

# Final report of the Forum pilot project on the control of PIC

Adopted on 13.12.2018



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This report presents the results of inspections made under the Forum enforcement project. Duty holders and substances selected for checks were those that were relevant for the scope of the project. The project was not designed as a study of the EU-EEA market. The number of inspections for individual countries is varied. Accordingly, the results presented in the report are not necessarily representative of the situation in the EU-EEA market as a whole.

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## FORUM

### Final report of the Forum Pilot Project on the control of PIC

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## Executive summary

The Forum for Exchange of Information on Enforcement (Forum) conducted a pilot project on the control of PIC duties. 13 Member States participated in the project.

The project was set up in 2017. National enforcement authorities (NEAs) from the participating countries conducted inspections between January and June 2018 using the manual and questionnaire prepared by the 'Forum pilot project on the control of PIC' Working Group. The reporting from the national coordinators took place from July to August 2018 and the project report was prepared by the Working Group by the end of 2018.

Even though the project was a pilot project, a considerable number of inspections were completed (296). These included on-site inspections and desktop inspections. During each inspection, one substance per company was inspected and reported on by filling in the questionnaire (Annex 1).

143 of the companies inspected fell into the EU's NACE category 'Manufacturing of chemicals and related products' (codes 20 to 25), while 112 correspond to NACE division 46, 'Wholesale trade, except of motor vehicles and motorcycles and retail'. Micro, small and medium-sized companies (SMEs) represented 61 % of the companies inspected.

In relation to compliance with Article 8 of PIC, 17 cases (10 %) were identified where there was no export notification for the exported substances and no exemption was applicable. Moreover, in 3 cases (2 %) there was no reference identification number (RIN)<sup>1</sup>, and in 12 cases (9 %) the RIN was not valid during the exporting period (see more information in Chapter E.3).

The exported substances were also checked for their compliance with Article 17 of PIC, namely related to the CLP labelling and packaging aspects (Article 17 (1)) and the REACH obligation that a safety data sheet (SDS) must accompany chemicals that are intended for export (Article 17(3)). Non-compliance with the packaging provision was reported in 2 cases (2 %) and in 6 cases (4 %) with the labelling provisions. Moreover, 7 cases (5 %) were found to be non-compliant with respect to the SDS provision. The inspectors also identified 16 cases (12 %) of non-compliance with Article 17(4) of PIC, concerning the language on the label and the SDS (see more information in Chapter E.4).

The customs authorities that have the remit to enforce PIC were also involved in this project. During the project, they reported 3 cases (3 %) of non-compliance with Article 8 of PIC (see more information in Chapter E.5).

In many cases, more than one measure could have been imposed for each non-compliance with the Articles of PIC under this project, or a measure could have been taken for more than one non-compliance. 18 written advices, 13 verbal advices and 12 administrative orders were issued. In 14 cases, a criminal complaint was undertaken and in 2 cases a fine was applied.

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<sup>1</sup> A reference identification number (RIN) is generated by the ePIC application as part of the export notification procedure. A RIN is the unique identifier for each export notification (and is associated to an exporter, a substance, an importing country and a calendar year). It is a string of 10 alphanumeric characters: nine randomly generated preceded by a first digit which is always either a '1' or a '0' and categorises the type of notification (in order to facilitate customs controls). '1' indicates a standard export notification, whereas a '0' indicates a special RIN request. Note that RINs are not required for exports of chemicals that are not subject to the PIC Regulation.

ePIC: An IT application for processing and management of legal requirements of the PIC Regulation.

Source: [https://echa.europa.eu/documents/10162/23036412/guidance\\_pic\\_en.pdf/813e3826-5b6d-4a31-9088-6bb9ceae34b4](https://echa.europa.eu/documents/10162/23036412/guidance_pic_en.pdf/813e3826-5b6d-4a31-9088-6bb9ceae34b4)

At the time of finalising the reporting phase, follow-up activities were still ongoing for 26 cases, and information was forwarded to another Member State for further follow-up for 3 cases.

This project was important as it was an opportunity to establish enforcement processes, gain more experience and put in place best practices to help future PIC enforcement actions. It was confirmed that customs authorities have an important role in the enforcement of the PIC Regulation and that the customs codes were not always useful in identifying substances in Annexes I and V to PIC.

Based on the findings of the pilot project, the project's Working Group has outlined some recommendations for the Forum, the European Commission, enforcement authorities, inspectors and industry (see Chapter F). In general, it is recommended to continue the cooperation with customs authorities at national level, either by industry or authorities. With the view to improve the work of inspectors, the Commission is recommended to create a unique customs codes for substances in Annexes I and V to the PIC Regulation.

## A. Introduction

At the Forum-25 plenary meeting in November 2016, the Forum decided to engage in a pilot project on the enforcement of the PIC Regulation. The PIC Regulation is a relatively new legal obligation for the Forum, and some national enforcement authorities (NEAs) still need to gain experience in enforcing it.

The aim of the pilot project was to check compliance regarding the export of all substances covered by the PIC Regulation. The focus was on gathering experience and building best practices and processes for enforcing compliance with the PIC obligations. The project was set up in 2017, and inspections took place between January and June 2018.

## B. Objectives and participants

The scope of the pilot project was to clarify and establish a practical way of enforcing the PIC Regulation, building enforcement experience and good practices by checking compliance with the obligations and, where required, imposing measures on the non-compliances found.

The project had the following objectives:

- Collect practical experience and establish practices in the enforcement of PIC in those countries in which there is yet little or no enforcement experience.
- Harmonise PIC enforcement practices.
- Establish tools and coordinated enforcement methods for PIC obligations.
- Increase the cooperation of the NEAs with customs authorities and designated national authorities (DNAs).
- Identify problematic areas that could hinder the inclusion of PIC inspections in future related REACH/CLP projects.

