

Mr Danny Croon
EUROFER

E-mail: D.Croon@eurofer.be

Subject: Re: Revision of the Guidance on Requirements for Substances in Articles

Y/Ref. : Your letter of 24 August 2009

Dear Mr. Croon,

We would like to address the issues you raise in your letter to the Chairman of the ECHA Management Board dated 24 August 2009.

We are aware of and have analysed the EUROFER position paper determining the borderline between preparations/articles for steel and steel products dated 29 August 2008. It explains why cast ingots should be regarded as preparations under REACH and semi-finished products and refined semi-finished products as articles. The reasoning presented in the paper is in line with the rules given in the *Guidance on requirements for substances in articles*. Thus the paper shows that by applying the available guidance a valid conclusion on the borderline between preparations/articles for steel and steel products can be drawn. Therefore we do not consider that an inclusion of the example of the steel supply chain in the *Guidance on requirements for substances in articles* is necessary.

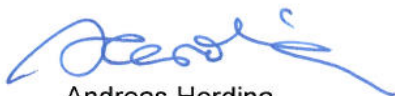
The examples provided in Appendix 3 of the current *Guidance on requirements for substances in articles* are intended to illustrate the application of the rules given in the main part of the guidance (in particular in section 3.3.1) to different types of raw materials and "semi-finished products". It is not the purpose and also beyond the means of the *Guidance on requirements for substances in articles* to reflect the whole range of different supply chains. Readers of the guidance should thus apply the rules given in the main part of the document in order to determine whether their raw materials and "semi-finished products" are articles or not.

The application of these rules to steel and steel products is well documented in the above mentioned paper of EUROFER. Therefore this paper could be used to inform steel producers and importers about the status of steel semi-finished products under REACH.

Concerning the issues addressed in the draft updated *Guidance on requirements for substances in articles*, we would like to inform you that ECHA is currently evaluating the comments received as part of the consultation of the Partner Expert Group (PEG). This PEG was established following the Consultation procedure on guidance (<http://echa.europa.eu/doc/ECHADocuments/ConsultationProcedureOnGuidance.pdf>).

As you will be aware a representative of EUROFER is also part of this PEG. We also have received comments from this PEG member and will evaluate them together with the other comments received. A summary of the comments and the result of this evaluation will be published on ECHA's website at http://guidance.echa.europa.eu/guidance4_en.htm.

Yours faithfully,



Andreas Herdina
Director for Cooperation

Cc: Dr. Thomas Jakl, Chair of the ECHA Management Board