



NGOs' main enforcement concerns

**Forum for Exchange of Information on
Enforcement
(Forum-16)**

ECHA, 29 October 2013

The EEB



- Europe's largest federation of environmental organisations with 140+ member organisations.
- Represent **15 million European citizens**, and act as the ears and voice of its members towards the **EU decision makers**.
- Goal: to enable the citizens of Europe to play their role to **protect and improve the environment in Europe**
- **European wide network**: working groups on nanomaterials, air, biodiversity, water, waste, ecolabel, agriculture, soil, F-gas, chemicals, etc.
- **We are main accredited stakeholder in EU**

Main concerns



- I. Quality of the registration dossiers*
- II. Enforcement of article 33 (right to know)*
- III. Illegal substances in the European market*

Quality registration dossiers



- **Registration** constitutes the main cornerstone of REACH in order to guarantee the REACH principle “*no data, no market*” and overcome the “*toxic ignorance*”.
- Complying with REACH is not only registering substances but submitting relevant, reliable and verifiable information on their safety;
- REACH registration dossiers is the major challenge and **undermining factor** for REACH so far.
- ✓ **ECHA: “2/3 registration dossiers are not in compliance”**
- ✓ **ECHA: “67% of European companies do not comply with REACH”**

Quality registration dossiers



- Registration is ‘core business’ for MS enforcement
- National authorities have the legal power to take actions
- Enforcement authorities “rarely impose fines”.
- Numerous substances for which essential information is missing continue to be marketed and used in the EU.
- If MS let companies get away with lousy dossiers - we might as well forget about REACH spirit.
- Recommendations: Increase inspections, Stricter measures, Be transparent, Coordinate

Enforcement of article 33



Duty to communicate information on substances in articles

33(1) Communication in the supply chain is automatic and easy to inspect by MS.

33 (2) Communication to consumers (under request).

FORUM: guidance for handling complaints under art. 33(2)

- Too much discretion-No complaints should be necessary but simple enquiries
- Too restrictive (fees involved for complaints? who can make a it?)
- Have all MS penalties provisions for art. 33(2)?



Public access to information

SVHC and the citizens "right to know"

The Fight to Know?

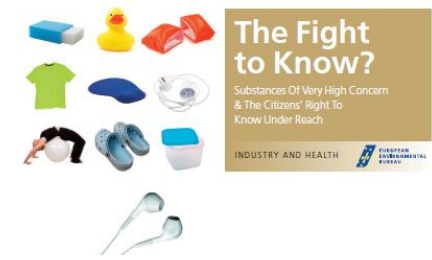
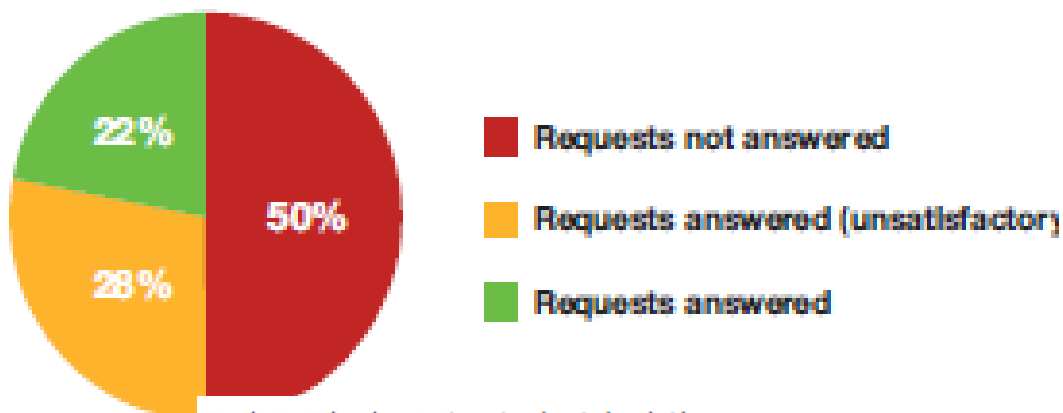


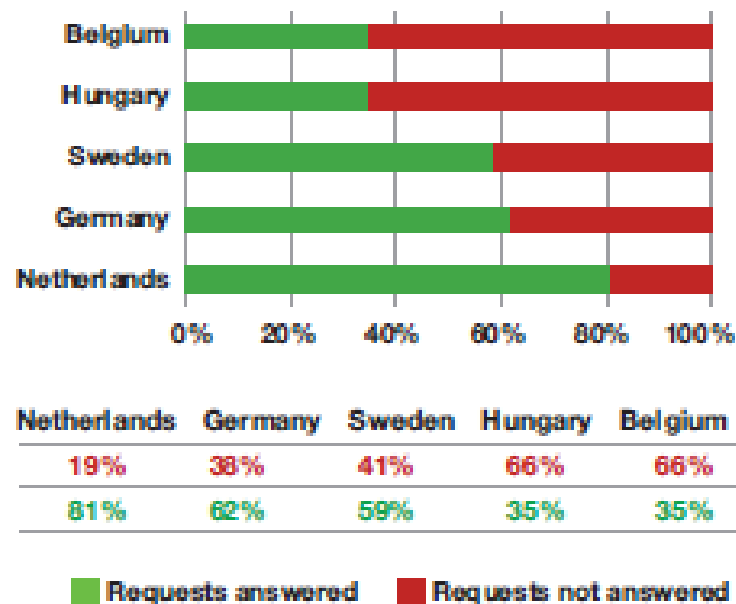
Fig 2: Overall Answer rate



Results Part 2 (products testing using chemical analysis)
Phthalates in concentration from 0,1% w/w to 63% w/w were found in almost one product out of three.