By achieving these objectives, enforcers would be more knowledgeable in conducting PIC inspections in future larger-scale projects.

Interested Member States participated by allocating resources to organise and plan the inspections conducted from January until June 2018. The participating Member States were: Austria, Belgium, Bulgaria, Denmark, Germany, Greece, Hungary, Italy, Lithuania, Netherlands, Romania, Spain and Sweden.

## C. Background information

### 1. Project history and background

This project is integrated in the implementation of several of the Forum's tasks as established by Article 77(4) of REACH, which are also valid for the PIC Regulation, in particular:

- a) spreading good practice and highlighting problems at Community level;
- b) proposing, coordinating and evaluating harmonised enforcement projects and joint inspections;
- c) identifying enforcement strategies, as well as best practice in enforcement; and
- d) developing working methods and tools to be used by local inspectors.

The PIC Regulation obligations fall under the Forum's strategic priorities for 2014-2018, namely the focus on enforcing obligations related to the export of substances.

PIC exporters were the main target group of the pilot project. Such companies may or may not also have a role under REACH or CLP.

In general, all substances present in Annexes I and V to the PIC Regulation fall within the scope of the project. However, the packaging and information requirements in Article 17 apply to any substance or mixture with a relevant hazard profile (i.e. classification and labelling under CLP).

Imports/importers were excluded from the scope since there is very limited data available to be checked by inspectors.

Due to the definition of an article used in PIC being quite complex and not corresponding to the one in REACH, the 'substances in articles' aspect was also excluded. Moreover, not many such export notifications are received by ECHA.

## 2. Legislative background

This pilot project on PIC is limited to the export obligation and duties under Article 8, 14, 15(2) and 17. Obligations imposed by REACH and the CLP Regulation are not included.

The obligations checked and eventually enforced within the scope of the pilot project are described below.

**Table 1: Articles of the PIC Regulation investigated in the pilot project**

Article	Description
8	Export notifications forwarded to parties and other countries
14	Obligations in relation to export of chemicals other than export notification
15(2)	Export of chemicals as listed in Annex V is prohibited
17 (1),(2), (3)	Information to accompany exported chemicals (packaging and labelling and safety data sheet (SDS))
17(4)	Information on the label and on the SDS shall as far as practicable be given in the official languages, or in one or more of the principal languages, of the country of destination or of the area of intended use
Annex I	Chemicals subject to export notification, chemicals qualifying for PIC notification and chemicals subject to PIC procedure
Annex II	Information required in the export notification according to Article 8
Annex V	Chemicals and articles subject to export ban

One direct outcome of the pilot project was the identification of different interpretations by different Member States and ECHA of the scope of Article 17 of the PIC Regulation. During the preparation of the project, following discussions between the Working Group members, ECHA and the European Commission, the Commission's services confirmed that Article 17 is applicable to the export of all chemicals and not just the ones subject to Annex I of PIC.



## D. Enforcement actions

### 1. Participating countries and number of inspections

13 Member States participated in the pilot project, but only the results of 12 countries were taken into consideration for this report. A total of 296 inspections were completed, consisting in both on-site and desktop inspections, and a questionnaire was completed for each substance inspected. Further details on the results can be found in Chapter E.

The companies were selected for inspection if they dealt with substances<sup>2</sup> (including substances in mixtures) subject to the PIC requirements based on the data provided in their REACH dossiers, such as pre-registrations, registrations, registrations of transported isolated intermediate substances, data provided to ECHA and CLP notifications and other duties (including those related to mixtures).

### 2. Coordination of the project

A Forum Working Group 'Forum Pilot Project on control of PIC' was responsible for the project management of this pilot project. This included:

- providing all relevant project documents (e.g. manual and questionnaire) to the pilot project national coordinators (NCs);
- conducting the webinar for training of the NCs in December 2017;
- communicating closely with the NCs through a secure messaging system, the Portal Dashboard for National Enforcement Authorities (PD-NEA); all exchange of confidential information, such as data and inspection reports, was done using PD-NEA;
- collecting and compiling the inspection findings;
- project coordination at European level with the Member States participating in the project;
- evaluating the project's findings; and
- reporting to the Forum.

The ECHA Forum Secretariat supported the project management, prepared data and the interactive questionnaire for inspectors to report the findings of the project. It also contributed to the preparation of the manual and the webinar for the NCs. In addition, the ECHA Forum Secretariat provided all necessary logistic, administrative, financial and technical support as in Forum's previous enforcement projects.

The NCs were the key element of this project, as they were the contact point between the inspectors and the Forum's working group. Their main task was to implement the project in their country. This entailed organising the exchange of information and cooperating with the relevant inspectors and authorities and providing them with information in relation to the project. Moreover, they planned all the national project-related inspections and collected the data used in this report.

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<sup>2</sup> Both substance on its own or in a mixture were possible to be investigated in this project.



### 3. Methods of enforcement

Inspections were carried out in accordance with the project manual. The inspectors initially completed a desktop inspection of the company/substance based on the information available (e.g. ECHA's database via PD-NEA, environmental permits, Member State competent authority, customs data). The desktop inspection was followed up with an on-site inspection of the company's premises if the inspectors deemed it necessary to seek further evidence. A questionnaire was completed for each substance subject to a desktop or on-site inspection.

In cases where the selected company was in another Member State, the inspector could consider referring the matter or relevant information to the appropriate national enforcement authority (NEA) for follow-up. This was done using any suitable mode of bilateral information exchange via a secure exchange platform (e.g. PD-NEA). The project was designed to have optional modules to allow enough flexibility that would take into account the different organisation of PIC responsibilities in different Member States.

