

Forum's finalised projects during 2017

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Chair of the Forum for Exchange of
Information on Enforcement

Finalised projects in 2017

- Second Forum **pilot project on authorisation**
- **REF-4 on restricted substances** –
Report to be published by the end of 2017

Projects running in 2017

- **Operational phase**
 - REF-5 on exposure scenarios, extended SDS, risk management measures and operational conditions
 - Pilot project on CLP focusing on control of internet sales
- **Preparation of the manual**
 - REF-6 on classification and labelling of mixtures
 - Pilot project on substances in articles
 - Pilot project on the control of PIC

Other activities

- Joint action with ASOs on the improvement of quality of SDS
- Revision of the best practice document and Minimum criteria for enforcement – Q4 2017
- Cooperation with Customs – cooperation with PARCS network
- Training for trainers – yearly Forum event
- Advice on the enforceability of Restrictions – recurrent Forum activity
- Selection of new REF project (REF-7) on registration, intermediates and customs
- Establishment of the Forum's BPR Subgroup (BPRS) – BPRS will define its way of liaising with ASOs

Final report on the second Forum pilot project on authorisation

Reporting period: January 2016 – November 2016



2nd pilot on authorisation

- Scope:
 - Check that substances with their sunset dates in 2015
 - are placed on the market for a use and/or are used only in accordance with a granted authorisation; or
 - where an application has been submitted before the latest application date but not yet granted; or
 - where placing on the market or use is justified by an exemption from the authorisation requirement.
 - Checking whether holders of authorisations and “Article 66 notifiers” for substances with their sunset dates in 2015 comply with authorisation decisions
- 17 MSs participated
- Final report is available on ECHA’s website

2nd pilot on authorisation

- 46% of the inspected companies were manufacturing chemicals (NACE 20.00-28.89)
- 78% of the inspected companies were SMEs
- 76% of the inspected companies (out of 207) were DUs

2nd pilot on authorisation

- 802 inspections (on-site and desk top inspections)
- **Inspection** - One questionnaire filled in per substance per company
- Substances covered mostly not present on the market - Majority of the inspected companies do not place (735) or use the substances (746) with a sunset date in 2015
- 12 inspections revealed non compliance with duties of Articles 56, 65 or 66 of REACH

Results – placing on the market

- 91% of inspections (735 out of 802) -> substances **were not** placed on the market
- **67** inspections -> substances **were** placed on the market:
 - 6 inspections found non-compliance:
 - non-compliance rate **8.9** % of inspections where the substance was placed on the market

Results - use of the substance

- 93% of inspections (735 out of 802) -> substances **were not** used
- **56** inspections -> substances **were** used:
 - 6 inspections found non-compliance:
 - non-compliance rate of **10.7 %** of inspections where the substance was used after the sunset date

Recommendations to the Forum

- Further pilot or REF project on authorisation for substances whose sunset dates have passed.
- Gain more experience with enforcing authorisation decisions and the underlying conditions.

Recommendations to enforcement authorities and inspectors

- Follow up in Member States with national projects on authorisation for substances whose sunset dates have passed.

Recommendation to the Commission

- Provide clarification in relation to only representative status with regard to authorisation decisions of the Commission.

Recommendations to industry

- Implement appropriate operational controls and risk management measures as set out in the authorisation decision for any authorised substance in use past its sunset date.

