

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (Text with EEA relevance)

## [<sup>XI</sup>TITLE V

### DOWNSTREAM USERS

#### [<sup>XI</sup> Article 38

##### **Obligation for downstream users to report information**

- 1 Before commencing or continuing with a particular use of a substance that has been registered by an actor up the supply chain in accordance with Articles 6 or 18, the downstream user shall report to the Agency the information specified in paragraph 2 of this Article, in the following cases:
  - a the downstream user has to prepare a chemical safety report in accordance with Article 37(4); or
  - b the downstream user is relying on the exemptions in Article 37(4)(c) or (f).
- 2 The information reported by the downstream user shall include the following:
  - a his identity and contact details as specified in Section 1.1 of Annex VI;
  - b the registration number(s) referred to in Article 20(3), if available;
  - c the identity of the substance(s) as specified in Section 2.1 to 2.3.4 of Annex VI;
  - d the identity of the manufacturer(s) or the importer(s) or other supplier as specified in Section 1.1 of Annex VI;
  - e a brief general description of the use(s), as specified in Section 3.5 of Annex VI, and of the conditions of use(s);
  - f except where the downstream user is relying on the exemption in Article 37(4)(c), a proposal for additional testing on vertebrate animals, where this is considered necessary by the downstream user to complete his chemical safety assessment.
- 3 The downstream user shall update this information without delay in the event of a change in the information reported in accordance with paragraph 1.
- 4 A downstream user shall report to the Agency if his classification of a substance is different to that of his supplier.
- 5 Except where a downstream user is relying on the exemption in Article 37(4)(c), reporting in accordance with paragraphs 1 to 4 of this Article shall not be required in respect of a substance, on its own or in a [<sup>F1</sup>mixture], used by the downstream user in quantities of less than one tonne per year for that particular use.]

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*Status: Point in time view as at 27/12/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1907/2006 of the European Parliament and of the Council, Article 38. (See end of Document for details)*

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### **Editorial Information**

- X1** Substituted by [Corrigendum to Regulation \(EC\) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation \(EEC\) No 793/93 and Commission Regulation \(EC\) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC \(Official Journal of the European Union L 396 of 30 December 2006\).](#)

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### **Textual Amendments**

- F1** Substituted by [Regulation \(EC\) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation \(EC\) No 1907/2006 \(Text with EEA relevance\).](#)

**Status:**

Point in time view as at 27/12/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 1907/2006 of the European Parliament and of the Council, Article 38.