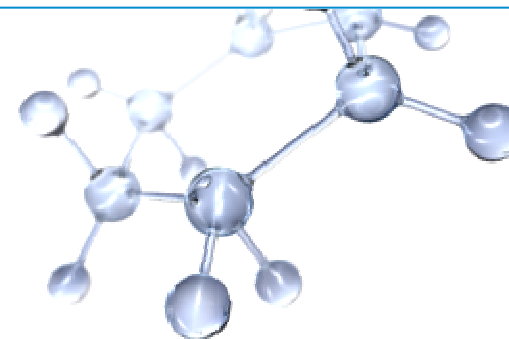


ExxonMobil

Taking on the world's toughest energy challenges.™

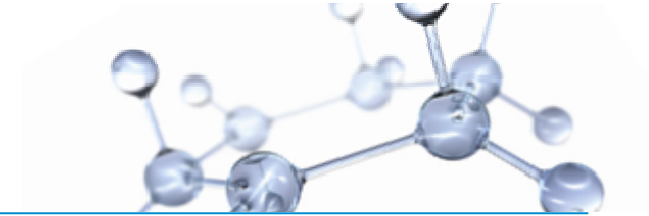


CEFIC Model SIEF Agreement

REACH Lead Registrants Workshop
September 11, 2009

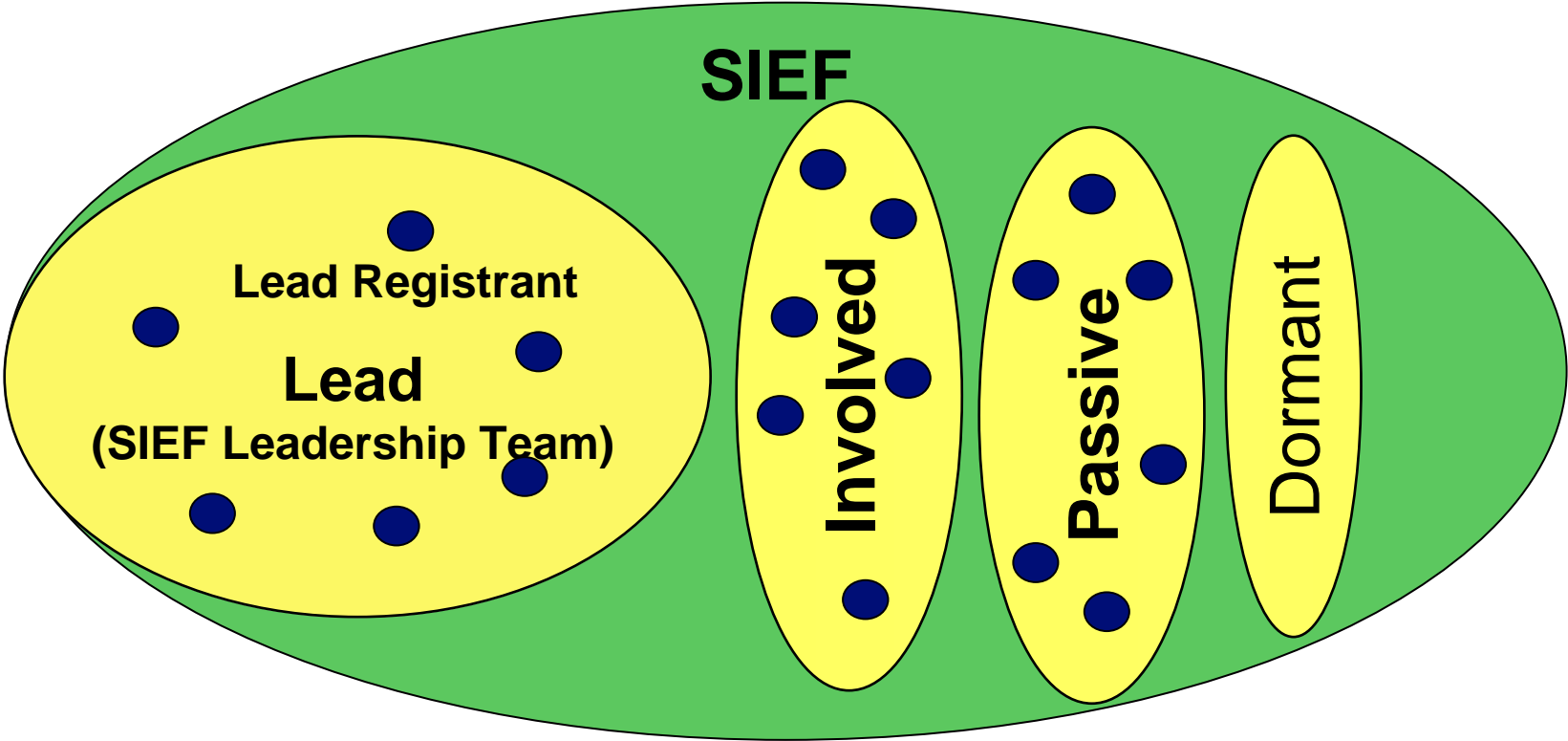
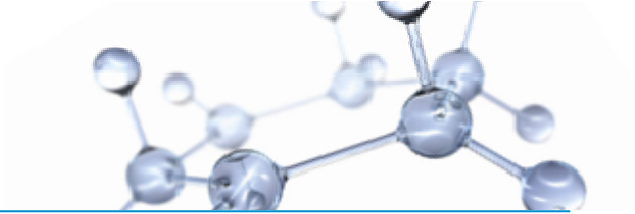
Chris De Catelle