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REACH-EN-FORCE-4
Harmonised enforcement project
on restrictions

WG progress report

Marilla Anttila
WG Chair REF-4

Scope of the REF-4 project

- 14 restriction entries in Annex XVII of REACH
 - Decision about the scope done on the basis of information on non-compliance, the number of Rapex-notifications and the availability of analytical methods
 - Compendium of analytical methods
 - Scope endorsed by the Forum in June 2015
- In addition 8 other entries reported by the national coordinators

Entry	Substance	Products to be tested
5	Benzene	glues for consumers and professionals
6	Asbestos fibres	in articles
23	Cadmium and its compounds	plastic materials / packaging and other articles, brazing fillers and jewellery
27	Nickel and its compounds	jewellery and metal parts (e.g. buttons, zippers)
32	Chloroform	glues for consumers and professionals
43	Azocolourants and Azodyes	textile and leather articles
45	Diphenylether, octabromo derivative C ₁₂ H ₂ Br ₈ O	substances and mixtures and articles
47	Chromium VI compounds	leather articles and cement
48	Toluene	adhesives and spray paints intended for supply to the general public
49	Trichlorobenzene	substances and mixtures
50	Polycyclic aromatic hydrocarbons (PAH)	articles for supply to the general public
51, 52	Phthalates	toys and childcare articles
63	Lead and its compounds	jewellery

Participation

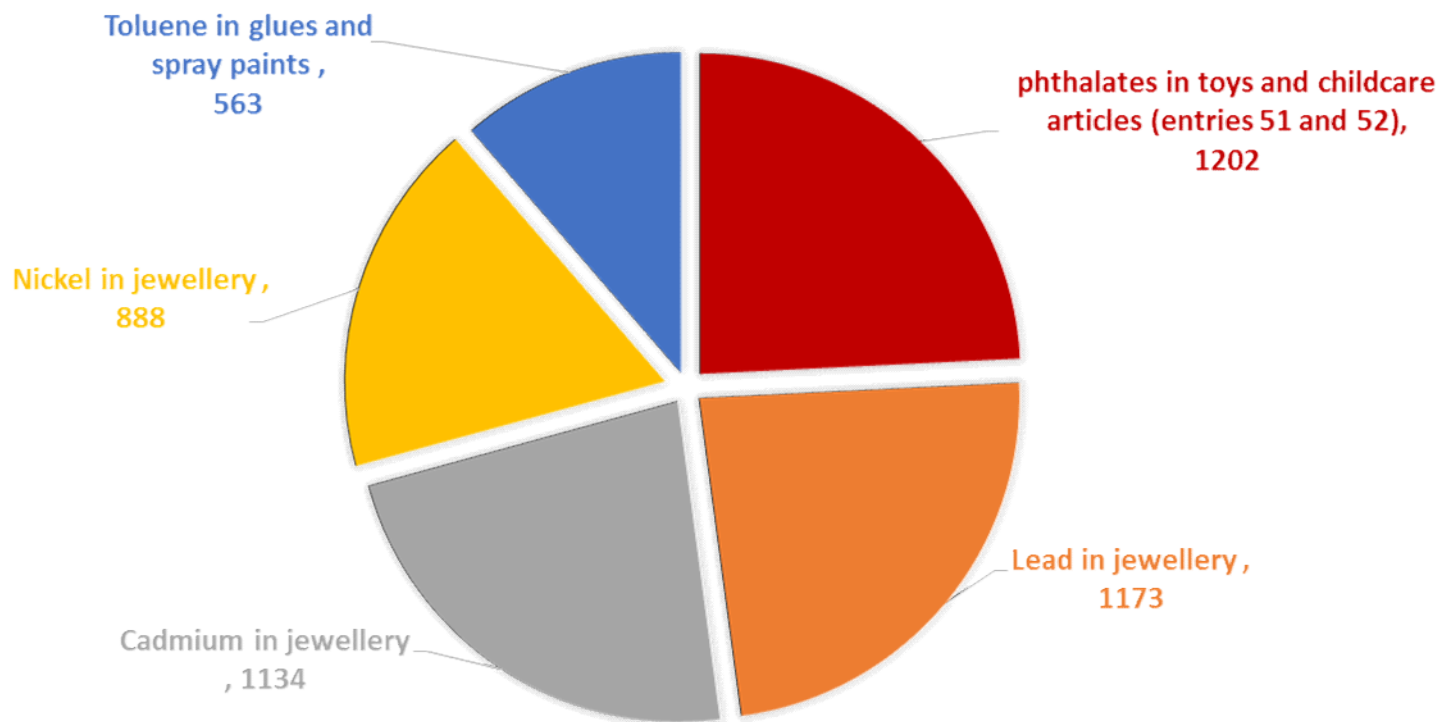
- Scope, target group and practical issues for the enforcement prepared by a Forum WG -> *Project Manual*
- National coordinators named by each participating MS and trained by the WG
- Operational phase (2016) run by the national inspectors
- Results collected from the national coordinators by the WG -> *Project Report*
- 29 MS participated to the project and 27 reported in a way that their combined results are included in the report
- Cooperation with the Customs was expected

