ECHA
EUROPEAN CHEMICALS AGENCY

Forum

REF-8 project report on enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold online

Adopted at Forum-39

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This report presents the results of inspections made under the Forum enforcement project. Duty holders and substances selected for checks were those that were relevant for the scope of the project. The project was not designed as a study of the EU-EEA market. The number of inspections for individual countries is varied. Accordingly, the results presented in the report are not necessarily representative of the situation in the EU-EEA market as a whole.

Forum REF-8 project report on enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold online

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Glossary

Word	Explanation
Biocidal product	Any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action. Any substance or mixture, generated from substances or mixtures which do not themselves fall under the first indent, to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action.
BPR	Biocidal Products Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products.
BPR: authorisation holder	The person established within the Union who is responsible for the placing on the market of a biocidal product in a particular Member State or in the Union and specified in the authorisation.
CLP or CLP Regulation	Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures.
Consumer	A consumer is a person or a group who intends to order, orders, or uses purchased goods, products, or services primarily for personal, social, family, household and similar needs, not directly related to entrepreneurial or business activities.
ECHA	European Chemicals Agency
EEA	European Economic Area
Forum	The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC, POPs and Biocidal Products regulations in the EU, Norway, Iceland and Liechtenstein.
ICSMS	The internet-supported information and communication system for the pan-European market surveillance.
MS	EU Member State
NEAs	National enforcement authorities
(Online-) Marketplace	A service provider[1] which allows consumers to conclude online sales on the online marketplace's website[2]. The seller on the marketplace is the duty holder and responsible for the regulatory compliance of the offer/product.

[1] Defined in point (b) of Article 2 of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').

[2] Definition based on Regulation (EU) No 524/2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer online dispute resolution): https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0524&qid=1559056501498&from=DE

Offer	Presentation of a product for the purpose of an online sale. Includes a description of the product in an advertisement.
Online sales	Online selling is a form of electronic commerce which allows sellers to directly sell goods or services to a buyer over the internet using a web browser.
Product	In this report, a product refers to a substance, mixture, biocidal product or article.
Rapid alert (RAPEX or Safety gate)	Rapid Exchange of Information System – rapid alert system for dangerous non-food products.
REACH or REACH Regulation	Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.
REF	REACH-EN-FORCE, coordinated enforcement project of the Forum.
SDS	Safety data sheet
Seller	Any entity that offers a product for sale either through a marketplace or a web shop.
User categories for Biocidal Products (BPs)	- ***General public*** (amateurs, non-professional): The general public is a part of the population or citizens that make a sporadic and private use of BPs; this user category will have received **no specific training** in the use of BPs that they purchase and use. Therefore, the main access that they may have to information about the correct use of the product purchased and the risks of its use will be that accompanying the purchased product (i.e. available on the label or leaflets). - ***Professional users:*** persons who use BPs in their professional activities, including operators, technicians, employers and self-employed people in different sectors. This might include a wide range of workers. Professional users are expected to make more regular use of BPs and should be aware of the risks and able to implement risk management measures (RMMs) included in the product authorisation. - ***Trained professionals:*** specific groups of professional users for which specific skills are required to use BPs under certain circumstances. They are expected to have followed some specific extra-training or certification process related to biocidal products that they commonly use, and to possess the required knowledge, skills and competencies to be able to consider the risks to themselves and other non-target species. They are also expected to observe more complex instructions for use and RMMs in the product authorisation than non-trained professional users.
Web shop	Covers all websites that directly sell goods (and services) online. It includes direct sale websites of own products, and retail web shops of different suppliers. The definition excludes marketplaces that do not directly sell a product.

1. Executive summary

The European Chemicals Agency's Enforcement Forum for Exchange of Information on Enforcement (Forum) has finalised its eighth REACH-EN-FORCE (REF) project, where the compliance of certain CLP[3], REACH[4] and BPR[5] duties related to substances, mixtures and articles sold online were assessed.

This was an EU-wide enforcement project carried out during 2020 in 29 countries of the EEA[6] and Switzerland (BPR duties only).

When inspecting the offers of products sold online, inspectors could evaluate their compliance with:

- the CLP Regulation in regard to:
  - i) whether the online advertisement of a hazardous mixture provides information to the customer about the type of hazard as indicated on the label; or
  - ii) for hazardous substances, whether the customer is informed about the hazard class and/or the applicable hazard category;

- the REACH obligation for the most updated version of the safety data sheet (SDS) to be supplied/available with the hazardous substance or mixture for industrial/professional uses in an official language of the receiving Member State or upon request;

- specific entries of REACH Annex XVII: products or articles containing restricted substances such as cadmium and nickel in jewellery, phthalates in childcare products and toys and CMRs[7] (the full list of restrictions assessed in this project can be found in Table 3b); and

- BPR duties, which were assessed by checking the online advertisement of the biocidal product (BP) and whether it was the sale of an authorised BP or made available under transitional measures.

This report outlines the project, conclusions and recommendations for companies, the Enforcement Forum, national authorities, the European Commission and the public.

The project targeted all potential companies (web shops and marketplaces) selling or mediating online hazardous substances, mixtures, biocidal products or articles subject to REACH, CLP and/or BPR requirements (private sellers excluded).

Member States/inspectors decided which regulations to investigate under this project, depending on their own national enforcement strategy and the division of authorities' responsibilities.

[3] Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures.
[4] Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.
[5] Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products.
[6] In this report, all references to EU market include Iceland, Liechtenstein, and Norway.
[7] Carcinogenic, mutagenic or toxic to reproduction.

The inspected companies were situated within the enforcement authority's own country, within the EU or outside the EU.

Results

The national enforcement authorities (NEAs) in the 29 participant countries inspected a total of 5 730 products/offers of which: 323 (6 %) were substances, 4 631 (81 %) were mixtures and 776 (13 %) were articles.

Out of 2 629 products checked for REACH restrictions, 2 042 (78 %) did not comply.

From 1 153 products/offers checked against BPR obligations, 891 (77 %) did not comply with the conditions set out for advertising under Article 72 and the illegal sale of biocides.

Out of 2 752 products/offers that were checked for the advertising obligations under CLP Article 48, 2 065 (75 %) did not comply. A non-compliance rate of 5 % was reported regarding the obligations for providing safety data sheets under REACH Article 31.

In many Member States, products/offers inspected were those for which risk was assumed to be high, and therefore those with highest risk were targeted (risk-based approach), which may have contributed to a higher-than-expected rate of non-compliance for most obligations examined in the project.

The non-compliance for restrictions on substances/mixtures was 95 % and 25 % for restrictions in articles. The lower rate for articles could be explained by the difficulty inspectors may have faced in determining non-compliance for articles by assessing information provided on the website, as chemical analyses often have to be done to detect non-compliance.

CMR substances restricted under entries 28-30 of REACH Annex XVII had a high level of non-compliance (99 %). These substances are only allowed to be sold to professional users, but they were found to have been offered to the general public.

There has been noted improvement in compliance with Article 48(2) of CLP (information on dangerous properties for a chemical product when selling online), compared to the Forum's earlier pilot project on internet sales (Forum Pilot Project on CLP focusing on control of internet sales) where only Article 48(2) was checked (54 % non-compliance detected in REF-8 compared to 82 % in the earlier project).

Enforcement measures

For non-compliant products, measures were taken by enforcement authorities to bring companies into compliance. Where enforcement measures were taken, the most common follow-up actions were "*Removing the product offer from the website"* (2 140 products, 53 %) and "*Bringing the information in the advertisement into compliance"* (928 products, 23 %).

Recommendations

The main recommendations of the project are for the European Commission to make marketplaces responsible and liable for enforcement of illegal products/offers.

Companies should raise awareness about the regulations under the scope of this project and marketplaces can join the European Commission Product Safety pledge, be more proactive and be transparent about their sellers.

National enforcement authorities should continue to perform inspections of products sold online. Member States could organise awareness raising campaigns.

Consumers could gain from being aware of the problems with online sales to be able to make better choices of products sold online.

1.1. Summary of key indicators

The results related to the main indicators in this report are presented in Table 1.

It should be noted that the different projects indicated in the table were Forum projects with specific scopes and methodologies, involving different inspectors and expertise.

For online sales, it is easier to have a larger proportion of products investigated using a risk-based approach since non-compliances, in many cases, are shown immediately on screen, i.e. non-compliances are more readily identified from examining the labelling, safety data sheets or content of the substances/mixtures on the web page compared to articles (where chemical analyses may be needed to confirm non-compliance). This could also explain the differences in the non-compliance rates of restrictions between REF-4 (more articles) and REF-8 (more substance/mixtures).

As such, firm conclusions cannot be drawn by comparing the different project results.

Table 1: Main project indicators

No	Indicator	REF-8 (2020)*	Cooperation with customs 2 project [8] (2019)*	REF-6[9] (2018)*	e-commerce project[10] (2017)*	REF-4[11] (2016)*
1	Number of inspected products/offers	5 730	1 225 (restrictions)	3 391	1 314	5 625
2	Number of participating countries	29	17	28	15	27
3	Number of non-compliant products/offers total	5 047 **	211 (restrictions)	1 398	1 083	1 125
4	Percentage of non-compliance with REACH restrictions	78 %	17 %		N/A	22 %
5	Percentage of non-compliance with CLP Article 48 (2)	54 % ***	N/A		82 %	N/A
6	Percentage of non-compliance with BPR Articles 17 and 89	42 % ****		7.1 %		

* the year when the project's operational phase took place.

** same offer could be non-compliant for more than one obligation

*** for comparison with the pilot project, scope of which was only Article 48(2) – More detailed information in Chapter 3.4

**** For comparison with REF-6 results, which did not include Art 72 of BPR in its scope. More detailed information in Chapter 3.7

[8] Forum pilot project on cooperation with customs in enforcement of REACH restrictions and CLP labelling: project report

[9] REF-6 Classification and labelling of mixtures: project report

[10] Forum Pilot Project on CLP focusing on control of internet sales: project report

[11] REF-4: Harmonised enforcement Project on Restrictions: project report

2. Introduction

This EU-wide enforcement project was carried out with the aim to check compliance of products sold online in the Member States of the EEA, with obligations under the REACH, CLP and the Biocidal Products regulations.

The operational phase of the project ran from January to December 2020. The participating countries were supported by the Forum Working Group "Coordinated enforcement project REACH-EN-FORCE-8" (REF-8).

2.1. Background

The Forum's pan-European project on the control of online sales started for the following reasons:

- Online sales of mixtures classified as hazardous were becoming more and more common and their frequency had been increasing over the years;
- National enforcement authorities (NEAs) in the Member States experienced that information on hazards was regularly lacking on websites offering hazardous substances or mixtures;
- EU cooperation in enforcing online sales was essential for this project as customers of one website can be based in any of the Member States;
- The available results of the Forum's past e-commerce project showed frequent non-compliance of chemicals sold online (non-compliance rate of 82 %); and
- Annex XVII restrictions were investigated in previous Forum projects (REF-4, Pilot on customs) and RAPEX (Safety Gate) has indicated continued non-compliance with some entries.

This project implemented several of the Forum's tasks as established by Article 77(4) of REACH, in particular:

a) spreading good practice and highlighting problems at Community level;

b) proposing, coordinating and evaluating harmonised enforcement projects and joint inspections;

c) identifying enforcement strategies, as well as best practice in enforcement; and

d) developing working methods and tools to be used by local inspectors.

2.2. Scope

REF-8 covered different parts of the regulations as presented in the tables below.

Table 2*: CLP provisions*

Articles	Summary
17	A substance or mixture classified as hazardous and contained in packaging shall bear label elements, such as suppliers' information, products nominal quantity, product identifiers, where applicable hazard pictograms, hazard and precautionary statements, signal words and/or supplemental information. The label shall be written in the official language(s) of the Member State(s) where the substance or mixture is placed on the market, unless the Member State(s) concerned provide(s) otherwise. Suppliers may use more languages on their labels than those required by the Member States, provided that the same details appear in all languages used.
18	The label shall include details of the substances or mixtures identification (product identifiers). - For substances, the product identifier shall include a name, an identification number/CAS number/IUPAC according to Article 18(2); - For mixtures, the product identifier shall include the trade name, the identity of the substances in the mixture that contribute to the classification according to Article 18(3).
25(6)	Where a mixture contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II. The statements shall be worded in accordance with Part 3 of Annex III and shall be placed in the supplemental information section of the label. The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture.
48(1)	Any advertisement for a substance classified as hazardous shall mention the hazard classes or hazard categories concerned. Also **ECHA Q&A 0272** for substances.
48(2)	Any advertisement for a mixture classified as hazardous or covered by Article 25(6) which allows a member of the general public to conclude a contract for purchase without first having sight of the label shall mention the type or types of hazard indicated on the label. Also **ECHA Q&A 0273** for mixtures.

Table 3a*: REACH provisions*

Articles and annexes	Summary
31(1)(3)/(5)	31(1) The supplier of a substance or mixture shall provide the recipient with a safety data sheet (for industrial/professional users); or 31(3) The supplier shall provide the recipient at his request with a safety data sheet (for industrial/professional users); and 31(5) The safety data sheet (SDS) shall be supplied in an official language of the Member State(s) where the substance or mixture is placed on the market, unless the Member State(s) concerned provide otherwise. *For the purpose of the REF-8 project, the focus was only on whether a safety data sheet is supplied or available and in an official language of the receiving Member State.*
67/Annex XVII	Substance on its own, in a mixture or in an article, for which Annex XVII contains a restriction shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, placing on the market or use of a substance in scientific research and development. Annex XVII shall specify if the restriction shall not apply to product and process orientated research and development, as well as the maximum quantity exempted. Article 67(1) shall not apply to the use of substances in cosmetic products, as defined by Directive 76/768/EEC, with regard to restrictions addressing the risks to human health within the scope of that Directive.

