

**Enforcement and compliance (ECENA) Working Group****Activity 1.2****TASK 4: Compliance with REACH/CLP****TASK 5: Transfrontier Shipment of Waste**

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**TASK 4: Compliance with REACH/CLP**

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# A New EU Chemicals Policy

## Registration, Evaluation and Authorisation of Chemicals



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## REACH: KEY ELEMENTS

- Introduces a Single Coherent System for new (non phase-in) and existing (phase-in) substances
- Key elements:
  - Registration by industry of manufactured/imported chemical substances > 1 tonne/year (staggered dead-lines over 11years)
  - Increased information and communication throughout the supply chain
  - Evaluation of some registered substances (Agency and Member States)
  - Authorisation only for use of substances of very high concern
  - Restrictions: “Safety net” (Community wide action)
  - Chemicals Agency to efficiently manage the system

### Focus on priorities:

- High volumes (chemicals with greatest likely exposure register first)
- Greatest concern (CMR and R50/53 register first)

## Registration: general

### AIM:

- ➔ Manufacturers and importers obtain information on their substances and
- ➔ Use this knowledge to ensure responsible and well-informed management of the risks these substances may present

### Registration Dossier = Documentation

- ➔ Technical Dossier: starting at 1 tonnes per year
- ➔ Chemical Safety Report: starting at 10 tonnes per year **and** if classified as hazardous substance!

**No formal acceptance - industry retains responsibility**



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## Who Has to Register?

- Manufacturers and importers.
  - DUs may notify non-pre-registered substances of interest
    - By doing so DU obliged to submit “light”-registration dossier
- Producers of articles (conditions of Article 7).
  - Intended release of substances only
- Manufactures of substances outside the EU may appoint an “only representative” to fulfil their REACH obligations.
  - “Only representative” relieves importers of their duties.
  - Importers are then considered DUs.



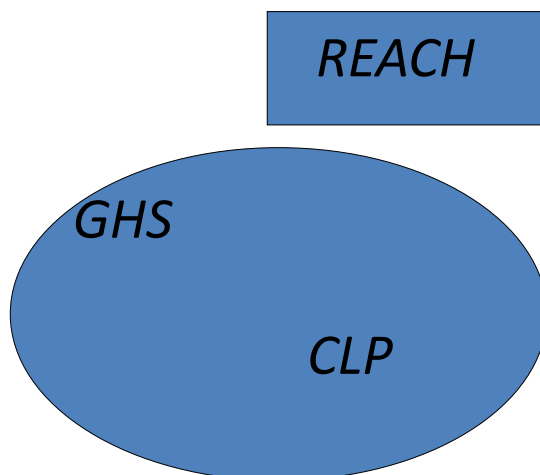
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## INTERCONNECTIONS

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## What is CLP?

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- Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on Classification, Labelling and Packing (CLP) of **substances** and **mixtures**, amending and repealing Directive 67/548/EEC (i.e.DSD) and 1999/45/EC (i.e DPD) and amending Regulation No 1907/2006 (i.e. REACH) came into force on 20 January 2009
- **Implements Globally Harmonised System (GHS) of Classification and labelling in the EU**
- Covers all 27 EU and EEA countries
- GHS sets optional building blocks from which countries can choose



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## Why do we need GHS?

**Substance - oral toxicity  $LD_{50} = 257 \text{ mg/kg}$**

<b>GHS</b>	<b>Danger (Skull &amp; Cross Bones)</b>
Transport	liquid: slightly toxic; solid: not classified
EU	Harmful (St Andrew's Cross)
US	Toxic
CAN	Toxic
Australia	Harmful
India	Non-toxic
Japan	Toxic
Malaysia	Harmful
Thailand	Harmful
New Zealand	Hazardous
China	Not Dangerous
Korea	Toxic

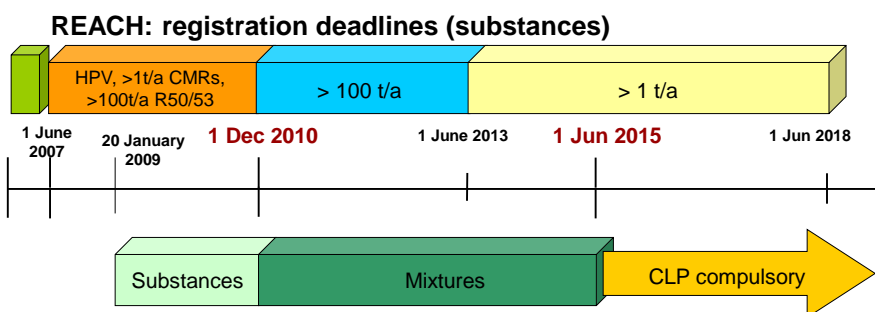


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## CLP & REACH Timelines Compared



### CLP Regulation



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## Obligations - Authorities



The authorities having obligations and rights in the REACH processes are:  
the Agency (specifically set up for REACH) - ECHA,  
the Member States Competent Authorities and  
the European Commission.

