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REACH Handbook – Exposé

Verlag C.H.Beck (Munich) and Hart Publishing (Oxford) are publishing a handbook on Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The book will be edited by Dr Dieter Drohmann, (Chemservice, Luxembourg/Worms) and Matthew Townsend (Allen & Overy, London).

Verlag C. H. Beck, established in 1763, is one of the great names - and one of the richest in tradition - among German publishing companies. With more than 10,000 available titles, including many electronic publications, with about 50 professional journals and an annual production of more than 2,000 new publications and new editions, the C. H. Beck publishing company also ranks in the top tier in terms of quantity among German publishers of books and magazines. Including all branches of activities through daughter companies inside and outside Germany, the publishing group presently employs some 1,800 employees in all. The company is generally supposed to be the first address for legal publications in Germany.

Hart Publishing, established in 1996, is an independent and privately owned law publisher in Oxford, UK, committed to the highest standards of excellence in legal publishing. Hart has over 500 titles in print, including journals, textbooks, scholarly monographs and works for practitioners. They have publishing links with prestigious institutions such as Oxford University, Cambridge University, the King's College London, the Oñati Institute, the Metro Institute and the Robert Schuman Centre of the European University in Florence. The aim of Hart Publishing is to publish good academic books and journals about law which will enhance the study and practice of law in all its aspects.

Dr. Dieter Drohmann, a PhD in Environmental Sciences has close to 20 years experience in regulatory affairs and international chemical control legislation. After working for 15 years in the chemical industry, he founded in 2007 Chemservice, a rapidly growing Regulatory Affairs Consulting Company, which is heavily involved in the REACH implementation process by acting for the chemical industry and their value chain as technical Consultant, Third Party Representative and Only Representative. Chemservice is a founding member of the Only Representative Organization (ORO). Dieter Drohmann has been elected as President of ORO. Moreover, he gave lots of international presentations, wrote articles in books and journals, participated in several REACH implementation groups, chaired different chemical sector groups and was involved in multi-industry panels related to chemicals in articles.

Matthew Townsend is lawyer and a Partner in the London Environmental Law Group of Allen & Overy, an international law firm with approximately 5,500 staff, including over 500 partners, working in 31 major centers worldwide. Matt advises on the full range of environmental issues and has particular experience in the regulation of chemicals. He has been closely involved in REACH and regularly advises on a wide range of issues arising from its implementation. He has also been involved in some of Europe's largest chemical transactions over the last decade. Other areas of expertise include contaminated land, producer responsibility for recycling, IPC/PPC, marine environmental and waste. He is recognized by the independent legal directories as one of Europe's leading environmental lawyers. Matt is a regular writer and speaker on environmental matters. He is also editor of the Environmental Liability Journal.

The technical and legal complexity of REACH will be addressed by two Editors, who are able to complement one another to facilitate a well balanced and concise reference Handbook, which is meeting the needs for a practical guide supporting REACH implementers in their daily activities.

In brief, this project can be described as follows:

1. The format of the publication is considered as a systematic handbook addressing the most important issues and merits of the case. It is intended as a manual and collection of instructions and interpretations to provide ready reference and information about the key subjects of REACH. A draft outline of the concept is attached. The learning's and experience from the current REACH implementation phase and the first registrations shall be integrated into the book.
2. This handbook is meant for an international target group and is aimed at experts both in law and science/technology concerned with regulatory affairs in industry, law firms, public authorities and associations in and outside the European Union.
3. The handbook shall focus on the needs of practitioners. In order to meet the specific needs of the readers, the editors have the task to assess the importance of individual parts in respect to their relevancy to practice. The work shall also take into account that REACH has a considerable impact both on compliance and business/business strategy.
4. Beside Dieter Drohmann, who will act also as Author, around 10 additional Authors are scheduled – coming from Industry, Law Firms, Commission, REACH Authorities.
5. The book is planned with altogether 800 pages, including the provisions of the Regulation not exceeding 200 printed pages. 600 pages will be divided into the individual chapters of the book – extent of the chapters might vary and weighting will be in consultation with the authors. The cost of the book is considered to be below 300 EUR.
6. The work shall be published by end of 2010. In order to achieve this ambitious goal the manuscripts must be available in July/August 2010. A conference of the Authors/ Editors/Publishers was conducted in November 2009 (in Munich at Beck).
7. The Authors are in charge of the content; the Publishers are responsible for the appropriate form. Accordingly, the authors are not expected to produce a manuscript ready for press. However, to make things easier, the authors are requested to comply with the following guidelines:
 - a) The Authors' contribution must be in electronic form, preferably MS-Word. The Authors are requested to use only the functionalities provided for by MS-Word.
 - b) Unless otherwise agreed, the manuscripts are written in "Commission-English", i.e. the English used by the European institutions. The focus is laid on the correct (legal) terminology; any linguistic deficiency will be corrected by native copy editors, provided by the Publisher.
 - c) Considering the length of the entire REACH-Regulation only those parts of the Annex, needed to understand the text, shall be included in the printed book. The annexes and other materials, not published in print, might be attached to the book on CD-ROM.
 - d) Contracts for Editors and Authors, working procedures, formatting and citation guidelines, etc will be provided by the Publisher.