Overview



- **Structure of the SIEF arrangement**
- **Why a SIEF Agreement ?**
- **Key items covered under the CEFIC Model SIEF Agreement**
- **Link to Consortia and other forms of cooperation**

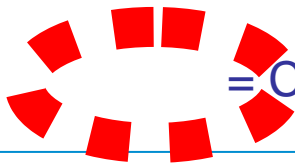
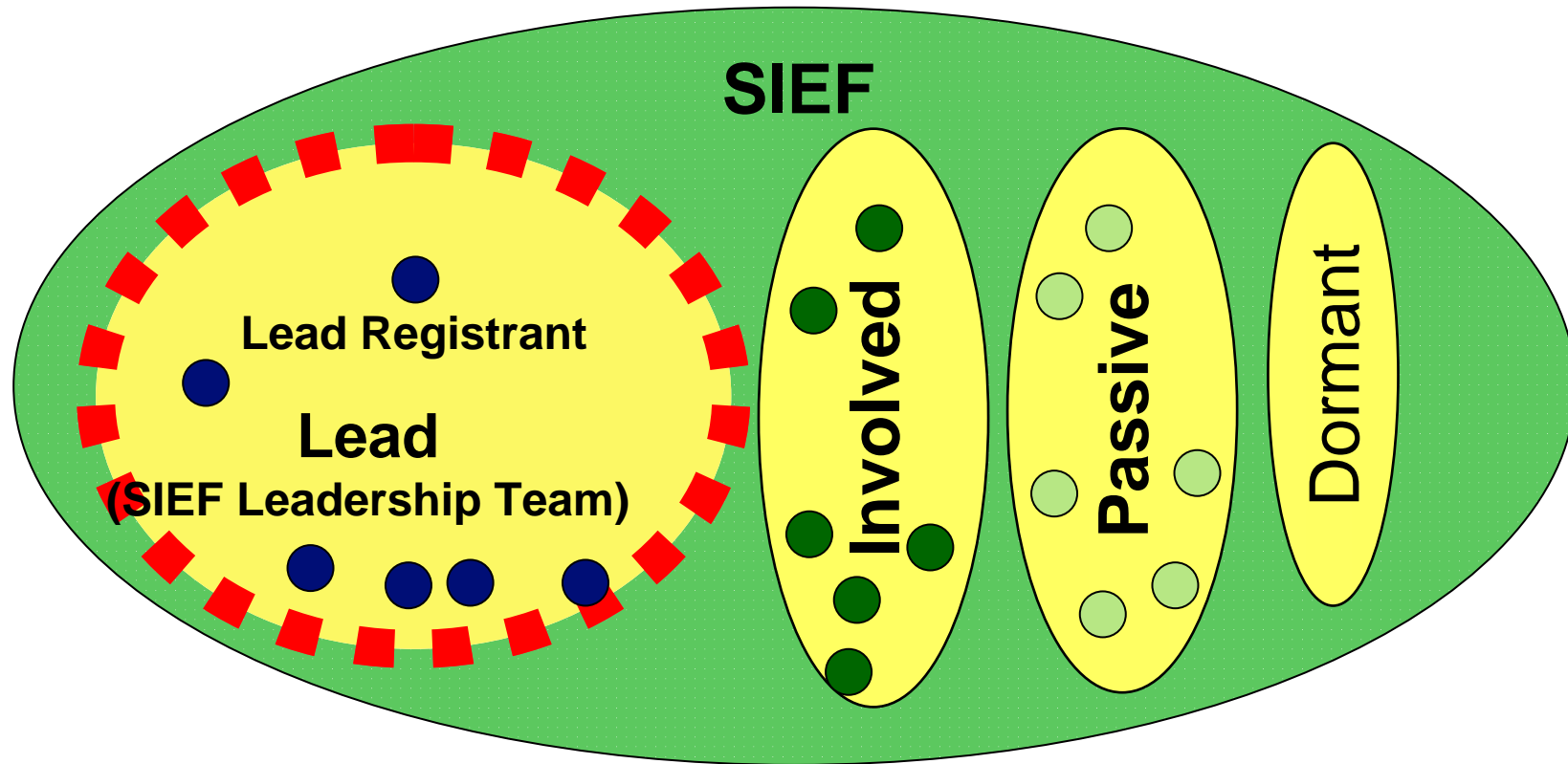
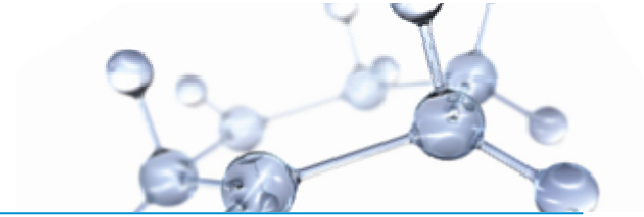
Categorization of SIEF Participants



