

Enforcing information requirements

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Introduction to ClientEarth

- ClientEarth is a non-profit environmental law organisation
- We use law, science and policy to tackle key environmental challenges
- We work on climate change, energy, environmental justice, biodiversity, forests and human health

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Registration - enforcement

- 31 enforceable provisions under REACH registration
- 2010 - Article 117(1) reports highlight little actions – no sanctions
- 2015 reports – no information public
- No evidence that market access has been restricted for non compliant substances
- No real consequence for non compliance

Registration - obligations

- No data, no market
- The information to be submitted for registration shall contain the technical dossier and the CSR
- Requirement to provide relevant and available physicochemical, toxicological and ecotoxicological information

Compliance shortcomings

- It is necessary to instil confidence in the general quality of registrations [recital 65]
- Non-compliance can result in damage to human health and the environment. [recital 122]
- ECHA found 781 non compliant dossiers over 1130 evaluations performed in 2010-2013
- German screening found low levels of compliance for main endpoints.

Role of enforcement

- Member States shall maintain a system of official controls and other activities as appropriate to the circumstances.
- “[n]ational enforcement authorities have a crucial role in ensuring compliance with the data requirements. Hence they play an important role in the implementation of the strategy.”

Role of enforcement

- Enforcement can apply to the information requirements of REACH
- Desk based inspections should be prioritised for their cost-effectiveness
- Penalties must be applied

ECHA – Enforcement interactions

- Clarify scope of evaluation vis-à-vis enforcement;
- Seek for implementing ECHA decisions before deadline
- Provide for immediate consequences when SONCs are issued (no market access).

Conclusion

- Enforcement has a crucial role in making REACH work
- Registration provisions are enforceable
- ECHA's and Enforcement role need to be clarified
- Market access must be impaired to protect human health and the environment.

Thank you

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