



Chemical Legislation European Enforcement Network



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Network

www.cleen-europe.eu



fundamental principle

The member states are responsible for the enforcement of chemicals legislation.

It is their task to undertake controls and to establish and maintain an appropriate infrastructure for the purpose



the beginnings

Early '90s:

A working group of MS Competent Authorities examined activities in some Member States to encourage compliance regarding the former Dangerous Substances Directive (92/32/EEC)

Main results:

- Differing extent of enforcement in the MS
- Industry interest in equal enforcement conditions that level the playing field



the beginnings

- 1990 - 1992: Elaboration of a first enforcement manual – topic: notification of (former) “New Substances”
- 1993: Manual presented and use recommended to all MS (Dortmund Conference)
- 1995: the Netherlands initiate and facilitate an EU wide enforcement project on the notification of new substances (DSD)
- May 1999: Decision to establish a network and appoint a management (secretariat)
- Since 1999: continuous co-operation in enforcing chemicals law (joint projects, advancement of methods, information exchange). Shaping the campaign standards in EU chemical enforcement.



the secretariats

Secretariats since 1999:

Greece
Netherlands

Germany
Austria

Austria
Poland

Switzerland
Lithuania

1999 – 2003

2004 – 2006

2007 – 2009

2010 – 2012

Tasks :

- Representation of CLEEN towards Commission/third parties
- Coordination of inspection activities beyond current projects
- Preparation of Conferences/Meetings (contents, organisation)
- Keeping the CLEEN Web page (www.cleen-europe.eu)
- Influencing the preparation of legislation with regard to enforceability



roles in CLEEN

- The secretariat:
 - Fulfills general management functions and fosters communication within the network
- The member states:
 - Undertake inspections
 - Collect and analyse inspection data, draft inspection reports
 - Host the annual conference and/or intermediate meetings, assist in practical arrangements
 - May form working groups to initiate and facilitate the implementation of projects (proposals, elaboration of guidance manual and tools, strategy documents)
 - May form “task force” groups in support of the secretariat (issue related)



CLEEN's enforcement footprint

- The CLEEN project design serves as model for all EU-wide chemical enforcement campaigns up to the present.
- The network established the first successfully functioning, continuous enforcement cooperation in the field of chemicals legislation between EU Member state authorities. Harmonisation and standardisation of enforcement practice was significantly advanced.
- CLEEN triggered the establishment of the Forum on enforcement under the REACH regulation (EC/1907/2006).



European networking

Preconditions:

- Established information exchange structures on the national level between the central competent authority (CA) and the regional authorities
- Functioning co-ordination of enforcement activities among authorities within a country
- Effective co-ordination of enforcement actions and campaigns when carried out by cross-national MS inspectorates



standard working method

- A task force group prepares working materials (eg. guidance documents), time table, public relations, etc.; training of inspectors in the MS
- Inspections (common set of target chemicals / chemical products for all countries, harmonised procedure)
- Reporting to project management, final report, recommendations, public relations



project design

- Orientation phase: Working materials, training
- Operational phase: Inspections
- Reporting phase: Final report
- (Follow-up phase: Repeated inspections)



benefits – national level

- Comparable results help to improve existing methods / structures / knowledge at home
- Common effort of MS increases willingness of national authorities to participate
- Training of inspectors more efficient and easier, higher motivation
- Increased public attention yields better compliance



Benefits – EU/EEA level

- Developing common enforcement tools
- Improve awareness and understanding of the relevant legislation in all MS
- Recommendations for the EC, e.g enforceability
- Improved co-operation with new Member States/AC and Countries outside the EU
- Projects attract interest of countries outside the EU



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Projektliste

Projekt	Rechtsbereich	Gegenstand	Jahr	Status
EUVIECHEM		"European voluntary Information exchange system on chemicals" (Verstöße u. Verdachtsfälle)	2004-	laufend
e-Commerce	Dir. 1999/45/EC Dir. 2001/58/EC Dir. 2000/31/EC	Internethandel: Kennzeichnung; SDB; Verbote u. Beschränkungen	2004-	laufend
Azodyes	Dir. 76/769/EEC / resp. 2003/3/EC	Azo-Farbstoffe gem. 12th ATP; RRS von o-Anisidine	2005-	laufend
Monitoring for Halons/export POPs				vorgesehen
Biocides	1998/8/EC	Vermarktung verbotener Wirkstoffe; Vorschriften der Zub-RL	2007-	vorgeschl.
EuroPCB	Dir. 1996/59/EC	Kennzeichnung, Dekontaminierung oder Entsorgung PCB-haltiger Transformatoren und Kondensatoren	2004-05	ausgeführt
ECLIPS	Dir 2001/58/EC; Dir 99/45/EC	C&L und SDBI gefährlicher Zubereitungen	2002-04	ausgeführt
EurOzone	Reg. (EC) 2037/2000	Illegal Handel und Leckagen bezügl. ozonabbauender Stoffe	2000-01	ausgeführt
EuroCad	Dir.76/769/EEC, 91/338/EEC ,Reg. (EC) 2037/2000	Cd Beschränkungen in Plastikprodukten	1999-2001	ausgeführt
EUREX	Reg. (EEC) 793/93	Alstoffe, Datenlieferung gem. Art. 3, 4	1997-99	ausgeführt
SENSE	Dir. 67/548/EEC resp. 92/32/EEC	Neustoffanmeldungen, C&L, SDS	1996-97	ausgeführt
NONS	Dir. 67/548/EEC resp. 92/32/EEC	Anmeldung von Neustoffen	1995-96	ausgeführt



