

Final report on the Forum Pilot Project on CLP focusing on control of internet sales

Reporting period: January – October 2017

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This report presents the results of inspections made under the Forum enforcement project. Duty holders and products 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.

Final report on the Forum Pilot Project on CLP focusing on control of internet sales

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Executive summary

The Forum for Exchange of Information on Enforcement (The Forum) conducted the pilot project on CLP focusing on the control of internet sales.

15 countries¹ participated in the project, which focused on the enforcement of Article 48(2)² of the CLP Regulation³ by checking if any advertisement for a mixture classified as hazardous or covered by Article 25(6)⁴ mentioned the type or types of hazard indicated on the label.

The project was set up in March 2016. National enforcement authorities (NEAs) from participating Member States (MSs) conducted inspections in 2017 (January–August) using the manual and questionnaire⁵ prepared by the Working Group 'Forum pilot project on CLP focusing on control of internet sales'. The reporting phase took place from September 2017 to February 2018.

In total, 1 314 desktop inspections were completed by checking internet advertisements for the sale of hazardous chemical mixtures which were within the scope of this project. A questionnaire was completed for each inspected advertisement⁶.

The type of websites most frequently checked were professional sellers (suppliers) internet shops (95.9 %). The most inspected types of mixtures according to their use were household (37.7 %), construction (16.7 %) and motor products (14 %). The majority of the inspected hazardous mixtures (95.6 %) were available on the domestic market. Some were also available on other MS markets. 19.3 % of all inspected mixtures were available on both domestic and other MS markets.

The largest type of suppliers were professional suppliers 97.1% (1 276).

In total, 1 083 (82.4 %) non-compliances in reference to Article 48(2) of CLP were found. In 83.3 % of non-compliant cases, no information was provided on hazard statements and/or supplementary statements.

124 verbal advices, 460 written advices and 184 administrative orders were issued. In 280 cases, a fine was imposed. In four cases, a criminal complaint was undertaken or the case was handed over to the public prosecutor's office.

Follow up activities were still on-going (when the operational phase of the project finished on 31 August 2017) in 321 cases. In 223 cases, information was forwarded to another enforcement authority in the same Member State for further follow up. There was no case of needing to forward information to another enforcement authority in another Member State.

The Working Group have outlined some recommendations for the Forum, Commission, enforcement authorities, inspectors and for industry based on the findings of this project.

¹ AT, BE, CY, CZ, DK, DE, EL, ES, FI, FR, IT, LU, NO, SE and SI. Austria participated in the first part of the project but the results of inspections are not included in the report.

² Please see the legislative background in Chapter 3.2 in the project report.

³ Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures.

⁴ See footnote 2.

⁵ See Annex 1.

⁶ See Annex 1.

1. Introduction

At the Forum-23 plenary meeting in March 2016, the Forum decided to engage in a pilot project on CLP focusing on the control of internet sales of chemicals (mixtures). The project's aim was to check the compliance of advertisements of hazardous chemical mixtures for offer/sale on the internet with the requirements of Article 48(2) of the CLP Regulation.

To minimise the investment of resources, this project aimed to be an experience-building and practical-based project targeting enforcement authorities' activities, e.g. by providing working methods for inspectors and facilitating further actions at national and EU levels in this area.

The project was planned in 2016 with inspections taking place from January to August in 2017.

2. Objectives and participants of the project

The main objective of the project was enforcing the requirements related to Article 48(2) of the CLP Regulation, harmonising the approach, collecting the experience and establishing common enforcement methods for checking this obligation.

Additionally, the following outcomes of the project were expected:

- Raised awareness amongst duty holders on the requirements for compliance with the obligations of Article 48(2) of CLP;
- Availability of a harmonised approach and best practice related to inspections of Article 48(2) of CLP;
- Increased cooperation between national enforcement authorities;
- Establishment of procedures to inform providers of the websites and/or internet auctions about the necessity to ensure compliance with CLP requirements for offers/advertisements by professionals/ private persons;
- To spread awareness of relevant CLP requirements amongst sellers, providers of website platforms, companies, and the general public;
- Assessment of size and scale of the issue of compliance with the provisions of Article 48(2) of CLP; and
- Reduction of risks for human health and environment.

