

## Exchange of views with the Forum Chair

55<sup>th</sup> Meeting of the Management Board 26-27 September 2019

### Key messages

- The Forum is addressing its enforcement priorities for the years 2019-2023 and following up on the REACH Review actions
- The Forum Chair seeks to:
  - inform the Management Board about the realisation of these priorities and
  - exchange views about how the Forum addresses the future challenges for enforcement

### Background

This document outlines the key messages that the Forum Chair will bring for discussion with the Management Board.

The Forum Work Programme 2019-2023 identifies a number of enforcement priorities for this time frame. The cross-cutting priorities apply to all regulations such as control of imports and cooperation with customs, addressing the increasing internet sales of chemicals and further improvement of cross border cooperation between the enforcement authorities. For REACH enforcement, the Forum will focus on duties related to implementation of risk management measures – both regulatory and at the level of specific workplaces. Registration will remain a priority to ensure that all substances present on the market have been registered. For CLP, inspectors will focus on duties that most impact the safe use of mixtures by consumers. Another priority will be to explore and develop routines to enforce the new duties to notify the mixtures to the appointed bodies. For BPR the key interest will be to ensure the fundamental requirements that biocidal products are authorised and active substances have been approved. For PIC the checks are now routine and results of the pilot project delivered in 2018 indicate low non-compliance levels, therefore enforcement activities will continue mostly at the national level.

The Forum has been acting on each of these priorities – mostly through enforcement projects but also other actions carried out through 2018-2019 and more are planned for the following years. Chair's presentation will cover these actions in more detail.

The REACH review 2017 identifies two actions specifically focused on enforcement. Action 13(2) calls for a report on national enforcement activities to be submitted annually to ECHA. The Forum has discussed this and such report could be useful for harmonising enforcement, therefore the Forum will conduct a two year test phase of voluntary reporting to ECHA and then assess if the practice should continue. Action 12(2) calls on the COM to propose steps to improve coordination of enforcement between REACH and OSH inspectors. The Forum has identified the key interaction areas between REACH and OSH inspectors and surveyed the members to see how they are realised in practice. The report with the findings will be shared with the Commission.

Enforcement is one of the cornerstones of the success of the future chemicals policy of the EU, as indicated in the conference “Chemicals Policy 2030”<sup>1</sup>. Enforcement is critical to ensure the provision of quality data required for regulatory risk assessment and risk management of hazardous substances. It is also necessary to attain the target of circular economy as enforcement of existing provisions is necessary to prevent entry of substances of concern or restricted chemicals into material cycles. Strong controls are needed for level playing field on the market to ensure that importers are not privileged over manufacturers and formulators and lastly the existing provisions need to be enforced to create incentives for innovation and foster sustainability and competitiveness.

Regulators, authorities, industry and stakeholder organisations call for enforcement to be stronger, more efficient, more harmonised, focused on imports and sufficiently resourced.

The Chair would like to exchange views with the Management Board on how these challenges and expectations can be addressed. Some are already being tackled through Forum’s activities and projects that generate increasing numbers of controls every year and contribute to harmonisation. Other challenges need to be further explored such as continued work on combined legislation controls and cooperation with enforcers from other fields such as waste and occupational hygiene. Still others – in particular resourcing – are the result of national policy priorities and fall under the remit of the MSCAs rather than the Forum itself.

## Rationale

The Forum Chair seeks to inform the Management Board on the progress with enforcement priorities. The purpose of exchange views about strategic challenges for enforcement is twofold:

- for the Management Board members to consider how Forum, as part of ECHA, is contributing to achieving the objectives of the legislation and supporting the implementation of ECHA’s strategy; and
- for the Forum to consider the Management Board’s feedback in planning of its future activities.

## Attachments:

N/A

For questions: [jukka.malm@echa.europa.eu](mailto:jukka.malm@echa.europa.eu) with copy to [mb-secretariat@echa.europa.eu](mailto:mb-secretariat@echa.europa.eu)

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<sup>1</sup> <https://euchemicalspolicy2030.teamwork.fr/en/documents>