

# Cooperation with Customs – Upcoming Pilot Project

Agenda item 8.3

Forum-31  
14-16 November 2018

Tasoula Kyprianidou-Leontidou

- Previous REACH Enforcement Projects with Customs involvement
  - REF3
  - REF4
  
- Current status of Cooperation with Customs
  - WG on Cooperation with Customs activity
  - Planned pilot project on cooperation with customs TBC

## Previous FORUM activities – REACH-EN-FORCE-3 (REF3)

- Objective: Inspection and enforcement of compliance with registration obligations by manufacturers, importers and OR's in close cooperation with customs
- Involvement of customs - use of data from import declaration in order to focus on importers and ORs

- All participating countries utilised data on substances and mixtures from import declarations (annual data set of predefined CN1 codes from various chapters of TARIC)
- Data was gathered through cooperation with customs
- In 85% of the participating countries the REACH enforcement authorities used the data provided by customs
- in 15% of countries, the risk assessment for targeting individual duty holders was performed by customs themselves
- Companies with mainly an importer role (64%) and small and medium enterprises (67%) were inspected

## Previous FORUM Activities REACH-EN-FORCE-4 (REF-4) – Project on Restrictions

- Took place in 2016
- Included a Table with TARIC codes related to specific articles for which restrictions apply
- 13 Member states reported cooperation with customs under this project

### Main results:

- High non-compliance rate (39 %) for products of unknown origin.
- Higher non-compliance rate for Asian products than for products from EU/EEA area.
- Top 3 non-compliances:
  1. Phthalates in toys
  2. Cadmium in brazing fillers
  3. Asbestos in articles

Specific recommendations on the cooperation of the national enforcement authorities and the customs authorities:

1. The development of unique CN-codes for all substances, mixtures or articles restricted according to Annex XVII of REACH
2. Easier and more streamlined procedures to be established for the REACH NEAs for getting information from their customs authorities
3. More common enforcement projects between the REACH NEAs and the customs authorities for further enhancement of the cooperation

# WG for Cooperation with Customs

## Framework for involving Customs Authorities to REACH/CLP controls

- Various models have been proposed to facilitate controls at Customs
- Customs role varies depending on the established cooperation



# WG for Cooperation with Customs

## Framework for involving Customs authorities

### Models where REACH compliance impacts release for free circulation by Customs

- **Model 1.a** – Customs request NEA to assess REACH/CLP compliance, for shipments where it suspects non-compliance
- **Model 1.b** – Customs request NEA to assess REACH/CLP compliance, for shipments identified through risk profile made by NEA
- **Model 1.c** – Customs suspects non compliance with REACH Restrictions. Customs sends sample to laboratory and takes decision on REACH/CLP compliance based on lab results.
- **Model 1.d** – Joint action by Customs and NEA inspectors. NEA inspectors are physically present at the customs premises at regular intervals. Customs selects shipments for joint check. Customs officers check customs duties, NEA inspector checks REACH and CLP



# WG for Cooperation with Customs Framework for involving Customs authorities

## Models where REACH/CLP compliance does not directly affect release for free circulation by Customs

(In these models customs will release for free circulation and  
REACH/CLP compliance can be checked later by NEAs)

- **Model 2.a.** – NEA requests customs for certain data.  
Customs provide it. NEA assesses compliance
- **Model 2.b** - Customs spontaneously provide data to NEAs.  
NEAs can follow up this information based on their priorities.

- REACH restrictions
  - Cadmium in plastic materials, jewellery or other articles (23)
  - Nickel in articles (e.g. jewellery) that come into direct contact with human skin (27)
  - Lead in jewellery (63)
  - Other restrictions, if so desired by participating countries
  
- CLP provisions
  - Packaging
  - Labelling

## Pilot Project Timeline

- Preparatory phase 2018 (Currently the WG finalised the Manual for the Pilot Project)
- Operational phase: March 2019 to December 2019
- Reporting phase: January – October 2020

# Thank you!

[tkyprianidou@dlι.mlsi.gov.cy](mailto:tkyprianidou@dlι.mlsi.gov.cy)

Subscribe to our news at  
[echa.europa.eu/subscribe](http://echa.europa.eu/subscribe)

Follow us on Twitter  
[@EU\\_ECHA](https://twitter.com/EU_ECHA)

Follow us on Facebook  
[Facebook.com/EUECHA](https://www.facebook.com/EUECHA)