



EUROPEAN  
TYRE & RUBBER  
manufacturers'  
association

Brussels, April 22, 2011

## Guidelines on the use of the PAH COMPLIANCE CERTIFICATION TEMPLATES

ETRMA has been asked by manufacturers, EU importers/wholesalers and others to provide templates for issuing a certification that their tyres comply with the PAH restrictions set out in Entry #50 of Annex XVII of the EU REACH Regulation. ETRMA, as the official representative of the tyre industry in Europe, is the appropriate body to suggest templates that can be used throughout the tyre supply chain within the EU market.

ETRMA is familiar with complex supply chains due to its intensive REACH involvement on behalf of the industry. ETRMA thus appreciates that compliance certification systems need to be adaptable/adapted to different supply chain circumstances and specific party of concern, whether the EU manufacturer, non-EU manufacturer, EU importer or EU downstream user (who can be a distributor). Several potential and alternative templates are thus appropriate, as explained below.

### Alternative templates

ETRMA suggests three alternative PAH Compliance Certification templates. Each is similarly structured, e.g., with regard to specifying the testing carried out and identifying the specific tyres covered by the certification.

First, we have the **Manufacturer certificate**. In the case where the tyre manufacturer (EU or non-EU manufacturer) has successfully carried out the specified PAH testing, **only this manufacturer's certificate is needed** and can be passed on all the way down the EU supply chain and even to the retail level where end customers may enquire about a tyre's PAH compliance (because they have heard about ETRMA's PAH compliance campaign!).

However, other supply chains, especially those starting with non-EU manufacturers who have not yet specifically PAH tested and thus are not in a position to provide a manufacturer's certificate, need to have a potential alternative means to demonstrate PAH compliance.

So we secondly provide an **Importer certificate**. This is intended for when a non-EU tyre manufacturer has not provided a certificate and where the importer itself has secured the specified PAH testing to demonstrate compliance for the indicated tyres. This is consistent with ECHA's guidance to EU importers who have not received sufficient data/information from their non-EU suppliers, i.e., the importer may need to carry out some own testing in order to provide certain data necessary for REACH compliance. Because the **EU importer is legally responsible for REACH compliance** of its imports, its own testing and compliance certificate should normally be acceptable for the EU supply chain down to retail.

The two above templates should cover the great majority of supply chains. However, we thirdly provide a **Distributor certificate**, for the potential situation where neither the manufacturer nor official EU importer has tested for PAH compliance. While an EU distributor as such does not have legal obligations under REACH concerning placing the tyre on the market, the distributor who for any reason has not received either a manufacturer or importer certification may nonetheless, for purposes of its own EU customers, want to test and certify PAH compliance as possible. As indicated, this is a less likely scenario (also due to cost of testing) but the template is made available in the package to be complete. Again, from ETRMA's perspective, it is important to have available templates which can cover at least the principal supply chain circumstances for the EU market.

***Disclaimer:***

*The suggested templates relate solely to certification of PAH compliance (see Entry #50, Annex XVII) under REACH. Other elements of REACH compliance are not addressed. ETRMA assumes no liability whatsoever for damages of any nature resulting from suggesting use of the attached templates or reliance on their use. Each party concerned is individually responsible for its own REACH compliance status and should seek its own legal counsel if there are any questions or concerns about using these templates. Further, ETRMA in no way represents or warrants that the respective national REACH or any other enforcement authorities will accept any certification statement as sufficient to exclude liability for placing any non-PAH-compliant tyres on the market. Testing and issuance of a certification statement based on such testing may demonstrate adequate due diligence in efforts to place only compliant tyres on the market, but different national authorities and jurisprudence may apply different standards in this regard. Importers in particular should check with the authorities in the Member State of importation to determine, for example, what level of testing may be needed where the non-EU manufacturer has not provided a certificate, or even if further testing may be merited even where a manufacturer certificate has been provided.*