

REACH *Fact Sheet*

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DOWNSTREAM USERS – HOW TO MAKE USES KNOWN TO SUPPLIERS

A user of a chemical (Downstream User) should inform his suppliers about his use of a substance (as such or in a mixture) if he wants to have his use covered in the Chemical Safety Assessment of the registrant. Alternatively, the Downstream User can assess later the use and fulfil the related duties himself. Before informing the supplier, a Downstream User is advised to check the use mappings prepared by his industry associations, and/or any communication from his supplier about the uses they intend to cover.

If the Downstream User would like the supplier to cover his use the user needs to communicate with the supplier in writing before the specific deadline as indicated below. The user also needs to provide the supplier information on both the use and the conditions under which the substance is used. There is no obligatory format for making a use known, however, it is recommended to communicate the information in a structured manner. In addition, it is advisable to check what has already been agreed between suppliers and users in an industry sector or in a specific supply chain.

Table 1. Remember these deadlines when you make uses known.

User's communication to supplier	Supplier's registration deadline
30 November 2009	30 November 2010
31 May 2012	31 May 2013
31 May 2017	31 May 2018

This Fact Sheet summarises why and how the use information can be communicated. It also highlights the REACH guidance that is relevant for the users of chemicals in relation to this task.

REACH Fact Sheet: Downstream Users can make their use known to suppliers

WHO SHOULD READ THIS FACT SHEET?

This Fact Sheet is relevant for companies using more than 1 tonne of chemicals per year. Such companies may have to carry out a number of new tasks set up by the REACH Regulation. REACH defines users of chemicals as **Downstream Users**.

Downstream Users have specific obligations to comply with the safe use instructions provided by his supplier or to assess the safety himself. The obligations may apply to companies using a chemical substance on its own, or in a preparation (mixture). Substance manufacturers, formulators of preparations, producers of articles, craftsmen and service providers can be impacted by these obligations.

WHY IS USE INFORMATION IMPORTANT?

REACH requires importers and manufactures of dangerous substances to prepare a **Chemical Safety Report** and develop **Exposure Scenarios** in which they describe and justify which conditions are needed to control risks (risk management measures) during use of the substance. This may also include an advice not to use substance in certain applications.

The suppliers communicate the safe use instructions in an Exposure Scenario that is attached to a Safety Data Sheet. The Exposure Scenarios are to be communicated to users after the substance has been registered.

The Downstream Users of the substance receiving such extended Safety Data Sheets are obliged to implement the conditions and risk management measures communicated to them. They are also obliged to forward this information further down the supply chain if

relevant for their own customers.

If a Downstream User is not able to implement the risk management measures communicated to him or he does not consider them appropriate, he may choose between the options below:

1. Assess and document that the conditions of use actually implemented are as protective as the measures communicated by the supplier. Local inspectors may want to see the documentation of the assessment;
2. Prepare his own Chemical Safety Report to be shown on request to local inspectors and notify to ECHA the fact that a Downstream User safety assessment has been carried out;
3. Change supplier anticipating to get a more appropriate Exposure Scenario from another supplier.

WHEN AND WHAT TO INFORM?

It is not advisable that a Downstream User waits and does nothing until he receives a Safety Data Sheet from the supplier after the substance has been registered.

It is advisable that users proactively check the use mappings prepared by his industry association, or any communication from his supplier about the uses he intends to cover.

Under REACH a Downstream User can make a use known to his supplier. In making a use known to the supplier, the user needs to provide sufficient information on the **conditions of use**. Such conditions may include for example: the general type of technical process or product in which the substance is used, duration and frequency of use, rough amounts used per day and the risk management measures already in place.

Information on the conditions of use is essential for the manufacturers and importers to come up with relevant risk reduction measures in the supplier's extended Safety Data Sheet. This consequently limits the likelihood that the users themselves need to carry out **Downstream User Chemical Safety Assessments**.

The request to the supplier to include a use in his Chemical Safety Assessment can be made at any time. However, if a use is communicated before the relevant deadline (see Table 1), namely if it is made known at least 12 months before the supplier's registration deadline, the manufacturer, importer or Downstream Users receiving the information are obliged to consider the request to include the use in their registration dossier.

