

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.

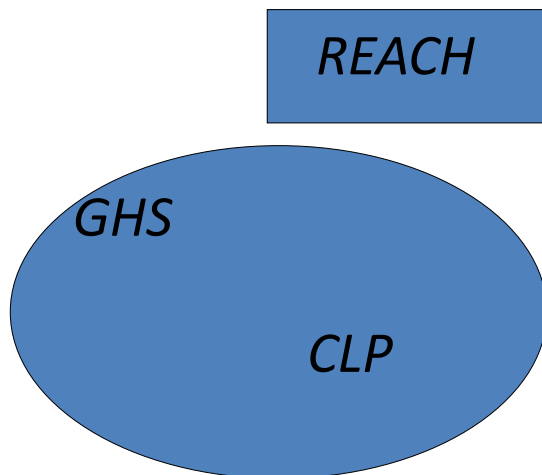


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INTERCONNECTIONS

 Environment and Climate
 Regional Accession Network **ECRAN**


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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 $LD_{50} = 257 \text{ mg/kg}$

GHS	Danger (Skull & Cross Bones)
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



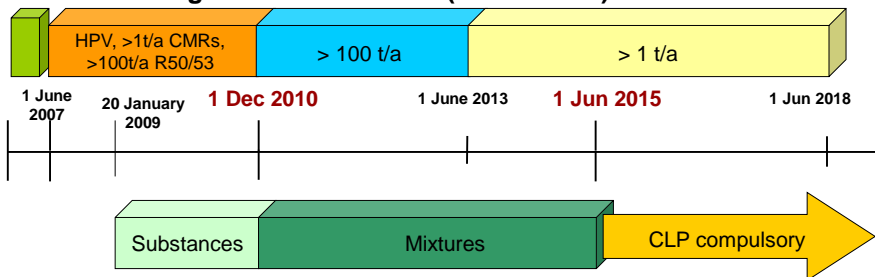
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CLP & REACH Timelines Compared

REACH: registration deadlines (substances)



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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Regional Accession Network

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).

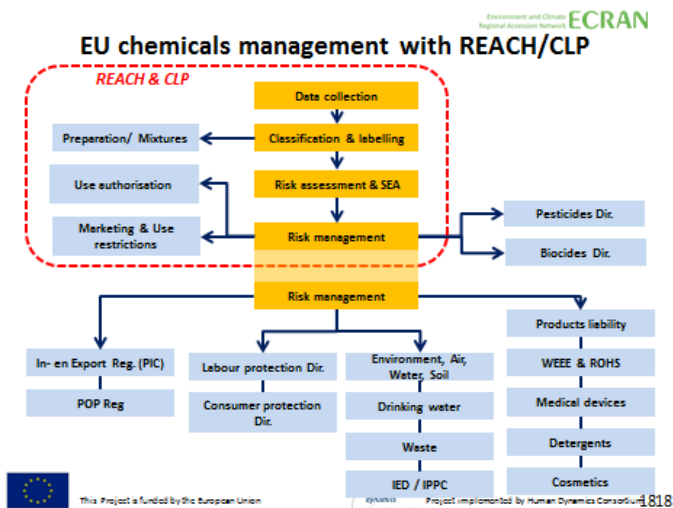
*Cooperation with the ECHA FORUM is envisaged



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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, Zagreb methodology, materials and report
2	October - November 2015	Regional Training Workshop 2, Izmir 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
Outputs 2015**

No.	Date	Key outputs
1	20 – 21 April 2015	National training on the Implementation of Guidelines for Inspection of SEVESO Establishments, Belgrade, Serbia
2	16 – 17 September 2015	Regional training (1) on compliance with chemicals legislation, with emphasis on REACH/CLP linked to IED – Technical Aspects , Zagreb, Croatia
3	14 -15 October 2015	Regional training (2) on compliance with chemicals legislation, with emphasis on REACH/CLP linked to IED – Technical Aspects , Izmir, Turkey



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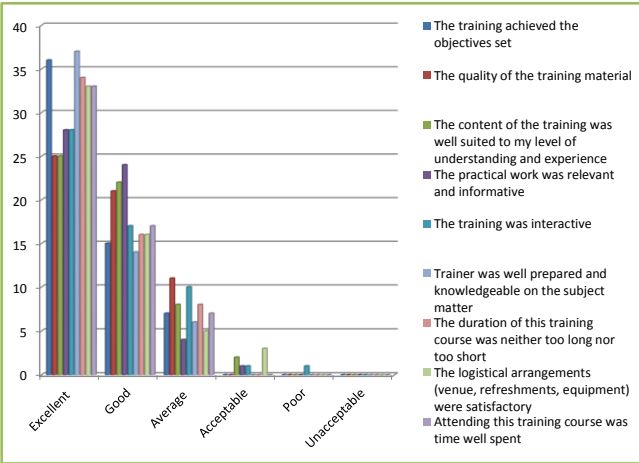
	Years of experience					
	1 – 5 years		5 – 10 years		More than 10 years	
	Croatia	Turkey	Croatia	Turkey	Croatia	Turkey
Inspectors	1	3	6	6	17	7
Permit writers	1	1	3	4	1	1
Policy makers/others		4	1	3	1	3



