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**Subject: Concauwe position papers on chemicals and additives in imported preparations**

*Y/Ref.: Your email of 27 November 2008*

Dear Mr Heilbrunn,

I am responding to your email dated 27 November 2008, in which you transferred to ECHA three position papers CONCAWE published on its website.

Thank you for informing us about these three position papers regarding CONCAWE's interpretation of the REACH obligations for oil-field chemicals and additives that may be present in crude oils, natural gas condensates, and fuel/blending streams that are imported into the European Economic Area. We recognise your efforts in contributing to the successful REACH implementation by clarifying sector specific responsibilities and duties and offering your members this information.

My services have looked into the papers and consider the general approach as transparent.

We can agree with your general approach that it is important for manufacturers/importers to assess, what chemicals and for what purpose they have been added to the (imported) product. If the additives are necessary to preserve the stability of the substance, then they are considered part of the substance. Equally, impurities deriving from the manufacturing process used are also considered part of the substance according to Article 3 (1) of REACH. As raw and processed natural gas, crude oil, and natural gas condensate are exempted, additives needed to preserve the stability of these substances and impurities deriving from the manufacturing process of these substances would not need to be registered.

We could see that overall you reached the following conclusions:

- In the two papers on natural gas condensates and crudes, you are concluding that all the chemicals that are required to aid the production, handling and transportation are considered as impurities or additives needed to preserve the stability of the substance and are therefore exempted.
- In the paper on hydrocarbon fuels and blending streams, you are concluding that antioxidants, cold-flow improvers, antistatic additives, lubricity additives, metal-

corrosion inhibitors, hydrogen sulphide scavengers and biocides as stabilisers for the substance, and are therefore exempted.

With regard to this approach we would like to stress that lists of classifications of a particular substance for a specific use can give a first indication in guiding manufacturers and importers on when an additive could be considered as needed to preserve the stability of the substance or when impurities could be considered as being derived from the manufacturing process. However, please be reminded that the responsibility to determine as to when additives and impurities can be considered as part of the substance and do therefore not need to be registered ultimately remains with the manufacturer/importer and he may need to provide supporting evidence to enforcement authorities to justify his determination. This determination will have to take into account the specific circumstances of each case and it cannot be excluded that conclusions may vary.

Without having carried out a complete verification of all the statements contained in your papers, we noticed some inconsistencies. Antifoam Agents, for example, were listed as impurities in the two papers on crude oil production and on natural gas condensates. However, in the final note of the position paper "Additives in liquid hydrocarbon fuels and blending streams imported into the EU under REACH", you were stating that antifoam agents to prevent diesel entraining need to be registered under certain conditions. In this context we would also like to stress that detergents to keep fuel injectors clean or antifoaming agents to prevent diesel entraining also need to be registered if they are added before the fuel or petroleum stream is imported into Europe.

If you would like to discuss this issue further, please contact Mr Anthony Wilson, Head of Unit of C.2 - Registration ([anthony.wilson@echa.europa.eu](mailto:anthony.wilson@echa.europa.eu)).

Yours sincerely,



Geert DANCET  
Executive Director