

Activities of the Forum/ECHA

Eugen Anwander

Vice-Chair of the Forum

Chemicals Inspectorates Austria

Forum for Exchange of Information on
Enforcement

Activities of the Forum/ECHA

- Forum – overview
- inspection project REACH-EN-FORCE 3
- pilot project on inspection of intermediates
- interlinks for enforcement communication
- conclusions and messages

FORUM - General framework

- Enforcement is necessary in order to verify and ensure compliance with EU's REACH and CLP regulations
- All provisions of REACH are in force
- All actors in the supply chain need to comply with their respective obligations
- Enforcement is a national competency, but industry's activities cross national borders
- Need for cooperation of National Enforcement Authorities (NEAs)
- FORUM for Exchange of Information on Enforcement is established by REACH
 - Representative of Member State NEAs
 - Works towards coordinating the enforcement of REACH and CLP

FORUM in practice - Overview

FORUM strategies

- Enforcement strategy (best practice)
- Minimum criteria for REACH and CLP inspections
- Interlinks between NEAs, Competent Authorities and ECHA
- Methodology for coordinated enforcement projects (REACH En-Forcement projects, REFs)

FORUM in practice - Overview

FORUM and field inspection work

- Forum/ECHA trainings for enforcers
- Electronic information exchange system
- Facilitating cooperation with other enforcement authorities (e.g. customs)
- Advice on enforceability of restrictions
- Consultation on Guidance documents
- Coordinated REACH enforcement projects (REFs)
- Access to data of REACH-IT (RIPE)

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REACH-EN-FORCE 3 / REF-3

REF-1 and REF-2:

- REF-1: on obligation for pre-registration, registration and SDS (2400 inspected companies)
- REF-1: compliance in phase 2 (May 2010 – April 2011) is slightly better than in phase 1 (May-Dec 2009)
- REF-2: obligations of downstream users / formulators
- REF-2: inspections are completed, report by end of 2012

REACH-EN-FORCE 3 / REF-3

REF-3 content:

- Registration obligations (manufacturer, importer, only representatives)
- Close co-operation with customs
- Additional focus on compliance of ORs with their REACH-duties

REACH-EN-FORCE 3 / REF-3

REF-3 work method:

- Inspection on registration obligations in a broader sense
 - communication of registration information in the supply chain
 - dossier matching the on-site situation (e.g. tonnage)
- Co-operation with customs for identification of importers and importers covered by an OR
- Investigations on the interaction of ORs, non-community manufacturers and (importing) downstream users

REACH-EN-FORCE 3 / REF-3

Basic procedure for co-operation with customs:

- Co-operation customs – REACH inspector at national level
- Custom authorities provide a list of imports (specific chemicals, specific importers) covering a defined time window
- Selection of chemicals and industrial sectors is based on national priorities
- Optional more advanced involvement of customs depending on the Member State's situation

REACH-EN-FORCE 3 / REF-3

REACH and customs authorities beyond REF-3:

- Customs 2013 Programme: the role of customs in environmental protection
- Workshop for national customs authorities in Denmark, 22-24.May 2012
- Involvement of Forum/ECHA in two sub-working groups:
 - (1) REACH Enforcement and co-operation between authorities including risk management
 - (2) role and tasks of customs in identification of goods – “REACH chemicals”

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Pilot enforcement of intermediates

Background:

- Specific registration exemptions for isolated intermediates in REACH
- The registrant must establish and ensure the intermediate status
- Need to verify the intermediate status beyond the documentation in the registration dossier
- ECHA has been involved since 2009, but support by NEAs is also required (on-site situation, downstream users)

Pilot enforcement of intermediates

Content:

- Art 36 – letters of ECHA are asking for additional information in support of the intermediate status
- NEAs will become involved in cases with insufficient follow up to ECHA's Art 36 letters
- some NEAs will investigate the intermediate status at the downstream users supplied with transported isolated intermediates

Pilot enforcement of intermediates

Work method:

- Some Member States participate in the pilot enforcement activities
- In cases with insufficient clarification by the registrant the NEAs investigate the intermediate status on-site
- ECHA performs a final assessment based on the report of NEAs
- Further measures are taken (by ECHA, NEAs) based on the assessment of ECHA

Pilot enforcement of intermediates

Work method – use of intermediates with risk for exposure:

- Strictly controlled conditions while loading / unloading open or closed systems
- Strictly controlled conditions while sampling in contained systems

Pilot enforcement of intermediates

Project Schedule:

- Activities of the pilot Member States on the follow up of Art 36 – letters in Q3/Q4 2012
- A first exchange of experience in Q4 2012

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Interlinks related to enforcement

Background:

- Enforcement of REACH and CLP requires communication between NEAs, ECHA and Competent Authorities (MSCA)
- This communication is also required between Member States
- Enforcement is the competence of Member States
- REACH-Evaluation performed by ECHA and Competent Authorities is also a sort enforcement
- Good functioning of communication procedures and channels is vital for effective enforcement

Interlinks related to enforcement

Project Activities:

- Not all communication needs are covered by access to data of REACH-IT / RIPE (data retrieval)
- Situation where active communication is required are listed in an Inventory
- Communication procedures compatible with different Member State situations require “National Contact Points” for each of the institutions (NEAs, MSCA, ECHA) involved

Interlinks related to enforcement

Project Activities:

- A pilot group of Member States is testing the proposed communication procedures and channels
- Actual communication needs are relevant in the pilot project on intermediates and in the REFs
- A final workshop with MSCAs and ECHA envisaged for Q4/2012 shall help in implementing the proposed interlink & communication strategy

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Conclusions and Messages

- The focus of enforcement is not limited, but there are key areas for enforcement
- SDS is a classical case of non-compliance– inspectors will always ask for it
- Registration will remain an issue for the years to come
- Compliance with other provisions may come under the spotlight in Member States, e.g.
 - Notification
 - Information on substances (SVHC) to consumers
 - more in-depth check (on-site) of registration
- Do not forget about CLP – it is also subject to inspection

Thank you for your attention

Eugen Anwander

Vice-Chair of the Forum

Chemicals Inspectorate, Vorarlberg State Service, Austria

eugen.anwander@vorarlberg.at