

Joint industry statement on REACH enforcement

EC Conference on REACH & CLP enforcement
1 March 2012, Brussels

Enforcement is central to the sustainable implementation of REACH. Therefore industry would like to highlight several **expectations regarding REACH enforcement**.

- **Enforcement must be uniform, consistent, transparent and fair** across the European Economic Area (EEA) for both locally manufactured and imported substances, mixtures and articles.
- In view of the complexity of the legislation, a **learning phase** is necessary for both industry and the authorities. Enforcement activities ought to trigger continuous improvement on both sides.
- **Efficient and effective control on compliance, including of imports**, is essential to ensure fairness of enforcement, whilst avoiding unwarranted supply disruption to industry, unless deliberately repeated breaches.
- **Prioritisation of inspections** is key to a 'smart' enforcement and the efficient use of limited enforcement resources.
- In that respect, **deliberate and organised systematic circumvention** of REACH obligations must be distinguished from accidental administrative infringements. Prosecutions and sanctions should reflect this fundamental difference of circumstances.
- Industry expects that effective **communication channels** are put in place between and with the Authorities involved, at national level as well as among Member States
 - to share information on suspected and actual non-compliance cases,
 - to exchange information on enforcement measures and fines,
 - to enable reporting on non-compliance cases and request for follow-up by the Authorities.
- Industry supports the role of the ECHA Forum and is eager to **collaborate with the Forum** in the design of workable control processes, in particular at Customs level, bringing in hands-on experience.
- **Member States' Customs**, as well as the European Anti-Fraud Office (OLAF) as deemed relevant, must play a **firm and distinct role** in support of the national Enforcement Authorities in the fair enforcement of REACH:
 - their involvement is crucial and must be harmonised across the EEA;

- tools need to be put in place to enable expeditious identification of suspicious cases, in particular deliberate and organised circumvention, whilst preserving the speed of Customs clearance;
- clear and uniform guidelines need to be specified to enable prompt and firm enforcement action at the most appropriate place.

This statement is endorsed by

- Cefic www.cefic.org
- Concawe www.concawe.be
- Ducc www.duccplatform.org
- EuroAlliages www.euroalliages.com
- Eurofer www.eurofer.org
- Eurometaux www.eurometaux.org
- Euromines www.euromines.org
- FECC www.fecc.org