This pilot project targeted potential manufacturers, importers and distributors of mixtures classified as hazardous or covered by Article 25(6) of CLP. Professional suppliers and private sellers of all company sizes (micro, small, medium and large) in any field of activity were included under the project's scope.

The following countries – AT⁷, BE, CY, CZ, DK, DE, EL, ES, FI, FR, IT, LU, NO, SE and SI – participated in the project.

⁷ See footnote 1.

3. Background information

3.1 Project history and background

The Forum decided to start the project on the control of internet sales for the following reasons:

- Internet sales (e-commerce) of mixtures classified as hazardous are becoming more and more common and their frequency have been increasing over the years;
- National enforcement authorities (NEAs) in the Member States experience that information on the hazards is regularly lacking on websites offering hazardous products. There is a need to check if the advertisements are prepared according to the requirements.
- EU cooperation in enforcing internet sales is essential for this project as the customers of one website can be based in any of the Member States; and
- The available results of past e-commerce projects⁸ showed frequent non-compliance in the sale of chemicals over the internet.

This project implemented several of the Forum's tasks as established by Article 77(4) of REACH, 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.

3.2 Legislative background

This Forum pilot project was limited to Article 48(2) of the CLP Regulation including the language requirement of the CLP Regulation, Article 17(2), for this specific provision.

Obligations imposed by the REACH Regulation were not included.

The obligations to be checked and eventually enforced within the scope of this project were:

Article	Citation
48(2)	<p><i>Any advertisement for a mixture classified as hazardous or covered by Article 25(6) which allows a member of the general public to conclude a contract for purchase without first having sight of the label shall mention the type or types of hazard indicated on the label.</i></p> <p><i>The first subparagraph shall be without prejudice to Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts</i></p>
25(6)	<p><i>Where a mixture contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II. The statements shall be worded in accordance with Part 3 of Annex III and shall be placed in the supplemental information section of the label.</i></p> <p><i>The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture.</i></p>
17(2)	<i>The label shall be written in the official language(s) of the Member State(s)</i>

⁸ <http://www.cleen-europe.eu/projects/past-projects/>

	<i>where the substance or mixture is placed on the market, unless the Member State(s) concerned provide(s) otherwise Suppliers may use more languages on their labels than those required by the Member States, provided that the same details appear in all languages used.</i>
Recital 67 in the introduction of Regulation (EC) No. 1272/2008	<i>(67) Rules should be laid down requiring advertisements for substances meeting the criteria for classification set out in this Regulation to mention the associated hazards, in order to protect recipients of substances, including consumers. Advertisements for mixtures classified as hazardous that allow a member of the general public to conclude a contract for purchase without first having sight of the label should mention the type or types of hazard indicated on the label, for the same reason.</i>

According to the Commission's legal interpretation⁹, the direct link to a safety data sheet (SDS) cannot fulfil the information obligations of Article 48(2) of CLP. Availability of an SDS on the website used for advertising mixtures according to Article 48(2) of CLP can only be considered as additional information for the general public about the type or types of hazards on the label.

Before the inspections took place, the NEAs in Member States had different views on whether a direct link to an SDS can fulfil the obligations of Article 48(2). However, inspectors participating in this pilot project followed the Commission's interpretation.

To qualify an advertisement as compliant with Article 48(2), language requirements of labelling information according to Article 17(2) CLP must also be considered for the obligatory information in the advertisement.

4. Enforcement actions

4.1 Participating countries and number of inspections

15 Member States¹⁰ participated in the project. 1314 inspections were completed by 14 Member States. A questionnaire (see Annex 1) was completed for each advertisement of the inspected hazardous mixtures. Further details on the results are in Chapter 5. The advertisements of the mixtures classified as hazardous were selected for inspection by the Member States participating in the project based on the project manual and their own experience¹¹.