Table 3b: REACH restrictions to be enforced

Entries to Annex XVII REACH	Summary
Entry 23(10)(11)	Cadmium in jewellery
Entry 23(1)(3)(4)	Cadmium in plastic materials
Entry 27	Nickel in jewellery
Entry 43	Azocolourants and azodyes in textiles and leather
Entry 45	OctaBDE (Diphenylether, octabromo derivative)
Entry 47(5)-(7)	Chromium VI in leather
Entry 51	Phthalates in childcare products and toys (DEHP, DBP, BBP, DIBP)
Entry 52	Phthalates in childcare products and toys (DINP, DIDP, DNOP)
Entry 63(1)(7)	Lead in jewellery and other articles

Entries to Annex XVII REACH	Summary
Entry 67	DecaBDE (Bis(pentabromophenyl) ether)
Entries 28-30	CMRs in substances or mixtures supplied to the general public. CMRs are listed in appendices 1 to 6 of REACH Annex XVII.
Other entries	Participating Member States could record other entries investigated.

Table 4*: BPR provisions*

Articles	Summary
3 (1)	Legal definitions of biocidal product, placing on the market, making available on the market and advertisement.
17(1)	Biocidal products shall not be made available on the market or used unless authorised in accordance with this Regulation.
72(1)(3)	Any advertisement for biocidal products shall, in addition to complying with Regulation (EC) No 1272/2008, include the sentences 'Use biocides safely. Always read the label and product information before use'. The sentences shall be clearly distinguishable and legible in relation to the whole advertisement. Advertisements for biocidal products shall not refer to the product in a manner that is misleading in respect of the risks from the product to human health, animal health or the environment or its efficacy. In any case, the advertising of a biocidal product shall not mention 'low-risk biocidal product', 'non-toxic', 'harmless', 'natural', 'environmentally friendly', 'animal friendly' or any similar indication.
89	Transitional measures concerning biocidal products.

The project targeted all potential companies (web shops and marketplaces) selling online hazardous substances, mixtures, biocidal products and articles subject to REACH, CLP and/or the Biocidal Products regulation requirements (private sellers excluded).

The inspected companies were situated within the enforcement authority's own country, within the EU or outside the EU.

2.3. Objectives

In general, the following outcomes of the project were expected:

- Increase awareness of duty holders on requirements for compliance with the obligations inspected during the project;
- Create a harmonised approach and best practice related to inspections of duties checked in the project;
- Increase cooperation between national enforcement authorities of other Member States;
- Establish a procedure to inform and warn providers of web shops or marketplaces on non-compliances with CLP, REACH and BPR of offers/advertisements to industrial/professional users and the general public;
- Raise awareness among sellers, marketplaces, companies and the general public;
- Assess the size and scale of the issue of compliance with the provisions investigated in the project. A better understanding of the problematic areas will be useful for national enforcement authorities to develop up-to-date methodologies and plan future enforcement activities related to e-commerce of hazardous chemicals; and
- Reduce risks for human health and environment.

2.4. Working method

The inspectors were advised to follow the methodology proposed by the Working Group:

Step 1: **Preparation for the inspection**

a) Select the appropriate web browser
b) Select the search engine
c) Clean cache/cookies

Step 2: **Searching**

Step 3: **Selection of product and company**

Step 4: **Finding contact information of the web shops**

a) All web shops within the EU are required to have their name, address, email address and, where applicable, the organisation number on their website.

Step 5: Documentation of information on websites

Step 6: Purchase of samples

a) For some inspections, it was necessary to take a sample of the product, mainly for checking restrictions.

Step 7: Conformity check of the product

Step 8: Enforcement action

Step 9: Cooperation with other Member States

Step 10: Recording of the findings

a) Inspectors filled in the appropriate sections of the questionnaire present in Annex I of this report.

3. Results of the project

The results of this project are derived from inspectors' answers to questions in the questionnaires prepared by the Forum's working group (see Annex I to this report). For each inspected product or offer, one questionnaire was completed.

The selection of companies (e.g. web shops, marketplaces) and products or offers to be inspected were decided by each participating country. Moreover, the decision on the duties or regulations to be investigated under this project was also left to the discretion of the participating countries.

This report presents the results of the inspections made under this enforcement project. The companies or products that were selected for these controls were the ones relevant for the scope of the project and according to each Member State's priorities and enforcement strategy (i.e. a risk-based approach).

The project was not designed to be a study of the EU-EEA market and, therefore, does not necessarily represent the situation in the EU-EEA market as a whole.

A general factor in this project, which could affect the overall non-compliance, is the fact that, for an inspection of a product sold online, it is easy to select the product for inspection based on a risk approach since the non-compliances, in many cases, are shown immediately on screen, i.e. non-compliances are more readily identified from examining the labelling, safety data sheet or contents of the substances/mixtures on the webpage compared to articles (where chemical analyses may be needed to confirm non-compliance).

It must be noted that the operational phase of this project took place during the outbreak of the COVID-19 pandemic in 2020 and many resources in the Member States were redirected to other more urgent areas. Member States implemented measures to ensure that checks could be carried out and, in some cases, this led to fewer checks being undertaken that originally planned for in some Member States.

3.1. Participating countries and number of inspections

29 European countries[12] participated in the project and sent 5 730 filled-in questionnaires. The number of filled-in questionnaires equals the number of inspected products/offers, not the number of inspected companies. Each participating country decided on the number of inspections to be conducted.

The number of reported inspections of products/offers per country with an indication on checked substances, mixtures and articles is presented in Table 5.

[12] EEA: AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LI, LT, LU, LV, NL, NO, PL, PT, RO, SE, SI, SK and Switzerland (CH) for BPR-related inspections only.

Table 5: Number of reported inspections per country

No	Country	Number of inspected substances	Number of inspected mixtures	Number of inspected articles	Total number of inspected products
1	DE	163	2 560	61	2 784
2	SE	-	113	255	368
3	ES	35	234	2	271
4	LT	14	167	23	204
5	HU	14	135	39	188
6	CZ	2	135	28	165
7	NL	36	127	-	163
8	BE	6	148	-	154
9	LU	1	99	43	143
10	PL	4	133	3	140
11	EL	1	119	7	127
12	IE	1	122	-	123
13	IT	15	100	-	115
14	SK	5	50	47	102
15	NO	1	22	68	91
16	FR	5	44	39	88
17	FI	1	30	55	86
18	DK	-	-	75	75
19	RO	9	57	2	68
20	LV	-	34	16	50
21	HR	-	41	-	41
22	EE	1	29	4	34
23	LI	1	30	-	31
24	CY	-	25	-	25
25	SI	7	16	-	23
26	AT	-	22	-	22
27	PT	-	21	-	21
28	CH	-	18	-	18
29	BG	1	-	9	10
SUM		**323**	**4 631**	**776**	**5 730**

3.2. Companies and products/offers inspected

There were 5 730 products/offers checked and inspections were executed at desktops (checking the advertisement of the offer), through *on-site* inspections and through purchasing products.

3.2.1. Type of companies inspected

The inspected products/offers (5 730) were found on marketplaces (2 864) and on web shops (2 829). The information on the number of the products for identified companies is provided in Table 6.

Table 6: Information on the identified companies where products/offers were found

	Number of inspected products/offers
1. Marketplace	**2 864 (50 %)**
2. Web shop	**2 829 (49 %)**
3. Others (e.g. consumer initiative)	**37 (1 %)**
SUM	**5 730**

The marketplaces where the products were found were situated:

- outside the EU for 722 (25 %) products: marketplaces without any legal entity in the EU were also considered "outside EU";
- within the EU for 2 128 (74 %) products: marketplaces with legal entities in the EU were included in this group; and
- not known for 14 (1 %) products.

Although marketplaces have their own products to sell, their main service is as a platform for private companies to display their products. Therefore, the inspectors selected the products in the marketplace's website and continued their investigation by checking the company responsible for placing the offer online and in their web shop.

The web shops and the sellers on the marketplaces were situated:

- within their Member State for 3 042 (53 %) products;
- outside the EU for 1 745 (30 %) products;
- within the EU for 849 (15 %) products; and
- not known for 94 (2 %) products.

3.2.2. Products/offers inspected

During REF-8 inspections, 5 730 different products/offers were checked: 4 631 (81 %) were mixtures, 776 (13 %) were articles and 323 (6 %) of the products checked were substances (Figure 1).

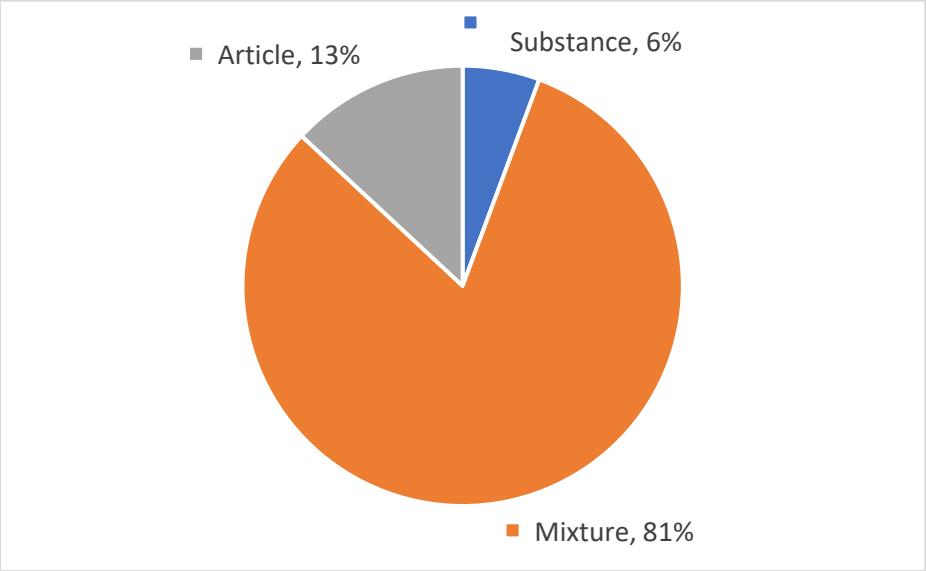

Figure 1: Type of products/offers checked (%)

The checked products were intended to be sold as follows (Figure 2):

- 306 only to industrial/professional users;
- 2 284 only to the general public;
- 2 942 both to professionals and the general public; and
- 198 not known.

Note that the intention of sales is what the inspector saw on web pages, not how it should be according to the REACH Regulation. The product was intended to be sold to industrial/professional users if some information about the buyer (e.g. VAT number) was required for purchasing the product.

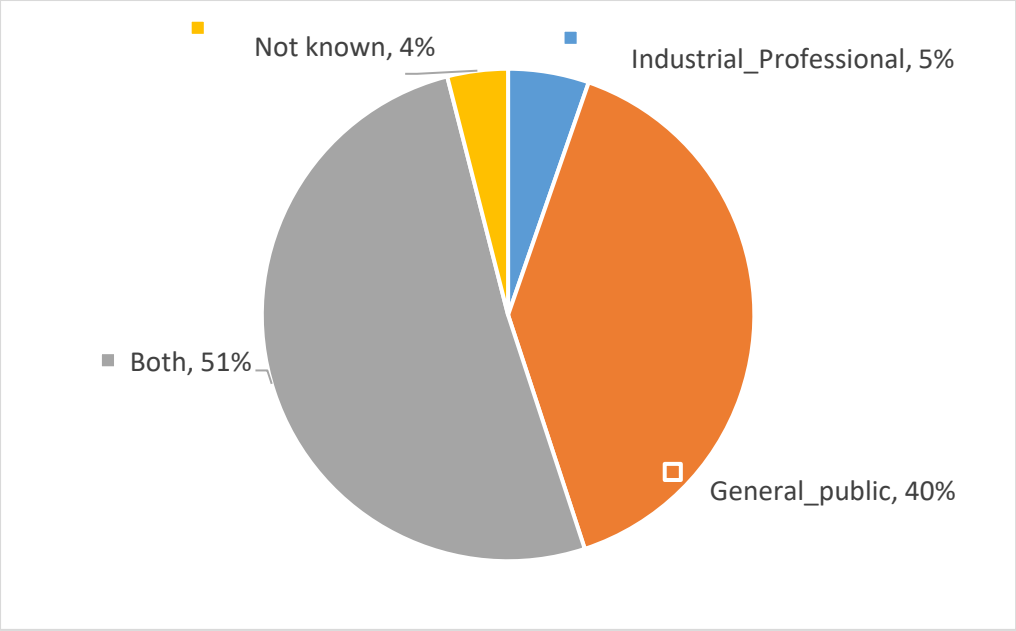

Figure 2: The target consumer for which the product was intended to be sold

3.3. Overall non-compliance

The number of non-compliances with respect to the different regulations' provisions in the scope of REF-8 are presented in Table 7 (multiple violations could be detected for the same product).

Table 7: Non–compliance with REACH, CLP and BPR obligations (multiple violations for the same product are possible)

Regulation	Number of products/offers checked	Number of non-compliant products	% Non-Compliance
REACH restrictions	2 629	2 042	78 %
REACH SDS (Article 31)	956	49	5 %
CLP (Article 48(1) and (2))	2 752	2 065	75 %
BPR	1 153	891	77 %

The detailed results for non-compliances for obligations investigated in the project can be found in the following chapters.

Comparing non-compliances between marketplaces and web shops, the rate of non-compliance is higher for marketplaces (95 % compared to 65 %). As mentioned in Chapter 3.2, some products were found on the marketplace's website and the inspector followed the seller's information to its website/web shop and continued the investigation of the company responsible for placing the offer online.

