



**DG ENTERPRISE AND INDUSTRY**

**DG ENVIRONMENT**

# **Industry experiences with REACH Enforcement**

**S. Zuurendonk (Ashland) on behalf of Cefic  
Enforcement group**



**1 March 2012**

**Conference on REACH and CLP Enforcement**

# Introduction



Industry's expectations on REACH enforcement:

• **Uniform, consistent, transparent and equal** enforcement of REACH across the EU...



• ...on both the local manufacture and use of substances, preparations and articles **and the import** of substances, preparations and articles



• **Sanctions should distinguish** between deliberately and accidentally setting out to contravene REACH



• Industry as well as authorities are in a **learning phase** of a very complex legislation



# Introduction



- This presentation reflects the collection of real-life experiences from a limited number of companies active in the **Cefic Enforcement** group



- It is also based on inspections that took place in: Netherlands, Sweden, Belgium, Germany, Italy, France, UK, Hungary, Portugal, Slovakia and Spain



- Most countries started REACH inspections in **2009**
- We start to see **some differences** among countries in interpretations of the provisions of REACH



# Feedback from the inspections



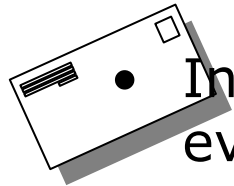
- Inspections more and more **mix REACH with other pieces of legislation** e.g. CLP but also Biocides, PIC, environment, occ. Health, etc.



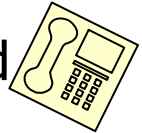
- Some questions may have impacts in virtually all **departments of the company** e.g. purchasing, sales, etc.
- Inspectors are clearly **learning**, also from industry during the inspection!
- Short **introduction of the company** including the general approach to manage REACH was found very useful by the inspectors (sometimes it already answers some questions!)



# Feedback from the inspections



- In most cases inspections were **announced** by phone and even confirmed by letter. This is a good practice;

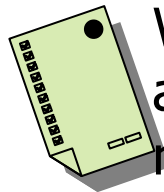


- it allows the company to prepare,
- have the right people on-site or available on the phone, etc.
- → better quality of answers and efficient use of inspectors' time



- However, **scope** of the inspection was not always clear (neither from the announcement or during the inspection)

- Most questions and issues raised were **relevant**



- Written **feedback** soon after the inspection much appreciated, although not always the case. In some cases, not even oral feedback was given



# Customs control & REACH



Industry has experienced **some blockage of goods** at the customs due to lack of registration numbers on shipment papers:

- **Registration number is not** appropriate to **control** REACH compliance e.g. exemptions, different deadlines, etc.
- Solution was a statement of compliance but sometimes difficult procedure to release goods
- Need common procedures and appropriate **involvement of customs** authorities



# Customs control & REACH



- Check of REACH compliance of imports should happen at the '**most appropriate**' place, i.e. not necessarily exclusively at the border, but rather at the importer's premises.
- **Harmonisation among EU countries** with regards to the Customs involvement is crucial
- **Blockage of goods should be avoided** at borders
- The **inclusion of the registration number** in the customs declaration is neither useful nor workable
- A **self-declaration** could be used instead by companies to provide information on REACH compliance. This can be used as a screening tool by customs authorities to identify suspicious cases for which further enforcement actions may be required



# Registration number on SDS

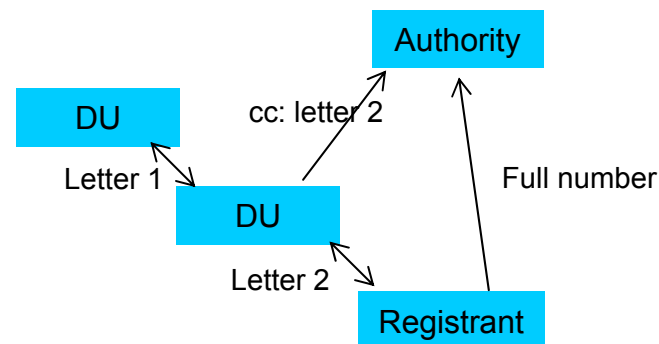


Availability of **full registration numbers on SDS:**

05-1234-567-**xxxx**

- In some cases authorities have requested full registration numbers where SDS included truncated ones
- Cefic model letter worked very well to communicate in the supply chain and with authorities (available on Cefic website)

Dear Supplier,  
.....  
Please provide **full**  
Registration number  
to Authority...  
.....





# Feedback from the inspections



Other remarks:

- All parties involved realise going up a learning curve
- ECHA Guidance often referred to and taken as reference
- Some issues are not really compliance issues: need to manage expectations
- Important for inspectors to highlight references to legal text for some points. If not clear, discussions may be endless
- In some cases, authorities use consultants to support them. This may be an issue in the future if confidential information is at stake



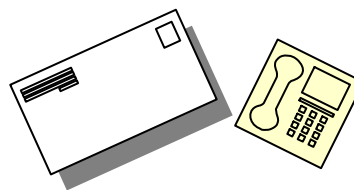
# Lessons learned



European  
Commission

The most **effective and efficient inspections** had:

- Announced inspections



- Scope well defined



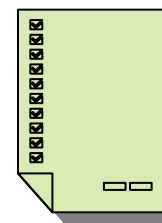
- Relevant experts available



- Proper competence level of inspectors



- Feedback (e.g. inspection report)





# ***Enforcement is key for a sustainable REACH!***