HOW THE SUPPLIER MAY REACT?

Distributors and formulators receiving such information on uses from their customers need to forward the information higher up in the supply chain or develop an Exposure Scenario (based on a Chemical Safety Assessment).

When the supplier considers the information submitted by users he may want to choose among a number of options:

- Assessing the use based on the information provided, include it into the Chemical Safety Report and provide a relevant exposure scenario to the customer;
- Responding to the information communicated with a request for further details about the use;
- Assessing and advising against that use, which subsequently requires a written communication to ECHA and the respective users;
- Not assessing the use e.g. because he considers the assessment as not feasible or not economical. In this case it is up to the supplier and user to identify a solution that is in line with the legal obligations.

HOW TO INFORM THE SUPPLIER ABOUT USES?

Communication of uses does not normally require disclosure of technical details that might be considered confidential. A brief description of use can be based on the use descriptor system as explained in Guidance on Information Requirements and Chemical Safety Assessment Chapter R.12.

It is advisable to first contact the relevant industry association in your sector to find out whether the generic conditions of use in the sector have already been mapped and made available to the registrants in a structured way. Examples of how such information may look like can be found on associations' websites (e.g. DUCC or CEFIC).

If generic use information already exists at sector level, a company should check whether his uses are reflected in an appropriate way. If not, the missing information may need to be added via the sector organisation.

If the sector organisation has not yet been sufficiently active, it may be useful to start immediately use mapping action and base it on the available standard tools rather than initiating bilateral communication with all suppliers.

In cases, where uses are very specific or when the users cooperate closely with particular suppliers, it may be more efficient to provide information about the uses via direct communication.

KEY ASPECTS

Downstream Use

Using a substance or a preparation (mixture) in a professional context is a downstream use under REACH. Consumer use and activities with articles not involving the use of substances on their own or in preparations are not downstream uses.

Downstream User

A Downstream User is someone who uses a substance, either on its own or in a preparation, in the course of his industrial or professional activities. Many different types of companies can be Downstream Users, including formulators of preparations, producers of articles, craftsmen, workshops and service providers or re-fillers.

Conditions of Use

Whether or not a use is covered in the supplier's Exposure Scenario does not depend on the title of the Exposure Scenario or the name of the use. REACH requires that the operational conditions and risk management measures described in the Exposure Scenario match the actual conditions of use at the Downstream User level.

Exposure Scenario

An Exposure Scenario is a set of information describing the conditions of manufacturing and use of a substance that may give rise to exposure to humans and/or the environment. These include the operational conditions and the risk management measures.

Chemical Safety Assessment

The Chemical Safety Assessment under REACH is the process that identifies and describes the conditions under which the manufacturing and use of a substance is considered to be safe.

Downstream User Chemical Safety Assessment

When a Downstream User has prepared his own Chemical Safety Assessment for a substance it has to be made available to local REACH enforcement authorities on request. Although the company that has prepared the assessment does not need to send it to ECHA, it does have an obligation to notify ECHA.

The notification to ECHA needs to indicate the name of the substance, the use for which an assessment has been carried out, and the identity of the supplier. The information needs to be sent to ECHA within six months following the receipt of a registration number in a supplier's Safety Data Sheet.

Chemical Safety Report

A Chemical Safety Report documents the Chemical Safety Assessment. The format of the Chemical Safety Report is defined in Annex 1 of the REACH regulation and further detailed in Guidance on information requirements and chemical safety assessment

How to Inform ECHA

Practical information on how to submit a notification will be made available on the ECHA website in the SIEF section.

LINKS TO RELATED MATERIAL

[Downstream User Guidance](#)

[Guidance on information requirements and Chemical Safety Assessment](#)
[Chapter R.12](#)

[Guidance on information requirements and chemical safety assessment: Part F: Chemical Safety Report](#)

[Downstream User page](#) on in the SIEF section of the ECHA website

[REACH Regulation](#) EC No 1907/2006

[REACH Guidance Documents](#)

The Fact Sheets published by ECHA can be found in the [Publication section](#).

If you have questions or comments in relation to this document, please submit them using our online information request form. The information request form can be accessed via the Contact ECHA page at:

http://echa.europa.eu/about/contact-form_en.asp