Table 8: Non-compliance rate where products/offers were found

	Non-compliance
1. Marketplace	**95 %**
2. Web shop	**65 %**

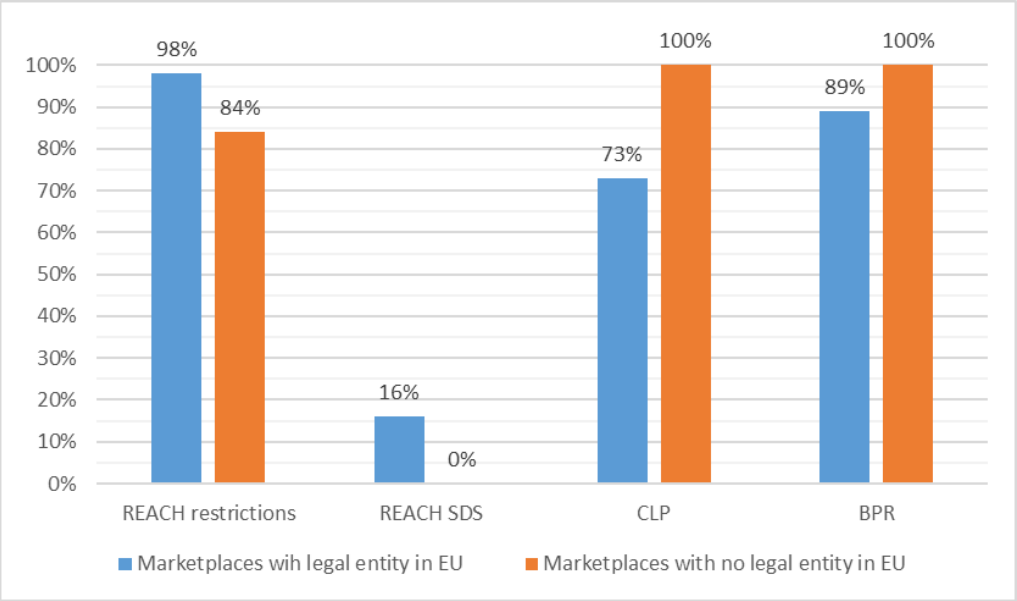

Figure 3: Non-compliances found in marketplaces with and without a legal entity in the EU

It was observed that products found in marketplaces with headquarters outside the EU and with no legal entity in the EU were all non-compliant regarding the CLP and BPR obligations investigated in this project.

The same, however, is not observed for non-compliances with REACH restrictions. In this case, marketplaces outside EU but with a legal entity in the EU are those showing a higher non-compliance rate for REACH (98 %) compared to those without a legal entity in the EU (84 %).

The non-compliance for products sold only to professionals (56 %) is lower than for products sold only to the general public (72 %). For products sold for both use categories, non-compliance is as high as 90 % - see Figure 4).

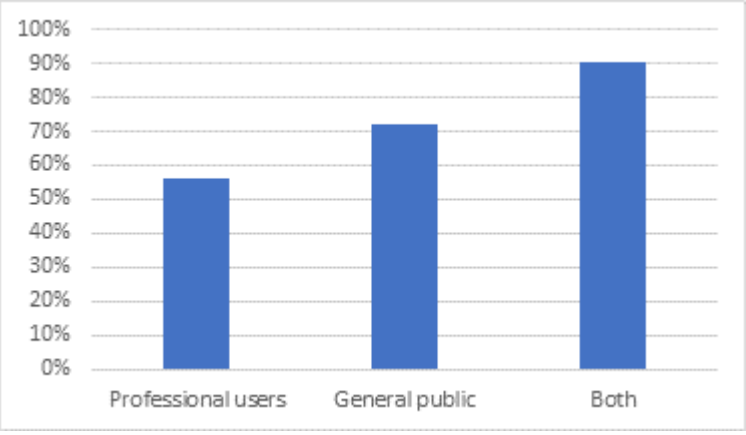

Figure 4: Percentage of non-compliance for professional use compared to use for the general public

3.4. Compliance with CLP obligations

In total, offers of 2 752 products were checked for compliance with obligations under CLP Article 48 (1) and (2).

For 1 431 (52 %) products, the online advertisement contained hazard information (as required by providing the hazard class or category), while 1 321 (48 %) products were non-compliant, since there was no hazard information provided in the online advertisement. In such cases, inspectors reported, for example, that the classification of the product was not clear on the website (offer).

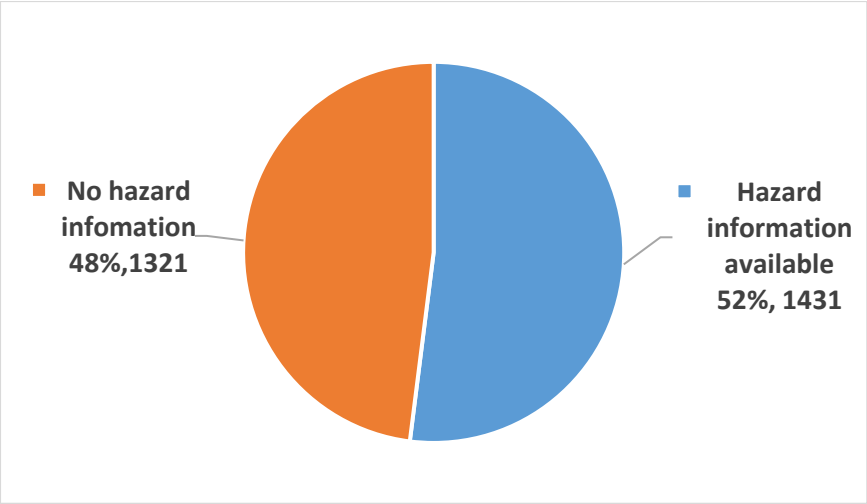

Figure 5: Availability of hazard information in the advertisement

The hazard information was provided on the website in the following ways (more than one option could be selected):

a) for 938 (66 %) products, the advertisements contained written hazard information;
b) for 373 (26 %) products, the advertisements included an image or a copy of the product label with visible hazard information; and
c) for 326 (23 %) products, the hazard information was provided in other ways (e.g. a link to the safety data sheet).

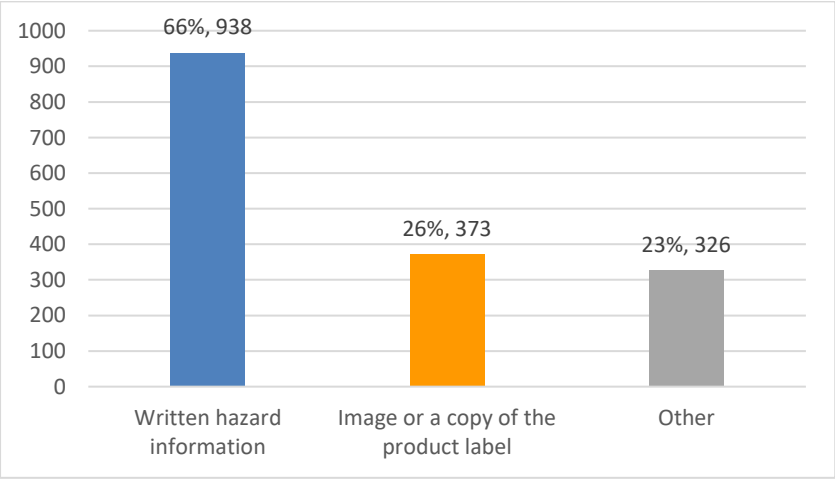

Figure 6: Ways in which the hazard information was provided in the online advertisement of the products checked

Of the 1 431 products with hazard information available, 1 335 (93 %) were mixtures and 63 (4 %) were substances, while the rest were articles (which are not covered under CLP Article 48 obligations).

Although there was hazard information in the advertisement of 1 431 products, it does not necessarily mean the products were compliant. Inspectors continued their investigations to assess compliance with Article 48(1) for substance offers and Article 48(2) for mixture offers.

Online sale of hazardous substances (compliance with Article 48(1) CLP)

For the 1 431 products containing hazard information in the advertisement, 63 of them were **substances** and checked for compliance with Article 48(1) of CLP.

For 37 (59 %) substances, the advertisement contained the obligatory and recommended information (hazard classes or hazard categories of the substance) as shown in Table 9. For the remaining 26 (41 %) checked substances, there was no hazard information provided in the advertisement, and they were therefore non-compliant with Article 48(1).

Table 9: Information in the advertisement of substances according to Article 48(1) of CLP

	Number of inspected products
Obligatory information	
- The advertisement contains written information on the hazard classes or hazard categories according to Article 48(1)	18
- The advertisement includes a clear picture of the product's label containing all the necessary hazard classes or hazard categories according to Article 48(1)	25
Recommended/supplemental information	
- The advertisement contains a link to the safety data sheet	19
- Other	2

In addition, for 36 out of the 37 substances with hazard information available, this was provided in the official language of the Member State where the substance was placed on the market. For the remaining substance, this was not checked.

Online sale of hazardous mixtures (compliance with Article 48(2) CLP)

For the 1 431 products containing hazard information in the advertisement, 1 335 of them were mixtures and, therefore, inspected for compliance with Article 48(2) CLP.

- For 608 (46 %) mixtures, the advertisements contained information on the type or types of hazards as indicated on the label;
- For 626 (47 %) mixtures, the online advertisement did not contain information on the types of hazard as indicated on the label, and as such they were non-compliant;
- For 92 (7 %) mixtures, the information was not complete (e.g. missing hazard statements, H-codes only instead of full hazard statements), and were thus also considered non-compliant.

Considering both situations where no information about the hazard types were present in the online offer and where the information was available but incomplete, the total non-compliance rate of this project in relation to breaches of Article 48(2) of CLP is 54 %.

Table 10: Online sale of a hazardous mixture (Article 48(2))

	Number of inspected products (mixtures)
The advertisement of the mixtures contained hazard information	608
Information provided was not complete (e.g. missing hazard statements, H-codes only instead of full hazard statements)	92
No hazard information provided	626
No answer	9
SUM	1 335

For those 608 mixtures with advertisements that contained hazard information, inspectors further checked how this information was provided (e.g. the availability of the obligatory and the recommended information, as shown in Table 11).

The majority of advertisements of mixtures containing hazard information (591 out of the 608 (98 %)) were available in the official language of the Member State where the mixture was placed on the market. For the remaining mixtures (2 %), the hazard information was not available in the official language or was not checked.

Table 11: Information in the advertisement according to Article 48(2) of CLP (more than one option could be selected).

	Number of inspected products
Obligatory information	
- The advertisement contains written information on the hazard type or types according to Article 48(2)	431
- The advertisement includes a clear picture of the product's label containing the hazard type or types according to Article 48(2)	265
Recommended/supplemental information	
- The advertisement contains the hazard pictograms	439
- The advertisement contains the signal word (warning or danger)	430

Figure 7 compares the results of the substances and mixtures inspected regarding the obligation to provide hazard information in the advertisement (Article 48(1) and (2), respectively).

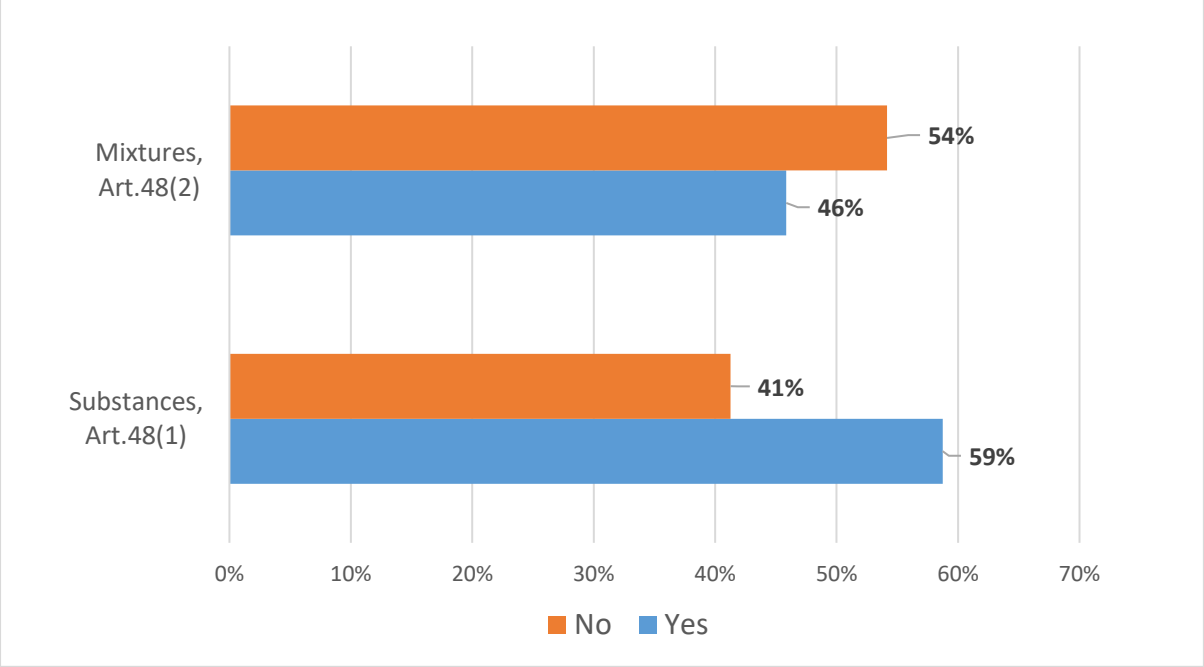

Figure 7: Results on the availability of hazard information provided in the online advertisement for substances/mixtures. (Question: Did the advertisement contain <u>any</u> hazard information?)

Considering the issues described above reported by inspectors, there were 2 065 non-compliances regarding CLP Article 48 (1) and (2):

- a total of 1 321 online advertisements did not contain **any** hazard information for the products offered on the websites;
- moreover, further non-compliances were found in the following cases:
    - the online advertisements for 26 substances (out of the 63 substances checked) did not contain the required hazard information (hazard classes/categories, according to Article 48(1));
    - the online advertisements for 718 mixtures (out of 1 335 mixtures checked) did not contain the required hazard information (types of hazard as indicated on the label, according to Article 48(2)).

Therefore, the overall non-compliance rate found in this project regarding obligations set out in CLP Article 48(1) and 48(2) is 75 %.

Further control related to labelling obligations

Where the label was provided in the advertisement (373 products), it was presented in a clear and visible way for 292 (78 %) products, while it was not clearly provided for 81 (22 %) products. As one step further into the control of the labels of the 292 products, these were checked in relation to their compliance with Article 17. The results are shown in Figures 8 and 9.