**Module A** focused on the enforcement of export notification and/or explicit consents, while **Module B** focused on additional provisions on packaging and labelling as well as the provisions in REACH concerning the SDS as part of Article 17 of PIC.

**Module C** focused on the checks by customs authorities. In some countries also customs authorities are involved in checking PIC compliance. Therefore, this pilot project has a special customs authorities' module devoted to checking export notifications by customs authorities by checking box 44 of the export declaration<sup>3</sup>.

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<sup>3</sup> Box 44 of the single administrative document (SAD) is used to show the information about documents, certificates and authorisations accompanying the customs declaration and also additional information relating to the movement of the goods. Consequently, box 44 contains the following information:

1) additional customs information;

2) documents, certificates and authorisations provided for by Union legislation (e.g. in Customs legislation such as in Article 145 of UCC-IA; in article 9 of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items and in article 4 (1), subparagraph 1 of Commission Regulation (EC) No 612/2009 for the export certificate at export of agricultural products with export refund) or by national legislation.

## E. Project results

The statistics presented in this report are based on the data recorded in the questionnaire (Annex 1) by the inspectors during their visits to the companies and desktop inspections. Some of the questions in the questionnaire were optional and hence some inspectors opted not to reply. Therefore, the statistical results used in this report should be read as the result reported for that particular question. For clarity, when needed, the number of total replies for that question (n) is given as well as the percentage based on that number.

### 1. General overview

#### 1.1 Overview of the number of inspections

13 Member States participated in the pilot project, and a total of 296 inspections were completed by 12 of those Member States. Questionnaires were completed for 112 different substances, and not all substances were substances from Annex I of PIC. Table 2 presents the number of inspections completed by participating Member States.

**Table 2: Participating countries and reported inspections**

	Country	Number of inspections
1	Austria	- <sup>4</sup>
2	Belgium	35
3	Bulgaria	4
4	Denmark	11
5	Germany	40
6	Greece	50
7	Hungary	12
8	Italy	3
9	Lithuania	9
10	Netherlands	52
11	Romania	5
12	Spain	66
13	Sweden	9
	<b>Σ = n</b>	<b>296</b>

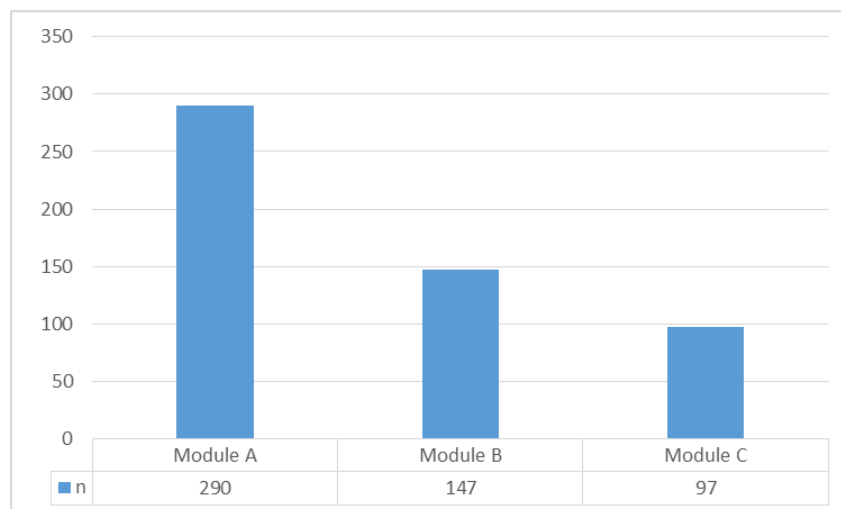
Some inspectors indicated that more companies were inspected in their country but in cases where there was no activity with the inspected substances, the inspection was stopped and the questionnaire was not filled in.

118 of the inspections were conducted by visiting the companies on-site, while 178 were desktop inspections only, carried out by contacting the company and authorities and checking the relevant documentation.

As stated in section D.3 'Methods of enforcement', the inspectors had the possibility to record the result of their inspections in three different modules (A, B and C), depending on the obligations checked. The inspectors were encouraged to fill as many of the modules as possible. Module A was reported for all inspections except in 6 cases where the investigations were done by customs only (module C only).

<sup>4</sup> 15 on-site inspections (3 covering Module A and 15 covering Module B) – mainly on substances in mixtures – were carried out in Austria under this project but were not included in this report. The findings in Austria were in general in line with the findings outlined in this pilot project report.

**Figure 1: Distribution of inspections by module (possible for more than one module to be reported per inspection)**



The questionnaire provided information in relation to the type of company inspected based on the NACE code<sup>5</sup>, the size of the company, the role of the company and details of the substance being exported, which was the subject of the inspection. The results detailed in the following chapters are based on the information provided by the participating Member States.

## 1.2 NACE codes of inspected companies

Table 3 summarises the findings concerning the main type of business sector (based on the NACE code) of the companies inspected within the scope of the project.

**Table 3: Main business sectors of the companies inspected in the scope of the project**

NACE division	NACE category	Number of companies	Proportion of companies (N=296)
20-25	Manufacturing of chemicals and related products	143	48 %
46	Wholesale trade, except of motor vehicles and motorcycles and retail	112	38 %

The vast majority of the inspected companies (86 %) belonged to the two business sectors identified in Table 3. In particular, the sector most frequently reported by the inspectors was 'Manufacturers of chemicals and chemical products' (NACE division 20), which accounted for 124 of the 143 reported cases for manufacturing companies.

34 companies (12 %) were reported as 'Other professional, scientific and technical activities' (NACE division 74). 7 companies (2 %) belonged to NACE divisions 9, 12, 15, 32 and 72.

