



REACH Forum: TPR / OR

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Third Party Representative Only Representative

Legal Aspects



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Third Party Manufacturer

Article 4 of the Regulation:

“Any manufacturer, importer, or where relevant downstream user, may, whilst retaining full responsibility for complying with his obligations under this Regulation, appoint a third party representative for all proceedings under Article 11, Article 19, Title III and Article 53 involving discussions with other manufacturers, importers, or where relevant downstream users. In these cases, the identity of a manufacturer or importer or downstream user who has appointed a representative shall not normally be disclosed by the Agency to other manufacturers, importers, or, where relevant, downstream users.”

TPR



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- **Any Manufacturer / Importer may whilst retaining full responsibility, appointed a TPR for SIEF activities to maintain its identity undisclosed**
 - **M / I retains full responsibility for complying with REACH (eg joint submission)**
 - **Name of M / I will not be disclosed to others in SIEF by the Agency**
 - **Companies needs to quickly decide what to do**
- ➡ **Reason: a company wishes not to disclose their interest in a particular substance**

TPR



- **The TPR acts as an “agent”**
- **A TPR can represent several legal entities but will appear as a separate SIEF participant for each different legal entity**
- **The TPR will therefore pre-register but not register**

Only Representative



Article 8 of the Regulation:

- 1. “A natural or legal person established outside the Community who manufactures a substance on its own, in preparations or in articles, formulates a preparation or produces an article that is imported into the Community may by mutual agreement appoint a natural or legal person established in the Community to fulfil, as his only representative, the obligations on importers under this Title.***
- 2. The representative shall also comply with all other obligations of importers under this Regulation. To this end, he shall have a sufficient background in the practical handling of substances and the information related to them and, without prejudice to Article 36, shall keep available and up-to-date information on quantities imported and customers sold to, as well as information on the supply of the latest update of the safety data sheet referred to in Article 31.***
- 3. If a representative is appointed in accordance with paragraphs 1 and 2, the non-Community manufacturer shall inform the importer (s) within the same supply chain of the appointment. These importers shall be regarded as downstream users for the purposes of this Regulation.”***



Only Representative

An OR may be appointed:

- By non EU manufacturer, only
- To fulfil the obligations on importers under REACH
(→ incl. joint submission ...)
- To re-register and register
- Require sufficient background information on the substance...)





Only Representative

- **Non EU manufacturer needs to inform the importer (s) within the same supply chain of the appointment**
- **OR may represent more than one importer**
 - ➔ **aggregation of tonnage for the registration**