

Implementation and Enforcement of REACH at Member States Level

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REACH does not work without Member States

- Key players
 - ECHA, European Commission, Member States Authorities
 - Specific roles and tasks but strong mutual dependence
- Member States roles in REACH implementation:
 - Involvement in REACH processes at ECHA level
 - Involvement in COM decision making (Comitology Committee)
 - Compliance control and enforcement

REACH tasks for Member States

- Establish National Helpdesk
 - To provide advice to companies on their responsibilities and obligations under REACH
 - REACH Help-Net is a network of ECHA and MS Helpdesks that promotes consistent and harmonized advice for companies

HOME

PRE-REGISTRATION

REACH

Guidance

Guidance Fact Sheets

Software tools

FAQs

Helpdesks

REACH Helpdesks

ECHA helpdesk

IUCLID5 helpdesk

Legislation

CLASSIFICATION

PRESS AND EVENTS

ABOUT ECHA

PUBLICATIONS

WORKING WITH US

LINKS

List of national helpdesks

Member States helpdesks

Select country by clicking a flag :



AUSTRIA

Website:

www.reachhelpdesk.at

E-mail:

Office@reachhelpdesk.at

Telephone:

+43 1 31 00 472



BELGIUM

FPS Economy – REACH Helpdesk

Rue du Progrès, 50

B-1210 Brussels

Website:

mineco.fgov.be/organization_market/reach/home_fr.htm

E-mail:

reachinfo@economie.fgov.be

Telephone:

0800 120 33

Fax:

+32 2 277 53 04



BULGARIA

67, W. Gladstone Str.

Sofia 1000

Website:



- REACH homepage

- What is REACH?
- What is your role in REACH?

- What do I need to do?

- When do I have to comply with REACH?

- Case studies

- REACH FAQs
- UK Competent Authority

- Glossary
- Information and guidance

- Diary of events
- News

- Contact us

Local search

Order a publication
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REACH
Registration, Evaluation, Authorisation & restriction of
Chemicals



What is REACH?



How does it affect me?



What should I do?



When do I have to comply?

Your industry

Agriculture

Health & safety topics

Asbestos



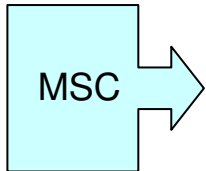
Pre-registration
starts in:

15 days



Tasks for Member States (cont.)

- Involvement in ECHA
 - Must appoint one member in Management Board, Member State Committee and the Forum
 - May nominate 1-2 members in Risk Assessment Committee and Committee for Socio-economic Analysis
 - Shall provide adequate scientific and technical support for Members of the Committees
- Evaluation
 - May choose (a) substance(s) from the Community rolling action plan (substance evaluation)
 - Must then carry out the evaluation and prepare a draft decision
 - Commenting on draft decisions in dossier and substance evaluation

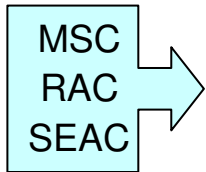


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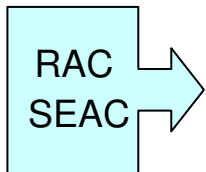
Tasks for Member States (cont.)

■ Authorisation



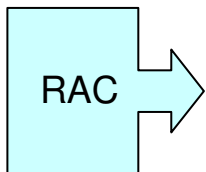
- May propose substances for inclusion in Annex XIV to ECHA
- Participation in Comitology Committee prior to Commission decision on granting Authorisation

■ Restrictions



- May propose restrictions to ECHA
- Participation in Comitology Committee prior to Commission decision (Amendment of Annex XVII)

■ Classification and labelling



- May propose harmonised C&L to ECHA
- Participation in Comitology Committee prior to Commission decision (Amendment of Annex VI of future CLP Regulation)

Tasks for Member States (cont.)

- Appoint Competent Authority/Authorities
- Inform the general public about risks arising from substances
- Maintain a system of official controls
- Lay down the provisions on penalties applicable for infringement of REACH

Training and Awareness Raising

- Not a mandatory task, but in practise all Member States are active
- In co-operation with ECHA, Commission, Industry and Trade Associations, etc.
- Awareness of REACH is a problem especially for SME's
- Active info campaign still needed

REACH Enforcement

- Examples of possible enforcement targets;
 - Manufacture and placing on the market without appropriate (pre-)registration
 - Use of a substance against the conditions of authorisation or contrary to a restriction
 - Failure to provide required information up and down the supply chain, or to workers and consumers
 - Failure to comply with ECHA decisions for further information as result of a dossier or substance evaluation

Variability in Enforcement Culture and Practices

- Each Member State is responsible in its own country
- Variation in legal and administrative culture and procedures
- Different organisational structures
- Variation in resource allocation
- Variation in penalties
 - REACH: penalties must be effective, proportionate and dissuasive

ECHA Forum for Exchange of Information on Enforcement

Tasks of the Forum:

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

Benefits of Member States Involvement

- Experience in implementing chemicals legislation
 - "old" and other REACH related chemicals legislation
- Pool of scientific and technical experts
- Knowledge from other sectors of legislation, e.g. occupational safety, pollution control, waste, etc.
- Enforcement competence only in Member States
- Liaising with companies and associations at national level
- Helps maintaining commitment

Pitfalls and challenges for Member States in REACH implementation

- Availability of resources
 - To ensure efficient implementation of REACH processes
 - To ensure appropriate level of Helpdesk support for industry
- Awareness raising and training
 - To prompt companies that still are sleeping
- Efficient enforcement
 - To ensure fair competition within internal market
 - To ensure that higher level of protection for health and environment is achieved