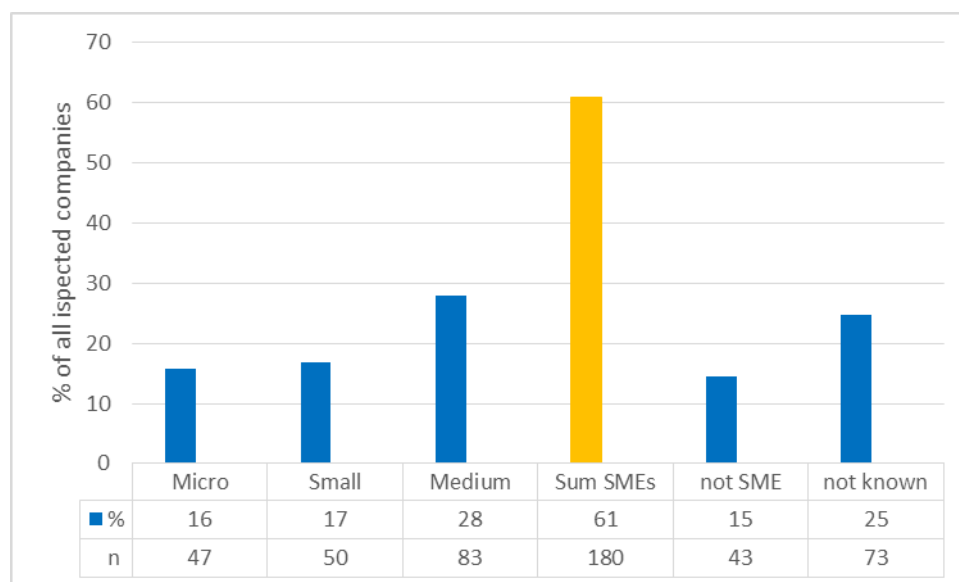
<sup>5</sup> Statistical classification of economic activities:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:393:0001:0039:EN:PDF>.

### 1.3 Size of the inspected companies

Companies of all size categories according to the EU standard scale<sup>6</sup> were included in the inspections. Figure 2 summarises the findings related to the size of the companies inspected. Micro, small and medium-sized companies (SMEs) represented 61 % of the companies inspected. The companies were selected for inspections if they dealt with substances based on the data provided in their dossiers, such as those for PIC notifications, pre-registrations, registrations, data provided to ECHA, and CLP notifications.

**Figure 2: Distribution of company sizes (n= 296)**



## 2. Substances subject to inspection

Table 4 summarises the results related to the five substances most frequently subject to inspections. Additionally it was reported whether the substance was part of a mixture.

Due to the scope of Article 17 of the PIC Regulation, the substances reported were not only the ones present in Annex I or V to PIC, but also other exported substances. The most frequently investigated substance is not part of Annex I or V to PIC.

**Table 4: Top 5 most frequently inspected substances**

Ranking	Substance subject to inspection	CAS number	Number of inspections related to the substance	Number of cases where the substance was present in a mixture
1	Didecyldimethylammonium chloride	7173-51-5	45	11
2	Chloroform	67-66-3	24	2
3	Benzene	71-43-2	19	5
4	Permethrin	52645-53-1	12	4
5	1,1-dichloroethylene	75-35-4	10	4

<sup>6</sup> Commission Recommendation 2003/361/EC.

### 3. Module A: Inspected companies exporting a substance

A total of 290 inspections on substances were checked for compliance with the obligations described in Articles 8 and 15(2) of PIC (module A). However, in 126 of these inspections, the substance turned out to be not exported and/or was not a chemical listed in Annex I or V to PIC, and thereby not subject to PIC, and the questions in module A were not applicable.

The inspectors investigated the 164 substances that were exported regarding whether an export notification was submitted, and found that for 31 substances this was not the case.

Among those 31 substances, there were 17 cases where an exemption did not apply. Those substances were found non-compliant with Article 8 of PIC. Therefore the overall rate of non-compliance with Article 8 was 10%.

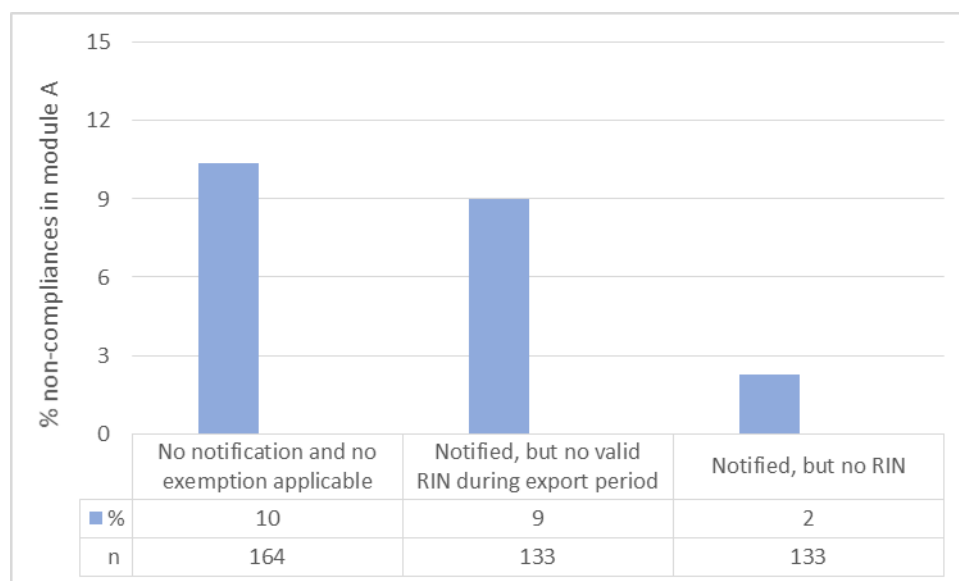
For 13 substances out of the 31 where no export notifications were submitted, exemptions were applicable<sup>7</sup> and a special reference identification number (RIN) existed, and therefore they were compliant with Article 2(3) of PIC.

