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PIC Inspections in Austria

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PIC Regulation and Enforcement

Enforcement issues of the PIC Regulation:

- Export and Import Regulation 689 / 2008 is in place
- Export and Import Regulation 649 / 2012 applicable from 1 March 2014 onwards
- *Article 18.1:* designated control authorities such as customs authorities in Member States
- *Article 18.3:* Forum shall coordinate a network of enforcement authorities of the Member States

PIC Regulation and Enforcement

Duties of the PIC Regulation subject to enforcement:

- **Export notifications:**
 - **first** and **annual subsequent** for Annex I – chemicals, *Article 8.1*
 - chemicals in **articles** (chemicals of part 2 & 3 of Annex I), *Article 15.1*
 - chemicals for **transit movement** through a country (chemicals of part 3 of Annex I), *Article 16*
- **Annual report** on exports and imports of Annex I – substances due in the first quarter of a year, *Article 10.1*

PIC Regulation and Enforcement

Duties of the PIC Regulation subject to enforcement:

- **Compliance with an explicit consent** by the importing country / the export decision by the national designated authority for chemicals of part 2 & 3 of Annex I, *Article 14.6*
- **Export ban** for chemicals of Annex V, *Article 15.2*
- **Annual report** on exports and imports of Annex I – chemicals due in the first quarter of a year, *Article 10.1*
- **Provide information** on exports/imports beyond the standard notification data on request, *Article 10.2*

PIC Regulation and Enforcement

Duties of the PIC Regulation subject to enforcement:

- Provision for export chemicals on **expiry date** and pesticide **container size**, *Article 14.10*
- **Storage condition** information on the label of pesticides, *Article 14.11*
- Information accompanying exports of all chemicals:
 - **labelling** according to CLP (DPD) and legislation for biocides and plant protection products
 - label with **production date, expiry date, climate zone**
 - **safety data sheet**
 - proper **language** for label and SDS *(Article 17)*

PIC Regulation and Enforcement

Duties of the PIC Regulation subject to enforcement:

- Use of **Reference Identification Numbers in export declarations**, *Article 19.1 & 19.2*
- **Use of the Database (EDEXIM)** of ECHA for submission of information on exports, *Article 19.3*

Relevance of PIC in Austria

Activities of duty holders in Austria:

- Many exporters of chemicals to Eastern European Countries
- Relevant number of prior informed consent cases (export notifications) per year:

Country	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
Austria	7	1	7	3	5	28	62	63	38	59	0	273
Belgium	9	27	29	31	40	45	82	83	86	85	1	518
Bulgaria	0	0	0	0	38	47	58	59	52	51	0	305
Cyprus	0	0	0	0	0	0	0	0	0	3	0	3
Czech Republic	0	58	2	6	2	11	12	34	17	26	0	168
Denmark	0	0	10	14	14	87	68	64	54	44	0	355
Estonia	0	0	0	0	0	0	0	15	14	13	0	42
Finland	0	0	56	27	12	21	15	9	40	15	0	195
France	13	87	99	119	125	216	300	552	548	567	15	2641
Germany	118	436	514	642	643	772	852	836	918	1176	83	6990
Greece	0	4	6	8	12	3	7	6	5	1	0	52
Hungary	0	0	0	1	0	0	3	5	3	4	0	16
Ireland	0	0	0	18	0	0	20	21	19	8	0	86
Italy	0	26	43	60	53	10	150	256	261	243	3	1105
Latvia	0	0	0	0	0	0	0	0	1	2	0	3
Lithuania	0	0	0	0	0	0	0	3	0	0	0	3

PIC Enforcement Authorities in Austria

Enforcement authorities according to the Chemicals Act:

- **Federal Ministry** of Environment as the central competent authority
- Enforcement is the competence of the **State Governors** of the 9 Federal States (acting as indirect federal administration) → **Chemicals Inspections**
- **Environment Agency Austria** is acting as expert pool and as central laboratory unit
- No specific reference to **customs authorities**

