



How should a foundry respond to letters about REACH from its customers?

So far, most of the enquiries received by foundries have been from their customers. In most cases, preformulated documents are used which take the form of either questionnaires or written representations, the intention being to establish compliance with applicable REACH obligations. To meet the obligation to provide information 'down the supply chain', the CAEF has developed a form letter that was made available to foundries for answering their customers' enquiries. **This letter differs from the form letter included in the first version of the substance inventory instructions. Specifically, a disclaimer clause has been added which has meanwhile become customary in the communication along the supply chain.**

The answer to a standard letter of enquiry from a customer might read as follows:

'Declaration of intent regarding the implementation of REACH'*

Thank you for your enquiry about compliance with EC regulation No. 1907/2006 (REACH).

We will comply with the requirements applying to us under the REACH regulation.

As so-called 'downstream users' we will consult in a timely manner with our suppliers of raw materials and expendables that are covered by REACH in order to ensure that the manufacture of the castings supplied to you is not negatively affected by REACH.

In the extremely unlikely event of a relevant change being caused by REACH either in our supply capability or in the quality of the castings destined for you, we will inform you in good time so that any steps that may be required can be coordinated.

In our enterprise, the following person will be your contact in all matters concerning REACH:

* The information contained in this letter is solely intended to express the intentions of the respondent without any legally binding obligation arising therefrom. This information has been provided according to the best of our current knowledge. We cannot make any guarantees or legally binding representations regarding freedom from errors and omissions. We expressly disclaim any liability for damage caused by using this declaration and/or relying on it.

...“

If a foundry receives a **standard questionnaire from the motor-vehicle industry**, we suggest answering it by the following already completed questionnaire to which an explanatory letter reflecting the situation of the foundries is attached.

Enclosure: information from the foundry industry

Being a foundry, our company is mainly affected by REACH as a so-called 'downstream user'. According to Article 3.3 of the REACH regulation, registration is not normally obligatory for the castings we supply to our customers. To ensure that all requirements arising from REACH are addressed systematically and without omissions, we have compiled a substance inventory.

Ad 2) As our enterprise is established in Germany, receiving our products does not entail any of the responsibilities of an importer because no borders are crossed in the process.

Ad 3)

Alternative 1: We do not procure any substances directly from countries outside the EU/EEA.

or:

Alternative 2: In those rare cases in which we procure substances we need for the manufacture of our products from non-EU countries so that we are obliged to register these substances as importers, we will make sure that these obligations are fulfilled either by an only representative established in the EU or by ourselves.

Ad 4) As a downstream user, we cannot pre-register the substances handled by us. However, we will consult in a timely manner with our suppliers of raw materials and expendables that are covered by REACH to ensure that REACH will have no negative impact on the manufacture of the castings destined for you. In the extremely unlikely event of REACH causing a relevant change in our supply capability or in the quality of the castings supplied to you, we will inform you in good time and agree with you on suitable measures.

Ad 5) As manufacturers and suppliers of articles, this aspect is of no relevance to us.

Ad 6) Any statements regarding the list of candidates will be purely speculative before it is published. We assume, however, that the substances handled by us will not appear on this list.

Ad 7) Should any of the products supplied to you contain a substance that appears on the 'list of candidates' we will inform you of the fact. If you receive no such notification, none of the articles supplied to you will be involved.