

REACH Forum, Compliance Control of REACH and CLP Regulations

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Forum for Exchange of Information on
Enforcement

Forum as a unique body

- REACH and CLP regulations as overarching provisions for chemicals
- **Enforcement is national competency of MS, but**
- Equal level playing field is needed in all Member States
- Need for cooperation of National Enforcement Authorities (NEAs) and harmonization of their actions
- FORUM for Exchange of Information on Enforcement is established by REACH
- Works towards harmonizing enforcement of REACH, CLP and PIC Regulations, BPR and probably POPs as well
- Key tasks identified in REACH

Tasks of FORUM

- Spread good practice and highlight problems at Community level
- Propose, coordinate and evaluate harmonized enforcement projects and joint inspections
- Coordinate exchange of inspectors
- Identify enforcement strategies, and best practice in enforcement
- Develop working methods and tools of use to local inspectors
- Develop an electronic information exchange procedure
- Liaise with industry, with special attention to SMEs, and other stakeholders, as necessary
- Examine restriction proposals and advise on their enforceability
- Agree common issues of MS annual reports on enforcement

Topics discussed in Forum

- Strategic issues/documents (e.g. best practices, Work Programmes, advices on enforceability, interlinks)
- Policy issues from enforcement perspectives
- Practical issues raised by members or ECHA
- Exchange on national enforcement projects
- Topics by COM and ECHA relevant for enforcement (e.g. MS reporting, cooperation with Customs or joint submission)
- Enforcement projects
- Support to NEAs (e.g. IT tools, recommendations)
- Other actual issues (e.g. trainings, restrictions)

Key tasks currently

- Standing tasks:
 - restrictions,
 - training of trainers
- Projects developments and implementation
 - REFs and pilots on a regular basis
- Facilitating cooperation and work of NEAs:
 - enforcement of ECHA decisions,
 - cooperation on a daily basis,
 - improvement of IT tools

Forum projects

- The most visible outputs of Forum
- Harmonized projects (REFs) practically all MS are involved and
- Pilot projects with interested/concerned MS in particular to test/develop processes/best practices
- 7 REFs and 10 pilots until now
- 8th REF and 2 pilots are in preparation

Forum project – main features

- Scope of the projects determined by Forum, based upon the most actual obligations
- Common guide and tool (e.g. manual and questionnaire) to inspectors
- Inspections run as part of national activities
- Inspectors report on a certain number of inspections under the scope of the project (not necessarily all inspections are reported)
- Overall results, common findings, recommendations and lessons learned are available in the overall project reports (see ECHA's Webpage)

Forum projects: REFs

- REF-1:
 - Pre-registration and registration obligations under REACH by manufacturers, importers and only representatives (ORs) and basic obligations in relation to SDS (availability, format and language)
- REF-2:
 - Obligations of downstream users (particularly formulators of mixtures) under REACH, duty to provide information in the supply chain and basic obligations under CLP: notification and duty to maintain information
- REF-3:
 - registration obligations by importers, manufacturers and ORs inspected in close cooperation with customs, and compliance of ORs with all their duties
 - continuation of the project (2014) focused on supply chain

Forum projects: REFs

- REF- 4
 - on restrictions
- REF-5
 - Focus on extended safety data sheets (e-SDSs), exposure scenarios, risk management measures and operational conditions in whole supply chain
 - Preliminary results: 898 companies and 1435 substances inspected
 - Final report will be available by the end of the year
- REF-6
 - On CLP obligations (operational phase on-going)
- REF-7
 - on Registration obligations in cooperation with customs authorities including the verification of the strictly control conditions of intermediates (manual under finalization)
- REF-8
 - on on-line sales, including restrictions (decided at last meeting)

Forum projects: Pilots

- Pilot project on Intermediates:
 - Follow-up of article 36 letters sent by ECHA, with focus on strictly controlled conditions and downstream user attestations
- Pilot projects on PAH restriction:
 - PAH content in tyres and extender oils
- Pilot project on intelinks
 - Testing the communication channels
- Pilot on Child Resistant Fastenings
 - Checking availability, appropriateness of CRF and tactile warning of danger
- 2 Pilots on Authorisation
 - Substances with passed sunset dates
 - Substances with authorization granted, conditions in authorizations
 - 3rd pilot under preparation

Forum projects: Pilots

- Pilot on Interlinks (harmonized C&L)
 - Follow up of cases identified by ECHA with deficiencies in harmonized C&L (CMRs and sensitizers)
- Pilot project on Internet sales of chemicals
 - 15 MS participated, 82,4% of non-compliance, in 83% of which no information on hazard
- Pilot on PIC obligations (reporting phase)
- Pilot project on Substances in Articles (operational phase)
- Pilot on cooperation with customs (under preparation)

Impact of Forum

- For MS/NEAs:
 - Common tools, guides and practical experience for all inspectors
 - Practical experiences: Harmonized REACH enforcement project (REF) and smaller-scale pilot projects
- For ECHA/COM:
 - Feedback on implementation
 - Improved cooperation with MS to foster implementation
- For industry:
 - Similar practices in all MS/No enforcement paradise
 - All activities have direct or indirect effects on industry
 - Recommendations to industry based on enforcement experience
- Lessons learned and areas to improve by all parties

Member States' (NEA) perspective

- REACH/CLP in general and specifically Forum projects and ECHA triggered cases are normally priorities, but
 - Other issues, national policies, projects and priorities need to be considered as well → Not only Forum projects and ECHA triggered cases are pursued by NEAs
 - Interlinks promotes, but does not determine work
 - Interlinks: if enforcement action is triggered
 - NEAs need legally solid basis to proceed, or
 - reliable information to establish their own case (depends on the legal systems)
- Discussed and agreed in detail what is needed

Member States' (NEAs) perspective

- Planning is crucial: identify national strategies, difficulties, policies, priorities in advance, ensure resources accordingly
- Forum projects/ECHA triggered cases have to be taken into account in planning
- Assessing actual obligations, interests, concerns
 - Decision on national priorities, on participation in Forum projects,
 - Aligning national priorities and enforcement campaigns with Forum projects/priorities as far as possible
 - No duplication
 - More information, support
 - National vs. EU level results

Thank you for your attention!

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