



# Address from COM to Forum stakeholders (AP 12)

19<sup>th</sup> Forum for Exchange of Information on Enforcement  
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# Content of presentation

- 1. REACH and CLP enforcement. COM opinion*
- 2. REACH and customs*
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- 4. Some suggestions to stakeholders*
- 5. Conclusions*

# 1. REACH and CLP enforcement (1)

- *'Ensuring effective compliance with rules and regulations is an important factor in creating a well-functioning society and trust in government'*
- *'The challenges for governments is to develop and apply enforcement strategies that achieve the best possible outcomes by achieving the highest possible levels of compliance, while keeping the costs and burden as low as possible'*

*Regulatory enforcement and inspections. OECD. May 2014*

# 1. REACH and CLP enforcement (2)

- *Since beginning, the Forum and the Commission have taken very seriously the matter of enforcement*
- *Regarding enforcement, there should be good cooperation, coordination and exchange of information between MSs, ECHA and COM*
- *Success of REACH and CLP strongly related to the success of enforcement of these regulations*

recital 120  
of REACH

# 1. REACH and CLP enforcement (3)

Other enforcement  
(e.g. litigations, court  
decisions)

Forum

Associations defending policy objectives

National enforcement authorities  
including  
e.g. chemicals, customs, market  
surveillance, RAPEX

Duty holders

European  
Commission



# 1. REACH and CLP enforcement. COM opinion

- *REACH review (Feb2013) → COM is satisfied with the enforcement of REACH and CLP*
- *In November 2014, we continue to have the same opinion for REACH and CLP*

This COM opinion is not shared for other legislations: A high proportion of EU infringement procedures related to the poor application of environment legislation.

31st ANNUAL REPORT ON MONITORING THE APPLICATION OF EU LAW (2013). Oct14

## 2. REACH and customs

- *> 3 years of cooperation at Commission level*
- *Understanding each other (e.g. guides, MoU)*
- *Legal issues*
- *Customs contributes to REACH & CLP enforcement*

## 3. Enforcement indicators (ENFIND)

- *REACH review*
- *Contract running*
- *ENFIND at 3 levels (MS, Forum, EU)*
- *Results will be available by 1Q 2015*



## 4. Some hints to stakeholders

- *Potential non-compliance?. Please address those to the relevant NEA. First question from COM will be: what's the feedback that you have received from the relevant NEA (MS)?*
- *Non-compliance to be determined by relevant enforcement authorities*
- *Finding non-compliance = enforcement works  
but  $\neq$  policy doesn't work*

## 5. Conclusions

- *Enforcement is a joint effort from all players*
- *REACH and CLP enforcement works*
- *Customs a player in REACH and CLP enforcement*
- *'Potential' non-compliance*