4.2 Coordination of the project

A "Forum pilot project on CLP focusing on control of internet sales" working group was responsible for managing this pilot project.

⁹ The following interpretation was submitted by Commission to ECHA on 8 September 2016.

'The Commission view is that this requires an interpretation according to the purpose of Art. 48(2) which is clearly to give hazard information to the general public, and that must be of a nature that is understandable to the general public. We are not convinced that consumers a) know sufficiently well that a SDS contains information on the hazardous properties of the mixture and b) would take the effort to actually click on the SDS, open it and scroll through it to find the relevant information. Instead, it could be much clearer and more direct if the hazard information is directly visible on the screen in the advert'.

¹⁰ See footnote 1.

¹¹ More detailed practical information for the inspectors will be available in the 'Hints and Tips guide for inspectors'.

This included:

- providing the pilot project national coordinators (NCs) with all relevant project documents (e.g. manual and questionnaire) ;
- conducting the webinar for NCs on 26 October 2016;
- staying in close communication with the NCs using the secure messaging system portal dashboard for national enforcement authorities (PD-NEA). The exchange of confidential information such as data and inspection reports was done through PD-NEA;
- collecting and compiling the inspection findings;
- project coordination at European level with the MSs participating in the project;
- evaluating the project's findings; and
- reporting to the Forum.

The ECHA Secretariat supported the project management, prepared data and the pdf form for conducting the project, contributed to preparing the manual and the webinar for the NCs and also compiled the data and drafted pilot project report.

In addition, the ECHA Secretariat provided all necessary logistic, administrative, financial and technical support as in Forum's previous enforcement projects.

4.3 Methods of enforcement

In all Member States, inspections were carried out in accordance with the project manual. The inspectors performed inspections by searching for websites and completed a questionnaire for each advertisement of the hazardous mixtures they checked.

The results of the inspections were then fed back to the ECHA Secretariat and to the Chair of the pilot project for further evaluation. In some cases, inspectors referred cases of non-compliance to the appropriate Member State competent authority for consideration/further follow-up action as relevant.

5. Results and conclusions

5.1 General overview

5.1.1 Overview of the number of inspections

15 countries participated in the pilot project with 1 314 questionnaires completed by 14 countries for inspections of website advertisements of mixtures classified as a hazardous. Table 1 details the number of inspections completed by participating Member States.

Table 1: Participating countries and reported inspections

	Country	Number of submitted inspection reports
1	Belgium	27
2	Czech Republic	361
3	Cyprus	9
4	Denmark	10
5	Finland	28
6	France	12
7	Germany	508
8	Greece	73
9	Italy	10

10	Luxembourg	17
11	Norway	14
12	Slovenia	12
13	Spain	210
14	Sweden	23
	Σ	1 314

5.2 Information on inspected websites

5.2.1 Type of distribution website

Inspectors checked the following types of distribution websites: internet auctions/platform, professional suppliers' internet shop, private advertisers and others including do it yourself (DIY) online shops and global distributors of various products.

The majority of the inspected distribution websites were the professional supplier's own web shop (95.9%) and only 2.4% were internet auctions/platforms (showing the inspected advertisement).

5.3 Information on the hazardous mixture

5.3.1 Search engine used

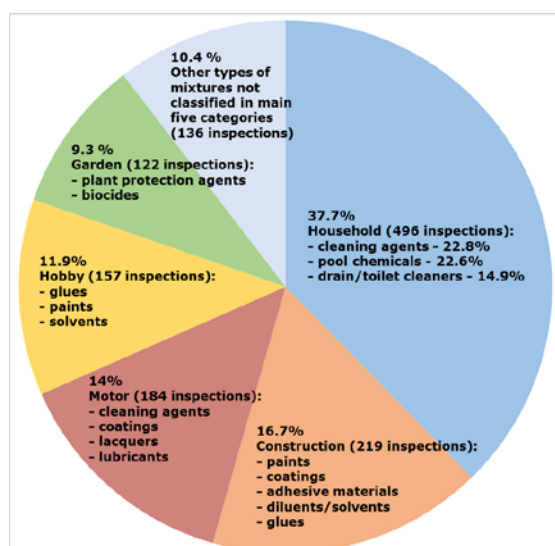
The search engines most often used by the NEAs were: Google (1 114), Bing (13), Seznam (13), Amazon (3), Ecosia (2), Yellow Pages (2), Pages d'Or (1).