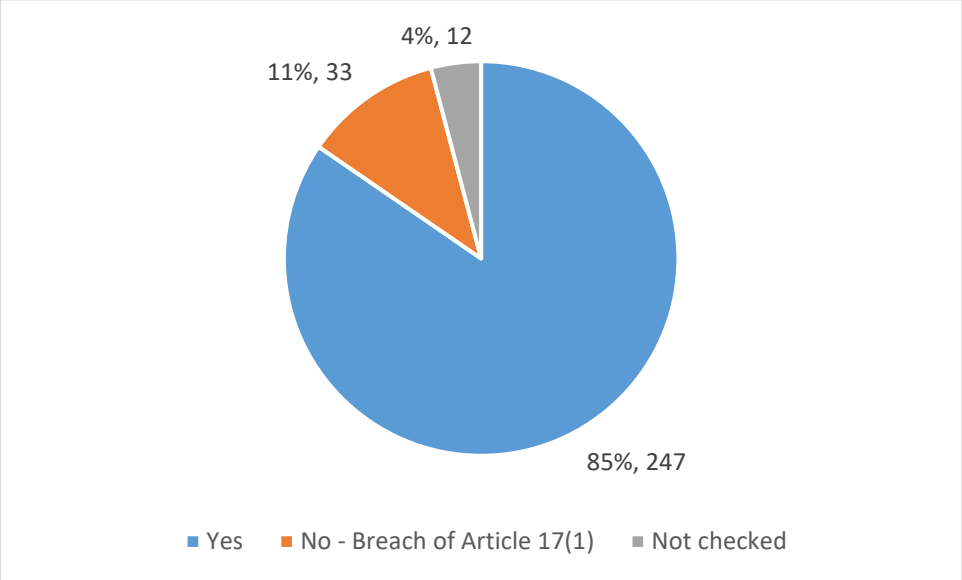

Figure 8: Investigation of Article 17(1) obligations (the label provided contained the required information)

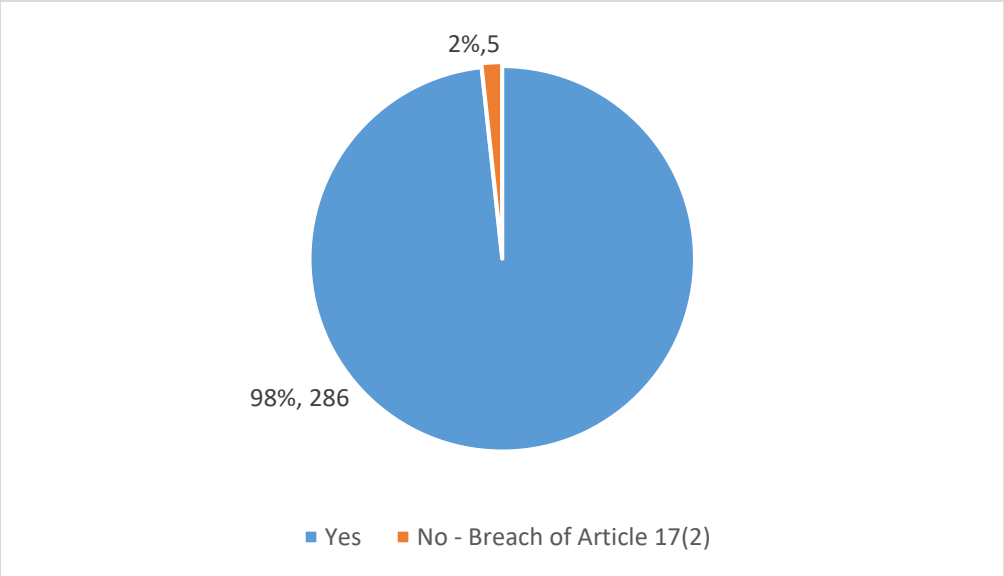

Figure 9: Investigation of Article 17(2) obligations (the label provided was available in the official language)

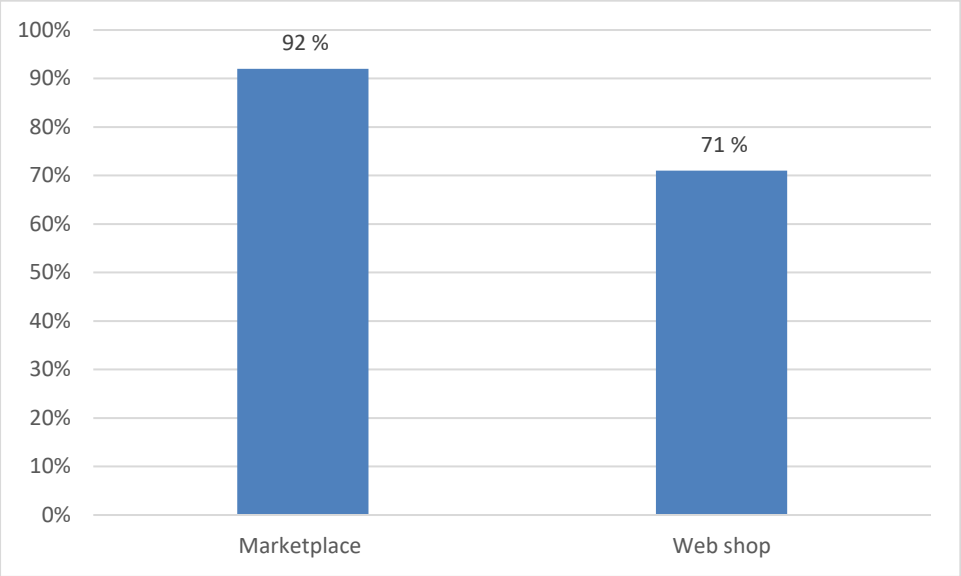

Figure 10: CLP non-compliances and where these offers were found

92 % of the non-compliant offers/products in respect to the CLP obligations were found in Marketplaces. Not far behind, webshops made available 71 % non-compliant products/offers.

3.5. Compliance with REACH restriction obligations (Annex XVII entries)

Greater rates of non-compliance were observed for substances/mixtures compared to articles. Substances/mixtures had a non-compliance rate of 95 % while articles had a non-compliance rate of 25 % (Table 12).

This illustrates that non-compliance for substances/mixtures was more readily identified in this project than for articles, which is mainly because chemical analyses may be needed for articles before a non-compliance could be found.

Restricted substances in chemical products (substances and mixtures) may be more visible from the web page since the constituent substances are often listed, for example, in the case of leaded solders or boric acid.

Table 12. Comparisons of non-compliance for restrictions on substance/mixtures and articles

Regulation	Number of checked products - restrictions	Number of non-compliances - restrictions	% non-compliances - restrictions
Substance/mixture	1 974	1 876	95
Article	655	164	25

Company type – marketplace and web shop

Since non-compliance is so high for substance/mixtures, it is no use to compare them with different company types. For restrictions of articles, it is possible, and marketplaces show 45 % non-compliance compared to 18 % for web shops (Figure 11).

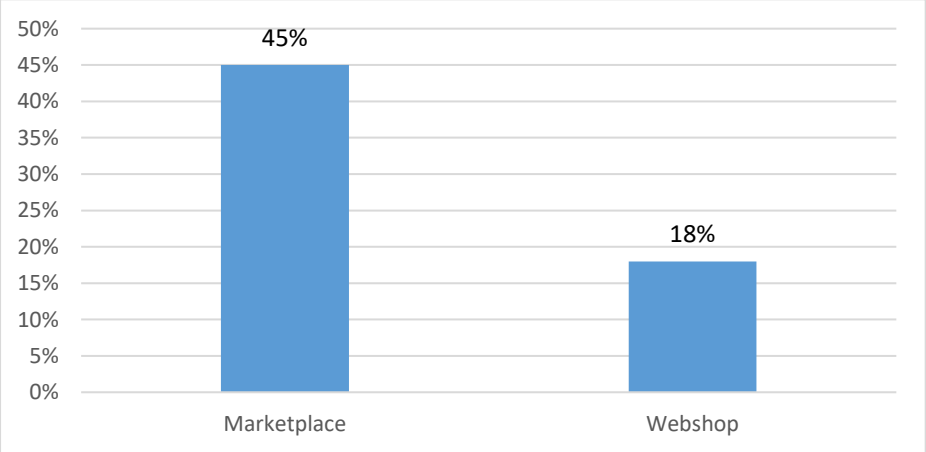

Figure 11: Marketplace/web shop – non-compliance of articles (restrictions)

Restricted substances in products

There were 2 629 products checked in compliance with REACH Annex XVII entries. The most frequently checked entries were entries 28–30: CMR substances, entry 63: lead and entry 23: cadmium (see Table 13).

Table 13: Products checked against the Annex XVII entries and their compliance

Entry	Number of inspected products	Number of non-compliant products	% of non-compliance
Entry 23: Cadmium	**346**		
- 23.1 plastic material	6	2	33
- 23.10. jewellery	340	79	23
Entry 27: Nickel in jewellery	**302**	16	5
Entry 28-30: CMR substances	**1 874**	1 855	99
- lead	1 693	1 690	99
- boric acid	135	135	100
- formaldehyde	7	6	86
- disodium tetraborate	8	6	75
- Others	31	18	58
Entry 43: Azocolourants and azodyes	**32**		
- leather	1	0	0
- textiles	31	0	0
Entry 45: OctaBDE	**0**	0	0
Entry 47. 5-7: Chromium VI in leather articles	**76**	6	8
Entry 51: Phthalates (DEHP, DBP, BBP, DIBP)	**106**		
- Toys	82	12	15
- Childcare articles	24	0	0
Entry 52: Phthalates (DINP, DIDP, DNOP)	**122**		
- Toys	94	2	2
- Childcare articles	28	0	0
Entry 63 Lead	**374**		
- 63.1 Jewellery	337	31	9
- 63.7 Articles	7	2	29
Entry 67: DecaBDE	**1**	0	0
Other entries - see Table 14	**170**	47	28

Regarding the CMR restrictions, the products containing CMRs restricted under entries 28-30 should not be available on the market for supply to the general public.

The most frequently investigated CMR was lead, found in leaded solders (tin solder, solder bars, solder balls) for welding needs. All of these inspected products were mixtures for both consumer and professional use and 1 690 non-compliances were found, one in a web shop, and the others on marketplaces.

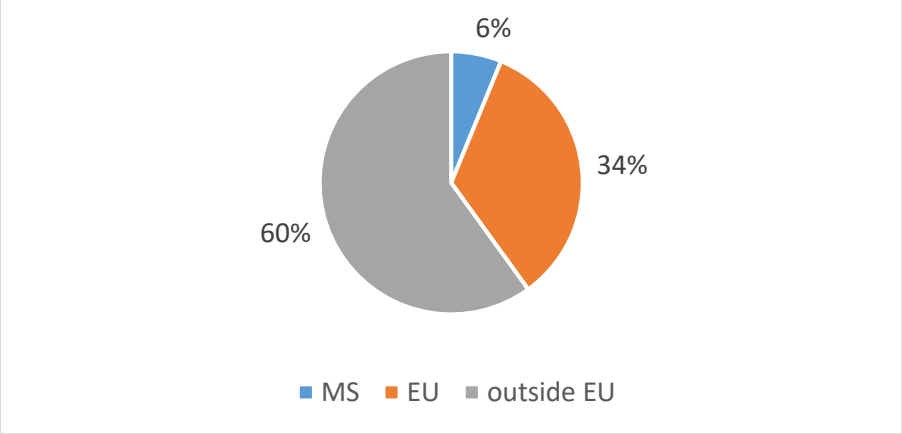

Figure 12: Location of marketplace for non-compliant products containing lead (MS=inside the Member State; EU=from other country in the EU)

60 % of non-compliant lead products came from outside the EU, while around one-third were from within the EU (Figure 12). The percentage of non-compliances in the Member States was relatively low (6 %).

Apart from the recommended restriction entries included in Table 13, inspectors could also check other entries. The restriction entries with the highest number of inspected products are indicated in Table 14. The highest ratio of non-compliance (100 %) was for the asbestos fibres restriction entry, followed by methylenediphenyl diisocyanate (54 %).

Table 14: Other entries checked

Entry	Number of inspected products	Number of non-compliant products	Percentage of non-compliance
Entry 6: asbestos fibres	15	15	100 %
Entry 56: methylenediphenyl diisocyanate (MDI)	13	7	54 %
Entry 69: Methanol	46	9	20 %
Entry 48: Toluene	18	2	11 %
Entry 50: PAH	43	4	9 %
Entry 66: Bisphenol A	12	1	8 %
Entry 5: Benzene	16	0	0 %
Entry 32: Chloroform	14	0	0 %

All the products were checked by considering different information or techniques. The most frequent source of information was the actual online offer (1 774 products) and the safety data sheet or labelling of the product (1 779 products) (see Table 15).

In 1 717 cases, both information sources were used. For 282 products, the inspection was conducted by analytical screening techniques, most of the products were screened for cadmium and lead (88 %).

Among all products inspected for restrictions, 20 % were checked by chemical accredited analysis.

Table 15: Source of information/techniques used when checking products (more than one option could be selected)

	Number of inspected products
Information in the safety data sheet or labelling present on the website	1 779
Based on information of the online offer/advertisement	1 774
Chemical accredited analysis initiated by the authority (common for articles)	526
Analytical screening investigation by the authority (e.g. XRF for metals) (common for articles)	282
Other	175
Test report provided by the company	0

3.6. Compliance with REACH safety data sheet obligations

In this project, the products' safety data sheets (SDSs) were checked solely based on whether an SDS was supplied or available, and in an official language of the receiving Member State (REACH Article 31(1), (3) and (5)).

For 956 inspected products, an SDS was required according to Article 31(1) or 31(3).

From those, the SDS was received/available in the official language of the receiving Member State for 761 (80 %) products, while for 130 (13 %) SDSs it was not, indicating potential non-compliance with Article 31. For 65 (7 %) products, it was not known (e.g. the SDS was not requested).

Inspectors had to investigate further to assess whether the 130 products and their SDSs were compliant or not.

A breach of REACH Article 31 can only be concluded if:

1. the product was purchased and an SDS is required under Article 31(1) and is not supplied; or
2. an SDS is required under Article 31(3) and is not supplied when requested; or
3. the SDS was not in an official language of the receiving Member State where required under Article 31(1) or 31(3).

Therefore, for 49 products, inspectors deemed them to be non-compliant with Article 31, because their SDSs were not received/not available according to Article 31(1) or 31(3), or not received/not available in the official language of the Member State according to Article 31(5).

For 79 products, inspectors could not conclude on the non-compliance, and 2 of them were compliant with the above-mentioned obligations.

