

## Annual exchange of views with the Forum Chair

59<sup>th</sup> Meeting of the Management Board 24-25 September 2020

### Key messages

- The Forum continues to follow up its enforcement priorities for the years 2019-2023
- The Forum Chair seeks to:
  - o inform the Management Board about the realisation of these priorities and
  - o exchange views about expectations for enforcement in light of the upcoming chemicals strategy

### Background

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

Previous exchanges with the Forum Chair have explored the Forum's enforcement priorities for the years 2019-2023. The Chair's presentation will brief the Management Board on the Forum actions under these priorities taken in the last year. The briefing will focus on enforcement projects including the available and upcoming results of projects completed within the last year. The project on registration (REF-7) reveals relatively low rate of missing registrations, but non-compliance with all checked registration-related duties is still significant. The pilot project on controls of imports found that nearly 1 in 4 products was non-compliant with conditions of restrictions and nearly 2 out of 3 products had incorrect labelling. A REF project on classification and labelling completed at the end of 2019 found that 44% of mixtures are incorrectly classified and that one third was incorrectly labelled. These results indicate major compliance issues as well as the need for continued and coordinated enforcement.

The Forum Chair will also give a brief update on the progress of REACH Review 2017 Actions 13(2) and 12(2) related – respectively – to reporting of enforcement activities and cooperation between REACH and OSH enforcement.

The Covid-19 pandemic also had a visible impact on the enforcement authorities on the national level as inspectors were called to other duties in the national response to the pandemic, such as national authorisation of disinfectants or administering tests and quarantine decisions. Full assessment of impact on key Forum deliverables will be possible in October 2020. So far delays were mostly absorbed but the shift in priorities on the national level may impact on timeline of some deliverables of the Forum.

Enforcement is an important aspects in implementation of the Green Deal and the upcoming Commission's Chemicals Strategy for Sustainability. It is expected that the Chemicals Strategy will call for stronger enforcement of chemicals legislation as a whole. While full assessment of Forum contribution to the strategy can be done only after it is published, the Forum Chair would like to exchange views with the Management Board on how this high level expectation can be fulfilled in practice – potentially through more controls, opportunities for efficiency in integration of enforcement, targeting key sources of non-compliance and sufficient resourcing. Some of these aspects – integration and targeting - could be addressed by the activities of the Forum's. Others – in particular resourcing at national and ECHA level – are the result of policy priorities and fall under the remit of the MSCAs and the Management Board.

## Rationale

The Forum Chair seeks to inform the Management Board on the progress with enforcement priorities. The purpose of exchange views about strategic challenges for enforcement is twofold:

- for the Management Board members to consider how Forum, as part of ECHA, is contributing to achieving the objectives of the legislation, supporting the implementation of ECHA's strategy and future COM's Chemicals Strategy; and
- for the Forum to consider the Management Board's feedback in planning of its future activities.

## Attachments:

N/A

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