

The REACHReady template letter pack

Introduction

Many of our subscribers have asked us to draft letters they can send to their contacts addressing the key questions about responsibilities under REACH and CLP.

You will find a suitable form of words you can use and we have worked hard to make sure that it will fit the vast majority of situations. You may be able to use the text as is, though we do advise that you read through it carefully as you may need to tailor your letter to your own particular situation.

Don't worry if you think this applies to you – our Helpdesk is ready to lend a hand. Please get in touch on enquiries@reachready.co.uk or call +44 (0) 20 7901 1444.

The letters

On page 2 you will find a letter you can adapt and send to your downstream customers

On page 3 you will find a letter you can adapt and send to your EU-based suppliers

On page 4 you will find a letter you can adapt and send to your overseas (i.e. non-EU based) suppliers

On page 5 you will find a letter you can adapt to respond to customers asking about SVHCs

On page 6 you will find a letter you can adapt to send to your suppliers to ask about Candidate List substances

On page 7 you will find a letter you can send to your downstream customers if your article contains one or more SVHCs at greater than 0.1%

On page 8 there is a letter downstream users can send to suppliers to ask about Authorisation intentions.

REACHReady template letter to your downstream customers

Dear []

I am writing to you about our position regarding REACH, the EU Regulation 1907/2006 (as amended) on the Registration, Evaluation and Authorisation and restriction of Chemicals.

In our company I have been appointed to act as our coordinator on REACH matters. Our policy is to be fully compliant with the law and to work closely with suppliers and customers to this end. This letter is part of our policy of keeping our customers fully informed about our REACH status.

All of the substances in the products that we manufacture and import ourselves have been registered by us where we have an obligation to do so, or we source from European suppliers who themselves claim compliance. By stating 'compliance', this includes justification for exemptions, such as for polymers or those noted as exempt from registration in Annex IV or V of the REACH Regulation.

Where we source from EU suppliers or have received assurances from Only Representatives of our non-EU suppliers, we have no legal obligation to register. Nonetheless, we are in constant communication with all our suppliers to ensure there is compliance throughout the supply chain. We have established through links with our suppliers that all the substances we buy are compliant with the rules on registration where there is an obligation to do so.

If you have any questions or concerns on our products, please do not hesitate to get in touch with me. If you have more general questions or need help on REACH, we recommend the REACHReady service (www.reachready.co.uk).

In the meantime, if you have any queries, please get in touch with me.

Yours faithfully,

REACHReady template letter to your EU-based upstream suppliers

Dear []

I am writing to you about REACH, the EU Regulation 1907/2006 (as amended) on the Registration, Evaluation and Authorisation and restriction of Chemicals.

In our company I act as our coordinator on REACH matters. Since REACH requires a substance-by-substance approach to implementation, we are writing to ask if you could provide us with answers to the following questions:

- Q1 *Please could you confirm a contact in your organisation to deal with REACH related matters?*
- Q2 *Could you please confirm that you, or your own supplier, have fully registered [name of substance(s)] that are currently supplied to us?*
- Q3 *Are any of these substances listed as Substances of Very High Concern within the meaning of REACH, and included in the Candidate List?*

We realise you may not be able to answer these questions directly and might need to refer in turn to your suppliers, especially if you are not responsible for a substance's registration. If this is the case, please let me know when you expect a response to be provided.

For further information and help on REACH, we recommend REACHReady (www.reachready.co.uk). Thank you for your efforts at answering these questions; I look forward to hearing from you.

Yours faithfully,

REACHReady template letter to your non-EU manufacturers and suppliers

Dear []

I am writing to you about REACH, the EU Regulation 1907/2006 (as amended) on the Registration, Evaluation and Authorisation and restriction of Chemicals. This piece of legislation requires importers, such as our company, to register all relevant substances for imports reaching 1 tonne or more per year. We need to work with you to ensure we comply with the law and are able to continue our business relationship with you.

The Classification, Labelling and Packaging Regulation 1272/2008 also applies to us as an importer of your substances, and this applies at all levels with no minimum tonnage.

In our company, I act as coordinator on REACH and CLP matters. Because compliance requires a substance-by-substance approach to implementation, I am writing to ask if you could provide us with answers to the following questions. Please regard this as the start of an ongoing exchange of information between us on these regulations:

- Q1 *Please could you provide a contact in your organisation to deal with REACH and CLP related matters?*
- Q2 *We intend to import [name of substance(s)/mixtures(s)] from you and [they/or relevant components] will require registration (by us or by an Only Representative appointed by you). Have you appointed an Only Representative to deal with the registration of all imports of these substances into the EU? If so, please confirm the name, address and contact details of this Only Representative. We are aware that they will need to contact us directly regarding their appointment. We are required to agree formally that their registration will cover our imports into the EU, after which we can begin the exchange of tonnage and exposure information with them.*
- Q3 *Registration requires a significant amount of technical information on the substance (s)' composition and properties. Please can you confirm that you will make this information available to us, should you not appoint an Only Representative to register our imported quantities and for our uses?*
- Q4 *To meet our obligations for CLP Notification and for preparing SDS for REACH, we need to know all the components of mixtures purchased from you, or declaration from an EU based agent or representative that there are no further ingredients classified as hazardous under EU CLP and / or that group Notifications have been made on our behalf.*

We would appreciate a reply to these questions within 14 days or please contact me directly to discuss them.

