normal and reasonably foreseeable use because this is necessary for it to fulfil a certain function of the article?” If the intended releases are deliberately planned and have a specific function for the article (which is frequently not the main but an accessory function of the object), there is an intended release.

The ECHA Guidance on articles, Appendix 1 gives among others the following example of a release that is not intended: A release of substances is an unavoidable side-effect of the functioning of the article. Without the release, the article would not work, but the release is not directly intended. Examples: wear and tear of materials under conditions with high friction, e.g. break linings, tires. **This also applies to (the case of Zn from) galvanised steel!**

If during melting process graphite electrodes are consumed (burned), should this be considered as intended release? Is there any sector-specific guidance developed in this respect?

The EUROFER REACH guidance says the following about intended release: “is defined as a release necessary in order that the article may function (e.g. the release of zinc from a sacrificial anode used for cathodic protection).

In the case of carbon/graphite cathods, which are used to smelt steel it is not an intended release.

Would Cr6+ in passivated products be deemed to be "intentionally released" during the life of the product?

It is not. Reasoning see answer above.

Would TiO2 from painted products (assuming paint weathering or delamination occurs) be considered as an intentional release?

It is not. Reasoning see answer above.

How is the tonnage for each substance calculated?

Each registrant has to calculate the yearly tonnage for the registration dossier. The yearly tonnage is calculated as the volume per manufacturer/importer per calendar year, unless stated otherwise. For phase-in substances that have been imported or manufactured for at the least three consecutive years, quantities are calculated on the basis of the average production or import volumes for the three preceding calendar years (Article 3 (30) of the REACH Regulation).

This means, for example, that if a substance is imported in several preparations, the tonnage of the substance in each preparation (calculated using the amount of the substance present in these preparations) will have to be added. In the case that the same registrant manufactures and/or imports the same substance at different sites which belong to the same legal entity, then the tonnage of the substance to be registered is the total tonnage of the substance manufactured and/or imported at the different sites, because the sites are not separate legal entities. This tonnage manufactured or imported “per year” is to be used for the identification of the information requirements for registration and determines the deadline for registration (as stated in Article 23). In order to be able to calculate the amount of a substance in a preparation, the total tonnage of the preparation is multiplied by the fraction of the constituent substance. This value can for example be obtained from the safety datasheet of the preparation. In the case of articles which contain a substance that is

intended to be released under normal or reasonably foreseeable conditions of use, then:

- If the weight by weight content of that substance is known, then this value is multiplied by the total mass of the produced and/or imported article; or
- If the weight of substance per unit article is known then this value is multiplied by the total number of imported articles.

Will the list of all substances to be only notified, free of charge, when exceeding 0.1%, be issued in the second semester of 2009?

Substances meeting the criteria outlined in Article 57 of the REACH Regulation are commonly referred to as substances of very high concern (SVHC). Notification is required under Article 7(2) of the REACH Regulation for substances of very high concern (SVHC) present in articles and for which the following conditions are met:

- (1) the substance has been included in a candidate list for eventual inclusion in the list of substances subject to authorisation (Annex XIV) and
- (2) the substance is present in those articles above a concentration of 0.1% weight by weight (w/w) and
- (3) the total amount in those articles exceeds one tonne per producer or importer per year and
- (4) the substance has not yet been registered for that specific use.

However, there is no obligation to notify if the producer or importer can exclude exposure to humans or the environment during normal or reasonably foreseeable conditions of use and disposal. As indicated in Article 7(7) of the REACH Regulation the notification of SVHC in articles shall be made at the latest 6 months after it has been included on the candidate list for authorisation but only starting from 1st June 2011. Information on substances on the candidate list contained in articles is to be forwarded by the supplier of the article to the recipients of the article directly after a substance is included in that list (Article 33). The candidate list will be updated continuously when substances have been identified as meeting the criteria of Article 57.

Is there a list of substances classed as SVHC?

Look at http://echa.europa.eu/chem_data/candidate_list_table_en.asp. Substances that are included in the Candidate List have been identified as Substances of Very High Concern (SVHC).

