

AP OS 2.2 Cooperation with Customs II pilot project Final results

29 October 2020

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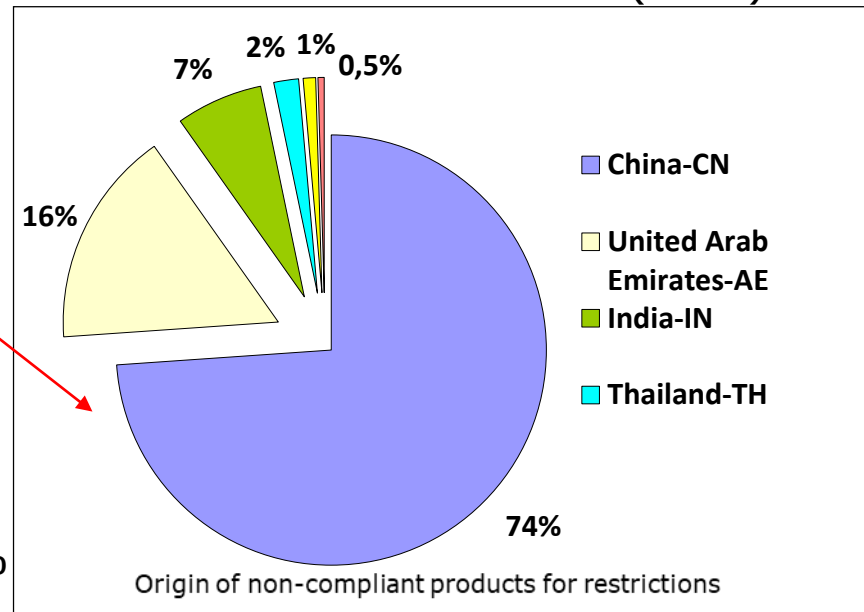
- The reported 16 countries did **1389** inspections on products before their release for free circulation by Customs
- Products or **articles** were checked for their **content in restricted substances** and **mixtures** for correct **classification, labeling and packaging** according to CLP
- **Cadmium, lead** and **nickel** were proposed by the WG for checks in plastic and metal articles, mainly due to the **availability of quick analytical techniques**. National Enforcement Authorities could choose to enforce any other restriction
- 321 non-compliant products overall (**23%**)
- 1225 inspections of restrictions duties (~80%) and 167 inspections of CLP duties
- **986 chemical / screening analysis** and 37 documentary checks for restrictions. The use of screening analysis facilitated checks in more products than the randomly sampling routine

Countries of origin

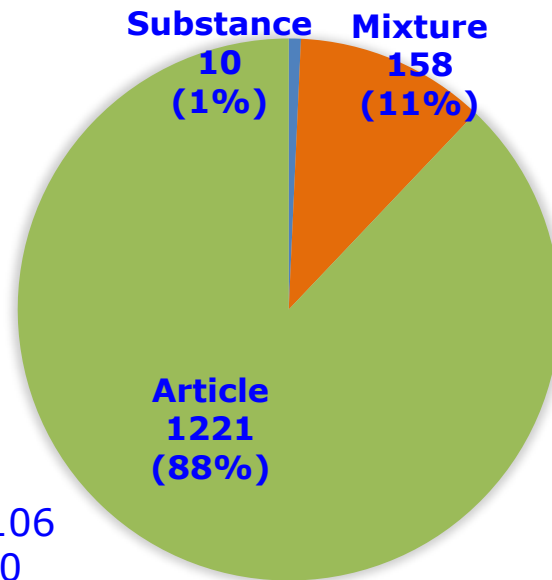
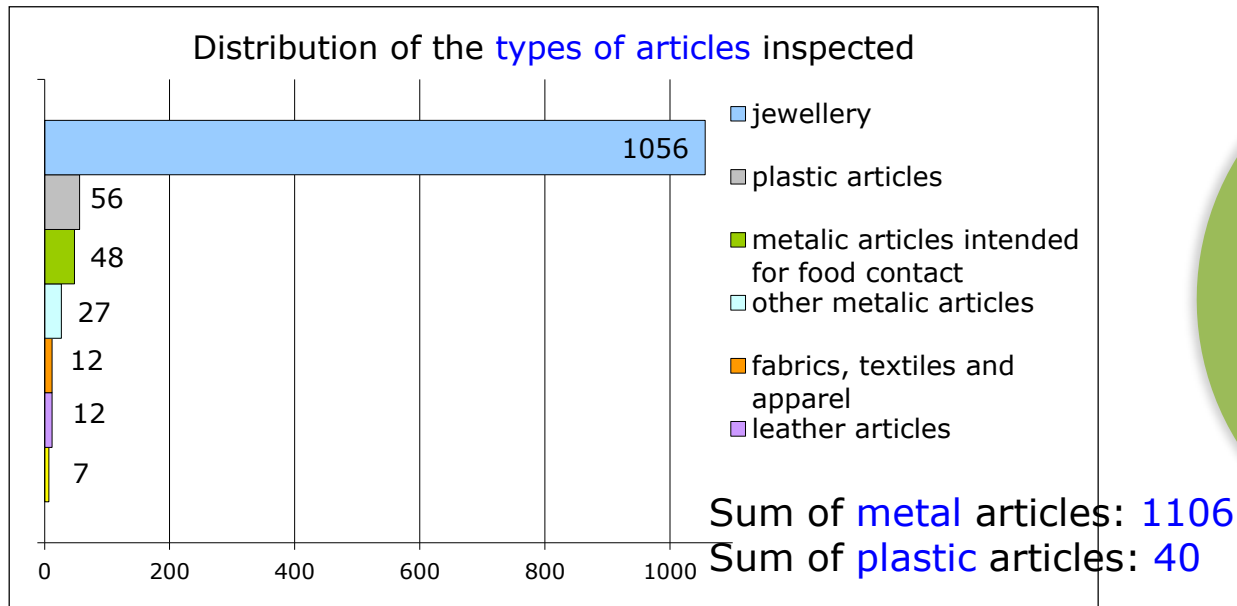
- The checked products originated from 37 different countries.
- 18 reimported products with origin in the EEA were also declared for checks
- In the overall, the majority of all products checked came from China (72%)