The authorities carry out the evaluation, authorisation and restriction processes of REACH.

In addition, the Agency and Member States will provide helpdesk assistance. Member States are responsible for Enforcement under REACH.



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## ENFORCEMENT FORUM - ECHA

The Forum for Exchange of Information on Enforcement (Forum), coordinates a network of Member State **enforcement authorities**, and has the tasks to:

- Spread good practice and highlight problems at Community level
- Propose, coordinate and evaluate harmonised enforcement projects and joint inspections
- Coordinate exchange of inspectors
- Identify enforcement strategies, as well as best practice in enforcement
- Develop working methods and tools of use to local inspectors
- Develop an electronic information exchange procedure

Liaise with industry, taking particular account of the specific needs of SMEs, and other stakeholders, including relevant international organisations, as necessary  
Examine proposals for restrictions with a view to advising on enforceability  
(Art.77(4))

Agree common issues to be covered in the annual reports from the Member States in relation to enforcement (Art. 127).



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## ENFORCEMENT – NATIONAL

Enforcement of REACH and CLP is a ***national responsibility***, therefore each EU Member State, Norway, Iceland and Liechtenstein must ensure that there is an official system of controls and lay down legislation specifying penalties for non-compliance with the provisions of REACH.

The enforcement of the requirements of the REACH and CLP Regulations involves ***different enforcement authorities and other bodies***. The environmental inspectorate can play a coordinating role.

There is a need for a national strategy defining the needs for co-operation and coordination between these enforcement authorities to ensure effective and efficient enforcement of REACH and CLP.

A key element in any strategy is to ***define the roles and responsibilities of the various groups*** involved. This would allow for an efficient enforcement process, avoiding gaps and dealing with any overlaps in the enforcement competencies and responsibilities.



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## TRAINING SUBJECTS\*

To handle the various requirements under REACH and CLP the training subjects might cover:

- Background and basics REACH and CLP;
- Roles and responsibilities under REACH;
- Enforcement strategies;
- Cooperation and coordination between enforcement authorities;
- Minimum Criteria for REACH and CLP inspections;
- Linkage of REACH and IED;
- Downstream consequences of REACH/CLP on other legislation (including SEVESO and Waste).

\*Cooperation with the ECHA FORUM is envisaged



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**Task 1.2.4 Compliance with REACH/CLP Regulations**

REACH and CLP are regulations and are therefore directly applicable. As they enter into force, they will automatically form part of Member States' national laws. In order to enable REACH and CLP to operate effectively in practice, Member States are obliged to establish the necessary arrangements for their implementation

The enforcement of the requirements of the REACH and CLP Regulations involves different enforcement authorities and other bodies. The environmental inspectorate can play a coordinating role. **Original planning:**

No.	Date	Key outputs
1	January-February 2015	Regional Training Workshop 1, methodology, materials and report
2	October - November 2015	Regional Training Workshop 2, methodology, materials and report
3	TBD	National training courses methodology, materials and reports (if requested)



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**Task 1.2.4 Compliance with REACH/CLP Regulations**

**Proposed planning: To be decided**

No.	Date	Key outputs
1	March 11/12 or 18/19 2015	Regional Training Workshop 1, (2-day training, including 1 day site visit/inspection) methodology, materials and report <b>Croatia, Zagreb ?</b>
2	October – <b>14/15 2015</b>	Regional Training Workshop 2, methodology, materials and report <b>Turkey,----- ?</b>
3	TBD	National training courses methodology, materials and reports (if requested)



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## TASK 5: Transfrontier Shipment of Waste (TFS)



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**ECENA 2010 – 2013**

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**TFS/WSR**

**Inspection at Ambarli Harbour, Istanbul, Turkey and  
cross-border road transport at the border of FYR of  
Macedonia and Serbia with IMPEL**



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The regional trainings delivered on the same subject under RENA has used the regional road and harbour as selected sites. During identification of follow up activities, it has been suggested by one of the beneficiary (Croatia) to organise an inspection for cross border rail transport (one of the borders of Croatia with neighbouring countries). Another proposal is to focus on inspection of shipment of **waste in ports** (maritime area).