For one case out of 31, compliance had not been verified before the end of the reporting phase and investigations were still ongoing.

In 133 out of the 164 substances inspected, the inspectors confirmed the existence of an export notification. The notifications were checked against the situation that the inspectors witnessed during the inspection.

The inspectors reported that the content of the notification was in line with the practical situation observed during the inspection in all cases. However, in 3 cases (2 %) there was no RIN submitted, and in 12 cases (9 %) the RIN was not valid during the export period. All these cases were non-compliant and in breach of Article 8 of PIC.

**Figure 3: Summary of the percentage of non-compliance related to Article 8 of the PIC Regulation for exported substances listed in Annex I of PIC**



<sup>7</sup> Article 2(3) of the PIC Regulation shall not apply to chemicals exported for the purpose of research or analysis in quantities that are unlikely to affect human health or the environment and that in any event do not exceed 10 kg from each exporter to each importing country per calendar year.

The inspectors also investigated if the substances were chemicals from Annex V to PIC (chemicals subject to export ban) and if there was compliance with Article 15(2) of PIC. Such substances were identified in only 2 cases out of the 290; an exemption was applicable to both, and hence the substances were compliant with the requirements of Article 15(2) of PIC.

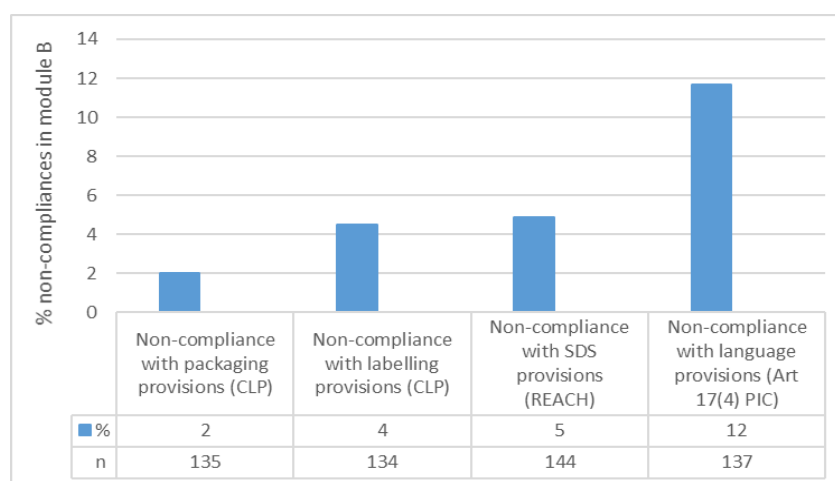
#### 4. Module B: Provisions on packaging and labelling established by the CLP Regulation and safety data sheets

Module B was recorded for 147 hazardous substances (including substances in mixtures), not exclusively for substances listed in Annex I to the PIC Regulation. This module investigated compliance with Article 17 of PIC. It states that all chemicals that are intended for export are subject to the provisions on packaging and labelling established by the CLP Regulation. Moreover, the safety data sheets (SDSs) without exposure scenarios annexes, in accordance with the REACH Regulation, must accompany chemicals that are intended for export. Therefore, the inspectors checked whether the exporter sent such SDSs to each natural/legal person importing the chemical into a third country and whether it fulfilled the provisions regarding packaging and labelling.

Additionally, this pilot project investigated the aspect mentioned in Article 17(4) of PIC, that "as far as practicable", the exporter must also guarantee the information on the label and the SDS to be in the language of the country of import.

A low rate of non-compliance with the abovementioned provisions was recorded, and the cases are summarised in Figure 4. Please note that this project included optional questions that the inspectors might have opted not to reply. Therefore, the results reported below are the number of total replies (n) for that particular question of the questionnaire.

**Figure 4: Distribution of non-compliance of exported chemicals related to packaging and labelling (CLP), the obligation of having an SDS (REACH), and if the SDS is the language of the importing country (Article 17(4) of the PIC Regulation)**

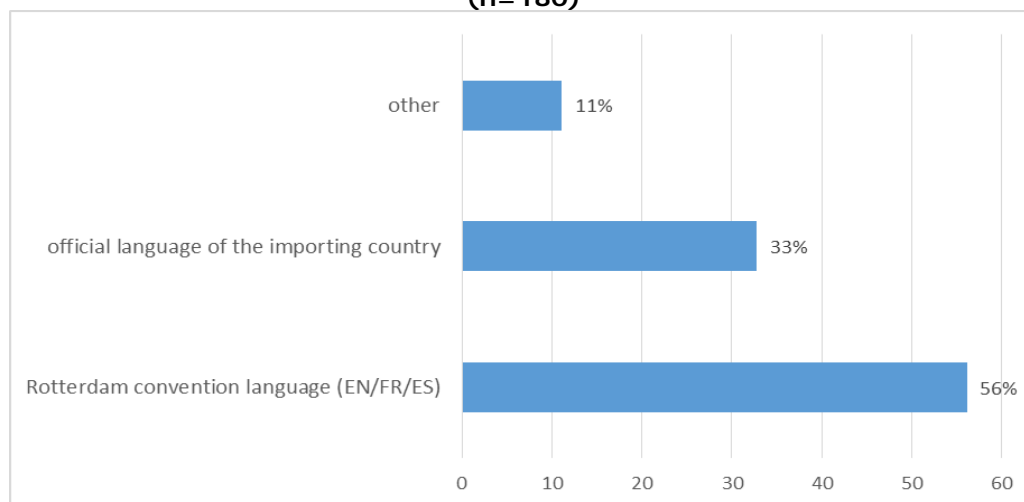


The inspectors recorded the language used in the SDS provided on the exported substance. As of 8 November 2017, exporters have had to make a self-declaration in ePIC<sup>8</sup> on their SDS language if they do not submit an 'optimal' version. The language hierarchy is as follows:

- 1) Official language of the importing country
- 2) Rotterdam Convention language (EN/FR/ES) as is best compatible with the importing country
- 3) English only as a final resort.