Categorise SIEF (*) participants and check on willingness to take obligations as Lead Registrant (LR)

(*) Substance Information Exchange Forum

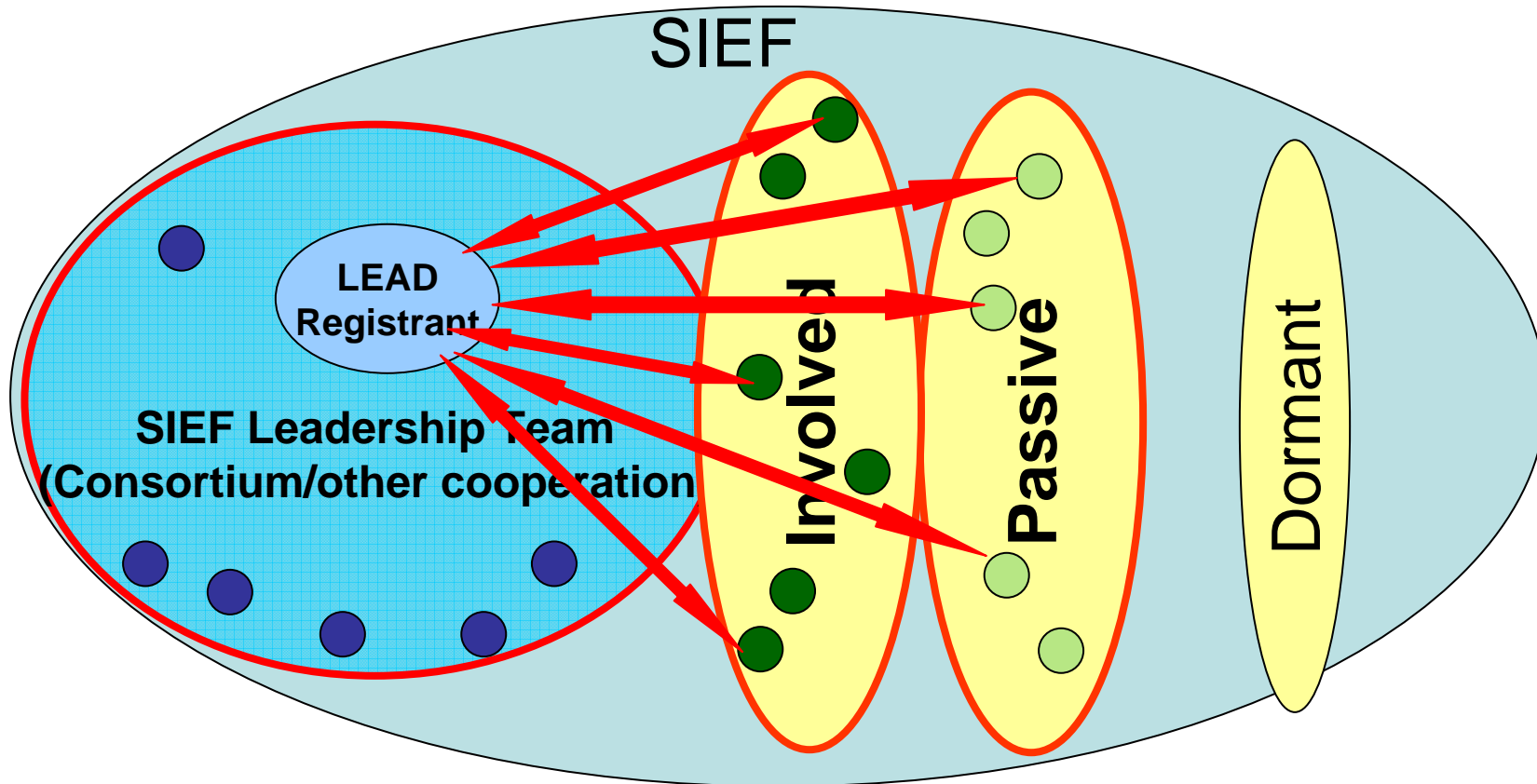
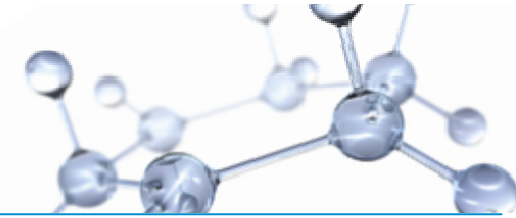
Consortium / Cooperation within SIEF