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CHEMICALS MANAGEMENT TURKEY

INSTITUTIONAL FRAMEWORK

INSTITUTION	TASK
Ministry of Environment and Urbanization	industrial chemicals and coordination
Ministry of Health	biocidal products
Ministry of Food, Agriculture and Livestock	plant protection products
Ministry of Labour and Social Security	health and safety in workplace
Ministry of Transport, Maritime and Communication	transportation of chemicals
Ministry of Science, Industry and Technology	chemical weapons
Ministry of Economy	import and export of chemicals
Ministry of Customs and Trade	control of chemicals at customs and detergents, some cleaning products, pool chemicals

Also see

2



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A considerable amount of work is still to be done-----

Country	KS	SR	MN	MD	TK	AL
Inventory of chemicals	-	+	-+	-	+	-
Helpdesk available	-	+	-	-	+	-
Legislation (transposable elements)						
CLP	+	+	+	-	+	-
SDS	+	+	+	-	+	-
Capacity for implementation	limited	limited	limited	limited	limited	limited



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TASK 5: Transfrontier Shipment of Waste (TFS)



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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 2014 and 2015

No.	Date	Key outputs
1	02-03 July 2014	Regional Training Workshop 1 (Vukovar, Croatia), methodology, materials and report
1	20 – 21 May 2015	Regional training on compliance with the legislation on Trans Frontier Shipment with site visit to Durres Harbour, pilot cross border site (port transportation), Durres, Albania

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. Subjects included:

- (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	
	Cro	Alb	Cro	Alb	Cro	Alb
Inspectors	4	5	15	3		16
Police					2	
Customs	2	2	3	2	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 (2014) and a site visit to the Durres Port Authority in Albania (2015).

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

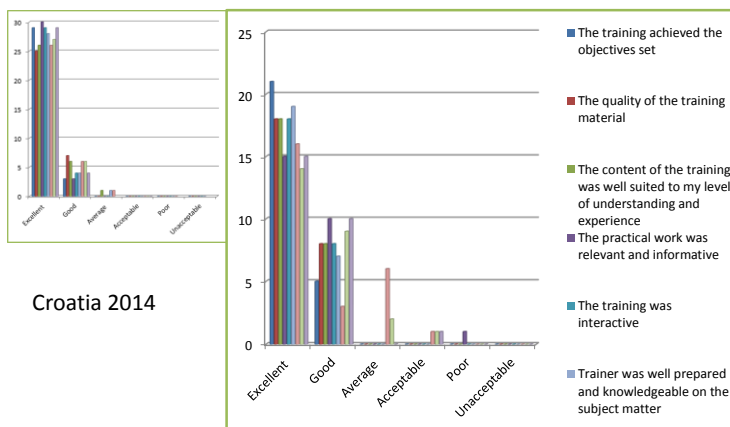


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Most of the trainees indicated that the training was of a high quality and useful. Again the practical work and the interactivity received the highest rating. More time (one day more) might be an improvement.



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Some comments on the Site visit in Durres Harbour;

It was decided by the customs officials that it was not needed for an inspection to be carried out for a number of reasons including:

- 1) No containers with waste have been declared for the last 4 months and no container with waste was presently available at the terminal which requires inspection in cooperation with the environmental inspectorate.
- 2) Import of hazardous waste is not allowed in Albania
- 3) Only in case of suspicion the environmental inspectorate has to be informed by the customs.

Considering inspection and control of containers that might contain illegal waste, it was mentioned during the discussions at the Port Authority that indeed the customs have received a couple of trainings on how to inspect containers and detect illegal waste. However, staff turnover at the customs was considered such that it was doubted whether sufficient know-how is still available.



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Planning, Outlook and Challenges for 2016

No.	Date	Key outputs
3	8 – 10 March 2016	study visit to the Antwerp Harbour (Belgium) combined with a site visit to Rotterdam Harbour, the Netherlands

Here it should also be mentioned that a combined training workshop with the ECRAN Waste WG is planned to be held in Turkey (25-26 May 2016, Izmir or Istanbul Harbour) covering TFS (see task 1.2.6 – Inspection and enforcement in other policy areas).



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Thank you for your attention



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