NONS
(Notification of New Substances)

1995 - 1996

- Scope: Notification of New Substances
Dir. 67/548/EEC resp. 92/32/EEC
- Focus: Dyestuffs
- Results: 37% of new substances not notified properly



SENSE
(Solid Enforcement Substances in EU)

1996 - 1997

- Scope: Notification of New Substances, C&L and MSDS of Substances
Dir. 67/548/EEC resp. 92/32/EEC
knowledge about Dir. 793/93/EEC
- Focus: Photochemicals, paints, intermediates, dyestuffs, paper industry chemicals
- Results: 5% of new substances not notified properly; 62% informed on Dir. 793/93/EEC



EUREX
(EU-Regulation Existing Substances)

1997 - 1999

- Scope: Existing Substances Regulation
Reg. (EEC) 793/93
- Focus: Art. 3 and 4 (data submission)
- Results: 90% submitted HEDSET (25% too late)
10% did not submit HEDSET (violation)



1999-2001

- Scope: Cd restriction under Dir.76/769/EEC
91/338/EEC resp. 1999/51/EC
- Focus: Cd in plastics
- Results: Most exceedings from imports
Source: Far East companies
- Problem: Most Far East companies produce for
the US market (other limits)



2000 - 2001

- Scope: Ozone depleting substances
Reg. (EC) 2037/2000
- Focus: Illegal trade and leakages
- Results:
 - Significant difference between MS concerning the support of phase out process
 - Good progress made towards ODS phase out all over Europe
 - 10% leakages fixed/30% mobile installations



2002 - 2004

- Scope: C&L of Preparations and MSDS
1999/45/EEC 2001/58/EC
- Focus: Consumer products with the properties:
dangerous for the environment,
sensitizing, CMR, R67
- Results: 60% of labelling,
65% of SDS not correct



EuroPCB

2004 - 2005

- Scope: Directive on the disposal of PCBs and PCTs
Dir. 1996/59/EC
- Focus: Labelling, decontamination or disposal of PCB
containing transformers and capacitors
- Results: European Inventory



EUVICHEM

2004 - 2006

- Scope: European voluntary information exchange system in case of violations
Dir. 67/548/EEC, Dir. 1999/45/EC,
Dir. 76/769/EEC
- Focus: Dangerous substances, preparations and articles
- Results: Form for voluntary information exchange between European authorities established



E-Commerce

2004 - 2007

- Scope: C&L and SDS of dangerous substances and preparations; bans & restrictions
Dir. 1999/45/EC, Dir. 2001/58/EC, Dir. 2000/31/EC
- Focus: Internet shopping: dangerous consumer products which can be ordered via internet



EurAzos

2005 - 2007

- Scope: Azodyes covered by Dir. 76/769/EEC
- Focus: Textile and leather articles containing azodyes which may release aromatic amines (carcinogenic, mutagenic)



REACH enforcement project

2006 - 2008

- Scope:
 - identify state of the art of preparation of REACH enforcement
 - identify new needs due to REACH
 - develop enforcement methods for REACH Regulation (EC) No 1907/2006
- Focus: enforcement of REACH
- Project steered by CWG subgroup on enforcement



EuroBiocides

2006 -

- Scope: Authorisation and placing on the market of biocidal products, Dir. 1998/8/EC, Reg. (EC) 1896/2000
- Focus: Biocidal products; Marketing of forbidden active substances and provisions demanded by the Preps. Dir.



EUNICK

2007 –

- Scope: Ni restriction under Dir.76/769/EEC
- Focus: Products containing Nickel which come into direct and prolonged contact with the skin (e.g. jewellery, post assemblies)



CLEEN as a Network

Single projects are useful in case of concerted activities but not sufficient enough for routine work



CLEEN is a well functioning network with a lot of experience achieved during the past 10 years

The daily inspection work is facilitated within a network



Future Challenges

There will be a need to discuss and enforce the forthcoming REACH system

- Influence the future legislation with special regard to enforceability of REACH
- Support the control activities concerning the enforcement of the REACH legislation

The enlargement of the EU raises new challenging tasks for the inspection work

- CLEEN will support to net the national inspectorates with main emphasis on new MS and CC



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