For further information and help on REACH, we recommend the REACHReady service (www.reachready.co.uk). Thank you for your efforts at answering these questions; I look forward to hearing your reply soon.

Yours faithfully,

REACHReady template letter to your customers asking about SVHCs

Dear []

Thank you for your recent correspondence regarding the REACH Regulation, in particular the inclusion of Substances of Very High Concern within articles.

We would like to take this opportunity to assure you that [company] are aware of this Regulation and its implications and are fully committed to meeting our legal obligations under it.

We have a process in place within our company and with our suppliers to ensure that suppliers are fully aware of their legal obligations to notify [company] of the inclusion of any SVHCs which are on the formal Candidate List and are present in articles at a greater than 0.1% by weight concentration so we can forward this information on to our customers. We will do this as soon as the relevant information is available to us.

We are also aware of our continuing obligations with regard to the restrictions of hazardous substances, as prescribed in Annex XVII of REACH (as amended).

However, we are not able to fully identify the existence of SVHCs that are not on the Candidate List or in Annex XVII and to send this information to you. There is no obligation under REACH to make such disclosure.

[Company] therefore will advise of the inclusion of SVHCs in articles as and when they appear on the REACH Candidate List, and as required under Article XVII of REACH. However, we are unable to provide detailed answers to questionnaires requesting information on SVHCs contained in other listings, for example AD-STAN TR 9536, or the SIN List.

With the Candidate List continuing to grow, it is difficult for us to be able to give an unequivocal statement that the implications of REACH will not result in the withdrawal from the market or alteration of some products. However, we are taking all possible action to ensure that the impact of any such outcomes on our customers is kept to a minimum.

If there are changes in our supply plans as a result of REACH, we will do our utmost to inform you at the earliest opportunity and work with you to minimise the impact of any such decision.

If you require any further clarification on this issue, please do not hesitate to contact me.

Yours faithfully,

REACHReady template letter to your suppliers to ask about Candidate List and restricted substances

Dear []

As you will know, the REACH Regulation requires information to be shared within the supply chain on the presence of Substances of Very High Concern. As part of our company's REACH compliance strategy, we are contacting our suppliers to ensure that they are aware of their REACH SVHC obligations and to ask if any of the products that you supply us with could be affected.

Under REACH there are currently two lists of hazardous chemicals that trigger obligations. The first are those listed in Annex XVII which is a compilation of all substances restricted under REACH; this Annex has been updated a number of times since it came into effect on 1 June 2009. The second is the Candidate List of Substances of Very High Concern for Authorisation, which was a new legal provision, introduced by REACH, in the control of particularly hazardous chemicals within Europe.

The Candidate List has been updated numerous times since the original publication, the full list of substances being available at <http://echa.europa.eu/web/guest/candidate-list-table>. The duties linked to the publication of the Candidate List apply to all those listed substances and affect everyone in the EEA supply chain, from importers and manufacturers through to the final point of sale.

As the Candidate List continues to be updated with new substances, normally twice per year in June and December, these obligations apply to the newly listed chemicals from the date of inclusion.

As per the legal obligations, please tell us if any of the products you supply us with contain any of these SVHCs on the Candidate List. In addition, please confirm that the products you supply to us are in compliance with the restrictions of Annex XVII of REACH.

Yours faithfully,

REACHReady template letter to your downstream users to inform them about SVHCs in articles

Dear []

As the supplier of [article description/reference number/part number], we [company name] are required by Article 33 of the REACH Regulation to declare SVHCs present above 0.1% w/w and to provide you with sufficient information to allow safe use of article.

[Article description /reference number] contains the SVHC [name(s)] above 0.1% w/w.

To minimise the risk to the user/environment [*delete as applicable based on the property(s) leading to SVHC identification*] we advise the following [*give conditions of use and disposal; details of protective equipment needed; and relevant warnings*]

Yours faithfully,

REACHReady template letter to your suppliers to ask about Authorisation

Dear []

As you are aware, [substance] has been included in Annex XIV, the Authorisation List, with a latest application date of [insert date] and a sunset date of [insert date].

As a downstream user of this substance, we need to understand your position regarding the authorisation of this substance. Should you apply for authorisation we require our use to be included in your application. Should you decide not to apply for authorisation for our use(s) then we may have to apply in our own right as a downstream user. To help us plan and to cooperate fully with each other, I would be grateful to learn your intentions as our supplier of this substance:

Q1 Do you intend to support this substance after the sunset date?

Q2 Do you (or your Only Representative) [in the case of a non-EU manufacturer-supplier] intend to apply for authorisation for this substance?

Q2a Will your authorisation application include our use(s)?

Q2b When do you intend to submit the application?

Q3 If you are not planning to apply for authorisation, or will not be covering our use(s), what support will you offer us for making our own Downstream User application?

Q4 What information do you require regarding our use(s):

- to include in your socio-economic analysis?

- to demonstrate adequate control / that exposure is minimised exposure [delete as appropriate]?

Please let us know what human and/or environmental monitoring data will you require from our site(s).

Q5 If we were to be granted authorisation as a Downstream User you, as our immediate supplier, can continue to supply to us for our use(s) after the sunset date. Do you foresee any problems in the maintenance of the supply of these substances?

Q6 If your intention is to phase out this substance,

Q6a What is the last date you will supply the substance to us?

Q6b What alternative product do you recommend for our use(s)?

As the use of this substance is paramount to our business, we would appreciate a response within **two weeks** so that we can identify a plan of action and collaboration with you as our supplier.

Yours faithfully,