5.3.2 Type of mixture according to their use

Different types of mixtures according to their use were checked during the inspections.

The main type of mixtures according to their use were household (37.7%) and construction products (16.7%). Chart 1 shows the results in detail.

Chart 1: Type of mixtures according to their use with main type of products in the categories [%]¹²



¹² In the type 'Other' there were mixtures not classified in the main five categories: e.g. impregnations, e-liquid with nicotine, products for bicycles, shoe products, fire starters, insect repellents, liquids for water treatment and essential oils.

5.3.3 Availability of the product

The inspectors checked whether the inspected hazardous mixtures were available on the domestic market for domestic customers or other Member State markets for customers in EU/EEA countries.

Most of the inspected hazardous mixtures (95.6%) were available on the domestic market (some were available on other MS markets as well). 19.3% of all inspected mixtures were available on both domestic and other MS markets. 76.3% were only available on the domestic market and 1.1% of the inspected mixtures were only available on other MS markets (multiple responses were possible).

5.3.4 Information provided on the website according to Article 48(2)

Information was provided correctly according to Article 48(2) requirements for only 220 (16.7%) of the checked advertisements on the internet.

In 190 of these 220 cases, the product description in the offer included the hazard information, in 58 inspections the image of the product had a label with visible hazard information and in 28 cases both the product description and image included the hazard information (multiple responses were possible).

5.4 Information on the identified supplier (seller)

5.4.1 Type of supplier

Table 2 summarises the findings of the results related to question 3.5 of the questionnaire, which sought to specify the type of supplier (seller). The most frequently checked type of supplier during this project were professional suppliers.

Table 2: Type of supplier

Type of supplier	Amount	%
Professional	1 276	97.1
Private	31	2.4
Other	6	0.5
Unclear	1	0.1
Grand Total	1 314	

5.4.2 NACE codes of the supplier

Table 3 summarises the findings of question 3.6 of the questionnaire which sought to specify the type of business sector (based on the NACE Code) of the supplier of the inspected hazardous mixture within the scope of the project.

In terms of the NACE Code system, the majority of the suppliers (90 %) fall into the category of the business sector 'Wholesale and retail trade' (NACE Code G45.20–47.91).

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

NACE identifier	NACE category	Number of companies	Proportion of companies (N = 829)
C20.12-32.99	Manufacturing of chemicals and chemical products	75	9%
G45.20-47.91	Wholesale and retail trade	746	90%
(H, I, J, N)51.54-82.99	Others	8	1%

5.4.3 Size of the supplier

Companies of all size categories according to the EU¹³ standard scale were included in the inspections. Table 4 summarises the findings of question 3.7 of the questionnaire, which sought to determine the size of the suppliers inspected.

For only 51.9 % (682 out of 1 314) of inspections, the information on the size of the supplier was provided. Micro, small and medium-sized companies (SMEs) represented 82.6 % (out of 682) of the inspected suppliers of the mixtures.

Table 4: Company sizes determined according to Commission Recommendation 2003/361/EC

Company size category	Number of suppliers	% (N = 1 314)
Micro	283	21.5
Small	163	12.4
Medium	117	8.9
Σ SME	563	42.8
Non-SME	119	9.1
Not known	632	48.1

The inspectors also checked the point of sale of the hazardous mixtures in the context of imports. In the majority of the inspections, the point of sale was based in the European Union 94.4 % (421 out of 446 responses provided).

5.5 Number of non-compliances identified in the inspections

Table 5 summarises the findings of the results in relation to question 4.1 of the questionnaire (has the inspected mixture non-compliance with Article 48(2) – including any language requirement according to Article 17(2) been detected?).

