

C.II.18012/46/2015-Chem.II
Government of India
Ministry of Chemicals & Fertilizers
Department of Chemicals & Petrochemicals

Shastri Bhawan: New Delhi

Dated: / 9 March, 2018

Subject:- Problems being faced by Indian SMEs in the context of REACH registration deadline for 2018

The Department of Chemicals & Petrochemicals has received representations from Chemical Industry Associations regarding the problems faced by exporters of Indian Small and Medium-sized Enterprises (SMEs) in the context of REACH registration deadline for 2018 due to the high cost of Letter of Access (LOA). The matter was taken up with European Chemical Agency (ECHA) in January, 2018 with a request to provide necessary support so that SMEs from India are not deprived of opportunity from registering their products due to high LOA cost.

2. In this regard, one copy each of the following documents is enclosed:

- (a) Letter dated 23rd February, 2018 from ECHA in reply to this Department's letter dated 31st January, 2018 regarding problems faced by Indian SMEs in the context of REACH deadline for 2018.
- (b) E-mail communication dated 5th March, 2018 from Embassy of India to the EU, Belgium and Luxembourg conveying that from 1st June, 2018 only substances that have a valid registration will be allowed on the EU market.

4. The contents of the above two communications may please be disseminated to all concerned industry units for information/compliance.


(Sunil Kumar Sharma)
Director
Tele: 011-23380592

Encl: As above

To

As per list attached

1. ✓ Shri Satish W. Wagh
Chairman
CHEMEXCIL
207/208, Udyog Bhawan
Sonawala Road, Goregaon
Mumbai – 400 003
2. Shri Jitendra Patel, President
The Dyestuff Manufacturers Association of India
Room No.46/47, 4th Floor, 296, Haveli Building,
Samuel St, Vadgadi, Masjid Bandar West, Masjid Bandar, Mumbai,
Maharashtra 400003
3. Shri R.R. Gokhale, Secretary General
Indian Chemical Council
Sir Vithaldas Chambers
16, Mumbai Samachar Marg
Mumbai – 400 023
4. Shri Pradip Dave, President
Pesticides Manufacturers & Formulators Association of India
D-516, Crystal Plaza, Andheri Link Road
Andheri West: Mumbai – 400 0054
5. Shri Manoj Mehta,
Joint Director, Chemicals & Petrochemicals Division
FICCI
Federation House, Tansen Marg
New Delhi
6. Ms Rakhee Gupta,
Deputy Director
Confederation of Indian Industry
23, Lodhi Road, Institutional Area,
Lodi Colony, New Delhi, Delhi 110 003

76266/2018/CHEM I CPC



समीर कुमार बिश्वास

संयुक्त सचिव

Samir Kumar Biswas

Joint Secretary

Tel. 23383428, Fax : 23073682

Email : samir.biswas@gov.in

भारत सरकार
GOVERNMENT OF INDIA
रसायन और उर्वरक मंत्रालय
MINISTRY OF CHEMICALS & FERTILIZERS
रसायन और पेट्रोसायन विभाग
DEPARTMENT OF CHEMICALS & PETROCHEMICALS
शास्त्री भवन, डॉ. राजेन्द्र प्रसाद रोड,
SHASTRI BHAVAN, DR. RAJENDERA PRASAD ROAD,
नई दिल्ली - 110 001
NEW DELHI-110 001
31st January, 2018

D.O. No. C-II-18012/46/2015-CHEM.II

Dear Mr. Bjon Hansen,

A delegation from European Chemical Agency (ECHA) comprising its Executive Director Mr. Geert Dancet and Director of Cooperation Mr. Andreas Herdina had a meeting with Secretary (Chemicals & Petrochemicals) on 01st November, 2017. The problems being faced by Indian Small and Medium-sized Enterprises (SMEs) in the context of REACH registration deadline for 2018 was discussed during the meeting with special reference to high cost of Letter of Access (LOA).

I would request you to consider the genuine problems of Indian chemical exporters (copy attached) and also to propose appropriate remedy so as to enable them to register their products timely and in a non-discriminatory and cost-effective manner. I would also request you to provide necessary support so that Small and Medium-sized Enterprises (SMEs) from India are not prevented from registering their products due to high LOA cost.

I shall be grateful if you could consider this request and intimate me about the steps taken by ECHA in this regard.

with regards,

Yours Sincerely

(Samir Kumar Biswas)

Encl: As above.

Mr. Bjon Hansen
Executive Director
European Chemical Agency
Helsinki - Finland
E-mail: executive-director@echa.europa.eu

78320/2018/CHEM/CPC

Subject: Final REACH registration deadline 31 May 2018

To: anitap@nic.in

Date: 03/05/18 09:30 PM

Cc: ishita.tripathy@nic.in, chemexcil@gmail.com, samir.biswas@gov.in,
'K Nagaraj Naidu' <jsew@mea.gov.in>, misra.shyamal@gov.in,
'Saju' <trade@indembassy.be>

From: adviser1@indembassy.be

Dear Madam,

In a letter jointly signed by Mr Daniel Calleja, DG Environment and Ms Lowri Evans, DG for Internal Market, Industry, Enterprise and SMEs of the European Commission addressed to our Ambassador, the Director Generals reminded that after 31 May 2018, substances exported to the EU in quantities reaching one tons or more per year per importer, that are not registered with the European Chemicals Agency (ECHA) **can no longer be placed on the EU market**. The objective was to draw India's attention on this deadline and that from **1 June 2018, only substances that have a valid registration will be allowed on the EU market**.