The types of the 49 non-compliances were:

- 15 products where the SDS was not supplied (Article 31(1))
- 16 products where the SDS was not supplied on request/available (Article 31(3))
- 18 products where the SDS was not in an official language of the Member State (Article 31(5)).

Thus, from the 13 % of products for which the inspectors needed to make further investigations, 5 % were in fact non-compliant with the REACH SDS obligations covered in this project, while for 8 % it was not possible to conclude (see Figure 13).

It is important to underline that the nature of e-commerce makes inspecting SDS obligations difficult. Therefore, in many cases, the inspections of SDS requirements were not or were only partially carried out. In particular, for consumer products, the inspection of the provision of the SDS upon request was impracticable, if the availability of the SDS was only checked through the internet. As such, data on non-compliances related to the SDSs were established in cases where the provision was clearly verifiable or the SDS was found on the product's website. However, it should be noted that on-site inspections or mystery shopping could have been conducted to check if the SDS was available/supplied for the product.

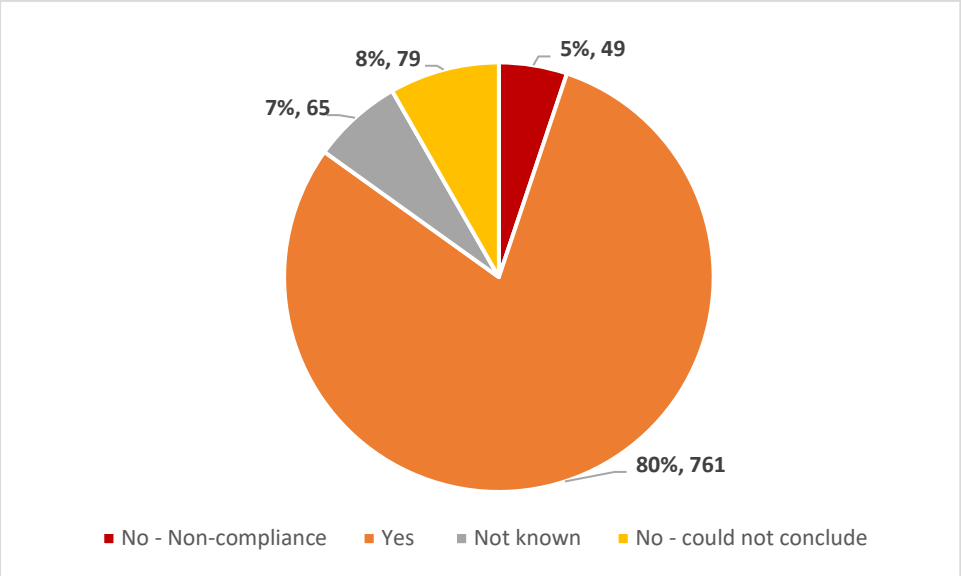

Figure 13: Results of whether the SDS was received/available in an official language of the receiving Member State

3.7. Compliance with BPR obligations

22 countries checked obligations according to the Biocidal Products Regulation (BPR). There were 1 153 products checked for compliance with BPR obligations.

It should be noted that these products were checked during the COVID-19 pandemic, and that consequently there was greater emphasis placed on human hygiene and hard surface disinfectants (product types 1 and 2, respectively).

The most frequent product types (according to the BPR) checked were product types[13] 1 and 2, followed by product types 18 and 19. A product can belong to more than one product type, therefore, the total number exceeds the number of products checked (Figure 14).

The highest level of non-compliance with Articles 17 and 89 of the BPR was found for product type 19 (79%), followed by product types 1, 14 and 3 (43 %, 43 % and 42 %, respectively). The low number of inspections completed for certain product types may have caused their non-compliance rates to be inflated.

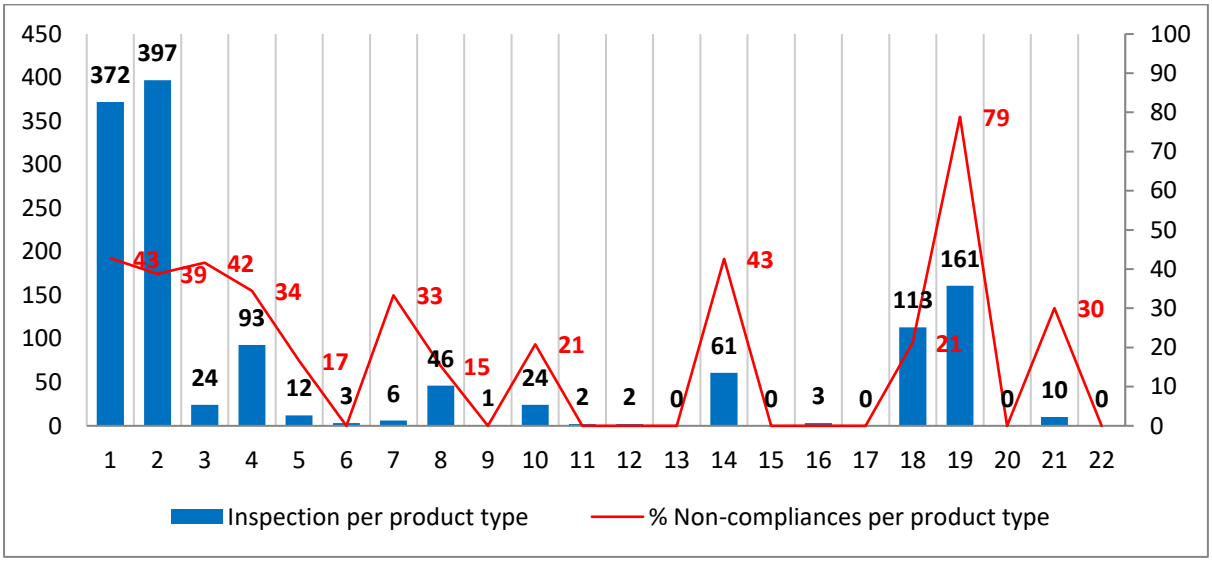

Figure 14: Reported product types for the controlled biocidal products and the percent of non-compliances for each product type.

User category

Figure 15 gives a breakdown of the user category of products identified during inspections. General public use products were the most popular user category identified. In terms of non-compliances identified within a user category, general public use products had the greatest proportion of non-compliances (44 %) followed by trained professional use products (39 %). Professional use products had the lowest proportion of non-compliances (33 %).

[13] Annex 2 includes the description of the biocidal product types.

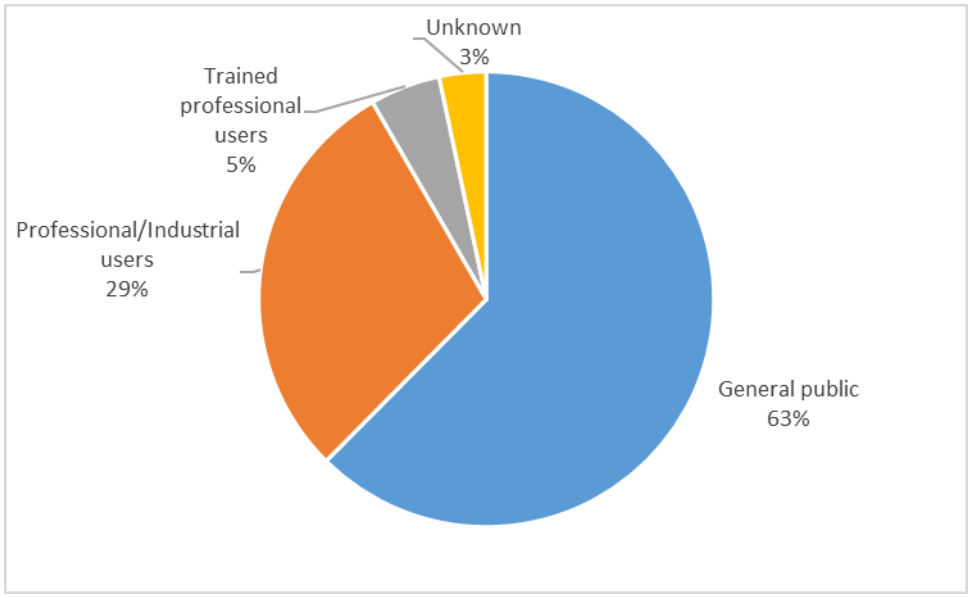

Figure 15: Reported user categories of controlled biocidal products. A biocidal product can belong to more than one user category.

76 % of products were identified as being available for the correct user categories, 14 % of products identified did not indicate information on the user category (Figure 16).

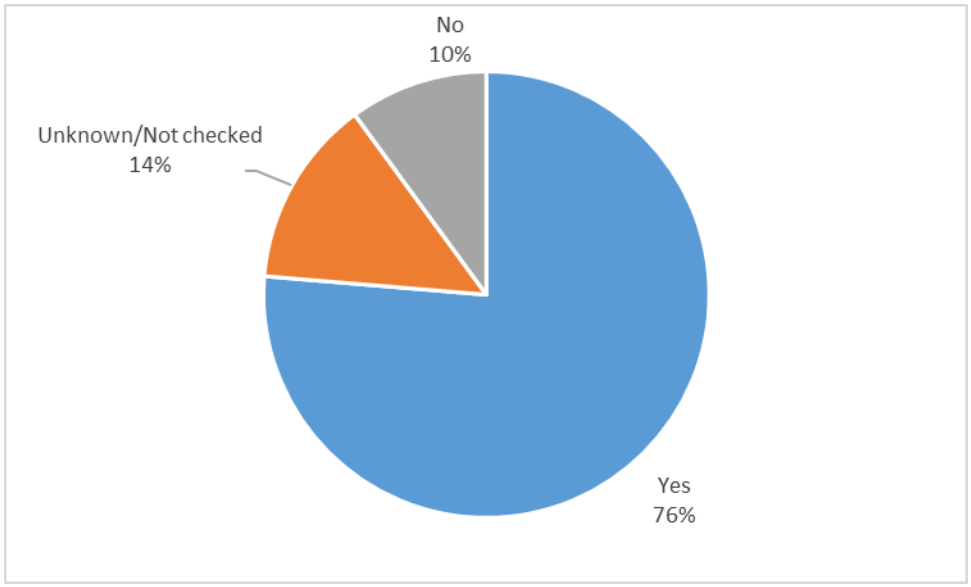

Figure 16: Reported products available to the correct user category.

Active substances

Of the 1 153 products inspected, 315 products contained two active substances, 74 products contained at least three active substances, 23 products contained at least four active substances and four products contained at least five active substances. In total, 175 different active substances were identified.

Table 16 below shows the most common active substances identified in the project and how many products contained these active substances.

Table 16: Most common active substances identified during the project

Number	Name	CAS number	Number of inspected products
1	Ethanol	64-17-5	346
2	Geraniol	106-24-1	100
3	Alkyl (C12-16) dimethylbenzyl ammonium chloride (ADBAC/BKC (C12-16))	68424-85-1	95
4	Propan-2-ol	67-63-0	80
5	Lavender, Lavandula hybrida, ext./Lavandin oil	91722-69-9	61
6	Active chlorine released from sodium hypochlorite	7681-52-9	56
7	Didecyldimethylammonium chloride (DDAC)	7173-51-5	54
8	Permethrin	52645-53-1	35
9	Hydrogen peroxide	7722-84-1	28
10	Bromadialone	28772-56-7	26

Table 17 lists the most commonly identified not allowed active substances in the project. In total, 85 substances were identified as not allowed active substances. A number of these substances were reported as active substances despite not appearing in the ECHA database for active substances). Others were listed in the review programme but may have a non-approval decision or may not have been evaluated for the specific product type identified in the project.

Table 17: The most commonly identified not allowed active substances in the controlled products.

Number	Name of active substance	CAS number	Status	Number of inspected products
1	Citronella Ceylon	8000-29-1	Not defined as an active substance	24
2	Glycerol	56-81-5	Not defined as an active substance	7
3	Active chlorine released from hypochlorous acid	7782-50-5	New active substance for PT 1, not in review programme	4
4	Sodium hydroxide	1310-73-2	Not defined as an active substance	4
5	Silver phosphate glass	308069-39-8	Used in the wrong product type. PT 3 not in review programme	3
6	Potassium hydroxide	1310-58-3	Not defined as an active substance	2
7	Polyhexamethylene biguanide hydrochloride with a mean number-average molecular weight (Mn) of 1415 and a mean polydispersity (PDI) of 4.7 (PHMB(1415; 4.7))	1802181-67-4	Non-approval for PT 1	2
8	Pyrethrins and Pyrethroids	8003-34-7	No longer supported in review programme	2
9	Chlorine dioxide	10049-04-4	Used in the wrong product type. PT 1 not in review programme	2
10	(+)-bornan-2-one	464-49-3	Not defined as an active substance	2

Compliance with Articles 17 and 89 of the BPR

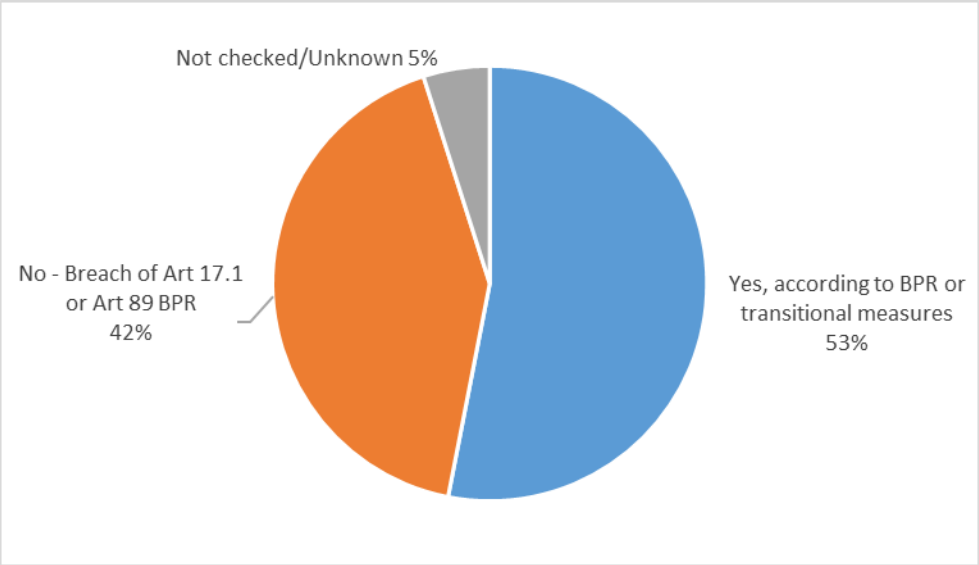

Figure 17: Compliance under the Biocidal Products Regulation - was the product legally on the market?

