

## Annual exchange of views with the Forum Chair

### 67th Meeting of the Management Board 29 September 2022

#### Key messages

- The Forum continues to follow up its enforcement priorities for the years 2019-2023.
- The Management Board is invited to:
  - o take note of progress in the realisation of these priorities, and
  - o provide steer to the Forum in preparing its work for the coming years to implement its mandate effectively and efficiently.

#### Background

This document outlines the key messages that the Forum Chair will bring for discussion with the Management Board.

The Chair's presentation aims to brief the Management Board on the Forum's key outputs and developments of last year.

The Chair welcomed opportunities for the Forum to support the Commission in its work on implementation of the Chemicals Strategy for Sustainability (CSS). The Chair addressed the CSS High Level Round Table in November 2021, highlighting two priority areas where enforcement needs to be strengthened. Firstly, online sales where stronger regulation of e-commerce is needed and, secondly, import controls which can be made stronger by involvement of customs in controls of REACH.

The Forum has also contributed to the Commission's work on preparing the European Audit Capacity (EAC) proposed under the CSS. The EAC would set up a system to audit enforcement in the Member States. The Forum held a dedicated workshop with the Commission, developing a common position on several aspects the EAC. It expressed concerns about the expected costs and cost-effectiveness of a robust audit system and called for non-binding audit criteria, involvement of the Forum in all phases of the audits and of national experts in the audits visits.

The Chair's briefing will also focus on recent and upcoming results of projects. As follow up to last year project on online sales (REF-8), that found over 75% non-compliance with REACH or CLP, the Forum issued recommendations to online marketplaces and called for stronger regulation of e-commerce. The Forum's recommendations were discussed<sup>1</sup> with stakeholders, online platforms, the Commission and a Member of the European Parliament. The current project on authorisation (REF-9) shows that c.25% of controlled Annex XIV substances are not used in line with the conditions of authorisation and that many were marketed without authorisation. These results show further compliance efforts by industry are needed. A small-scale pilot project examining practices of recovery operators found that up to 25% of checked recovered substances were not covered by existing registration<sup>2</sup> and should have been registered.

<sup>1</sup> Please see: [https://echa.europa.eu/documents/10162/17088/proceedings\\_workshop\\_ref-8\\_en.pdf/](https://echa.europa.eu/documents/10162/17088/proceedings_workshop_ref-8_en.pdf/)

<sup>2</sup> Recovered substances were not the same as those registered. They could not benefit from exemption from registration so the recovery operators were in breach of the registration duty.

The Forum Chair would welcome an exchange of views with the Management Board on how to best ensure the Forum's continued successful work under its current mandate and, at the same time, prepare itself for potential changes resulting from the REACH revision and to support the implementation of the CSS.

## Rationale

The Forum Chair seeks to inform the Management Board on the progress with its enforcement priorities and to exchange views on how the Forum could support enforcement-related ambitions of the CSS. Furthermore, the Board's feedback could guide the Forum's future activities.

## Attachments

N/A

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