

Forum for exchange of information on enforcement

Workshop on the results of the

REF-10 project report on:

Integrated chemical compliance of products.

24 April 2024

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1. Workshop summary

Workshop on the results of the Forum REF-10 project on Integrated chemical compliance of products – Helsinki 24 April 2024.

Summary

119 participants from industry and other stakeholder organisations and national enforcement authorities participated to the event. This was divided in a session open for stakeholders and a debriefing session for inspectors and national coordinators (see agenda).

Open session – feedback from the participants

79 % of the respondents indicated that the results of the REF-10 project provide a reliable picture of the EU market for restricted substances. And in relation to the Electric and Electronic Equipment, about half of the respondents considered that their perception about the specific non-compliance with the specific non-compliances (49%) observed in the project was worse than expected while the other half considered that that it was according to their expectations.

81 % of the participants indicated that they are aware that there are free riders that try to avoid their duties to ensure compliance of their products with substance restriction duties and consider that enforcement actions are needed. 19 % of the respondents indicated that they are not aware of that problem.

80 % of the respondents indicated that they expected that there are differences in compliance with restrictions duties stipulated in REACH, POP Regulations, Toys and RoHs Directive. 17 % considered that it is difficult to say.

The participants identified the following difficulties for companies in complying with the restrictions of the REACH, POP Regulations, and the Toys and RoHs Directives:

- Complex regulations. Small entrepreneurs need to spend in consultants for new regulations.
- Small companies often do not have enough staff to deal fully with the topics.
- High costs involved to comply with all legislations.
- Complexity of regulations and lack of knowledge.
- Lack of CE marking.
- Importing without certification.
- Lack of knowledge and cheaper raw materials give higher profit. Testing is costly.
- Complex supply chains. It is impossible to check for every restricted substance.
- Difficulty to get information through the supply chain and no coherence on analytical methodology.
- Lack of test methods.
- Insufficient awareness of the requirements of the regulations.
- Most are importers and not manufacturers.
- Multiple restrictions under various legislations, migration tests and content-based tests for the same substance, expensive tests.
- Persistent free riders.
- The different pieces of legislation which are quite complicated.

- One article versus several legislation governing them with different Member State responsibilities.
- Too many obligations, too many regulations, complicated for the companies to cover everything, no easy testing methods.
- REACH and POP restrictions can be different and thus awareness is not there.
- Awareness, especially by non-EU companies.
- Changing CLP classification.
- Lack of companies' self-control for imported products.

The participants identified different elements not expected in the REF-10 project:

- The results of non-compliance identified for jewellery products.
- REACH4Textiles showed 16 % non-compliance so that this is on the average with the results of the project REF-10.
- In principle, it was supposed that there might be more non-compliance found for Entry 72 textiles restrictions for imported products.
- Maybe entrepreneurs need short and clear guides what to know about regulations before starting businesses.
- It seems that the same non-compliances are recurrent in every REF project where these products are tested. The situation does not seem to improve.
- 15 % of non-conforming fashion products.
- 50 % of non-compliance in cables.
- The project helped a lot in organising inspections and improving procedures.
- Overall, it was expected most non-compliance with REACH and POP as this are the broadest and not much sector specific legislation compared to toys or RoHs.
- RoHs and POPs.
- Similar results as in the past report on this topic. There seems to be no improvement. Still, the same substances are making the highest problems.
- That the non-compliances under RoHs would be so high and that the heavy metals would have so persistent non-compliance under various restrictions and under all legislation checks.
- The non-compliance levels above 20 % for some products.

The participants considered that these aspects were / were not covered under the REF-10 project:

- The scope was quite broad.
- The project included a matrix relevant for substances and type of products facilitating the targeting of products. Similar approach is followed by the REACH4Textiles project.
- Some more information on actual test methods used for comparison of methods.

The participants were asked if they had any further recommendations that inspectors could put in place to improve the safety of products in relation to restricted substances. This is some of the feedback provided:

- Articles in foreign trade magazines.
- Spreading more information in social media.
- To make easier buying products online for testing.
- Stay in contact with associations and experts from industry.
- It would be helpful for inspectors to have risk-based data for other sectors from the related organisations.