53 % of the products were legally made available on the market in the country in which they were sold. A total of 484 (42 %) products were identified as non-compliant under Articles 17 or 89 of the BPR. Of these 484 products, 81 % did not comply with Article 72(1) and 33 % did not comply with Article 72(3). A further 10 % were made available to the incorrect user category, while 32 % contained a not allowed active substance.

Advertisement

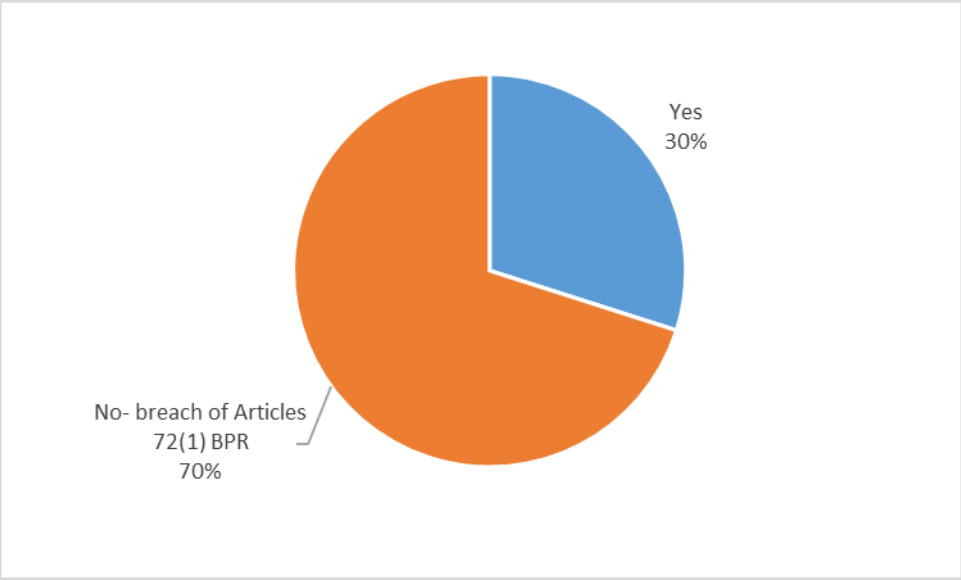

Figure 18: Compliance with Article 72(1) – does the advertisement contain the obligatory sentence?

The advertisements for 70 % of the biocidal products checked were missing the obligatory sentences "Use biocides safely. Always read the label and product information before use", resulting in non-compliance with Article 72(1) BPR (Figure 18). Out of those advertisements that had the obligatory sentences, 92 % of the obligatory sentences were clearly distinguishable and legible in relation to the whole advertisement.

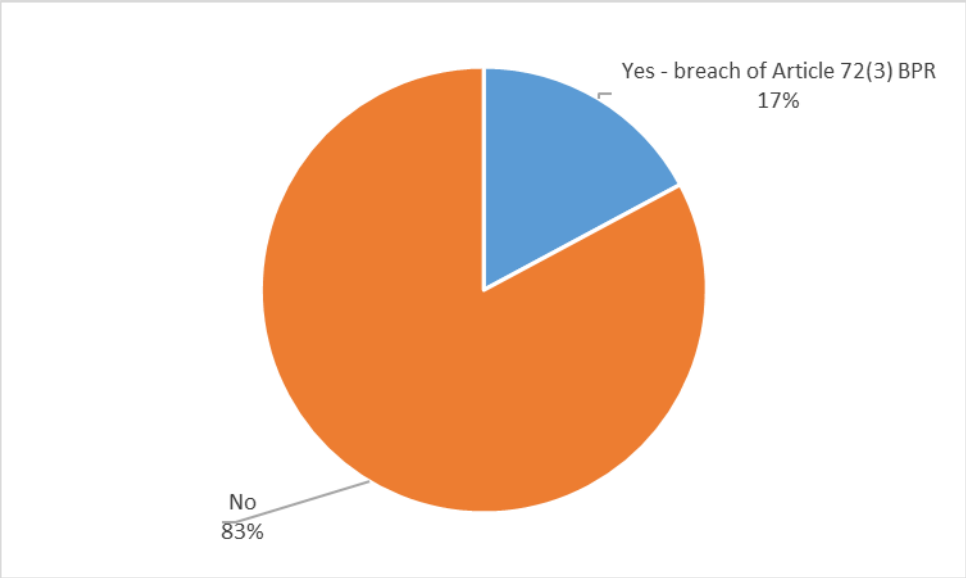

Figure 19: Compliance with Article 72(3) - does the advertisement mention "non-toxic", "environmentally friendly" etc.?

17 % of the biocidal products had misleading advertisements by mentioning "low-risk biocidal product", "non-toxic", "harmless", "natural", "environmentally friendly", "animal friendly" or any similar indication breaching Article 72(3) of the BPR (Figure 19).

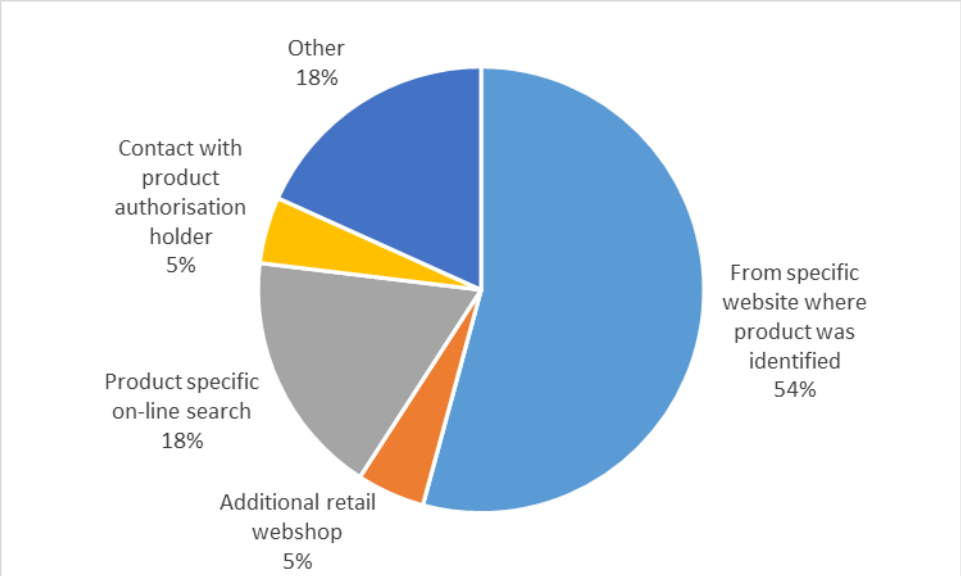

Figure 20: Sources used to complete the questionnaire

In 54 % of the inspections, the inspectors were able to complete the inspection using information from the specific website where the product was identified (Figure 20). Where an inspector could not find the required information in any of the above media, and recorded an alternative information source on the questionnaire, the most common alternatives were:

- the national database of registered products;
- completion of a physical inspection;
- contact with companies in the supply chain;
- the product safety data sheet; and
- ECHA's website.

3.8. Enforcement and communication

3.8.1. Enforcement actions

Enforcement measures

During inspections, where a non-compliance was detected in relation to the obligations checked in the REF-8 project, enforcement measures were imposed by the enforcement authorities (multiple actions could be taken) – see Table 18.

For the non-compliant products identified, the most common enforcement measure was written advice (59 %). In 11 % of the measures, follow-up activities were still ongoing.

Table 18: Enforcement measures for non-compliant products/offers (multiple choices were possible)

Enforcement measures	Number of inspected products	%
Written advices	3 247	59 %
No enforcement actions were initiated	626	11 %
Follow up activities still on-going	624	11 %
Orders	380	7 %
Other action	393	7 %
Verbal advices	149	3 %
Public announcement by NEAs	57	1 %

Follow-up actions

Where enforcement measures were taken, the most common follow-up actions included removing the product offer from the website (restrictions, BPR) (2 140 products, 53 %) and bringing the information in the advertisement into compliance (928 products, 23 %) – see Table 19.

No action was observed from companies for 7 % of the non-compliant offered products, which means that the products kept being sold on their web page. This is due to these marketplaces being located outside the EU and not being part of the Product Safety Pledge[14].

[14] https://ec.europa.eu/info/files/product-safety-pledge_en

Table 19: Follow-up actions (multiple choices were possible)

Follow-up actions	Number of inspected products	%
Removed the product offer from the website (rRestrictions, BPR)	2 140	53 %
Brought the information in the advertisement into compliance	928	23 %
Removed the non-compliant advertisement (CLP, REACH-safety data sheetSDS, BPR)	278	7 %
No actions were observed	267	7 %
Prohibition from placing on the market	248	6 %
Withdrawal from the market	157	4 %
Recall from general public	34	1 %

Sanctions

Additionally, there were sanctions imposed for non-compliant products/offers which can be seen in Table 20.

The high number of "no sanctions were applied" (80 %) is mostly due to national regulation on sanctions. Many Member States only sanction when companies continue to be non-compliant. Other reasons are that authorities can deviate from a sanction, that a sanction was outside their jurisdiction or that the non-compliance was regarded as minor. Under "others", the inspectors reported local authorities' decisions (353) and official warnings (36), which should have been reported as listed enforcement measures instead.

Table 20: Sanctions (multiple choices were possible)

Sanctions	Number of inspected products	%
No sanctions were applied	3 430	80 %
Other	584	14 %
Fine imposed	236	5 %
Information to investigation authority (pPolice)	3	0.1 %
Criminal complaint / handing over to public prosecutor's office	49	1 %

3.8.2. Communication

During the project, national enforcement authority (NEA) inspectors inserted notifications for 127 products/offers through the Information and Communication System for Market Surveillance (ICSMS) and 116 in the EU rapid alert system for dangerous non-food products (RAPEX or Safety Gate). 4 172 products/offers were not inserted or notified in these communication tools.

Information on 377 non-compliant products/offers was forwarded to other Member State authorities for action through the following tools:

- 8 through Interact portal;
- 13 through ICSMS;
- 346 informally; and
- 7 in another way.

4. Conclusions and recommendations

Based on the data received and its analyses, the following conclusions and recommendations can be drawn from the project.

4.1. Conclusions

- The non-compliance for restricted chemical products (substances/mixtures) were almost 95 % compared to 25 % for articles. This is mostly because it is possible to search and find chemicals (substances and mixtures) that are subject to REACH restrictions just from the information presented in the offer advertised on web shops and marketplaces, and more suitable candidates for the above-mentioned targeted risk-based approach. This visibility of chemicals could also be used by web shops and marketplaces when trying to set artificial intelligence that detects these non-compliances. For articles, it is more complex since chemical analyses has to be performed before a non–compliance can be stated. However, there are categories of articles that have been shown to have higher degrees of non-compliance in this project, such as articles made of soft plasticised material and jewellery, that companies should be aware of and for which they could be more proactive.

- CMR substances restricted in entries 28-30 of REACH Annex XVII had a high level of non-compliance (99 %) and were being sold to the general public. These substances are only allowed to be sold to professional users.

- Although some marketplaces joined the European Commission Product Safety Pledge[15], more could follow suit and join efforts to monitor and remove the sale of unsafe products. On the other hand, it was observed that marketplaces with legal entities within the EU are more compliant regarding CLP and the BPR, but less regarding REACH restriction than marketplaces with no legal entity within the EU.

- There was low non-compliance found regarding the availability and language of the safety data sheets (5 % non-compliance with REACH Article 31). These low results come from the fact that the project only focused on whether a safety data sheet was supplied/available and in an official language of the receiving Member State. As such, no conclusion can be drawn on the quality of the safety data sheets.

- There was an overall rate of 75 % non-compliance with CLP Article 48(1) and (2), which concerns advertisement obligations for online sales. In particular, non-compliance with CLP Article 48(2) is 54 %. When compared with the same obligation investigated in the Forum pilot project of online sales, which took place in 2017, the compliance was 82 %. After three years, that is a significant improvement observed concerning Article 48(2).

- In addition, the REF-8 project checked compliance with CLP Article 48(1). Results showed a 41 % rate of non-compliance for the online sale of substances. One explanation for this lower rate of non-compliance for substances compared with mixtures could be that online shops selling professional use products (which are usually

[15] Product safety pledge https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/product-safety-pledge_en

substances) may be more aware of their obligations than sellers providing products to the general public (usually mixtures).

- For biocidal products, very high non-compliance rates were identified among trained professional and professional use products. In addition, the fact that these biocidal products can be sold online without any control is an issue that warrants further consideration.

- 42 % of products identified were deemed to be non-compliant with Articles 17 or 89 of the BPR, meaning they were not authorised to be made available on the market under the BPR or under transitional measures.

- The overall non-compliance rate for biocides was 77 % (including all non-compliances identified in the questionnaire) and this suggests a high level of non-compliance for biocidal products made available online. When looking solely at requirements under Articles 17 and 89 of the BPR, the current non-compliance rate was 42 % as opposed to 7.1% in REF-6, which identified non compliances in biocides but did not focus on online sales. This further highlights the compliance issues with online sales and the need for continued cooperation between e-commerce marketplaces and national enforcement authorities.

- The most frequent biocidal products inspected were product types 1 and 2. This could be a result of the COVID-19 pandemic, resulting in an increase in disinfectants available on the European market. This also meant the most commonly identified active substance was ethanol, typically used in hand sanitisers.

- 70 % of products identified were in breach of Article 72(1) of the BPR and a further 17 % were in breach of Article 72(3). Companies should be aware of the risks to human and animal health, and the environment when misleading claims, in respect to the risk of a product, are included in an advertisement.

- The rates of non-compliance found in this project were a consequence of the fact that many Members States apply a targeted risk-based approach[16] to be resource-effective, and targeting hazardous products suspected to be non-compliant. Hence, the results of this project may not be a true reflection of the overall compliance status of the online market as a whole.