Cost estimates

REACH requires that fees are paid in the following cases (see Article 74 of the REACH Regulation):

- Submission of a registration.
- Request (in a registration submission) that certain information is kept confidential.
- Update of a registration submission that refers to a change in the tonnage range.
- Update of a registration submission that relates to a change in the identity of the legal personality of the registrant.
- A fee is payable when a registrant makes a request to the European Chemicals Agency ("the

Agency)" that information contained in the submission be treated as confidential. A request to lift the confidential status of information contained in the registration submission is free of charge.

- Notification to the Agency of product and process orientated research and development activities, with a view to obtain an exemption from the obligation to register.
- Application for an authorisation.
- Appeals to the Board of Appeals of the Agency against decisions of the Agency.

REACH requires that charges are paid in the following cases:

- Request to the Agency for an extension of an exemption from the obligation to register in cases of product and process orientated research and development activities.
- Submission of a review report in connection with an authorisation.
- Other charges may be levied for administrative and technical services provided by the Agency at the request of a party that are not covered by another fee or charge.

See Commission Regulation on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

What are the costs associated with pre-registration?

There are no costs associated with the pre-registration.

What are the costs associated with registration of a preparation?

Standard fees for registrations submitted under Articles 6, 7 or 11 of Regulation (EC) No 1907/2006

	Individual submission	Joint submission
Fee for substances in the range of 1 to 10 tonnes	1,600 €	1,200 €
Fee for substances in the range 10 to 100 tonnes	4,300 €	3,225 €
Fee for substances in the range 100 to 1,000 tonnes	11,500 €	8,625 €
Fee for substances above 1,000 tonnes	31,000 €	23,250 €

Fees for the update of registrations under Article 22 of Regulation (EC) No 1907/2006:

Standard fees for the update of the tonnage range

	Individual submission	Joint submission
From 1-10 tonnes range to 10-100 tonnes range	2,700 €	2,025 €
From 1-10 tonnes range to 100-1 000 tonnes range	9,900 €	7,425 €

From 1-10 tonnes range to over 1 000 tonnes range	29,400 €	22,050 €
From 10-100 tonnes range to 100-1 000 tonnes range	7,200 €	5,400 €
From 10-100 tonnes range to over 1 000 tonnes range	26,700 €	20,025 €
From 100-1 000 tonnes range to over 1 000 tonnes range	19,500 €	14,625 €

Fees for other updates

Type of update		
Change in identity of the registrant involving a change in legal personality	1,500 €	
Type of update	Individual submission	Joint submission
Change in the access granted to information in the submission (per item)	1,500 €	1,125 €

In addition to the fees and charges comes the cost of the research/studies that have to be performed in order to put together the technical dossier for the registration.

What are the costs associated with registration of an article?

If the article contains a substance that has to be registered, the costs are the same as for any other substance registration.

Is registration needed for by-products (benzol, tar, ammonium sulphate)?

If the by-products are placed on the market they will have to be registered in the same way as for other substances on their own or in preparations and articles.

Pre-registration

Is there a positive list of steel products subject to pre-registration (official or sectoral)?

EUROFER has worked on an EU master list of substances for (pre)registration which is available for its members.

Is pre-registration of carbon needed?

In the EUROFER position paper on carbon in steel and cast iron it is stated the following: “carbon in steel and cast iron arising both from the integrated and EAF steel production processes should be exempted from (pre)registration. Besides carbon in steel and pig iron, steel companies will have to make a decision how to define carbon imported with ferro alloys. Eurofer advises importers of ferro-alloys to consult with the appropriate substance consortia to determine the most appropriate actions in respect to carbon in ferro-alloys.”.

If a pre-registration is made for a substance used by a Client for a preparation, and upon preparing the SIEF's realize that the registration should have been made by the Client, is it possible to transfer the pre-registration?

It is not possible to transfer a pre-registration to another legal entity. If the mistake is realised within the pre-registration deadline, the client can still pre-register the substance. The company that wrongly pre-registered the substance can until the 1st December 2008 delete its pre-registration towards ECHA. After 1st December 2008, this cannot be done and the legal entity will become a member of the SIEF where he can be dormant.