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REACH Handbook

A guide for the Implementation and Interpretation of Regulation (EC) No 1907/2006
Outline & Concept

Chapters:

1. Politics of REACH

- Aims and Objectives
- Benefits for the Public vs costs for Industry
- Drivers
- Political Decisions

REACH Reference: N/A

Author: Margot Wallström (VP of the European Commission and EU Commissioner)

Extent/Pages: ca. 20

Editor Contact: Dieter Drohmann

2. Scope of REACH

- "exempted products" (cosmetics, foodstuff and animal nutrition, waste, radioactive substances, non-isolated intermediates, medical products for human or veterinary use)
- General REACH Issues

REACH Reference: Title I, Art. 1-2

Author: Bettina Enderle (Allen & Overy)

Extent/Pages: ca. 20

Editor Contact: Matthew Townsend

3. Registration of Substances

- General obligation to register and information requirements
- Provisions for Registration
- Technical Details
- Dossier completion and IUCLID 5

REACH Reference: Title II, Art. 5-24

Author: Dieter Drohmann + Volker Soballa (Chemservice / Evonik)

Extent/Pages: ca. 50

Editor Contact: Dieter Drohmann

4. Status of non-Community Manufacturers and the Only Representative

- Article 8 Commentary
- Introduction to OR facility
- Specifics of OR registrations
- Qualification of ORs
- ORO (Only Representative Organization)

REACH Reference: Title II, Art. 8

Author: Dieter Drohmann

Extent/Pages: ca. 30

Editor Contact: Dieter Drohmann

5. Joint Submission

- General Introduction
- Joint and individual dossiers
- Lead Registrant and Co-registrant
- Opting Out

REACH Reference: Title II, Art. 11 + 19

Author: Hartmut Scheidmann (Redeker)

Extent/Pages: ca. 15-20

Editor Contact: Dieter Drohmann

6. Data Sharing in the SIEF

- From Pre-SIEF to SIEF
- SFF - SIEF Formation Facilitator
- Data Sharing Procedures
- Avoiding unnecessary testing
- Current SIEF Issues

REACH Reference: Title III, Art. 28-30

Author: Hartmut Scheidmann

Extent/Pages: ca. 15-20

Editor Contact: Matthew Townsend

7. Formation and Operation of Consortia

- From SIEF to Consortia (process & differences)
- Consortia Structures
- Consortia Agreements
- Consortia Issues (Competit. Law, Duration, Liability, Governing Law, Dispute Settlement, Tax)

REACH Reference: N/A

Author: Hartmut Scheidmann

Extent/Pages: ca. 25-30

Editor Contact: Matthew Townsend

8. Substances in Articles

- Definitions: Article vs. Preparation/Substance; Intended release
- Registration requirements, incl. on a case by case basis issued by ECHA (Art. 7 (5))
- SVHC
- Notification duties (Art. 7 (2))
- Information obligations (Art. 33)
- Retailers obligations, Product Liability

