

AP OS 2.1. Update on the scope of upcoming REF project

2023 Open session

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Chair of the WG on prioritisation



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Objective and mandate of the WG

- Review annually a list of proposals for REF and BEF projects
- Applying Forum's methodology for prioritisation, selection and management of REF and BEF projects
- Draft a recommendation proposing the subject for the next REF, BEF project and pilot projects

Prioritisation of REF-13 proposals

- 4 project proposals for REF-13 project
- Submitted by Forum members (3)
- WebEX meeting on 15 May 2023 to review the proposals.
- one project proposal was rejected as REF
- Similar proposals were combined

Combination 1: check of chemical products sold on-line

- ✓ *Improved targeting of goods (substances, mixtures and articles) sold on-line*
- ✓ *Placing chemical products on the market via digital/online services/ distance sales*

Other proposal:

- ✓ *Analytical check on mixture composition. Reliability of the indications contained in SDSs and correct classification and labelling*

Selected REF-13 project

Check of chemical products sold on-line

The project will cover the following elements:

- REACH Regulation: Article 67 (restrictions - Annex XVII),
- CLP Regulation: Articles 4, 35, 40 and 48,
- POPs Regulation: Article 3 and restrictions,
- RoHS restrictions (voluntary),
- Market Surveillance Regulation: Article 4, 6 and 14,
- EU legislation on Distance Sales:
 - o Digital Service Act about marketplaces responsibility: Articles 6, 11, 13, 30, 31 and 32,
 - o General Product Safety Regulation (distance sales, marketplaces) requirements such as Articles 18, 19 and 20.

The new WG REF-13 is mandated to elaborate on the detailed scope of the project.

Supporting arguments presented

- Online sales are constantly growing. It is not any longer just the big marketplaces like Amazon, eBay, Wish and Aliexpress. More marketplaces both within and outside EU start businesses.
- Actors that in the past had only physical shops and some online sales now they have started parts of their business being marketplaces.
- New actors - dropshipping stores (they sell products online without having a storage of the products).
- The specific risks from placing chemical products on the market online have been in the past four years in the specific focus of the European regulator. All recent initiatives have a considerable impact also on the liabilities of the various dutyholders involved when chemical products are placed on the market on-line.
- In the year 2025 (operational phase of REF-13 project) it will be five years since the REF-8 project on online sales was executed.

Enforcement project REF-14

- ECHA ASOs are invited to submit proposals for Harmonised Enforcement Projects of the Forum (REF-14)
- Please send your proposals by **12 April 2024**
- Please use the template available here:

<https://www.echa.europa.eu/about-us/who-we-are/enforcement-forum/forum-enforcement-projects>

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