

Implementing Regulation on duty to update dossiers (Document CA/55/2019)

We find the current approach of explaining “undue delay” useful. Nevertheless, we need to highlight some potential difficulties and challenges:

general remark

As a general remark we want to highlight that many of the suggested deadlines are rather short. In particular, SME made use – and will do in future - of external service-providers to prepare and submit their registration dossier(s). These service-providers will usually have to take care also of the pending updates. To activate them again, the actual registrant needs to approach them, communicate with them, explain the situation, request a cost-estimate etc. The service-provider needs to react on the requests and only then actual update-work can start. This process needs time, what needs to be reflected in the deadlines. As a minimum all 1 months deadlines should be 3 months, if not indicated differently below.

article 1

An update of the CSR within 6 month will not be realistic in many cases. We found the initially suggested deadline of 1 year significantly more appropriate.

article 2

A “monitoring and tracking system” is neither defined, nor foreseen by the REACH-regulation. This makes this obligation highly unclear in matters what is considered as “system”. If interpreted too stringent, such a requirement can introduce a significant new burden. We also see a certain duplication of other more general rules like the duty of observe according to the General Product Safety Directive. Therefore we suggest to make this article more flexible:

“In line with the obligation to assemble and keep information in accordance with Article 36 of Regulation (EC) No 1907/2006, registrants shall perform adequate monitoring that enables them to identify if any of the cases itemised in Article 22(1) of Regulation (EC) No 1907/2006 have occurred.”

article 3

Referring to our general remark, 1 month is too short, 6 month were appropriate. Furthermore, when changing the legal status, a company needs to undertake many other administrative steps, which are independent from REACH, but still require time. Some of them are more urgent than updating the registration-dossier for this purely administrative matter.

article 6

The workload will very much depend, if a CSR-change is involved. With such a change the deadline should be 6 months, without 3 monts.

article 7

Para. 2 is very vague and will leave registrants confused about their exact duty. The same obligation is factually also introduced art. 2. Therefore this paragraph should be deleted.