= Consortium/Cooperation

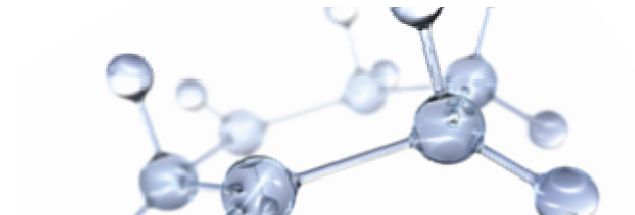
● = Lead Members

CEFIC Model SIEF Agreement



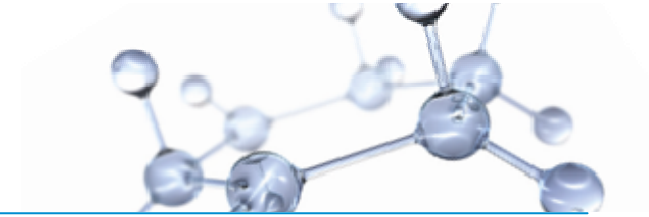
↔ = SIEF agreement: bilateral agreement between the SIEF Leadership Team represented by LR and each SIEF participant (potential registrant)

SIEF process – Why a SIEF agreement ?



- REACH legal requirements
 - Cooperation and communication in the SIEF
 - Data sharing
 - Cost compensation
 - Joint submission (except opt-out claim)
- From a legal perspective, is this sufficient to initiate SIEF process?
 - Large number of SIEF participants
 - Many SIEF participants not really familiar with REACH requirements which may create a lot of legal uncertainty
- Therefore, SIEF Operating rules are strongly recommended
 - According to ECHA Guidance, the SIEF Leadership Team (e.g. the consortium) cannot just work stand-alone but should regularly interact with other SIEF participants
 - Enforceable contractual arrangement setting out rights and obligations will be required

CEFIC Model SIEF Agreement :



- Agreement worked out at CEFIC level in close cooperation with industry company lawyers
- Bilateral agreement between

the Lead Registrant and the other “Lead Members” (being represented by the LR)

and

each individual SIEF member (potential registrant -- category 2 or 3 SIEF participant), all called “Non-Lead Member”

Key items covered under the model SIEF Agreement



- **SIEF operating rules**
 - Data exchange for REACH purposes only
 - Focus on Confidentiality and Competition law
 - Structured communication and information flow between Parties
 - Facilitated by the use of a particular IT-Platform for SIEF communication
- **Data sharing and joint submission of the Dossier**
 - Obligations of the Lead Registrant to timely submit the Joint Registration Dossier
 - Roles and responsibilities of the LR
 - REACH token number
 - Obligations of the Non-Lead Member
 - Financial compensation for the Joint Registration Dossier
- **Payment of a Joint Registration compensation**
 - Administrative costs
 - Costs related to new and existing studies