2. Regarding the deadline, ECHA has also been reminding many times. In April 2017, they reminded this date and the same was communicated to DoC and CHEMEXCIL. The Mission also stressed the importance of this deadline to the DoC.

3. It is requested, the DoC may request CHEMEXCIL to give wide publicity on the deadline issued by the EU. The ECHA's website contains extensive information on REACH and other EU chemical legislation.

4. Please refer to our earlier e-mail dated 18 May 2016, we suggested that it would be better to have a kind of MoU with ECHA as the ECHA is the EU's specialised agency in charge of industrial chemical issues. DoC may highlight this with the Department of Chemicals as engagement with the ECHA would be in our chemical exporters' interests.

With regards,

R P Singh
Adviser(I&E)

Embassy of India to the EU, Belgium and Luxembourg

217 Chaussee de Vleurgat, 1050 Brussels

Tel: +32(0)2 645 18 57; Fax: +32(0) 2 648 96 38

E-mail: adviser1@indembassy.be

Web: www.indembassy.be

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06/3

AIA (RM)

78320/2018/CHEM I CPC

Subject: D(2018)2812: Opt-out for Indian Manufacturer Exporters and leading
Indian Delegation to ECHA, Finland

To: "samir.biswas@gov.in" <samir.biswas@gov.in>

Cc: "sharad.verma@gov.in" <sharad.verma@gov.in>

Date: 02/23/18 02:42 PM

From: MOSSINK Jos <Jos.MOSSINK@echa.europa.eu>

Sender: ALT-ANTSKOG Nathalie <Nathalie.ALT-ANTSKOG@echa.europa.eu>

image001.png (2kB)

image002.png (955bytes)

image003.png (2kB)

image004.png (988bytes)

D(2018)2812.pdf (187kB)

Dear Mr Biswas,

Please find attached a reply to the letter sent to ECHA on 31 January 2018.

Kind regards,

Jos Mossink

Head of Unit

Substance Identification and Data Sharing Unit

European Chemicals Agency

Annankatu 18, P.O. Box 400, FI-00121 Helsinki, Finland

jos.mossink@echa.europa.eu<http://echa.europa.eu/>

The above represents the opinion of the author and is not an official position of the European Chemicals Agency. This email, including any files attached to it, is intended for the use of the individual to whom it is addressed. If you have received this message in error, please notify the author as soon as possible and delete the message.

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*26/2**Dir (Sks)**Ju*
*26/2**Al Akbar**Consultant (Chem I C)*
Rehmat
26/2/18



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Helsinki, 23 February 2018

D(2018)2812
JM/jk

Samir Kumar Biswas
Government of India
Ministry of Chemicals and Fertilizers
Department of Chemicals and Petrochemicals
Shastri Bhavan,
Dr Rajendra Prasad Road
New Delhi-110 001
samir.biswas@gov.in

Subject: Your letter dated 31 January 2018 concerning the opt-out for Indian Manufacturer Exporters and leading Indian Delegation to ECHA, Finland

Dear Mr Biswas,

Thank you for your letter of 31 January 2018, referring to Mr Kapoor's letter of 10 January 2018.

Mr Hansen has asked me as the Head of Unit, Substance Identification and Data Sharing, which is dealing with questions on data and cost-sharing as well as with the dispute procedure, to reply to your letter.

As you may be aware, during the main annual REACH-related conference hosted by ECHA, the 2018 "Stakeholder Day", representatives of both Sustainability Support Services (Europe) AB and REACH Law held discussions with ECHA. We would also like to inform you that an additional meeting with representatives from Chemexcil is foreseen in the coming month, to discuss in person the concerns raised in Mr Kapoor's message.

On a general level, we would like to assure you that ECHA takes the concerns especially of small operators in the European market very serious. The challenges described in your letters are shared by SMEs not only from India but also the EU and other non-EU countries. ECHA aims to ensure that all operators are treated equally regardless of their origin, and in accordance with the principles defined by the REACH Regulation.

Further, we would like to recall that the REACH Regulation foresees a very clear – and in some respects limited – role for ECHA in terms of data and cost sharing. These obligations are primarily under industry responsibility; REACH does not foresee an active involvement of ECHA in these matters. This is reflected in the information and advice published by ECHA on its web pages, which aim to support registrants in their data-sharing negotiations and in fulfilling their legal obligation. However, ECHA cannot take position on individual cases or cost sharing practices beyond such generic information.

Nevertheless, with the dispute mechanism ECHA may be called upon in case registrants are not able to reach an agreement on the fair, transparent and non-discriminatory agreement. This is to ensure that existing registrants cannot impose unjustified costs on other operators or prevent them from accessing the market.

To conclude, we would like to point you to some of the information material and documents prepared by ECHA to support especially SMEs in their data and cost sharing negotiations:

- Guidance on data sharing:

https://echa.europa.eu/documents/10162/23036412/guidance_on_data_sharing_en.pdf/545e4463-9e67-43f0-852f-35e70a8ead60

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- Directors' Contact Group: <https://echa.europa.eu/about-us/partners-and-networks/directors-contact-group>
- Practical advice for negotiations: <https://echa.europa.eu/support/registration/working-together/practical-advice-for-data-sharing-negotiations>
- Typical cost elements in data sharing negotiations:
https://echa.europa.eu/documents/10162/13631/factsheet_costs_datasharing_en.pdf/c4595798-0634-4f3b-a247-d518b999ba1f

We are looking forward to continue our exchanges with the Indian chemical industry representatives in the near future.

Yours sincerely

Jos Mossink
Head of Unit Substance Identification and Data Sharing