

Enforcement.

Paul Cuypers

ECHA FORUM - member for Belgium

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Intro

- **DISCLAIMER**
 - No rights can be derived from this presentation.
 - The information is not binding for any public authority.
 - REACH or CLP questions :
 - Inspection related, individual company → see competent inspection service
 - All other →
 1. see FAQ docs, etc. ; if unsatisfactory ...
 2. see your national federation; if unsatisfactory ...
 3. see CEFIC ; if unsatisfactory ...
 4. see your national Helpdesk(s) ; if unsatisfactory ...
 5. see ECHA

ECHA FORUM

- Scope / output

Forum's Tasks ?

- (a) spreading good practice and highlighting problems at Community level;
- (b) proposing, coordinating and evaluating harmonised enforcement projects and joint inspections;
- (c) coordinating exchange of inspectors;
- (d) identifying enforcement strategies, as well as best practice in enforcement;
- (e) developing working methods and tools of use to local inspectors;
- (f) developing an electronic information exchange procedure;
- (g) liaising with industry, taking particular account of the specific needs of SMEs, and other stakeholders, including relevant international organisations, as necessary;
- (h) examining proposals for restrictions with a view to advising on enforceability.

with regard to the REACH- and to the CLP regulation
(Art. 77.4 REACH + Art. 46.3 CLP)

ECHA FORUM

- Harmonized enforcement : an example

Key objectives

- assess compliance of manufactures and importers of substances with REACH provisions on registration and SDS
- prevent manufacture or placing on the market of chemicals which are not in compliance with REACH.
- achieve equal market conditions for enterprises.
- exchange information and experience between countries to avoid differences in enforcement of REACH

ECHA FORUM

REACH-EN-FORCE 1 Overview			
(number of reported inspections)			
Austria	20	Latvia	14
Belgium	59	Malta	3
Bulgaria	137	The Netherlands	34
Cyprus	29	Norway	15
Denmark	13	Poland	268
Estonia	75	Portugal	2
Finland	14	Romania	19
France	14	Slovakia	59
Germany	257	Slovenia	5
Greece	28	Spain	220
Hungary	123	Sweden	40
Iceland	11	United Kingdom	99
Ireland	31		total = 1589

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Authorities 1 June 2011

BELGIUM

Penalties (violation of REACH obligations)					Remarks
Federal Public Service Health, Food Chain Safety and Environment	Severe violations Fine: 160 euro up to 4.000.000 euro	Severe violations Emprisonment: 8 days to 3 years	Non-severe violations Fine: 52 euro up to 120.000 euro	Non-severe violations Emprisonment: 8 days to 1 year	- a judge will decree penalties within the limits shown in present table - if no criminal prosecution → administrative fine can be imposed - to obtain values for effective fines: multiply values shown in table by +/- 5.5
Federal Public Service Employment, Labour and Social Dialogue	(will most likely be the same as for Federal Public Service Health, Food Chain Safety and Environment)				preparation of establishment of penalties ongoing
Flemish Government	Fine: 100 euro to 250.000 euro Emprisonment: 8 days to 3 years				- a judge will decree penalties within the limits shown in present table - if no criminal prosecution OR in case non-severe violation → administrative fine can be imposed - to obtain values for effective fines: multiply values shown in table by +/- 5.5
Brussels Capital Region	Severe violations Fine: 10.000 euro up to 500.000 euro	Severe violations Emprisonment: 1 month to 2 years	Non-severe violations Fine: 100 euro up to 100.000 euro	Non-severe violations Emprisonment: 8 days to 6 months	- a judge will decree penalties within the limits shown in present table - if no criminal prosecution → administrative fine (62,50 euro to 62.500 euro) can be imposed
Region of Wallonia	Severe violations Fine: 100 euro up to 1.000.000 euro	Severe violations Emprisonment: 8 days to 3 years	Non-severe violations Fine: 100 euro up to 100.000 euro	Non-severe violations Emprisonment: 8 days to 6 months	- a judge will decree penalties within the limits shown in present table - if no criminal prosecution → ???