- General information to the general public and specific information to businesses.
- Online platforms must cooperate more with national enforcement authorities.
- Make it easier to take online samples.
- Indicate whether screening methods are allowed for market surveillance purposes.
- As already recommended in the report, more tests, more enforcement on a risk-based approach to create an equal level playing field and to increase the risk for non-compliant producers.
- Check phthalates in sport apparel, quinoline in seasonal materials.
- Always check products sold online as well as in stores.
- Inspectors would like to have more screening methods. Maybe some could be developed from the PARC project.
- Use and develop further (new substances, regulations, etc.) the REACH4Textiles risk-based approach also for training.
- Select samples according to a risk-based approach, in that way only the relevant chemicals are tested.

The participants gave the following suggestions for future enforcement projects focusing on restricted substances:

- Aromatic substances.
- Tattoo inks, to see how the dynamic link between REACH / CLP works with inspectors (we might need more of it in the future).
- Projects on restricted substances in costume jewellery.
- Products which are in contact with skin or mucous membrane.
- Heavy metals (lead, nickel, cadmium, etc.) to be checked for all REACH restrictions and under other chemical legislations, including recycled products.
- CMR on perfumes' mixtures.
- PAHs in elastomer and polyurethane sport apparel (gloves for driving, for sports), plasticised parts in gloves.
- Checks for products with multiple restrictions.
- Organising an EU-wide laboratory resource for the samples which is available for all NEAs.
- A project just for online products.
- Material approach. Perhaps we find new products / groups of products to be controlled.
- Recycled products.
- Textiles with an electronic function.
- Electrical products.
- Smart textiles.

Rating from poor to excellent, 68 % of the participants rated the open session of the workshop to be good and 31 % found it excellent.

Debriefing session with inspectors and national coordinators.

In the debriefing session with inspectors and national coordinators, 58% of the respondents indicated that they cooperate with other NEAs in the integrated control of products when controlling several legislations. And 19 % indicated that this is not needed since all the legislations are covered by their NEA. 23 % indicated that they did not cooperate for other reasons.

39 % respondents indicated that the integrated control will be part of their enforcement plans in the future.

98 % of the respondents indicated that the REF-10 Guide of inspectors will guide them with the selection of products for future enforcement.

Inspectors indicated that REF-10 project have helped them as follows:

- Help with the risk-based approach.
- Knowing that we all look for the same type of issues and it is a good way to work together.
- Identifying repeated non-compliances.
- The matrix for the selection of substances and products and the rate of non-compliance with the restrictions.
- Category and subcategories of products to target.
- The statistical data on the non-compliances.
- In targeting the most non-compliant substances in various articles. In realising that the problem persists.
- The rates of non-compliances help in deciding the next campaign. But REACH substances in articles / materials that are pertinent but not tested must be included, in case the non-compliances exist but remain under radar.
- How important online samples are.
- We must focus more on dropshipping.
- Legislation and questionnaire.

Disclaimer: This summary includes feedback received from participants of the workshop. It does not necessarily reflect the position or opinion of the European Chemicals Agency or the Forum.

2. Agenda

The Forum for Exchange of Information on Enforcement (FORUM)

Workshop on the results of the Forum REF-10 project on

Integrated chemical compliance of products.

Date: 24 April 2024

Time: 11:00-16:30 EET

10:00-15:30 CET

09:00-14:30 WET

Remote meeting

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

Agenda

| Time | Item | Subject | Actor(s) | Documents |
|---------------------|----------------------|--|---|--|
| Open session | | | | |
| 11:00 | 1.0. | - Opening of meeting, - Welcome - Adoption of the agenda | Karin Rumar – WG REF-10 Chair Erwin Annys – ECHA | draft Agenda |
| 11:10 | 2.0 | Presentation of the REF-10 project results and recommendations. Questions | Karin | REF-10: REF-10 project report |
| 11:40 | 3.0. | Presentations/commentaries from stakeholder organisations and industry Questions | Stakeholder organisations | |
| 12:10 | Break (5 min) | | | |
| 12:15 | 4.0 | National enforcement authorities' experiences (...) Questions | NCs and inspectors | |
| 13:00 | 5.0 | Discussion | | |
| 13:30 | 6.0 | Conclusions and actions points from the open session | | |

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|---|-----------------------|---|--------------------|--|
| 13:45 | Break (45 min) | | | |
| Debriefing session with the inspectors and national coordinators of REF-10 | | | | |
| 14:30 | 7.0 | Presentation of draft guide for inspectors | WG | |
| 14:45 | 8.0 | Sharing experiences and cases (i.e., cooperation between sector authorities ...) | NCs and inspectors | |
| 15:45 | 9.0 | Discussion | | |
| 16:15 | 10.0 | Conclusions and actions points | | |
| 16:30 | 11.0 | End of the workshop | | |