

LETTER OF ACCESS FEE STRUCTURE

The Letter of Access fee structure prepared by REACH Boron Consortium is based on principles of fairness, proportionality, transparency and non-discrimination.

After evaluating the various options for Letter of Access fees, including a flat fee structure and a banded fee structure, it was decided to utilise a tonnage-based fee. In accordance with the cost sharing formula in the REACH Boron Consortium Agreement [Appendix 4]¹ each Consortium member pays a pro rata tonnage share of the costs of the dossier[s], subject to a minimum amount, the applicable tonnage being the average tonnage of boron or phosphorus contained in a member's substance or special mixture manufactured or imported in the years 2010, 2011 and 2012. It seemed appropriate to adopt a similar approach for Letters of Access.

The following fees per tonne will apply:

Boron [EC no. 231-151-2, CAS no. 7440-42-8]	€2,000	Minimum fee: €36,000
Phosphorus [EC no. 231-768-7, CAS no. 7723-14-0]	€355	Minimum fee: €16,000

Because of the uncertainty about the number of Letters of Access that will be purchased [despite our requests, few SIEF members have indicated if and when they intend to purchase a Letter of Access], the above fees will be reviewed in the light of experience and adjusted if and as appropriate. In case of adjustment, additional fees or partial refunds may be required. Given the circumstances, we believe that this is the fairest basis on which to proceed.

It must also be stated that these fees are based on the known and anticipated costs of compiling and submitting the Boron and Phosphorus dossiers. It is possible that additional unanticipated costs may be incurred in which case such additional unanticipated costs will be taken into account when reviewing the Letter of Access fee structure [most probably in the second quarter of 2014]. It must also be stated that the fees do not cover certain studies for mandatory endpoints which may eventually be required if certain waiving arguments are not accepted by ECHA. The costs of such studies could be in excess of €0.5 million.

An administration fee of €75 per Letter of Access will be charged. All fees and charges are subject to any applicable taxes such as value added tax [VAT].

¹ Can be downloaded from www.boron-consortium.org