



## SIEF Agreements

2010 Edition

**Our REACH team brings together regulatory lawyers and scientific consultants with long experience assisting companies in the international chemicals industry on EU regulatory matters.** We have been advising on the legal, regulatory and technical compliance obligations of REACH since it was first proposed. Focusing on the next primary REACH obligation – registration of phase-in substances by the first deadline of 30 November 2010 - it has become increasingly apparent that ensuring compliance under REACH has become significantly more complex and requires not only technical skills, but also excellent legal advice, supply chain management and intra-SIEF communications. One of the key issues now facing Lead Registrants, and likely to significantly affect the timing of the registration process and related costs sharing, is the establishment of SIEF Agreements.

**Alongside the preparation of the joint registration dossier, SIEF Agreements are probably the most urgent REACH issue at present.** These Agreements are vital to the interests to all SIEF participants, but particularly to the Lead Registrant (LR) and the great majority of companies that have not joined the respective lead team/consortium tasked with preparing the joint registration dossier on behalf of all registrants of the substance. Up to now, SIEF Agreements have received little or no attention at all because SIEF Formation Facilitators and LRs of the SIEFs already formed have been focusing on other important organisational issues, in particular consortia formation. **Many consortia, which typically host the LR, have been thinking mistakenly that the terms set out in their consortia agreements would control relations with other members of the SIEF and thus have not even thought about the necessary content or legal implications of SIEF Agreements.**

The SIEF Agreement is the legal instrument that controls the relationship between the LR and SIEF members that have not joined the lead team/consortium that is preparing the joint registration dossier. The SIEF Agreement, a bilateral agreement between the LR and individual SIEF member, has the objective of fixing the terms of their relationship and notably concerning access to, transparency of and cost-sharing regarding the data and technical work going into preparation of the joint registration dossier. **The European chemicals association, CEFIC, has published a excellent model SIEF Agreement, but this model is incomplete in certain respects and also raises various options which CEFIC itself says need to be discussed and decided between the LR and SIEF member.**

Some LRs have already distributed the CEFIC model text without adaptation or discussion, apparently ignoring CEFIC's advice about the options and the need for discussion/negotiation with SIEF members outside the lead team. At least one LR has stated that non-approval of its text would prevent the SIEF member from accessing the joint dossier. SIEF members may thus be confronted soon with SIEF Agreement texts that are incomplete and/or which dictate options that ought to be agreed jointly, resulting in needless and, worse, time-consuming confusion, if not dispute. **This is why Steptoe & Johnson has drafted its own SIEF Agreement text that we believe is more complete, balanced and ready for all SIEF members to assess and, hopefully, agree on quickly.** Otherwise, SIEF members and the LR may face great legal uncertainties and time delays that can only harm the prospects of timely registration.

**To discuss the SIEF Agreement issues facing your business, please contact:**

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