REACH Reference: Art. 7 + 33

Author: Bettina Enderle

Extent/Pages: ca. 30

Comment: relationship to ROHS, WEEE, Toys Regulation, could be provided

Editor Contact: Dieter Drohmann

9. Information Requirements in the Supply Chain

- Practical Implementation
- Flow of communication/information upstream
 - Information on the use of a substance in order to allow the manufacturer to create an exposure scenario (Art. 34)
 - Obligations in case the downstream user will not inform the manufacturer on its use (Art. 34)
 - New information on a substance/information on hazards of a substance or preparation (Art. 34)
- Flow of communication/information downstream
 - Information on hazards of a substance or preparation (Art. 31+32)
 - Potential exposure (Art. 31)
 - Provision of a Safety Data Sheet (Art. 31)
 - If no SDS is required provision of the minimal data (Art. 32)
 - Information requirements in case of substances in articles (Art. 33)
- Access of employees to information (Art. 35)

REACH Reference: Title IV, Art. 31-35

Author: Bettina Enderle

Extent/Pages: ca. 50

Comment: this should be more procedural rather than technical

Editor Contact: Dieter Drohmann

10. Downstream Users

- Definition
- Role and Responsibilities

REACH Reference: Title V, Art. 37-39

Author: Gauthier van Thuyne (Allen & Overy)

Extent/Pages: ca. 30

Editor Contact: Matthew Townsend

11. Classification & Labelling Inventory

- Overview of Regulation 1272/2008 and its relation to REACH
- Hazard classification and labelling
- Harmonisation of EU classifications
- Classification and Labelling inventory
- Difference of the EU CLP to GHS and to the current classification system in the EU (Directive 67/548/EC and 1999/45/EC)

REACH Reference: Title XI, Art. 112-116

Author: Ralf-Udo Förster

Extent/Pages: ca. 30

Comment: a global outlook on GHS implementation should be included

Editor Contact: Dieter Drohmann

12. Evaluation

- Responsibilities
- Procedures and Time periods
- Dossiers
- Testing Proposals
- Substances

REACH Reference: Title VI, Art. 40-54

Author: Arno P. Biwer & Joëlle Welfring (REACH Helpdesk, Luxembourg)

Extent/Pages: ca. 15-20

Editor Contact: Matthew Townsend

13. Authorization and Restriction

- Aim
- General Provisions
- Procedures (e.g. Socio-Economic Analysis)

REACH Reference: Title VII and VIII, Art. 55-66 and 67-73

Author: Gauthier van Thuyne (Allen & Overy)

Extent/Pages: ca. 30-40

Comment: Coordination needs on SVHC between this and chapter 8 (Articles)

Editor Contact: Matthew Townsend

14. Legal Actions and Appeals

- Procedures
- Board of Appeal

REACH Reference: Title X Art. 89-94

Author: Gauthier van Thuyne

Extent/Pages: ca. 30

Editor Contact: Matthew Townsend

15. Enforcement

- Responsibilities and Principles
- Enforcement regimes in the Member States
- Penalties for non-compliance
- REACH Enforcement Project (REACH-EN-FORCE-1)

REACH Reference: Title XIV, Art. 125-127

Author: Ulrich Ellinghaus (Baker & McKenzie)

Extent/Pages: ca. 50

Comment: if possible short outlook on 27 Member States

Editor Contact: Matthew Townsend

16. REACH – A Business Strategy for Enterprises

- Business Impact
- Drawbacks and Opportunities
- A chance for increasing customer loyalty
- Integration into administrative and operational procedures and processes
- Improving safety along the supply chain

REACH Reference: N/A

Authors: Maurizio Butti (Songwon International, Non-EU Manufacturer)
Paul Heylen (Tenneco, Downstream User)

Extent/Pages: 2 x 15 – 20

Editor Contact: Dieter Drohmann

17. Annexes

- REACH Legal Text (selective)
- Important Contacts (e.g. REACH Helpdesks, ECHA, Associations)
- Helpful Forms, Documents, Links, etc

Extent/Pages: 200

Authors:

1. Margot Wallström, EU Commission (Brussels)
2. Dr. Dieter Drohmann, Chemservice (Luxembourg/Worms)
3. Bettina Enderle, Allen & Overy (Frankfurt)
4. Gauthier van Thuyne, Allen & Overy (Brussels)
5. Hartmut Scheidmann, Redeker (Berlin)
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11. Paul Heylen, Tenneco (Sint Truiden/Belgium)
12. Dr. Ralf-Udo Förster, retired Expert (Friedrichsdorf)