BELGIUM

- **Inspection Services**

obligations concerning placing on the market including import :

→ Federal Public Service Health, Food Chain Safety and Environment

obligations concerning manufacture and use focused on worker protection :

→ Federal Public Service Employment, Labour and Social Dialogue

obligations concerning manufacture and use focused on environment protection :

- Flanders Region Environment, Nature and Energy Department
- Brussels Region Institute for Management of the Environment :
- Wallonia Region Directorate-General Agriculture, Natural Resources and Environment

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Enforcement authorities' formal coordinates		Remarks
Federal Public Service Health, Food Chain Safety and Environment	Federal Public Service Health, Food Chain Safety and Environment Directorate-General Environment Section Inspection Place Victor Horta 40 box 10 1030 Brussels E-mail : info@health.fgov.be	
Federal Public Service Employment, Labour and Social Dialogue	Federal Public Service Employment, Labour and Social Dialogue Labour Inspection 1, Rue Ernest Blerot 1070 Brussels E-mail : info@employment.belgium.be	Legal basis for REACH compliance surveillance and law enforcement in preparation
Flemish Government	Environment, Nature and Energy Department Section Inspection Graaf de Ferrarisgebouw Koning Albert II-laan 20, bus 8 1000 Brussels E-mail : info@lne.be	
Brussels Capital Region	Brussels Institute for Management of the Environment Division Inspection Gulledelle 100 1200 Brussels 02 / 775 75 75 E-mail : info@ibgebim.be	
Region of Wallonia	Public Service Wallonia Directorate-General Agriculture, Natural Resources and Environment Avenue Prince de Liège 7 5100 Namur (Jambes) E-mail : DPE.DGRNE@mrw.wallonie.be	

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Links to administrations' websites		Remarks
Federal Public Service Health, Food Chain Safety and Environment	https://portal.health.fgov.be/portal/page?_pageid=56,755291&_dad=portal&_schema=PORTAL	Not available in English
Federal Public Service Employment, Labour and Social Dialogue	http://www.werk.belgie.be/tww.aspx	Not available in English
Flemish Government	http://www.lne.be/organisatie/structuur/afdeling-milieu-inspectie	Not available in English
Brussels Capital Region	http://www.ibgebim.be/ FR : http://www.bruxellesenvironnement.be/Templates/Niveau2.aspx?id=3478&langtype=2060 NL : http://www.leefmilieubrussel.be/Templates/Niveau2.aspx?id=3478&langtype=2067	Not available in English
Region of Wallonia	http://environnement.wallonie.be/	Not available in English

BELGIUM

- Management of controls

- National Forum

- Assesses ECHA FORUM's inspection manual
 - Asks relevant inspection services to participate in ECHA Forum's inspection campaign
 - Chooses a national coordinator ; Forum member appoints to ECHA Forum
 - Forms an Inspection Team that
 - prepares practical working procedure
 - chooses companies to be inspected
 - plans company visits
 - announces company visits
 - executes inspections
 - collects inspection results
 - National coordinator compiles results and reports them to ECHA Forum

BELGIUM

- Management of controls

Inspectors of all concerned competency fields act simultaneously ; each question is put once to a company ; each inspector uses the information selectively for his own surveillance duty

- ➔ 1 company visit instead of several company visits (cutback in company and inspector time)
- ➔ 1 report per company
- ➔ exchange of information pre and post company visit “on a need to know basis” between inspectors
- ➔ selection of companies to inspect : business as usual
- ➔ Belgian focus = focus ECHA Forum’s inspection manual