1 314 inspections were completed. In 1 083 cases (82.4 %), non-compliance with the requirements of Article 48(2) of CLP was detected.

Table 5: Information on the compliance of the mixtures classified as hazardous with Article 48 (2) of the CLP Regulation

	Amount of inspected mixtures	%
Non-compliance	1 083	82.4
Compliance	210	16.0
Suspected ¹⁴	21	1.6
Grand Total	1 314	100 %

¹³ Commission Recommendation 2003/361/EC.

¹⁴ Cases have not been settled at the time when the national report was being prepared.

In the majority of the inspections, the non-compliance was related to a lack of information provided on hazard statements and/or supplementary hazard statements (see Table 6). Inspectors also found that more than one product was non-compliant on the same supplier internet site in 78.2% of cases checked.

Table 6: Type of non-compliance with Article 48(2) of CLP*

Type of non-compliance	Amount of non-compliances	% (N= 1 083)
No information provided on hazard statements and/or supplementary hazard statements	902	83.3
The information on the hazard statements provided is not complete (e.g. H-codes instead of phrases)	55	5.1
The text of the hazard statements is not in the official language of relevant MSs which are addressed with the Article 48(2) advertisement	98	9.0
Other non-compliance	172	15.9

* More than one type of non-compliance may apply to a checked advertisement (multiple responses were possible).

5.6 Enforcement actions and measures taken by NEAs

5.6.1 Number and kinds of action initiated against the offender

This paragraph and Table 7 summarises answers to question 5.1 of the questionnaire.

There were 1 033 actions initiated against the company/supplier (multiple responses were possible).

Table 7: Type of actions initiated against the company/supplier

	Type of action	Amount
1	Verbal advices	124
2	Written advices	460
3	Administrative orders (in majority order to bring the information in the advertisement in compliance was issued),	184
4	Fines	280
5	Criminal compliance or handing over to the public prosecutor	4
6	Other legal actions	24
7	Follow up activities were still on-going (status on 31 August 2017)	321

Additionally, 223 voluntary actions were taken by the company to remedy the situation.

5.6.2 Specific enforcement actions related to the provider of the website

Additional specific enforcement actions were taken in 176 inspections. The NEAs in 103 cases contacted the seller by mail/conventional means after the identity/address of the seller was obtained from the website operator. In 53 cases, the seller was contacted directly using the platform features and in 20 cases other actions were taken.

5.6.3 Number of cases forwarded to other Member States

In 233 cases of non-compliant or suspected¹⁵ products, information was forwarded to another enforcement authority in the same Member State. There were no cases where information needed to be forwarded to another enforcement authority in another Member State.

6. Recommendations

Recommendations are based on the experience of the members of the Working Group as well as on the results of the project and on the feedback from the questionnaires completed by the national coordinators.

6.1 Recommendations to the Forum

- The Forum members that did not participate in the project should consider conducting national inspections to control internet sales of mixtures classified as hazardous and investigate if they comply with Article 48(2) of the CLP Regulation.
- Based on the high rate of non-compliance observed in the results of the project, the Forum could consider including the topic on the control of internet sales in a future REF project.

6.2 Recommendation to enforcement authorities and inspectors

- The national enforcement authorities should continue to perform inspections.

6.3 Recommendation to industry

- Industry and trade associations could develop common strategies to clarify what is a lawful sale on the internet. For this purpose, a collection of positive examples could also be compiled by industry and distributed to associations for the information of the companies concerned.

6.4 Recommendation to the Commission

- Specification of the wording of Article 48 (2) of CLP to avoid undefined legal concepts. The development of a guideline should be considered to facilitate the online retailer's implementation of Article 48 (2) of CLP and to determine how to achieve online trade within the meaning of the Regulation.

7. List of annexes

Annex 1: Questionnaire

¹⁵ Cases have not been settled at the time when the national report was being prepared.