Operational phase

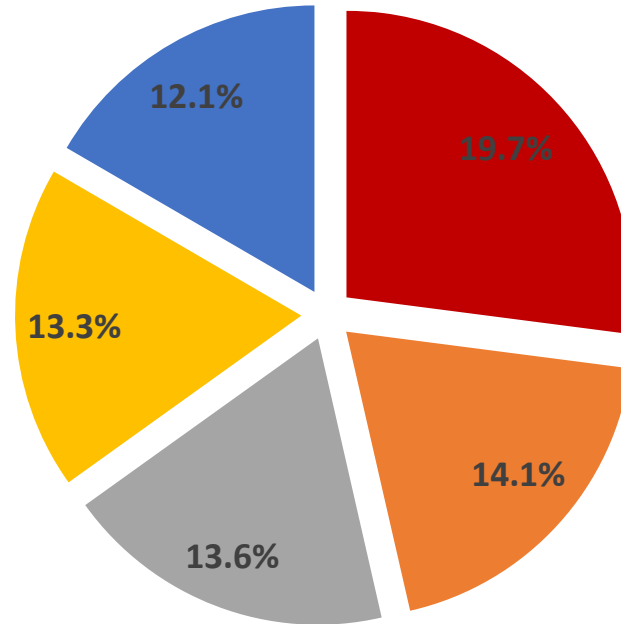
- MS participating to the project have decided
 - Entries in the scope to be covered
 - Type of companies to be covered
 - Number of samples to be taken and
 - Enforcement actions to be implemented when non-compliance is found
- The WG recommended to use
 - Accredited laboratories
 - Analytical methods in the Forum Compendium of analytical methods
 - XRF only for screening and verifying compliance (not non-compliance)

- In total 5625 inspected products
 - 17 substances
 - 1009 mixtures
 - 4599 articles
- Origin of the inspected products
 - EU: 1616 (29%)
 - Imported: 2885 (51%)
 - Unknown origin: 1124 (20%)
- 20 % of the products inspected were placed on the market via internet
- Most of the products inspected were from distributors or importers, also downstream users (formulators and article producers)
- Most of the enforcement was based on analytical methods

Amount of inspected products for the Annex XVII entries covered by the project – **Top 5**