The following chemical elements P, Ni, Al, Ca, Zn have state +3 and this represents a hazard. Which state has to be pre-registered in low alloys steel, specially for the above mentioned chemical elements ?

REACH requires the pre-registration and registration of substances. Therefore, aluminium, calcium, copper sulphate, etc...should be pre-registered and not the different valency states of substances.

The same problem stated in the previous question happens with Zn coating which is imported to cover tubes. Should be considered state +3 or state +2? How does Zn have to be pre-registered?

See the answer in the previous question.

With time the low alloy steel is covered with a small layer of FeO or Fe₂O₃ (rusty), even under normal conditions. Does this oxide have to be pre-registered?

The REACH Annex V and ECHA Q&A on this subject states clearly that reaction products due to exposed to air, water or the environment do not need to be (pre)registered.

Which elements of the slag produced during the steel making of low alloys steel have to be pre-registered?

The EUROFER master list for pre-registration of substances provides the EINECS numbers for the slags. The Euroslag/FEHS slag compositions provide a list of the substances in four slag categories. For any further information, the contact person is Dr Motz (Tel: +49 2065 / 9945-31; e-mail: h.motz@fehs.de)

The ends and rejected materials are sent to the furnace for melting and recovery. What is the quantity of steel that has to be pre-registered by a steel-making company taking into consideration that the quantity of steel liquid produced is higher than the quantity of the final product?

The ECHA Guidance on Data Sharing states the following:-

3.11 How to establish the first envisaged registration deadline and the tonnage band for pre-registration?

Each potential registrant has to indicate during the pre-registration period the envisaged registration deadline and tonnage band, while the actual amount of production and/or import will define in the end the relevant registration deadline and obligations. The envisaged yearly quantity shall be calculated per calendar year. The Guidance on registration describes how this is to be done for phase-in and non phase-in substances, on their own, in preparations or in articles. For phase-in

substances that have been imported or manufactured for at least three consecutive years, quantities per year have to be calculated on the basis of the average production or import volumes for the three preceding calendar years (Article 3.30). This rule also applies to phase-in substances intended to be released from articles.

Only-representative

What is an only representative?

An “only representative” is a legal entity established in the EU which has sufficient background in the practical handling of substances and the information related to them to be able to fulfil the obligations of importers.

An only representative must be able to document who he is representing and is advised to attach a document from the “non-Community manufacturer” assigning him as only representative in IUCLID under section “1.7 Suppliers”.

Who can appoint an only representative?

A “non-Community manufacturer” being a natural or legal person that is manufacturing a substance, formulating a preparation or producing an article that is imported into the Community, can appoint an only representative to fulfil the registration obligations of the importers. This will relieve the EU importers within the same supply chain from their registration obligations, as they will be regarded as downstream users of the only representative.

What shall a “non-Community manufacturer” do when appointing an only representative?

When appointing an only representative, it is necessary that the “non-Community manufacturer” provides his only representative with up-to-date information on the list of EU importers which should be covered by the registration of the only representative and the quantities imported into the EU.

The “non-Community manufacturer” has to inform all the EU importers in the same supply chain that he has appointed an only representative to conduct the registration thus eventually relieving the importers from their registration obligations. The list of the importers that are covered by the registration is to be reported in IUCLID in section “1.7 Suppliers”

A “non-Community manufacturer” can only appoint one only representative per substance. Both the only representative and the importer must be able to clearly document to enforcement authorities which imports are covered by the registration of the only representative. Otherwise, the importer remains responsible for all his imports.

What are the obligations of an “only representative”?

An only representative is fully liable for fulfilling all obligations of importers for the substances he is responsible for as a registrant. These do not only relate to registration but also all other relevant obligations such as pre-registration, communication in the supply chain, notification of substances of very high concern (SVHC), classification and labelling and any obligations resulting from authorisations or restrictions etc. (see Art. 8(2)).

The only representative registers the imported quantities depending on the contractual arrangements

between the “non-Community manufacturer” and the only representative. The registration dossier of the only representative should comprise all uses of the importers (now downstream users) covered by the registration. The only representative shall keep an up-to-date list of EU customers (importers) within the same supply chain of the “non-Community manufacturer” and the tonnage covered for each of these customers, as well as information on the supply of the latest update of the safety data sheet.