Annex 1: Questionnaire

Forum pilot project on CLP focusing on control of internet sales QUESTIONNAIRE	
(One (1) questionnaire per inspected advertisement of a hazardous mixture)	
0. Section: General information about the inspection	Remark
0.1. Participating country:	
0.2. Name of authority: 0.3. Person in Charge (inspector): Telephone: E-mail:	0.2.- 0.3. This data will be deleted by NC - this data are only for internal use e.g. in case you need to forward the questionnaire to other NEAs for assistance
0.4. Date of inspection: 0.5. File reference number: Print screens of the offer with number of the file reference related to the specific inspections can be attached to reports according to national arrangements. It can be helpful when cases are forwarded to the other inspectorate or Member State.	0.4. Give here the date of the inspection of the website 0.5. Assigned by the reporting inspectorate. Use unmistakable code for later reference and identification purposes under anonymous data processing conditions (avoid simple numeric/alphanumeric codes). The TF recommends that the reference number created in the pdf questionnaire during first inspection of the hazardous mixtures remains always the same in cases when information is forwarded between chemicals inspection services in the Member State (see also Chapter 10.2).

I. Section: Information on inspected website	Remark
1.1. Web-address of the inspected website making the product available:	
1.2. Type of distribution website: <input type="radio"/> Internet auction/platform (showing the inspected advertisement) <input type="radio"/> Professional supplier's own internet shop <input type="radio"/> Small advertisement <input type="radio"/> Other site:	
1.3. For websites which are platforms / auctions please provide: - name of the service provider (website operator) - post address of the service provider (website operator)	

II. Section: Information on the hazardous mixture	Remark
<p>2.1. Search terms used (optional) e.g. hazardous mixture</p> <p><input type="checkbox"/> in native language</p> <p><input type="checkbox"/> in English</p>	<p>2.1. All name types yielding hits are valid (substance-, product-, trivial names)</p>
<p>2.2. Search engine used (optional) e.g. Amazon; eBay; Ricardo; AliExpress; Quoka; Yahoo; Google; MetaGer; Duckduckgo; Ixquick; Excite, etc.: _ _</p>	<p>2.2. Any search mechanism utilised may be named here, regardless if the internal search functions of a platform or a general internet search engines has been used. Choose entry from the example list or insert a new one in free text.</p>
<p>2.3. Product name (as provided in the website):</p> <p><input type="checkbox"/> in native language</p> <p><input type="checkbox"/> in English</p>	
<p>2.4. Other Product Identifier according to Article 18 of CLP</p>	<p>2.4. Other than the product name which is for mixtures mainly the identity of the substances in the mixture for which there is an obligation that they are shown on the label - Article 18(3)</p>
<p>2.5. Additional identifier for the product used by the website (barcode, item number, etc.)</p>	
<p>2.6. Type of mixture according to their use:</p> <p><input type="radio"/> Household product (e.g. disinfectants; surfactants; cleaning agent; detergent (powder/liquid); bleach; washing up liquid; oven/window/surface cleaner; drain/toilet cleaner; lamp oil; air freshener; pool chemicals; etc.)</p> <p><input type="radio"/> Garden product (e.g. plant protecting agents; biocide; fertiliser; grill/lighter fluid; etc.)</p> <p><input type="radio"/> Motor vehicle product (e.g. lacquer; varnish; lubricants; coatings; windshield washing fluid; air freshener;</p>	<p>2.6. Choose one category of the product based on its predominant use and insert free text which specified the product, as appropriate.</p>