Product Category	Phthalates found?	Product Name	Retailer name	Country
Eraser	27% DINP	Pelikan "AL 20"	Silver Ball	HU
Eraser	15% DINP	Maped "Eclipse"	Maped	BE
Eraser	No phthalates	Maped Technic 600	AKO	NL
Eraser	No phthalates	Maped Zenoa	Mc Paper	DE
Eraser	No phthalates	Maped Duo-Gom	Matton	SE

Fig 5: Answer rate form request (EU)



Enforcement of article 33 (right to know)



What's next?

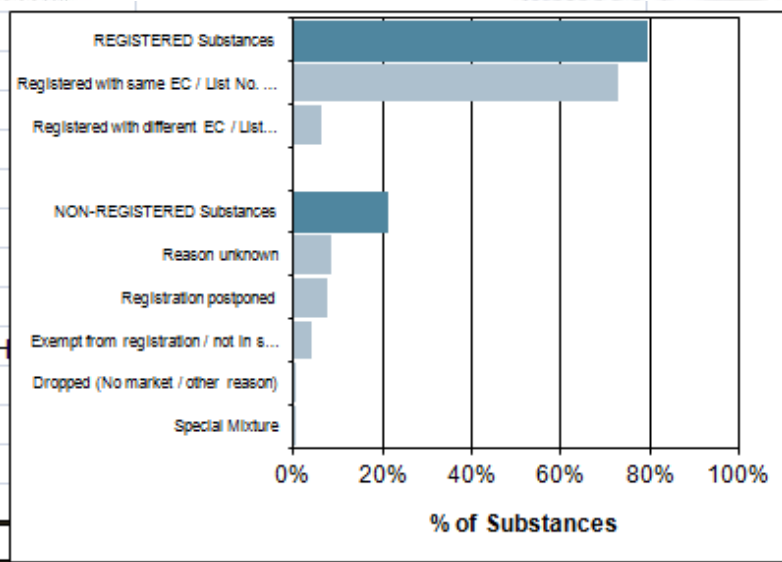
- **For 2014: EEB will revamp “fight to know campaign”**
- **Action from REACH enforcement authorities needed**
 - Inspections art. 33(1) & facilitate consumers’ right to know
 - EU-wide coordination
 - Incentives for compliance: ‘naming and shaming’
 - Application of the relevant fee should be always mandatory
- **Competent services**
 - Functional website with email addresses is needed
 - Awareness & information: dedicated right to know section

Illegal substances in the European market



- By 1 December 2010 all CMRs placed on the market over 1 ton had to be registered
- ECHA's report on the CMR substances found 1,346 non-registered substances:
 - 551 not registered for unknown reasons and
 - 395 registered with a different EC number.

5083	79,1%	REGISTERED Substances
4688	72,9%	Registered with same EC / List No. as intention
395	6,1%	Registered with different EC / List No.
1 346	20,9%	NON-REGISTERED Substances
551	8,6%	Reason unknown
485	7,5%	Registration postponed
274	4,3%	Exempt from registration / not in scope of REACH
34	0,5%	Dropped (No market / other reason)
2	0,0%	Special Mixture



Illegal substances in the European market



- **Both NGOs and trade unions are monitoring the illegal CMRs**
- **What are enforcement authorities doing so far?**

Illegal substances in the European market



- **Netherlands: High levels of banned plasticizers found in 27% toys inspected, vulnerable children are exposed to SVHC.**
- **Norway: Banned paint stripper, illegal products containing prohibited levels of restricted substances (phthalates, lead and short-chain chlorinated paraffins) in toys, electronics and gloves, illegal levels of decaBDE in flame resistant work clothing, light bulbs with illegal mercury levels.**
- **Danish EPA: prohibited levels of restricted heavy metals**
- **Sweden finds illegal levels of either lead, PBDE or PBB, above the legal concentration of 0.1% and children's toys containing illegal quantities of phthalates**

*source: Chemical Watch

Illegal substances in the European market



Enforcement Authorities should:

- **Coordinate to ensure that substances are not illegally present in the European market.**
- **Increase awareness among both citizens and industry**
- **Increase transparency on the Authorities' activities and non compliant companies**

Recommendations



- **INCREASE ENFORCEMENT**

MAIN INCENTIVES:

- **Increase transparency on MS activities and non compliant companies**
- **Stricter enforcement: sanctions should be applied**
- Increase communication between all stakeholders
- Improve coordination among MS
- Encourage and facilitate supply chain / citizens' right to know
- Awareness campaigns for all stakeholders
- Protection of vulnerable population must be the priority

Most important question is



What are the enforcement authorities' plans to address these 3 issues?

Thank you for your attention !



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