Figure 5 summarises the information reported by the inspectors on the language of the SDSs investigated. 180 results were submitted, where more than one option could be selected per inspection.

**Figure 5: Distribution of languages identified in the SDS of the exported substances (n=180)**



## 5. Module C: Results of the checks by customs

With the view to have more complete results and be in line with the objectives of the project, the national enforcement authorities (NEAs) and inspectors were encouraged to cooperate with customs authorities. Therefore, 97 inspections were carried out in collaboration with customs, 6 of which were carried out only by customs officers.

Inspectors frequently reported that the exported substance was registered with a non-unique combined nomenclature (CN) code<sup>9</sup> and the substance was, in fact, not a substance listed in Annex I of PIC. This is because the selection system of customs is based on CN codes, and not every CN code is specific for a substance in Annex I of PIC. Some inspectors indicated that more companies were inspected in their country, but in cases where there was no activity with the inspected substances, the inspection was stopped and the questionnaire was not filled in.

<sup>8</sup> ePIC is the IT tool established and maintained by ECHA to ensure that requirements under the PIC Regulation are supported by appropriate IT systems:

<https://echa.europa.eu/support/dossier-submission-tools/epic>.

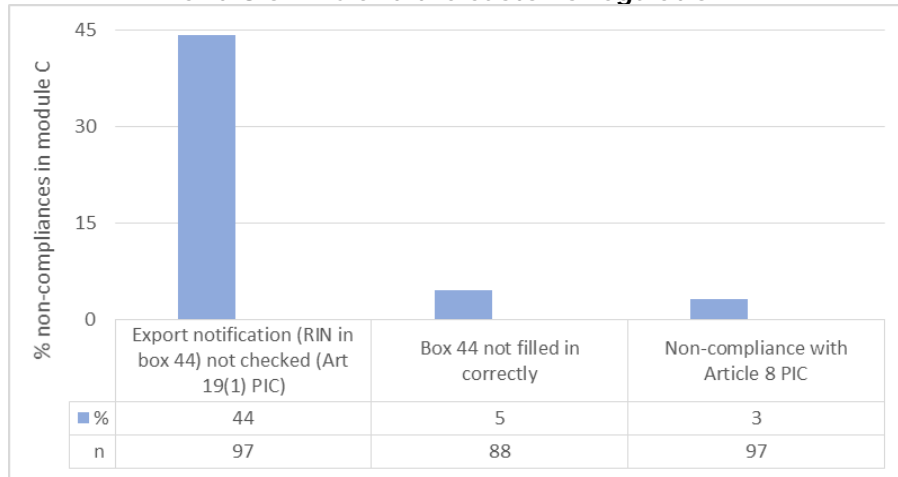
<sup>9</sup> The combined nomenclature (CN) is a tool for classifying goods, set up to meet the requirements both of the Common Customs Tariff and of the EU's external trade statistics:

[https://ec.europa.eu/taxation\\_customs/business/calculation-customs-duties/what-is-common-customs-tariff/combined-nomenclature\\_en](https://ec.europa.eu/taxation_customs/business/calculation-customs-duties/what-is-common-customs-tariff/combined-nomenclature_en).



The intention of Module C was to assess the level of compliance with Article 8 of PIC that could be identified by customs. Additionally, the customs officers could indicate whether they checked if the export notifications were in place and compliant with Article 19(1) of PIC (*i.e.* RIN in box 44 of the single administrative document (SAD)) and filled in correctly (according to their own customs regulation)<sup>10</sup>. Figure 6 summarises the findings from Module C in relation to the obligations described above.

**Figure 6: Distribution of non-compliances identified by customs related to Articles 19(2) and 8 of PIC and the customs regulation**



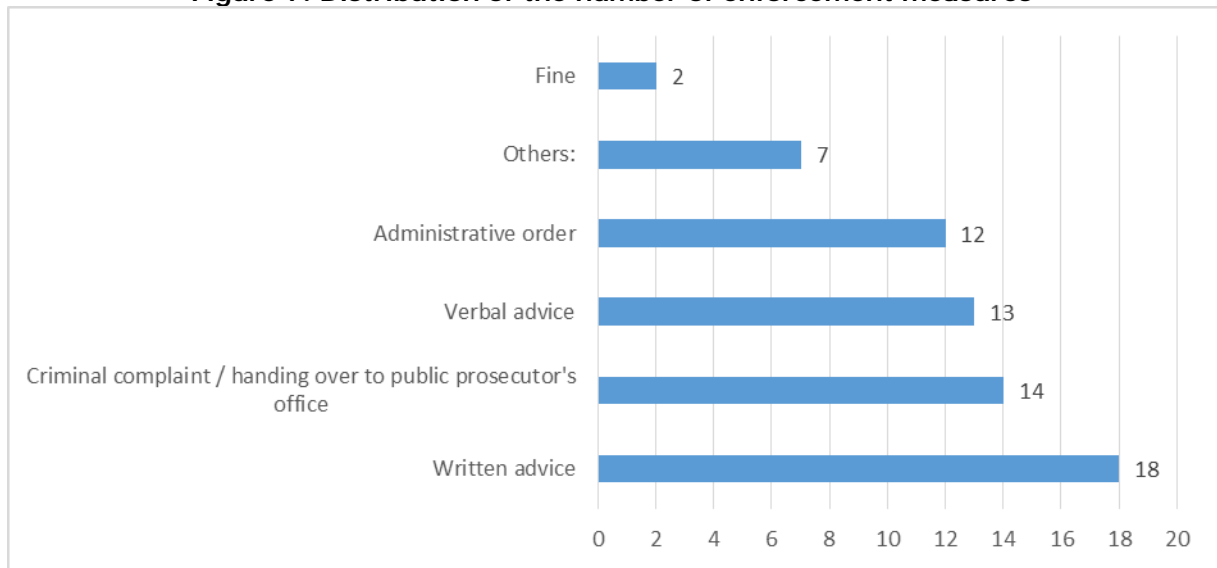
## 6. Measures imposed and follow-up actions