<p>etc.)</p> <p><input type="radio"/> Construction product (e.g. paint; glues; adhesive material; metal/surface strippers; diluent/solvent; coatings; etc.)</p> <p><input type="radio"/> Hobby (e.g. photo chemical, solvents; paint; glues; spray paint; toys; etc.)</p> <p><input type="radio"/> Other:</p>	
<p>2.7. Direct weblink to the product (once possible)</p>	
<p>2.8. Product is available on:</p> <p><input type="checkbox"/> the domestic market</p> <p><input type="checkbox"/> other MS markets</p> <p><input type="checkbox"/> no information on the appearance on different markets available</p>	<p>2.8. Mark both, option 1 and 2, if there are substantial indications, that sales promotions are addressed at domestic customers and customers abroad. Otherwise choose a single option as applicable.</p> <p>An indication for advertisements targeting other MS markets could be the use of other languages in the website or shipping information specified for other MSs. Websites might even provide the possibility to switch between their different regional domains and conduct product searches therein.</p>
<p>2.9. How is the information according to Article 48(2) provided on the web site (once available):</p> <p><input type="checkbox"/> product description in the offer includes hazard information</p> <p><input type="checkbox"/> image of the product label with visible hazard information</p>	<p>2.9. Do not mark option 1 and 2 if the information about the hazard is not provided (is not available) on the website (i.e. once Q 4.1 is 'Yes').</p>

III. Section: Information on the identified supplier (seller) ¹⁶	Remark
<p>3.1. Name of supplier (seller)</p> <p>3.2. Registered address (including country)</p> <p>3.3. Telephone</p> <p>3.4. E-mail</p>	<p>3.1. - 3.4. This data will be deleted by NC -this data are only for internal use e.g. in case you need to forward the questionnaire to other NEAs for assistance</p>
<p>3.5. Type of supplier (seller):</p> <p><input type="radio"/> Professional supplier</p> <p><input type="radio"/> Private seller</p> <p><input type="radio"/> Other:</p> <p><input type="radio"/> Unclear, not identified (e.g. for offers placed on platforms or in auctions)</p>	
<p>3.6. NACE-code of the supplier (seller) (if applicable)</p> <p><input type="radio"/> NACE-code:</p> <p><input type="radio"/> unknown</p> <p><input type="radio"/> not applicable</p>	<p>3.6. Source for NACE Code see Annex 1, please provide 4-digit NACE class, e.g. "01.11"</p> <p>In case the NACE class for the relevant activity of the inspected supplier (seller) is not available it is sufficient that the inspector assigns the appropriate NACE class.</p>
<p>3.7. Size of the supplier (seller) (if possible)</p> <p>According to Commission Recommendation 2003/361/EC the company qualifies as:</p> <p><input type="radio"/> Micro <input type="radio"/> Small <input type="radio"/> Medium <input type="radio"/> not SME <input type="radio"/> unknown</p> <p>Micro: <10 employees and ≤2 million euro annual turnover</p> <p>Small: <50 employees and ≤10 million euro annual turnover</p> <p>Medium: <250 employees and ≤50 million euro annual turnover</p> <p>Not SME: >250 employees and > 50 million euro annual turnover</p>	<p>3.7. In case the SME status of a supplier is not available it is sufficient that the inspector assigns the appropriate size of the company.</p>
<p>3.8. EU based point of sale in the context of imports:</p> <p><input type="radio"/> Identical with the registered address (seat) of the seller (Section III question 3.2.)</p> <p><input type="radio"/> Different from the registered address (seat) of the seller (Section III question 3.2.)</p> <p>Name of the point of sale: _____</p> <p>Country: _____</p> <p>Address: _____</p> <p><input type="radio"/> Not relevant</p>	<p>3.8.</p> <p>Relevant in particular with regard to the increasingly exercised distribution of sold goods via fulfilment centres located somewhere.</p> <p>Mark statement regarding the "point of sale" (mandatory).</p> <p>Solely if the goods are being made available from a location that is different from the seller's seat (Option 2), give more details on where the product is/was physically stored and placed on the market from.</p>

¹⁶ Supplier (seller) offers the product for the purpose of sale to the consumer using advertisement on the website.