- The operational phase of this project was run during the first year of the COVID-19 pandemic which created an increased demand for internet sales. Consequently, the priorities of the enforcement authorities shifted towards the investigation of this type of commerce.

[16] In a survey to the participating Member States, more than 50% of the respondents reported that they used a risk-based approach in conducting inspections of this project.

4.2. Recommendations

4.2.1. To companies

For marketplaces:

1. Join and sign the European Commission Product Safety Pledge and commit to improving the detection of unsafe products marketed in the EU before they are sold to consumers or as soon thereafter as possible, and to improve consumer protection. Report the key indicators stated in the pledge as a way to provide to the Commission data that could be used to improve EU legislation on consumer products.
2. Request more information about sellers (address, country etc) and their products, and ensure they satisfy legal requirements before making them available online.
3. Take a more proactive approach especially for restricted articles (set precise demands on restricted substances to sellers and do random laboratory tests) and to the sale of biocidal products that are restricted to trained professional or professional use products, for instance, rodenticides.

For marketplaces and web shops:

4. Get familiar with the EU/national legislation for consumer products when setting up a website for online sales. Contact the national helpdesks, national enforcement authority (NEA) website, ECHA, European Commission, Market Surveillance authorities, etc. for needed information.
5. Use the information provided in the "Your Europe" portal[17], in line with the Single Digital Gateway Regulation, which provides online access to information concerning the relevant rights, obligations and rules arising from EU and national law.
6. Be more proactive to avoid non-compliances.

For industry and trade associations:

7. Develop common strategies to clarify what is a lawful sale on the internet. For this purpose, a collection of good practices could also be compiled by industry and distributed to associations for the information of the companies concerned.
8. Raise awareness of the legal duties included in this project.
9. Compliance officers within companies should also be aware of registration requirements within Member States and the different obligations resulting from transitional measures, and national and Union authorisations. Biocidal products must comply with Articles 17 or 89 of the BPR before they can be made available in a Member State.
10. Raise awareness on REACH restrictions, especially for substances that are intended for professional use only, and ensure that those substances cannot be sold to the general public. In this context, it is recommended to develop guidance on the technical implementation, e.g. making a subpage for the products intended to be

[17] "Your Europe" webpage concerning Classification, labelling and packaging of chemicals: https://europa.eu/youreurope/business/product-requirements/chemicals/classification-labelling-packaging/index_en.htm

sold to professional users only by requesting some company-related information during shopping.

4.2.2. To the Forum/Biocidal Products Regulation Subgroup (BPRS)

1. The Forum and BPRS should continue to support national enforcement authorities (NEAs) and stakeholders in their efforts to ensure compliance among all companies throughout the supply chain.

2. In future Forum/BPRS enforcement projects, consider including the investigation of products sold online in addition to regular on-site inspections.

3. Since REF-8 focused only on the availability and language of the safety data sheets, consider initiating an enforcement project focusing solely/mostly on obligations related to safety data sheets, including compliance with Article 31 and Annex II to REACH.

4. When enforcing restrictions in future projects, Forum could consider checking the most non-compliant ones from this project. For mixtures, the highest non-compliance has been lead in leaded solders for welding needs, and for articles, cadmium in plastic material and jewellery, and lead in articles.

5. Future enforcement projects on biocides should focus on areas identified with high levels of non-compliance. In the results of the assessment of the biocidal products, a number of product types were identified with high levels of non-compliance. In addition, a number of active substances were identified that were not approved or not evaluated for specific product types.

4.2.3. To Member States/national enforcement authorities/inspectors

1. The national enforcement authorities (NEAs) should continue to perform inspections of products sold online. Member States should continue to utilise the skills and knowledge gained this REF-8 project and incorporate online sales into their annual enforcement activities.
2. Organise awareness raising campaigns targeting online sales web shops and marketplaces, and other involved stakeholders selling in the country to inform them about the legal duties covered in this project.

3. Provide guidance/training to inspectors and national companies on the information that an online sale advertisement should contain, taking into account the Commission's recommendations. Improving the knowledge of all stakeholders, particularly those making products available for sale and use online, will result in greater compliance with the regulations.

4. Encourage inspectors to explore CMR substances in entries 28-30 of REACH Annex XVII, which are substances and mixtures not allowed to be sold to the general public. Their non-compliance can be concluded without laboratory testing.

5. Authorities approving the registration of a trade business company, could proactively check whether the products to be sold online are compliant with the relevant obligations. It could be a process involving different authorities and such cooperation should be encouraged by the Member State. Moreover, the company

should provide the main characteristics of the product sold online in line with the distant selling regulations.

6. Where competences are distributed between different authorities, which prevents the national enforcement authorities (NEAs) from acting upon a non-compliance, consider a national agreement to deal with the enforcement of online sales.

7. Member states and NEAs should ensure inspectors are familiar with the different requirements under Articles 17 and 89 of the BPR, and the different obligations for new and approved active substances compared to an active substance that is still under review in the ECHA active substance review programme.

4.2.4. To the European Commission

1. Make marketplaces responsible and liable for enforcement of illegal products/offers, especially from sellers outside the EU.

2. Harmonise and strengthen the regulation of online commerce across the EU.
3. Finance the development of EU IT targeting tools for national enforcement authorities (NEAs) to better scan online offers.
4. Develop Guidance for companies clearly stating the CLP, BPR and REACH obligations for online sales.
5. Include a clarification of Article 48 in the upcoming revision of CLP to specify the wording, avoid undefined legal concepts and align the two provisions under Article 48, in particular:

    - Clarify the term "Advertisement"; and

    - Clarify in the legal text what kind of information must be provided in an advertisement for mixtures according to CLP Article 48(2) (FAQ 0273).

6. For imports of products falling under REACH, CLP or the BPR, establish the obligation to mandate an "authorised representative" established in the Union, as stipulated for other sector legislation in Article 4 and 5 of the Regulation (EU) 2019/1020 on Market Surveillance and Compliance of Products, to better ensure compliance of products entering the Union Market through e-commerce.

4.2.5. To the public

1. Avoid buying products for which there is incomplete or no information about the seller.

2. When in doubt, contact the seller and request for more information about the product.

3. Be proactive and learn about the general legal requirements for consumer products in the EU and rights as a consumer. Information on consumer's rights can be found on the web pages of the Commission, ECHA, and national authorities[18].

[18] Learn about the rights of the consumer in COM's web page
Learn about the chemicals present in consumer products on ECHA's web page
Learn about the enforcement authorities and their activities in each Member State

4. Be aware that consumers might be responsible for the compliance of products they purchase online from outside the EU and subsequently import into the EU.
5. Avoid buying hazardous chemical products that do not bear any instructions for safe use, warnings and/or pictograms.

Annexes:

Annex I: Questionnaire used by inspectors in the project

Annex II: List of product type descriptions for biocidal products

Annex I: REF-8 Questionnaire used by inspectors in the project

Forum REF 8
control of online sales
QUESTIONNAIRE

Section 0: General information about the inspection	**Remark**
0.1. Participating country:	
0.2. Name of authority: **0.3.** Person in Charge (inspector): Telephone: E-mail: **0.4** File reference	This data is only for internal use.

Section A - Product level Questions

I. Product identifier	**Remark**
1.1 Sample number ☐	This data is only for internal use.
1.2 EAN / GTIN No./Barcode / Item number ☐ **1.3** URL address	EAN = European Article Number This data is only for internal use.
1.4 The product is a: ☐ Substance ☐ Mixture ☐ Article	
1.5 The product is intended to be sold: ◯ only to industrial/professional users ◯ only to the general public ◯ both to professionals and the general public ◯ not know/not checked	A product for professional users could require a login for the purchase or indicate a VAT number or similar identification of professionals.
1.6 This product will be checked against the following Regulations: ☐ REACH Restrictions *(Opens Section IIa)* ☐ REACH SDS *(Opens Section IIb)* ☐ CLP *(Opens Section III)* ☐ BPR *(Opens Section IV)*	Choose one or more of the 3 Regulations to be investigated for this product.

IIa – REACH Restrictions	
2.1 Inspection of compliance with Annex XVII entr(ies) (multiple answers possible): **Compliant?** □ Entry 23: Cadmium ◯ 23.1 Plastic material ◯ Yes ◯ No ◯ 23.10 Jewellery ◯ Yes ◯ No □ Entry 27: Nickel in jewellery ◯ Yes ◯ No □ Entry 28-30: CMR substances ◯ Yes ◯ No CAS number [drop down menu] □ Entry 43: Azocolourants and Azodyes ◯ Leather ◯ Yes ◯ No ◯ Textiles ◯ Yes ◯ No □ Entry 45: OctaBDE ◯ Yes ◯ No □ Entry 47. 5-7: Chromium VI in leather articles ◯ Yes ◯ No □ Entry 51: Phthalates (DEHP, DBP, BBP, DIBP) ◯ Toys ◯ Yes ◯ No ◯ Childcare articles ◯ Yes ◯ No □ Entry 52: Phthalates (DINP, DIDP, DNOP) ◯ Toys ◯ Yes ◯ No ◯ Childcare articles ◯ Yes ◯ No □ Entry 63 lead in ◯ 63.1 Jewellery articles ◯ Yes ◯ No ◯ 63.7 Articles ◯ Yes ◯ No □ Entry 67: DecaBDE ◯ Yes ◯ No □ Other entry(ies) : please specify entry from Annex XVII [ ] ◯ Yes ◯ No [ ] ◯ Yes ◯ No [ ] ◯ Yes ◯ No [ ] ◯ Yes ◯ No	
2.2 The product was checked (multiple responses are possible): ☐ a) by doing a chemical accredited analysis initiated by the authority ☐ b) by doing an analytical screening investigation by the authority (*e.g.* XRF for metals) ☐ c) based on information of the online offer / advertisement ☐ d) by checking the test report provided by the company ☐ e) based on the information in the SDS or labelling present in the website ☐ f) Other [ ]	a) includes also the option that the chemical analysis has been carried out by an accredited laboratory
IIb – REACH Safety Sata Sheets (SDS)	

2.3 Under REACH, is an SDS required according to Article 31(1), a, b, or c or Article 31(3)? ◯ Yes Art 31(1) a,b,c (Go to question 2.4) ◯ Yes, Art 31(3) (Go to question 2.4) ◯ No (then this section is concluded) ◯ Not known (then this section is concluded) If Yes in 2.3, **2.4** Is an SDS received/available in an official language of the receiving Member State? (Art 31(5)) ◯ Not known (then this section is concluded) ◯ Yes (then this section is concluded) ◯ No (then go to question 2.5) **2.5** Is the product compliant with Article 31? (check *NOTE in the remark column) ◯ Yes ◯ No ☐ SDS not supplied (Art 31(1)) ☐ SDS not supplied on request/available (Art 31(3)) ☐ SDS not in official language of MS (Art 31(5)) ◯ Cannot conclude as product assessed by desktop assessment only (product not purchased and supplied)	Check that a SDS is available and if it is in an official language of the Member State. *NOTE: A breach of REACH Art 31 can only be concluded where: - the product was purchased AND an SDS is required under Article 31(1) AND is not supplied; OR - an SDS is required under Article 31(3) AND is not supplied when requested; OR - was not in an official language of the receiving Member State where required under Article 31(1) or Article 31(3) For products assessed by desktop assessment only, please record your findings as above, but NOTE that desktop assessment is insufficient to conclude a breach of Article 31(1), 31(3), or 31(5).

III. CLP	**Only fill the CLP part for hazardous products**
3.1 Is there any hazard information available on the advertisement offer in the web site? ◯ Yes **3.1.1** How is the hazard information provided on the web site? ☐ The advertisement contains written hazard information ☐ The advertisement includes an image or a copy of the product label with containing **visible** hazard information ☐ Other (e.g. a link to the SDS): ◯ No hazard information provided	**Do not check the content or correctness of any information at this stage.** This will be checked in the following questions Select "Other", if you have to click on a link/SDS to obtain hazard information.
Note: Answer the following questions if the advertisement refers to the online sale of a hazardous <u>substance</u>: **3.2.1** Does the advertisement contain information related to the hazard classes or hazard categories of the substance according to Article 48(1)? ◯ Yes (select all applicable answers) *<u>Obligatory information</u>* ☐ The advertisement contains written information on the hazard classes or hazard categories according to Article 48(1) ☐ The advertisement includes a clear picture of the product's label containing all the necessary hazard classes or hazard categories according to Article 48(1) *<u>Recommended / Supplemental information</u>:* ☐ The advertisement contains a link to the SDS ☐ Other: ◯ No **3.2.2** Is the hazard information <u>as provided in the advertisement</u> available in the official language of the Member State where the substance is placed on the market? ◯ Yes ◯ No ◯ Not checked	**Article 48 (1)** For substances, the advertisement shall mention hazard classes or hazard categories e.g. Acute oral toxicity category 3. See ECHA Q&A 0272. <u>Note</u>: there is compliance with Article 48(1) if the hazard classes or hazard categories are provided in the advertisement of a substance. This can be done either by written information or by providing a clear picture of the product label. Access to an SDS is obligatory for professional use products. It does not fulfil Article 48(1).