In addition to the activities organised within the beneficiary countries, a 1-day workshop and study visit might be organised in one of the EU member states for a limited number of participants. ***The organisation of study visit will be closely coordinated with IMPEL Cluster 2 TFS.***



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### TRAINING SUBJECTS\*

Based on the experience gained under the same exercise implemented under RENA, the attention should be paid to elements such as:

- The notification procedures;
- Possibilities for upstream enforcement;
- The step-by-step-guidance for waste shipment inspections (IMPEL Manual);
- Managing illegal shipment of wastes (IMPEL Manual);
- Inspection plan and protocol;
- Required skills of inspectors;
- Sampling plan.

\* Cooperation with IMPEL is envisaged



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### **Task 1.2.5 Trans frontier Shipment of Waste (TFS)**

To continue the work on what has been accomplished within RENA together with IMPEL, it is proposed to organise up to 2 regional trainings combined with a site visit to consolidate and increase the know-how and improve the required institutional structures. Cooperation with IMPEL is again envisaged

#### **Original Planning**

No.	Date	Key outputs
1	2,3 July 2014	Regional Training Workshop 1 (Croatia?), methodology, materials and report
2	May 2015	Regional Training Workshop 2, methodology, materials and report
3	March 2016	Report on study visit (1) to the selected EU MS Institution



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#### **Outputs under Task 1.2.5 for 2013 - 2014**

No.	Date	Key outputs
1	02-03 July 2014	Regional Training Workshop 1 (Vukovar, Croatia), methodology, materials and report

The training covered mainly the Waste Shipment Regulation, the Basel Convention and the OECD Decision on trans boundary movements of wastes. Other related legislation included the new Waste Electrical and Electronic Equipment (WEEE) Directive.

The training was based on outcomes of a TNA Questionnaire.

Participants were mostly interested in:

- (Coordinated) border inspections
- How do deal with repatriations
- Detection of illegal shipments
- Classification
- TFS rules and documentation
- Inter-agency collaboration



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## PARTICIPANTS AND EXPERIENCE LEVEL

	TFS experience		
	Regulation	Inspection	No experience
Inspectors	4	15	
Police			2
Customs	2	3	3

Most of the participants were inspectors with experience especially in TFS inspection work. Some inspectors have experience with the various regulations. Customs representatives had some experience in the regulations and inspection. Other Customs representatives and the representatives from the Police had no knowledge and experience on TFS.



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The first day of the course was dedicated to explanations of the EU and international legislation, also including simulation exercises considering examples of waste shipment. Use was made of various IMPEL guidance materials

The second day concentrated on a site inspection at the Bajakovo Cross border site at the border of Croatia with Serbia.

In the Exchange of experience in the region a brief overview was given by the participants from the various countries and a case study from Kosovo was presented with a training DVD produced by the Croatian Authorities.

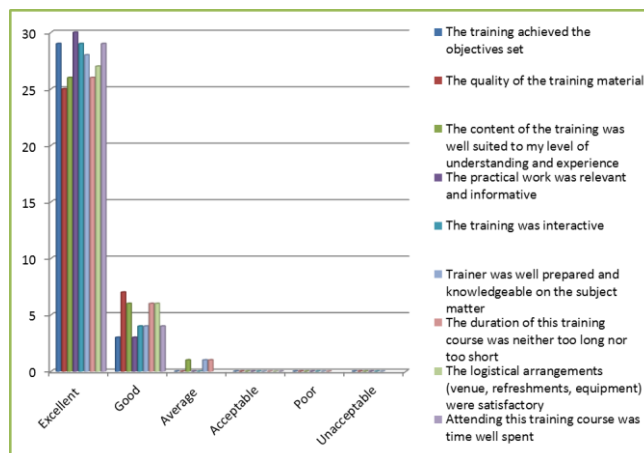


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Most of the trainees indicated that the training was of a high quality and useful. Again the practical work and the interactivity received the highest rating. More time (one day more) might be an improvement.



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### ***Planning, Outlook and Challenges for 2015-2016***

No.	Date	Key outputs
2	20 – 21 May 2015	Regional Training Workshop 2, methodology, materials and report. Albania/Durres Harbour
3	March 2016	Report on study visit (1) to the selected EU MS Institution

It has been agreed with the Albanian authorities that the following training course will be organised in Albania (Durres Harbour) 20 -21 May 2015. (Note Montenegro: Independence day 21 May and Turkey: Atatürk Day 19 May).

Attention will be placed on TFS also with issues that are typical for situations in a harbour. The study visit to an EU member state on TFS was proposed to be held in the Netherlands ( Rotterdam harbour, maybe in combination with Antwerp Harbour (end 2015/beginning 2016).



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