IV. Section: Non-compliances identified in the inspections	Remark
<p>4.1. Has for the inspected mixture non-compliance with Article 48 (2) - including any language requirement according to Article 17 (2) – been detected?</p> <p><input type="radio"/> Yes</p> <p> If Yes,</p> <p> <input type="checkbox"/> No information provided on hazard statements and/or supplementary hazard statements</p> <p> <input type="checkbox"/> The information on the hazard statements provided is not complete (e.g. H-codes instead of phrases)</p> <p> <input type="checkbox"/> The text of the hazard statements is not in the official language of relevant MSs which are addressed with the Article 48(2) advertisement</p> <p> <input type="checkbox"/> Other non-compliance, please specify:</p> <p><input type="radio"/> suspected, but still under investigation</p> <p><input type="radio"/> No</p>	<p>4.1.</p> <p>Tick "No information provided on ..." in case the hazard information is only in a SDS which is linked to the advertisement.</p> <p>If the assessed advertisement of a mixture is not fully compliant with Article 48 (2) CLP, the language requirements included, tick "Yes" (=non-compliance discovered). If no breach of the article exists, thus the advertisement is fully compliant, tick "No" (=no non-compliance discovered). If the case has not been settled at the time when the report is being prepared, tick 'suspected, but still under investigation'.</p>
<p>4.2. The non-compliance applies to more than one mixture made available by this supplier:</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> not applicable (the mixture is in compliance with Art. 48 (2))</p> <p><input type="radio"/> not investigated</p>	<p>4.2.</p> <p>Please give here an indication whether the identified non-compliance of the inspected mixture is a singular observation or non-compliances exist also for other mixtures advertised.</p>

V. Section: Summary/enforcement action/enforcement measures taken	Remark
<p>5.1. Was action initiated against the company/supplier (seller)?</p> <p><input type="radio"/> Yes</p> <p>If yes,</p> <p><input type="checkbox"/> Verbal advice to seller</p> <p><input type="checkbox"/> Written advice to seller</p> <p><input type="checkbox"/> Administrative order</p> <p><input type="checkbox"/> order to remove the non-compliant advertisement (e.g. from a platform)</p> <p><input type="checkbox"/> order to bring the information in the advertisement in compliance</p> <p><input type="checkbox"/> order to dispose the advertised products</p> <p><input type="checkbox"/> Voluntary action by the company to remedy the situation</p> <p><input type="checkbox"/> Fine imposed</p> <p><input type="checkbox"/> Information to investigation authority (Police)</p> <p><input type="checkbox"/> Criminal complaint / handing over to public prosecutor's office</p> <p><input type="checkbox"/> Other legal action (please specify):</p> <p><input type="checkbox"/> Follow up activities still on-going</p> <p><input type="radio"/> No</p>	<p>5.1.</p> <p>In case legal proceedings have been suspended, please specify this under 'Other legal action'</p> <p>Note: All (listed) measures that have been taken by any of the involved authorities shall be reported here.</p> <p>When you tick the 'Follow up activities still on-going' it means that the case is not closed in the time of reporting of final results.</p>
<p>5.2. Specific enforcement actions using information offered by the provider of the website (service provider) of internet platforms, auctions, etc.</p> <p><input type="radio"/> Authority contacted seller directly using platform features</p> <p><input type="radio"/> Authority contacted seller via mail/conventional means after identity/address of the seller was obtained from website operator</p> <p><input type="radio"/> Upon authority request, seller was contacted by website operator</p> <p><input type="radio"/> Upon authority request, website operator removed the product offer from the website</p> <p><input type="radio"/> Other action (please specify):</p> <p><input type="radio"/> Not applicable</p>	<p>5.2.</p> <p>If product has been offered by a website where the provider is acting as a sales intermediary (e.g. auction, internet platforms. paid-for space) choose from options 1 to 4, otherwise choose 'Not applicable'</p>
<p>5.3. Has information related to this case of the inspected company/supplier (seller) been forwarded to another Enforcement Authority?</p> <p><input type="radio"/> Yes</p> <p><input type="checkbox"/> Enforcement Authority in the same Member State</p> <p><input type="checkbox"/> Enforcement Authority in another Member State</p> <p><input type="radio"/> No</p>	

VI. Section: Informal comments¹⁷

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¹⁷ Please fill this section if you would like to inform on obstacles overcome, lessons learned, need for clarification/harmonization

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