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Press Release:

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FORUM PUBLISHES THE RESULTS OF ITS FIRST PROJECT AND ANNOUNCES MORE INSPECTIONS

The Forum for Exchange of Information on Enforcement presented the facts report of the REACH-EN-FORCE 1 project during its Workshop held with the stakeholder organisations on 18 May. At its seventh meeting (19-21 May), the Forum agreed to extend this successful project and signalled that the aims of the REACH Regulation can only be achieved when effective enforcement actions are taken. New such actions have been agreed.

The scope of the REACH-EN-FORCE 1 project was to verify that pre-registration obligations and specific requirements applicable to the safety data sheets (SDS) have been fulfilled. In the period May – December 2009 almost 1,600 inspections were carried out in 23 Member States in addition to Norway and Iceland. In total 878 manufacturers, 666 importers, 83 only representatives and 858 downstream users were inspected.

Non compliance with REACH obligations was found in 24% of the inspected companies. An infringement of Article 5 of the REACH Regulation, the 'no data, no market' provision, was found in 2.6% of the companies inspected and in 5.6%, the content of the pre-registration was incorrect. The required SDS were not available in 11% of the companies and in 20%, the SDS were not in compliance with the language and format requirements. The report shows that 15% of the SDS needed for the verified products were incorrect. An overview of the measures taken as a result of non-compliance as well as the follow-up actions taken by the companies within the timescale of the project is presented in the facts report.

In terms of participation and the expertise gained through REACH-EN-FORCE 1, the Forum regards the project as a success. Forum members agreed to extend the inspections activities until spring 2011 to assess compliance with the first registration deadline of 30 November 2010.

In addition, the Forum agreed to another common project on compliance with a specific restriction, i.e. the ban of the use of extender oils containing polycyclic-aromatic

hydrocarbons (PAH) in tyres. The enforcement tools for assessing the compliance with this REACH restriction are now under preparation. The operational phase will start in late summer this year across a number of participating countries.

Progress was also made on the common project to inspect formulators for which preparatory work will now start.

The practical implications of the CLP Regulation for the work of the Forum were discussed. To fulfil its duty it decided to establish two Working Groups. One will prepare a training event for CLP enforcement trainers with support from ECHA and the other will concentrate on updating the Forum's work programme for CLP enforcement. In particular, it will consider the need to amend the Strategy Paper and the Minimum Criteria for Inspections.

The work of the Directors Contact Group (DCG) was explained to the Forum. Forum Members were pleased to be early involved, and took note of the issues discussed by the Group. ECHA offered to submit for their consideration any identified solutions that involve inspection authorities with the aim of a harmonised approach to enforcement in such cases.

The Forum also held for the first time an enforcement workshop with stakeholders to spend more time on practical questions regarding the requirements of the REACH legislation. Both sides welcomed the positive and constructive atmosphere of the meeting and stressed the importance of liaising to promote mutual understanding.

The next FORUM meeting will take place in Helsinki from 12 to 14 October 2010.

Further information:

FORUM website

http://echa.europa.eu/about/organisation/forum_en.asp

Facts Report of the REACH-EN-FORCE-1 project

http://echa.europa.eu/doc/about/organisation/forum/ref_1_facts_report.pdf

Minimum Criteria for REACH Inspections

http://echa.europa.eu/doc/about/organisation/forum/mcri_minimum_criteria_reach_inspection_s.pdf