

EPRA - European Phenolic Resins Association

Explanatory document for EPRA Resin Production Use Descriptors (ERPUD) list

For EPRA ERPUD list : See link in Chapter II, Page 2

I. Introduction

- REACH gives in Art. 37(2) downstream users the right to nominate uses to Manufacturers/Importers, or downstream users of a substance (as such or in a preparation), which is their direct upstream supply partner in the supply line.
- Several raw material substances are used for phenolic resin production for which in consequence 'Phenolic Resin Production' constitutes a downstream use of raw material(s) for that purpose.
- 'Phenolic Resin Production' consists of different process steps which can be characterised by specific risk profiles..
- Process scenarios are recommended to be described by use descriptors¹ for standardisation reasons. Further information can be sourced on the ECHA REACH information website or national helpdesk websites.
- There are two scenarios to be considered:

Scenario A)	The substance is already registered
Scenario B)	The substance still has to be registered and qualifies as phase-in substance

Since Nov. 2009, Scenario B) will be true in most cases.

Scenario A) The substance is already registered

If a substance is already registered, the phenolic resin production use has to be nominated as well.

The Manufacturer/Importer or downstream user to which a use was nominated from a phenolic resin producer (downstream user) has to respond to this request within one month after the request or at the latest before the next supply takes place if the request was made at least one month before the supply. Art. 37 (3)

Scenario B) The substance still has to be registered and qualifies as phase-in substance.

If a substance is a phase-in substance and hence still has to be registered, the following statements can be made:

1. For phase-in substances, different registration deadlines apply depending on the different substance volume bands of the suppliers (Art. 23 + Art. 37(3)):

See Table 1.

¹ See ECHA Guidance on Information Requirements_r12, consult ECHA website on REACH Guidance

Table 1:

Phase-in Substance Scenario	REACH Article	Volume x (t/yr ²) to be registered per Legal Entity of the M/I	Phase-in registration deadline	Use Nomination by
1	23 (1)	$1000 \leq x$	30.11.2010	30.11.2009
2	23 (2)	$100 \leq x \leq 999.9$	31.5.2013	31.5.2012
3	23 (3)	$1 \leq x \leq 99.99$	31.5.2018	31.5.2017

2. In the case where the use nomination for a substance is provided for a phenolic resin producer substance at the latest 12 months before the relevant phase-in registration deadline of a substance (Table 1), the Manufacture/Importer of a phase-in substance ≥ 10 t/yr has to consider the use and in the case where the use is supported, to produce a Chemical Safety Assessment and document that via a Chemical Safety Report³. This is the necessary precondition for having use scenarios and related risk management measures on hand which can be communicated via the extended Safety Data Sheet in order to indicate to resin producers how to control the risk – in the case of the use being supported by the supplier.
3. Submitting a use nomination within the deadline – see above – does not guarantee that the use is supported by a substance manufacturer/importer or downstream user supplying a phenolic resin producer.
4. Although a late submission (i.e. after the nomination dates in Table 1) of a use nomination forfeits the legal right to have a use considered by a substance supplier, for obvious reasons a supplier will be well advised to still consider late nominated uses since otherwise his direct downstream users could not continue to source from him as a supplier – a scenario not in the interest of any of the parties. Obviously, in case of a late use nomination, the time for the supplier needs to be sufficient to be able to accommodate the CSA/CSR development before the registration deadline.

II. The EPRA Resin Production Use Descriptors list (ERPUD List)

Under the requirements and provision outlined above, the phenolic resin producers of EPRA who wish(ed) to make use of the right to nominate their use of already registered or – in most cases- phase-in raw material substances for phenolic resin production, had been and are invited to use for their Company specific use nomination communication the **EPRA Resin Production Use Descriptors** list (The ‘ERPUD list’) in its most updated version. The ERPUD list outlines resin production process steps and their related use descriptors. This list can be accessed on the bottom of the following webpage:

www.epra.eu/reach.html

http://www.epra.eu/fileadmin/files/EPRA_Resin_Production_Use_Descriptors_List.pdf

² See definition of ‘t/yr’ in REACH Art. 3 (30)

³ requirements of Art. 14

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- The ERPUD list in its current version was developed by a proposal and review process in coordination with EPRA Members.
- The ERPUD list carries a version number beginning with V1 to allow for a controlled update in case of a revision.
- The ERPUD list can be changed / amended in the future only by EPRA review and approval.

III. Caveats and Conditions of Use of the EPRA Resin Production Use Descriptors list

The ERPUD list - It may be used under the following caveats and conditions:

1. - The ERPUD list does not have any stand-alone general legal ‘use nomination’ function from EPRA as European Phenolic Resins Producers Association for individual raw material suppliers for phenolic resins production or their Associations/ REACH Consortia.
2. - The ERPUD list is not binding for EPRA Member Companies and those raw material supplier Companies / Consortia who wish to align their substance use scenario for phenolic resin production with EPRA as phenolic resin producers Association.
3. - The addition of uses to the ERPUD list was voluntary for EPRA Member Companies and these may have previously been used by those Companies for upstream communication.
4. - If the ERPUD list was/is used as part of the communication as a document or is referenced for that communication, it can only be used in its entirety without individual changes in the document itself.
5. – EPRA Member Companies were/are encouraged to make any Company specific additions or deletions if needed and where this is the case it was requested to produce a Company specific modified list under the Company’s own letterhead for Company specific upstream supplier communication.
6. - EPRA does not take responsibility for the Explanatory Document and/or the ERPUD list regarding correctness/completeness.