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EU REACH Strategy

The EU REACH regulation addresses chemical manufacturers, importers and downstream users in the European Union. Entities outside the EU do not have standing. The regulation allows that an entity established outside the EU which manufactures a substance, preparation or article who intends to export into an EU member country may appoint an 'Only Representative', to fulfill the obligations of the EU importer. The representative must comply with all other obligations of importers under the Regulation.

We have reviewed the obligations of the Only Representative as well as the non-community manufacturer who appoints as stated in the regulation and guidance documents and note the following:

- An Only Representative may be appointed by various players within the supply chain of a specific substance
- An only representative must be able to document who he is representing
- 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.
- 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 list of the importers that are covered by the registration is to be reported in IUCLID in section “1.7 Suppliers”
- 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.
- 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 most current Safety Data Sheet.

- *Article 22: Further duties of registrants indicates:* After registration of a substance, a registrant shall be responsible on his own initiative for updating his registration without undue delay with relevant new information and submitting it to the Agency in cases including:
 - any change in his status
 - any change in the composition of the substance as given in section 2 of Annex VI;
 - changes in the annual or total quantities manufactured or imported by him or in the quantities of substances present in articles produced or imported by him if



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these result in a change of tonnage band, including cessation of manufacture or import;

- new identified uses and new uses advised against as in section 3.7 of Annex VI for which the substance is manufactured or imported;
- new knowledge of the risks of the substance to human health and/or the environment of which he may reasonably be expected to have become aware which leads to changes in the Safety Data Sheet or the Chemical Safety Report;
- any change in the classification and labeling of the substance;
- any update or amendment of the chemical safety report or section 5 of Annex VI; the registrant identifies the need to perform a test listed in Annex IX or Annex X, in which cases a testing proposal shall be developed;
- any change in the access granted to information in the registration.

Safety Data Sheets specifying hazardous classifications, along with compositional information specifying ingredients and concentrations may be required. Exposure assessments.....

Upon consideration of the above and other information and recognizing the supply chain is very complex we have concluded upon a REACH implementation strategy which:

- Provide for (pre)registration of substances exported by Calumet/Penreco directly to the European Union member countries. We have engaged the services of H2 Compliance, Dublin, Ireland to act as our Only Representative. We will notify our EU customers of the details of this appointment relieving them of their importer obligations.
- Support our non-EU customers in their REACH implementation strategies by providing applicable information upon request regarding the products purchased from Calumet/Penreco. We do not plan to (pre)register substances sold to our non-EU customers.

Calumet/Penreco has a REACH Implementation Team to address these important issues. If you have any questions, please do not hesitate to contact us.

Sincerely,

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