PIC Enforcement Authorities in Austria

Enforcement authorities in the 9 Federal States

- One enforcement authority (a civil servant with legal background)
- 1-2 inspectors (chemistry background)



PIC Enforcement Authorities in Austria

Involvement of customs authorities:

- **General duties on export and import** according to the customs code (specifically in relation to the use of Reference Identification Numbers RIN in the export declarations)
- Competence on **monitoring of bans and restrictions** for all exports/imports according to the customs code (§ 29)
- Competence of **data exchange** on export / imports with other enforcement authorities according to the customs code (§ 8)

PIC Enforcement Arrangement in Austria

Role of chemicals inspection:

- **Enforcement authority** for the PIC Regulation
- Systematic section on **export activities in the general surveillance scheme** with a focus on:
 - **identity of chemicals** (chemicals in articles)
 - **labelling and SDS** provisions of PIC for chemicals
 - **operational documents** according to the PIC Regulation (notifications, export declarations, annual statistics, ...)
- Inclusion of **new reporting duties of importers** in the general surveillance scheme still to be defined

PIC Enforcement Arrangement in Austria

Role of chemicals inspection:

- On-site spot **checks at PIC notifiers** (in depth investigations, re-active)
- **Focus on “pre-export inspections”**
- **Thematic inspection actions** (e.g. linked to control of transport of dangerous goods, joint control at borders, investigations based on export declaration data)
- Competent expert **support to customs authorities**

PIC Enforcement Arrangement in Austria

Role of customs authorities:

- **Surveillance of all exports and imports** relevant under the PIC Regulation
- Specific **conformity checks** for export consignments showing a RIN number in the export declaration
 - **validity** check for the **RIN**
 - general **consistency check** for the export declaration with the PIC export notification data (use of EDEXIM)
 - **spot checks of the goods** and the availability / content of the accompanying information
 - **automatic support in e-declaration system “e-Zoll”** on the presence of a RIN number for chemicals of Annex I and V

PIC Enforcement Arrangement in Austria

Role of customs authorities:

- **General monitoring** of exports/imports based on risk profiles for specific combined nomenclature codes (CN) – “red channel for consignments”
→ control measures on dangerous chemicals in the EU TARIC database
- **Cease of customs procedure** for non-compliant export or import consignments
- **Obligatory involvement of Chemicals Inspection** in case of any suspicion for incompliance

PIC Enforcement Arrangement in Austria

Role of customs authorities:

- Specific **guidelines for the PIC conformity checks** by customs officers exist (publicly available)
- All customs officers have **database access** to the notification data in EDEXIM (RIN validity checks !)
- In all cases: for **enforcement** the cases are handed over to **Chemicals Inspection**

PIC Enforcer's Issues

- **No systematic non-compliance** on regulated chemicals observed
- Awareness on **PIC obligations** relevant for all dangerous chemicals needs to be strengthened
- **Compliance rate** on **PIC obligations** relevant for all dangerous chemicals is **somewhat lower** than compliance rate relevant **in the internal market** context (extra language and labelling information requirements)

PIC Enforcer's Issues

- **Customs** can provide for effective control focused on **regulated chemicals** during routine surveillance
- **Chemicals inspection** can provide for effective control focused on **PIC obligations relevant for all dangerous chemicals** in course of routine inspections
- In all cases: for **enforcement** the cases are handed over to **Chemicals Inspection** as the competent authority
- **Availability of specific CN numbers** for regulated chemicals is a key element for effective functioning of the Regulation

PIC Enforcer's Issues

- Future regulatory and technical measures needed for **combining** all data on national exporters available in different **national customs data sets** of the MSs
- Improve inspection work with an **access of enforcers to the ECHA Database** (post-EDEXIM)
- **Historical EDEXIM notification data** could be analysed at ECHA for identifying potential PIC compliance risks
- Public **support information** available at the web-sites of ECHA and EDEXIM is also **helpful for enforcers**

PIC Inspections in Austria

Thank you for your attention !