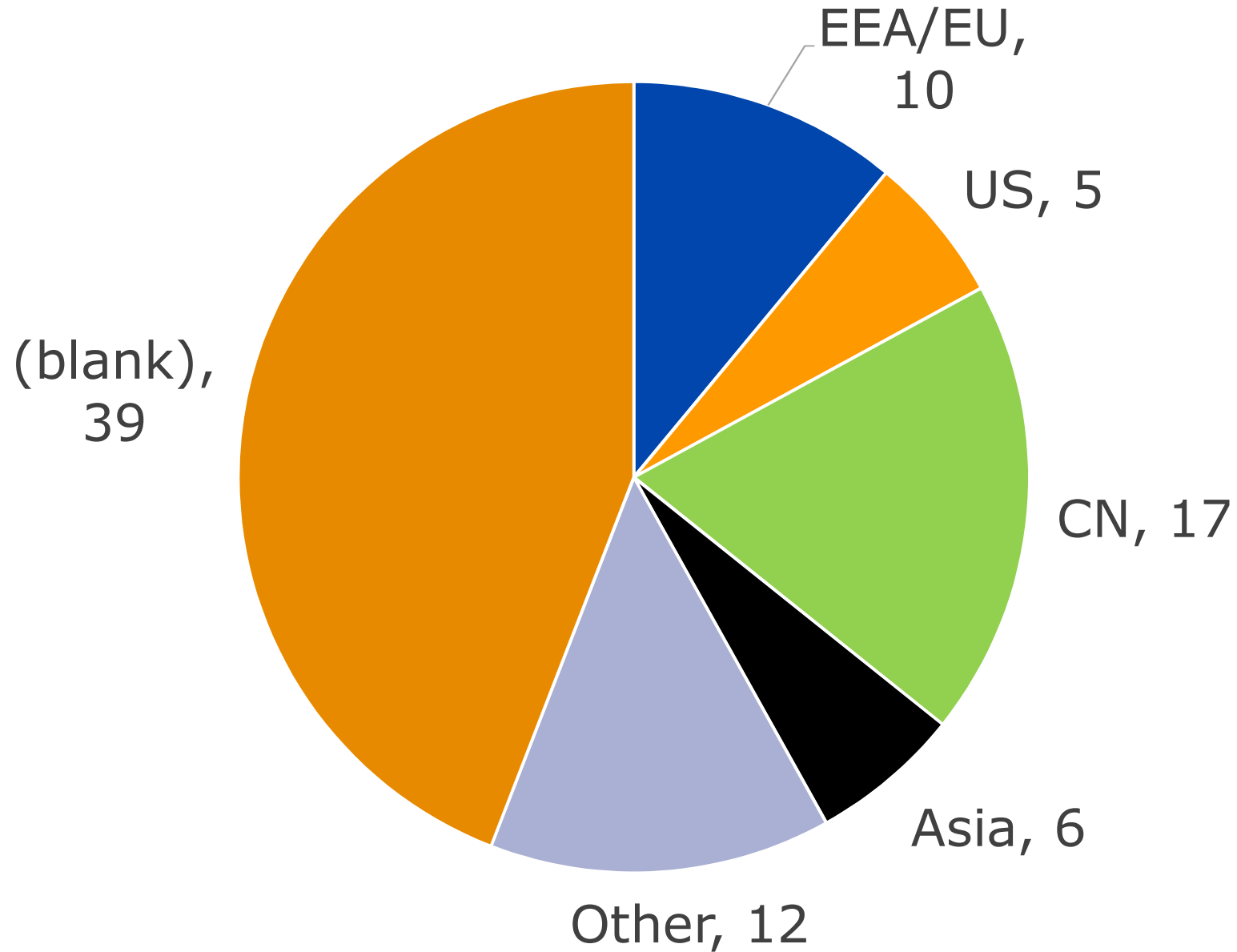


Ratio of **non-compliant** products found - Top 5



- Phthalates entry 51 (DEHP, DBP, BBP) (out of 464 toy products)
- Cadmium in brazing fillers (entry 23) (out of the 86 tested mixtures)
- Asbestos in articles (entry 6) (out of the 213 tested products)
- Chromium(VI) in leather articles (entry 47) (out of the 467 tested articles)
- Cadmium in jewellery (entry 23 again) (out of the 1134 tested products)

Proportion of non-compliant products for place of origin (%)



A few preliminary conclusions

- Successful risk based targeting by the enforcement authority may result in significant non-compliance rate
- Phthalates in toys, heavy metals in jewellery, Cadmium in brazing fillers, asbestos in articles (mostly second-hand) sold on-line and Chromium(VI) in leather articles seem to be big problems in the market
- High non-compliance rate (39 %) in products with no indication of origin
- Enforcement of restrictions and capacity to conduct analytical studies necessary in the MS



Thank you for your attention