Analytical methods for REACH restrictions

- 58 restrictions in force to date; new restriction proposals underway

1. Polychlorinated terphenyls (PCTs) Shall not be placed on the market, or used:	20. Organostannic compounds	[deleted]
2. Chloroethene (vinyl chloride)	21. Di- μ -oxo-di-n-butylstanniohydroxyborane/-Dibutyltin hydrogen borate	40. Substances meeting the criteria of flammability in Directive
3. Liquid substances or mixtures, which are	22. Pentachlorophenol	41. Hexachloroethane
4. Tris (2,3 dibromopropyl) phosphate	23. Cadmium	42. Alkanes, C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)
5. Benzene	24. Monomethyl — tetrachlorodiphenylmethane (Trade name: Ugilec 141)	43. Azocolourants and Azodyes
6. Asbestos fibres	25. Monomethyl-dichloro-diphenyl methane (Trade name: Ugilec 121)	44. Diphenylether, pentabromo derivative C12H5Br5O
7. Tris(aziridinyl)phosphin oxide	26. Monomethyl-dibromo-diphenyl methane bromobenzylbromotoluene,	45. Diphenylether, octabromo derivative C12H2Br8O
8. Polybromobiphenyls;	27. Nickel	46. (a) Nonylphenol C6H4(OH)C9H19 ; (b) Nonylphenol ethoxylates
9. (a) Soap bark powder ; (b) Powder of the roots of Helleborus viridis and Helleborus niger ; (c) Powder of the roots of Veratrum album and Veratrum nigrum ; (d) Benzidine and/or its derivatives ; (e) o-Nitrobenzaldehyde ; (f) Wood powder	28. Substances which appear in Part 3 of Annex VI to Regulation (EC) No 1272/2008 classified as carcinogen category 1A or 1B	47. Chromium VI compounds
10. (a) Ammonium sulphide ; (b) Ammonium hydrogen sulphide ; (c) Ammonium polysulphide	29. Substances which appear in Part 3 of Annex VI to Regulation (EC) No 1272/2008 classified as germ cell mutagen category 1A or 1B or mutagen category 1 or 2	48. Toluene
11. Volatile esters of bromoacetic acids: (a) Methyl bromoacetate ; (b) Ethyl bromoacetate ; (c) Propyl bromoacetate ; (d) Butyl bromoacetate	30. Substances which appear in Part 3 of Annex VI to Regulation (EC) No 1272/2008 classified as toxic to reproduction category or 1B or toxic to reproduction category 1 or 2	49. Trichlorobenzene
12. 2-Naphthylamine	31. (a) Creosote; wash oil ; (b) Creosote oil; wash oil ; (c) Distillates (coal tar), naphthalene oils; naphthalene oil ; (d) Creosote oil, acenaphthene fraction; wash oil ; (e) Distillates (coal tar), upper; heavy anthracene oil ; (f) Anthracene oil ; (g) Tar acids, coal, crude; crude phenols	50. Polycyclic-aromatic hydrocarbons (PAH)
13. Benzidine	32. Chloroform	53. Perfluorooctane sulfonates (PFOS) C8F17SO2X (X = OH, Metal salt (O-M+), halide, amide, and other derivatives including polymers)
14. 4-Nitrobiphenyl	[deleted]	54. 2-(2-methoxyethoxy)ethanol (DEGME)
15. 4-Aminobiphenyl xenylamine	34. 1,1,2-Trichloroethane	55. 2-(2-butoxyethoxy)ethanol (DEGBE)
16. Lead carbonates: (a) Neutral anhydrous carbonate (PbCO3) ; (b) Trilead-bis(carbonate)-dihydroxide 2PbCO3-Pb(OH)2	35. 1,1,2,2-Tetrachloroethane	56. Methylenebiphenyl diisocyanate (MDI)
17. Lead sulphates: (a) PbSO4 ; (b) Pb SO4	36. 1,1,1,2-Tetrachloroethane	57. Cyclohexane
18. Mercury	37. Pentachloroethane	58. Ammonium nitrate (AN)
19. Arsenic compounds	38. 1,1-Dichloroethene	

Analytical methods for REACH restrictions

- No harmonisation of methods throughout EEA
- No list of recommended analytical methods
- Each country works with its own methods
 - Analytical results for the same sample may be different from country to country

→ Work underway ...

END

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Authorities 1 June 2011