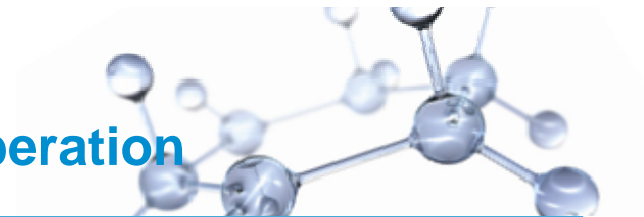
Key items covered under the model SIEF Agreement



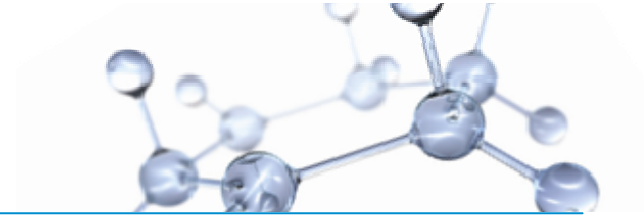
- **Ownership of Data (*)**
 - No change of existing ownership
 - Non-Lead Members are granted rights to use and rights to refer
- **Agreement on the proposed cost sharing principles**
 - Expenses allocated in a fair, transparent and non-discriminatory manner
 - Taking into account applicable tonnage band / opt-out
 - Several cost sharing mechanisms under the model Agreement
- **Limitation of liability**
 - Limited to gross negligence and wilful misconduct
- **Governing law and dispute resolution**

(*) CEFIC Model Data Sharing Agreement under development

Link to Consortia and other forms of cooperation



- Members to give a mandate to the Lead Registrant (LR)
 - To conclude the SIEF Agreement
 - To represent the other 'Lead Members'
- Members to define final version of the CEFIC Model SIEF Agreement
 - Scope of the Joint Registration Dossier (art. I)
 - CSR and guidance on safe use
 - Cost sharing principles (art. IX.1)
 - 3 options
 - Potential refunds (art. IX. 5)
 - Coverage of Affiliates (art. IX.8 and 10)
 - Governing law (art. XV.2)
 - Way to consent to the Agreement (art. XV.3)
 - Standardized electronic process is one of the options



- The CEFIC Model SIEF Agreement is posted on the CEFIC website and referred to on the ECHA website

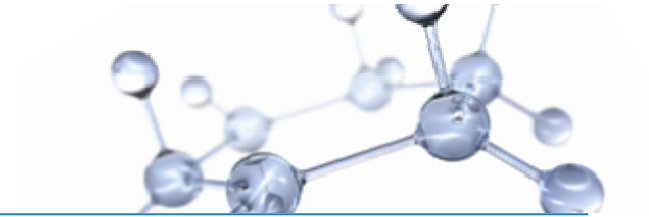
<http://cefic.org/templates/shwPublications.asp?HID=750&S=33>

http://echa.europa.eu/sief/lead_registrants_en.asp

THANK YOU

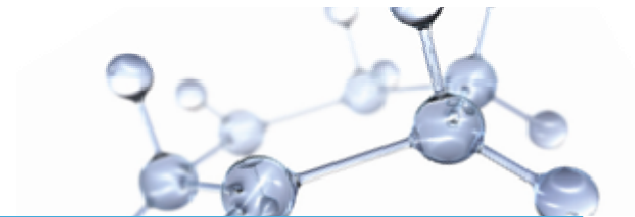
***Disclaimer:** These materials are a guide only and are not intended to provide in-depth regulatory or legal review that may be required to properly determine your company's requirements under Reach. Regulatory and legal questions should be raised to an expert in the field and with legal counsel.*

CEFIC Model SIEF Agreement:



BACK – UP SLIDES

Cost allocation



- The 3 cost sharing options in the model are indicative
 - They can be combined
 - Other cost sharing mechanisms can be added
- Option 1
 - Calculation of costs before each registration deadline
 - All costs shared by 2010 registrants
 - Recalculation in 2013 and 2018 and refunds (optional threshold)
- Option 2
 - 2010 registrants make 50 % advance payment (best estimated cost)
 - Balance payment at the moment of joint submission
 - No payments due for 2013 / 2018 registrants till moment of registration 2013/2018
 - No reimbursement
- Option 3
 - Equal lump sum payment for all registrants at the beginning of the SIEF process