For phase-in substances the only representative will have to pre-register the substance in order to benefit from the extended registration deadlines and will subsequently become participant of the Substance Information Exchange Forum (SIEF) (see section 3.4 of the Guidance on data sharing).

The only representative can represent one or several “non-Community manufacturers”. If it acts on behalf of several “non-Community manufacturers” it must submit a separate registration for each of these substance manufacturers. The tonnage of the substance to be registered in each registration is the total of the tonnages of the substance covered by the contractual agreements with the only representative and the specific “non-Community manufacturer” represented by him. The information requirement for the registration dossier shall be determined according to this tonnage. By making separate submissions, the confidential business information of the “non-Community manufacturer” can be preserved and equal treatment with EU manufacturers can be ensured (EU manufacturers must submit separate registration dossiers for each legal entity).

May the only representative transfer responsibility regarding importation procedures?

No. Although the only representative is legally responsible for the registration, it can be anticipated that in most cases, it will be the “non-Community manufacturer” that will provide him with all necessary data for his registration dossier. If a “non-Community manufacturer” decides to change his only representative, 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. It is nevertheless possible for the new only representative to agree with the former only representative and to reuse the data and dossier of the former only representative to prepare his registration dossier.

If the company belongs to a GROUP which owns production plants within the EU as well as exporting to the EU, how will the registration be made?

If steel products that are considered as preparations are imported to the EU by a legal entity that is also producing the same preparation, the tonnage for each substance subject to registration is calculated by adding the imported and the manufactured tonnages. The total tonnage will determine the registration deadline.

Is there a list of companies acting as Only Representatives specific for the steel market?

No.

As for the payment for such services, how must it be made? Per load, per payment of "joining fee"?

It will be up to the non-community producer and his only representative to decide.

Who must pay for registration, the only representative or the non-EU-manufacturer? Will we have to make a funds transfer to the Only Representative?

The only-representative takes on all the obligations including the payments of fees and charges.

Corrosion

Is there a EUROFER position paper on anticorrosion oil on steel products?

Look at <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Eurofer-position-papers>; EUROFER position paper on the status of the temporary protective-mechanical processing layers (e.g. oils) on coils. 24 November 2008.pdf. It states that “Eurofer and CLEPA consider the oil as a temporary corrosion inhibitor/processing layer on the coil (i.e. an integral part of the coil as an article – *like wax coating on an imported vehicle*) with no intended release. This means, no registration duties related to substances”.

In case the coil has oil or another protective layer on it and if *produced in Europe*, the oil (or another corrosion inhibitor) should be (pre-)registered by its producer.

In both cases information will be supplied about safe use, in the form of a Safety Data Sheet provided by the oil (protective layer) suppliers. ”

Are there any obligations in relation to anti corrosion oil on imported steel products?

The protection oil coating put on the product has the purpose to lubricate and provide temporary corrosion protection, during for example, storage and transport. Therefore, the oil does not give the product an accessory function. Consequently, the release of the oil before further use does not have to be considered as an “intended release” and subsequently it is not required to do a pre- and registration of this oil.

Can a protection oil coating be seen as an “impurity” as such? In relation with the function of the article, the protection oil is not needed and subsequently might be classified as an impurity for the article?

No. Look at <http://www.eurofer.eu/index.php/eng/REACH/Documents-and-useful-web-links/Eurofer-position-papers>; EUROFER position paper on the status of the temporary protective-mechanical processing layers (e.g. oils) on coils. 24 November 2008.pdf.

Safety Data Sheets (SDS)

Will all products need to have a SDS (sort of "instructions")? It is important to indicate the final use? May it create difficulties for commercialisation if this is not done and a client requests it?

No need for SDS, unless the substance (that the preparation contains) is classified as dangerous, PBT or vPvB.

Miscellaneous

Are there law firms in the EU preparing to act as legal representatives? If so, which?

For sure many. We advice you to make use of the google search tool (internet).

Will EUROFER provide a REACH consultancy service?

EUROFER is unable to provide a REACH Consultancy service but it will provide answers to reasonable steel-related questions (also to non- EUROFER members).