Different measures were imposed by the enforcing authorities when they encountered a non-compliance, depending on the national procedures of each Member State. Often more than one measure could be imposed for each non-compliance, or a single measure could be taken to address more than one non-compliance.

In total, 66 measures were reported to have been imposed due to non-compliance with PIC obligations in the scope of this project. Most of the measures were written advice (18), followed by criminal proceedings/prosecutions (14) initiated for the non-compliances found. Verbal advice (13) and administrative orders (12) were also issued, and 2 fines were imposed. Examples of other measures reported by the inspectors are additional fines according to the national law, and warning letters relating to the company's SDSs.

3 cases were forwarded to Member States other than the one where the inspection was conducted (2 to the designated national authority and 1 to the NEA).

<sup>10</sup> The RIN has also to be present in box 44 of the Single Administrative Documents of the export, based on Article 19 of the PIC Regulation. However, Article 19 was not part of the scope of this project but it was recorded by the customs, hence it is reported in this report.

**Figure 7: Distribution of the number of enforcement measures**

## F. Conclusions and recommendations

### 1. Conclusions

Within this project, it was found a non-compliance rate in respect to PIC Article 8 of 10% (see Chapter E.3). Concerning Article 17, the rates of non-compliance range between 2 % and 12 % (see Chapter E.4).

Based on the information provided through the questionnaire and the feedback of participants, the following conclusions can be made:

- This project was important for clarifying that duties under Article 17 of PIC are to be complied with by companies exporting any chemicals, not only the chemicals included in Annexes I and V to PIC.
- This project raised awareness of the obligations of exporters of hazardous chemicals in general, not only of exporters of PIC chemicals.
- The selection of companies for this project was identified as a challenge by some national coordinators. In some countries, a combination of various data bases allowed to select possible companies related to the export of Annex I PIC chemicals.
- For inspections of PIC exporting duties by national enforcement authorities, the availability of customs data on export declarations was very helpful. This data set should also include information from box 44 of the export declarations.
- This project was important as it was an opportunity to establish enforcement processes, gain more experience and put in place best practices to help future PIC enforcement actions.
- Customs, which can perform an important task in the enforcement of PIC obligations, did not carry out that many inspections.
- No unique customs code is available for chemicals in Annexes I and V of PIC. That caused problems in targeting the right chemicals for inspection.

### 2. Recommendations

The following recommendations are based on the experience of the members of the pilot project's Working Group as well as on the results of the project and the feedback from the questionnaires completed by the national coordinators.

#### 2.1 Recommendations to the Forum

- Include the enforcement of PIC obligations in future projects.

#### 2.2 Recommendations to enforcement authorities and inspectors

- Continue the enforcement of the PIC Regulation at national level.
- Continue the cooperation with customs authorities for PIC enforcement (e.g. availability of data sets of export declarations from customs to the national enforcement authorities).

### **2.3 Recommendations to industry**

- Continue and improve compliance with the PIC Regulation as well as with the related CLP and REACH obligations in relation to exported chemicals.
- Companies exporting hazardous chemicals (which include chemicals not included in Annexes I and V of PIC) should be aware of their duties related to the PIC Regulation.

### **2.4 Recommendation to the Commission**

- The Commission/DG TAXUD to improve the unique customs code for chemicals in Annexes I and V to PIC.

### **2.5 Recommendation to ECHA**

- Raise awareness through ECHA's website, guidances and other relevant dissemination tools that the obligations under Article 17 of PIC are to be fulfilled by all companies exporting PIC chemicals or chemicals not in the Annexes to PIC.

### **2.6 Recommendation to customs authorities**

- Based on the findings that 44 % of export notifications inspected by customs authorities were not compliant with Article 19(1) of PIC, it is recommended for these authorities to prioritise the checking of the RIN in box 44 of the single administrative document for hazardous chemicals being exported.