Note: Answer the following questions if the advertisement refers to the online sale of a hazardous <u>mixture</u>: **3.3.1** Does the advertisement contain information on the type or types of hazard as indicated on the label according to Article 48 (2)? ◯ Yes (select all applicable answers) *<u>Obligatory information</u>:* ☐ The advertisement contains written information on the hazard type or types according to Article 48(2) ☐ The advertisement includes a clear picture of the product's label containing the hazard type or types according to Article 48(2) *<u>Recommended / Supplemental information</u>* ☐ The advertisement contains the hazard pictogram(s) ☐ The advertisement contains the Signal word (Warning or Danger) ◯ Information is not complete (e.g. missing Hazard statements, H-codes only instead of full hazard statements) ◯ No **3.3.2** Is the hazard information <u>as provided in the advertisement</u> available in the official language of the Member State where the mixture is placed on the market? ◯ Yes ◯ No ◯ Not checked	**Article 48 (2)** For mixtures, the advertisement shall mention the type or types of hazard indicated on the label. <u>This can be done by providing the relevant hazard statement(s) and supplemental hazard statement(s) e.g "H319: Causes serious eyes irritation", "EUH208: Contains <name of sensitising substance>. May produce an allergic reaction".</u> For sales to the general public, it is not sufficient nor relevant to refer to a SDS containing this information. See ECHA Q&A 0273.
Further control related to the labelling obligations **3.4** Is the label provided in the advertisement presented in a clearly visible way? ◯ Yes ◯ No (End of this Section) If Yes, **3.4.1** Does the product label contain <u>ALL</u> obligatory information according to Article 17(1) of CLP? ◯ Yes ◯ No - Breach of Article 17(1) ◯ Not checked **3.4.2** Is the product label available in the official language(s) of the Member State where it is placed on the market? ◯ Yes ◯ No - Breach of Article 17(2) ◯ Not checked	Article 17(1) Obligatory information on the label such as supplier's information, product identifiers, hazard, precautionary and/or supplemental information. Choose **NO** if the label is not consistent/wrong <u>or</u> not complete (*e.g.* missing statements, missing pictograms, missing Product identifiers). Article 17(2): Label shall be written in the official language(s) of the Member State(s) where the substance or mixture is placed on the market, unless the Member State(s) concerned provide(s) otherwise.

IV. BPR	**Remark**
4.1. Product type (PT) according to BPR(multiple choice) ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10 ☐11 ☐12 ☐13 ☐14 ☐15 ☐16 ☐17 ☐18 ☐19 ☐20 ☐21	
4.2 Name of biocidal product ☐	This data is only for internal use.
4.3 User category: ◯ General public ◯ Professional users ◯ Trained professional users ◯ Unknown	
4.4 Is the appropriated product available for the correct user category? ◯ Yes ◯ No ◯ Unknown/not checked	E.g. Can a general public user purchase a professional only use product?
4.5 Identification of the active substance(s) ☐ This information is not available (*go to 4.6*) Active substance 1: Name: ☐ CAS-number: ☐ Product types based on the active substance from the ECHA review programme: ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10 ☐11 ☐12 ☐13 ☐14 ☐15 ☐16 ☐17 ☐18 ☐19 ☐20 ☐21 ◯ Allowed ◯ Not Allowed ◯ Not checked Active substance 2: Name: ☐ CAS number: ☐ Product types based on the active substance from the ECHA review programme: ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10 ☐11 ☐12 ☐13 ☐14 ☐15 ☐16 ☐17 ☐18 ☐19 ☐20 ☐21 ◯ Allowed ◯ Not Allowed ◯ Not checked Active substance 3: Name: ☐ CAS number: ☐ Product types based on the active substance from the ECHA review programme: ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10 ☐11 ☐12 ☐13 ☐14 ☐15 ☐16 ☐17 ☐18 ☐19 ☐20 ☐21 ◯ Allowed ◯ Not Allowed ◯ Not checked	If the active substance is not indicated on the website, you can search for the product on other websites, try to find an SDS on the web or contact the seller/manufacturer. The status of active substance can be viewed in the ECHA review programme Select allowed/not allowed based on the status of the active substance(s)

Active substance 4: Name: ☐ CAS number: ☐ Product types based on the active substance from the ECHA review programme: ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10 ☐11 ☐12 ☐13 ☐14 ☐15 ☐16 ☐17 ☐18 ☐19 ☐20 ☐21 ◯ Allowed ◯ Not Allowed ◯ Not checked Active substance 5: Name: ☐ CAS number: ☐ Product types based on the active substance from the ECHA review programme: ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9 ☐10 ☐11 ☐12 ☐13 ☐14 ☐15 ☐16 ☐17 ☐18 ☐19 ☐20 ☐21 ◯ Allowed ◯ Not Allowed ◯ Not checked *To report more active substances, please use the comment box in section VII.*	
4.6 Has the product been legally made available on the market for the country that the product is available in? ◯ Yes, according to the transitional measures (Art 89) ◯ Yes, according to BPR (Art 17(1)) ◯ No - Breach of Art 17.1 or Art 89 BPR ◯ Not checked/Unknown	Article 17.1 and Article 89 For example, the biocidal product could be authorised in Sweden but made available on the German market, where it is not authorised. In this scenario the Swedish Inspector would select 'Yes' as the BP is authorised in Sweden and the German inspector would select 'No' as the BP is not authorised for sale and use in Germany
4.7 Is the sentence *"Use biocides safely. Always read the label and product information before use"* included in the advertisement for the biocidal product? ◯ Yes ◯ No - Breach of Article 72(1) BPR **4.7.1** If 'Yes': Is it clearly distinguishable and legible in relation to the whole advertisement? ○ Yes ○ No	Article 72(1) BPR
4.8 Does the advertisement for the biocidal product mention *"low-risk biocidal product", "non-toxic", "harmless", "natural", "environmentally friendly"*, *"animal friendly"* or any similar indication? ◯ Yes ◯ No - Breach of Article 72(3) BPR	Article 72(3) BPR
4.9 Where was the information necessary to complete the BPR part of the questionnaire gathered? (multiple choice required) □ From specific website where product was identified □ Additional retail webshop □ Product specific on-line search □ Contact with product authorisation holder □ Other (please specify) ☐	Please identify if different web resources were required to fully complete the BPR questionnaire or was all the relevant information available on specific seller website.

Section B - Summary and enforcement actions

V. Information of the identified company	**Remark**
5.1. Name of seller	This data is only for internal use.
5.2. Registered address (including country where it is available) **5.3.** Telephone **5.4.** E-mail	
5.5. Where was the product/offer found? ◯ Marketplace (go to 5.6) ◯ Amazon ◯ Ebay ◯ Wish ◯ Aliexpress ◯ Rakuten ◯ Cdiscount ◯ Light in the box/Mini in the box ◯ DealExtreme ◯ Geek Buying ◯ Gear best ◯ Newegg ◯ Other ◯ Webshop (go to 5.7) ◯ Other: (go to 5.7)	See Glossary for definitions In case of an *on-site* inspection, select "Webshop"
5.6 Where is the marketplace situated? ◯ Only within the Member State ◯ Only within EU ◯ Outside the EU ☐ They also have a legal entity in EU (marketplace) ◯ Not known	Marketplaces with known legal entity in the EU are e.g. Amazon, Ebay, Rakuten. .
5.7 Where is the webshop/seller situated? ◯ Within the Member State ◯ Within EU ◯ Outside the EU ◯ Not known	If the product / offer has been checked on a marketplace, the seller is the one who is responsible for the offer, therefore the origin of the seller should be answered here.

VI. Summary/enforcement actions/enforcement measures taken against the company	**Remark**
6.1 Is the product/offer compliant? ◯ Yes (go to 6.6) ◯ No, regarding the obligations concerning ☐ REACH restrictions ☐ REACH SDS ☐ CLP ☐ BPR	
6.2. Please specify what **the marketplace** did after your information about the non – compliant product / offer: ◯ the product/offered was not offered by a marketplace ◯ Upon authority request, marketplace removed the product offer from the website ◯ Upon authority request, there was no reaction from the marketplace ◯ Authority did not inform the marketplace about the non-compliant product / offer ◯ Other (please specify):	
6.3 Which type of enforcement actions were initiated for the non-compliant product/offer? **6.3.1** Enforcement measures (multiple choice is possible): ☐ No enforcement actions were initiated 1) ☐ Verbal advice 2) ☐ Written advice 3) ☐ Order 4) ☐ Public announcement by the Enforcement Authorities "Name and Shame" 5) ☐ Follow up activities still on-going 6) ☐ Other (please specify): **6.3.2** If you have chosen any action above, please specify what happened: (multiple choice is possible) 1) ☐ Prohibition from placing on the market 2) ☐ Removed the product offer from the website (Restrictions, BPR) 3) ☐ Removed the non-compliant advertisement (CLP, REACH-SDS, BPR) 4) ☐ Withdrawal from the market 5) ☐ Recall from general public 6) ☐ Brought the information in the advertisement in compliance 7) ☐ No action was observed **6.3.3** Sanctions: (multiple choice is possible) ☐ No sanctions were applied ☐ Fine imposed	Enforcement measures against the seller (see Glossary) who is responsible for the offer / product. Examples of public announcement is that the result of the non-compliant product and company is published in a report or in the NEA´s decision (order)

☐ Information to investigation authority (Police) ☐ Criminal complaint / handing over to public prosecutor's office ☐ Other (please specify):	
6.4 The product/offer was **inserted**/**notified**... ☐ in ICSMS ☐ in Safety gate (RAPEX) ☐ not inserted/notified	
6.5 Has information about this non-compliant product / offer been forwarded to other Member States Authorities **for action**? ◯ Yes **6.5.1** If Yes, please specify the tool used: ☐ Interact portal ☐ ICSMS ('pass the baton') ☐ Informally (e.g. e-mail, phone call) ☐ Other. Please specify: ◯ No	
6.6 Do you have access to the Interact portal? ◯ Yes ◯ No **6.7** Did you use the Interact portal during the preparation/conduct of this inspection? ◯ Yes ◯ No **6.8** If you have made on-site inspection, have you used Interact portal while being on-site? ◯ Yes ◯ No ◯ not applicable	

VII: Informal comments[19]
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[19] Please fill this section if you would like to inform on obstacles overcome, lessons learned, need for clarification/harmonization

Annex II: List of product type descriptions for biocidal products

Main group 1: Disinfectants These product types exclude cleaning products that are not intended to have a biocidal effect, including washing liquids, powders and similar products.		
Number	**Product-type**	**Description**
PT 1	Human hygiene	Products in this group are biocidal products used for human hygiene purposes, applied on or in contact with human skin or scalps for the primary purpose of disinfecting the skin or scalp.
PT 2	Disinfectants and algaecides not intended for direct application to humans or animals	Used for the disinfection of surfaces, materials, equipment and furniture which are not used for direct contact with food or feeding stuffs. Usage areas include, inter alia, swimming pools, aquariums, bathing and other waters; air conditioning systems; and walls and floors in private, public, and industrial areas and in other areas for professional activities. Used for disinfection of air, water not used for human or animal consumption, chemical toilets, waste water, hospital waste and soil. Used as algaecides for treatment of swimming pools, aquariums and other waters and for remedial treatment of construction materials. Used to be incorporated in textiles, tissues, masks, paints and other articles or materials with the purpose of producing treated articles with disinfecting properties.
PT 3	Veterinary hygiene	Used for veterinary hygiene purposes such as disinfectants, disinfecting soaps, oral or corporal hygiene products or with anti-microbial function. Used to disinfect the materials and surfaces associated with the housing or transportation of animals.
PT 4	Food and feed area	Used for the disinfection of equipment, containers, consumption utensils, surfaces or pipework associated with the production, transport, storage or

		consumption of food or feed (including drinking water) for humans and animals. Used to impregnate materials which may enter into contact with food.
PT 5	Drinking water	Used for the disinfection of drinking water for both humans and animals.

Main group 2: Preservatives Unless otherwise stated these product-types include only products to prevent microbial and algal development.		
Number	**Product-type**	**Description**
PT 6	Preservatives for products during storage	Used for the preservation of manufactured products, other than foodstuffs, feeding stuffs, cosmetics or medicinal products or medical devices by the control of microbial deterioration to ensure their shelf life. Used as preservatives for the storage or use of rodenticide, insecticide or other baits.
PT 7	Film preservatives	Used for the preservation of films or coatings by the control of microbial deterioration or algal growth in order to protect the initial properties of the surface of materials or objects such as paints, plastics, sealants, wall adhesives, binders, papers, art works.
PT 8	Wood preservatives	Used for the preservation of wood, from and including the saw-mill stage, or wood products by the control of wood-destroying or wood-disfiguring organisms, including insects. This product type includes both preventive and curative products.
PT 9	Fibre, leather, rubber and polymerised materials preservatives	Used for the preservation of fibrous or polymerised materials, such as leather, rubber or paper or textile products by the control of microbiological deterioration. This product-type includes biocidal products which antagonise the settlement of micro-organisms on the surface of materials and therefore hamper or prevent the development of odour and/or offer other kinds of benefits.
PT 10	Construction material preservatives	Used for the preservation of masonry, composite materials, or other construction materials other than wood by the control of microbiological and algal attack.
PT 11	Preservatives for liquid-cooling and processing systems	Used for the preservation of water or other liquids used in cooling and processing systems by the control of harmful organisms such as microbes, algae and mussels.

		Products used for the disinfection of drinking water or of water for swimming pools are not included in this product-type.
PT 12	Slimicides	Used for the prevention or control of slime growth on materials, equipment and structures, used in industrial processes, e.g. on wood and paper pulp, porous sand strata in oil extraction.
PT 13	Working or cutting fluid preservatives	Products to control microbial deterioration in fluids used for working or cutting metal, glass or other materials.

Main group 3: Pest control		
Number	**Product-type**	**Description**
PT 14	Rodenticides	Used for the control of mice, rats or other rodents, by means other than repulsion or attraction.
PT 15	Avicides	Used for the control of birds, by means other than repulsion or attraction.
PT 16	Molluscicides, vermicides and products to control other invertebrates	Used for the control of molluscs, worms and invertebrates not covered by other product types, by means other than repulsion or attraction.
PT 17	Piscicides	Used for the control of fish, by means other than repulsion or attraction.
PT 18	Insecticides, acaricides and products to control other arthropods	Used for the control of arthropods (e.g. insects, arachnids and crustaceans), by means other than repulsion or attraction.
PT 19	Repellents and attractants	Used to control harmful organisms (invertebrates such as fleas, vertebrates such as birds, fish, rodents), by repelling or attracting, including those that are used for human or veterinary hygiene either directly on the skin or indirectly in the environment of humans or animals.
PT 20	Control of other vertebrates	Used for the control of vertebrates other than those already covered by the other product types of this main group, by means other than repulsion or attraction.

Main group 4: Other biocidal products		
Number	**Product-type**	**Description**
PT 21	Antifouling products	Used to control the growth and settlement of fouling organisms (microbes and higher forms of plant or animal species) on vessels, aquaculture equipment or other structures used in water.
PT 22	Embalming and taxidermist fluids	Used for the disinfection and preservation of human or animal corpses, or parts thereof.

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