



EUROPEAN CHEMICALS AGENCY

OS 2.2.3

ASOs Workshop of the project REF-8 on online sales

2022 Open Session

9 November 2022

Karin Rumar
WG Chair



Quick overview of REF-8

REF-8

- Project on enforcement of CLP, REACH and BPR duties related to substances mixtures and articles sold online
- Inspections during 2020 and report in 2021

Target companies

- Web shops* and marketplaces who offer online hazardous substances, mixtures, biocidal products and articles subject to REACH, CLP and/or BP Regulations requirements (private sellers excluded)
- Companies situated within the enforcement authority's own country, within the EU or outside the EU

** All websites that directly sell goods online. The definition excludes marketplaces that do not directly sell a product*

Obligations checked

The obligations that were checked in this project were related to:

- REACH Annex XVII Restrictions
- REACH Article 31(1)(3)(5) - whether an SDS was supplied/available and in an official language of the receiving Member State (the content was not checked)
- CLP Articles 48 and 17 (optional)
- BPR Articles 3(1), 17(1), 72(1)(3) and 89

Results

- 29 countries (including Switzerland on BPR)
- 5730 products checked
 - Many Member States performed risk-based approach when selecting the products (not a study of the market)
 - Focus on non-compliances
 - Results in high non-compliance figures

- **Overall non-compliance rate***
 - 78% REACH Restrictions
 - 5% REACH Article 31(1)(3)/(5)
 - 75% CLP Article 48
 - 77% BPR

Follow-up

REF-8 Workshop
17 May 2022

- **26 representatives from 11 Marketplaces, e.g.**
 - eBay (speaker)
 - Amazon
 - Joom
 - Rakuten
 - Shell
 - BP
- **12 representatives from 7 ECHA's Accredited Stakeholders, e.g.**
 - EuroCommerce
 - A.I.S.E.
 - Cefic
 - Toys industry of Europe
 - Euratex
- **Address by a Member of the European Parliament**

The Forum for Exchange of Information on Enforcement (FORUM)

Workshop on the results of the Forum REF-8 project on

Enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold online

Date: 17 May 2022
Time: 10:30-14:00 EET
09:30-13:00 CET
08:30-12:00 WET

Remote meeting

Chair: Karin Rumar (WG Chair and SE Alternate Forum Member)

Agenda

Time EET	Item	Subject
10:00-10:30	0.	Connection of the participants
10:30-10:45	1.	- Opening of meeting - Welcome by the WG Chair and the Head of ECHA Support and Enforcement Unit - Address by Deirdre CLUNE, Member of the European Parliament
10:45-11:05	2.	Presentation of the REF-8 project results
11:05-11:30	3.	eBay's Product Safety Policies and Cooperation with Regulatory Authorities
11:30-11:50	4.	Update from the COM on the Digital Services Act and CLP/REACH reform
11:50-12:05 Break		
12:05-13:05	5.	Project's recommendations: Discussions in break-out groups (20' per group) I. Awareness raising of legal obligations II. Identification of non-compliant offers III. The future of online sales and needs for improvement
13:05-13:20 Break		
13:20-13:50	6.	Wrap-up of the break-out groups' discussions in agenda point 5
13:50-14:00	7.	Conclusions
14:00	8.	End of the Workshop

Workshop presentations

- Presentation **REF-8 results**, highlighting recommendations for Marketplaces
- Presentation from **eBay**: Product safety policies and communications channels
- Presentations from **COM**:
 - *Digital Services Act (DSA)*: Confirmation that liability exemption, will be maintained for intermediary services
 - *CLP revision*: distinction between “online advertisement” and “online offer”

Break out group
discussions

Topic I. Awareness raising of legal obligations

- They learn about their obligations via National Helpdesks and Newsletters (e.g. ECHA)
- Big companies have dedicated teams, consultants
- Trade associations
- Raise awareness by educating their users (marketplace) by mean of own guidance + link to Safety Gate

Topic II. Identification of non-compliant offers

- Proactive: Filter by keywords
- Marketplaces to cooperate and learn with each other to identify non-compliant products
- Data in Safety Gate could be improved
- Global trade number (GTN) or European article number (EAN) useful
- Cooperation with authorities to help define the demands to sellers
- Cefic and Euratex offered to help marketplaces

Topic III. The future of online sales and needs for improvement

- NEAs to increase inspection of online sales
- Improve cooperation with Marketplaces/webshops: share knowledge and help target non-compliant products
- New/better IT tools to target non-compliances
- E-labelling / Digital product passport for the future
- Important to have a responsible person in the EU (not necessarily the marketplace)

Question? Thank you

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