## **List of annexes**

**Annex 1:** Project questionnaire

## Annex 1: Questionnaire

QUESTIONNAIRE (One (1) questionnaire per inspected substance)	
<b>0. Section – General Information about the inspection (obligatory)</b> (questions 0.2 to 0.5 will not be forwarded to ECHA Secretariat)	
0.1. Participating country:	
0.2. Authority: 0.3. Person in Charge: Telephone: Fax: E-mail: 0.4. Date of inspection: 0.5. File reference:	<b>Only for national internal use – do not submit data</b>
0.6. Type of inspection <input type="radio"/> Only desk top check <input type="radio"/> On-site check	
<b>I. Section – General information about the inspected company and substance (obligatory)</b> (questions 1.1. to 1.3. will not be forwarded to ECHA Secretariat)	
1.1. Name of company: 1.2. Name and telephone of the contact person: 1.3. Contact person's position:	<b>Only for national internal use – do not submit data</b>
1.4. Company's NACE-Code(s):	Source for <a href="#">NACE Code</a> Please provide 4-digit NACE class, e.g. "01.11"
2. According to Commission Recommendation 2003/361/EC the company qualifies as:  <input type="radio"/> Micro <input type="radio"/> Small <input type="radio"/> Medium <input type="radio"/> not SME <input type="radio"/> unknown Micro:    <10 employees and ≤2 million euro annual turnover Small:    <50 employees and ≤10 million euro annual turnover Medium: <250 employees and ≤50 million euro annual turnover Not SME: >250 employees and > 50 million euro annual turnover	
3. Identification of the substance  3.1 Substance name 3.2 CAS No 3.3 In a mixture? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>II. Section –Modules A-C</b> <b>Please fill in the following module combinations:</b> <ul style="list-style-type: none"> <li>- Only Module A</li> <li>- Module A + B</li> <li>- Module A + B+C</li> <li>- Module A + C</li> <li>- Only Module C</li> </ul>	
<b>Module A - Export notifications and explicit consents</b>  <b>(Article 8 and 15 (2) of the PIC Regulation)</b>	
<b>A1.</b> Are there chemicals listed in Part 1 of Annex I, exported? <input type="checkbox"/> Yes <input type="checkbox"/> No	Record any exceptional situation in Section IV of the questionnaire (e.g. Annex 1 part 3 substances)
<b>A2.</b> Is there an export notification submitted for the exported chemicals? <input type="checkbox"/> Yes ( <b>go to A3</b> ) <input type="checkbox"/> No ( <b>go to A2.1</b> )	
<b>If No:</b> <b>A2.1</b> Is an exemption applicable? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>A2.2</b> Is there a special RIN? <input type="radio"/> Yes <input checked="" type="radio"/> No	
<b>A3.</b> Is the content of the notification(s) correct with the practical situation observed during the inspection such as the identity of the substance?  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>A4.</b> Was a Reference Identification Number (RIN) submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>A5.</b> Was the RIN valid during the period of export? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>A6.</b> Was the chemical from Annex V being exported? <input type="checkbox"/> Yes ( <b>Go to A6.1</b> ) <input type="checkbox"/> No <input type="checkbox"/> Not applicable (not a chemical from Annex V)	Export ban: if "yes" there is breach of Article 15.2.
<b>If yes</b> <b>A6.1</b> Is an exemption applicable? <input type="checkbox"/> Yes / <input type="checkbox"/> No <b>A6.2</b> Is there a special RIN? <input type="checkbox"/> Yes / <input type="checkbox"/> No	An exemption for small quantities (e.g <10Kg/year) is possible ("special RIN")

<b>Module B - Provisions on packaging and labelling established by the CLP Regulation and SDSs</b>	
<b>B1.</b> Are the chemicals that are intended for export compliant to the provisions on packaging established by the CLP Regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B2.</b> Are the chemicals that are intended for export compliant to the provisions on labelling established by the CLP Regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B3.</b> Are the chemicals that are intended for export compliant to the provisions on SDSs, in accordance with the REACH Regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No	SDSs without Exposure Scenarios (ES) annexes
<b>B4.</b> Are the chemicals that are intended for export compliant with PIC Article 17(4)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B5.</b> What is the language of the SDS of the chemicals intended for export? <input type="checkbox"/> Official language of the importing country <input type="checkbox"/> Rotterdam Convention language (EN/FR/ES) <input type="checkbox"/> Other	

<b>Module C - Check of Article 8 by customs</b>	
<b>C1.</b> Was the export notification (RIN in box 44 of the SAD) checked by the customs authorities? <input type="checkbox"/> Yes <input type="checkbox"/> No	Single Administrative Documents (SAD)
<b>C2.</b> Was box 44 filled in correctly? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C3.</b> Was there a non-compliance with Article 8? <input type="checkbox"/> Yes <input type="checkbox"/> No	



<b>III. Section: Summary / Follow-up Action (obligatory)</b>	
<p><b>4. Measures imposed due to non-compliance with PIC obligations subject to this project (table 1 of the manual)? (multiple responses possible)?</b></p> <p> <input type="checkbox"/> No measures  <input type="checkbox"/> Verbal advice  <input type="checkbox"/> Written advice  <input type="checkbox"/> Administrative order  <input type="checkbox"/> Fine  <input type="checkbox"/> Criminal complaint / Handing over to public prosecutor's office  <input type="checkbox"/> Others    <input type="checkbox"/> No non-compliance was found                 </p>	
<p><b>5. Are the follow-up activities</b></p> <p> <input type="checkbox"/> completed  <input type="checkbox"/> on going                 </p>	
<p><b>6. Have any cases been forwarded to other Member States?</b></p> <p> <input type="checkbox"/> Yes                        If yes, to whom?  <input type="checkbox"/> National Enforcement Authority  <input type="checkbox"/> Designated National Authority  <input type="checkbox"/> Customs Authority  <input type="checkbox"/> Forum Member  <input type="checkbox"/> National Pilot Project Coordinator  <input type="checkbox"/> NEA Contact Point / Focal Point in PD-NEA  <input type="checkbox"/> Feedback from the other Member State approached is already available    <input type="checkbox"/> No                 </p>	

<b>IV. Section – Other comments<sup>11</sup></b>
<p>.....</p> <p>.....</p> <p>.....</p>

<sup>11</sup> Please fill this section if you would like to inform on specific situation regarding this inspection, or the encountered obstacles, lessons learned, need for clarification/harmonization.