Restrictions' checks:

- Most non-compliant products for **restrictions** were from **China (74%)**
- Rate of non-compliance for products imported from China: 16%
- Rate of non-compliance for products imported from China under REF-4: 17%



Type of products checked (REACH and CLP)

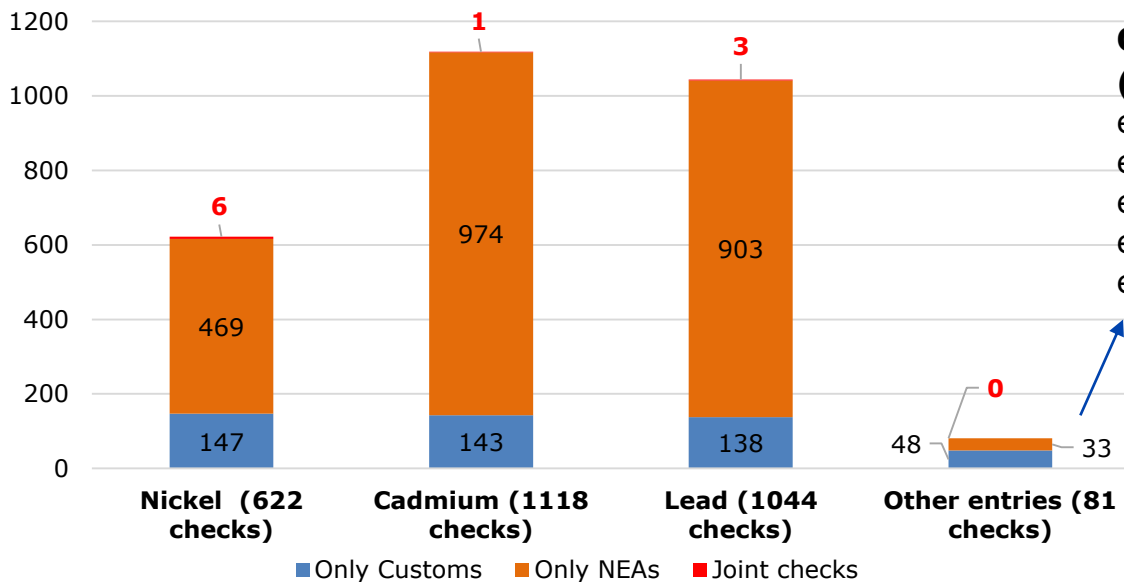


- **Chemical mixtures:** mostly **washing and cleaning products**, followed by **coatings, paints, thinners** and **paint removers**
- **38%** of them clearly intended for **supply to the general public**

Restrictions duties



1225 products checked for restrictions



Other entries checked (81 checks)

- entry 6 - asbestos
- entry 43 - azocolourants
- entry 47 - chromium(VI)
- entry 50 - PAHs
- entry 51 - phthalates

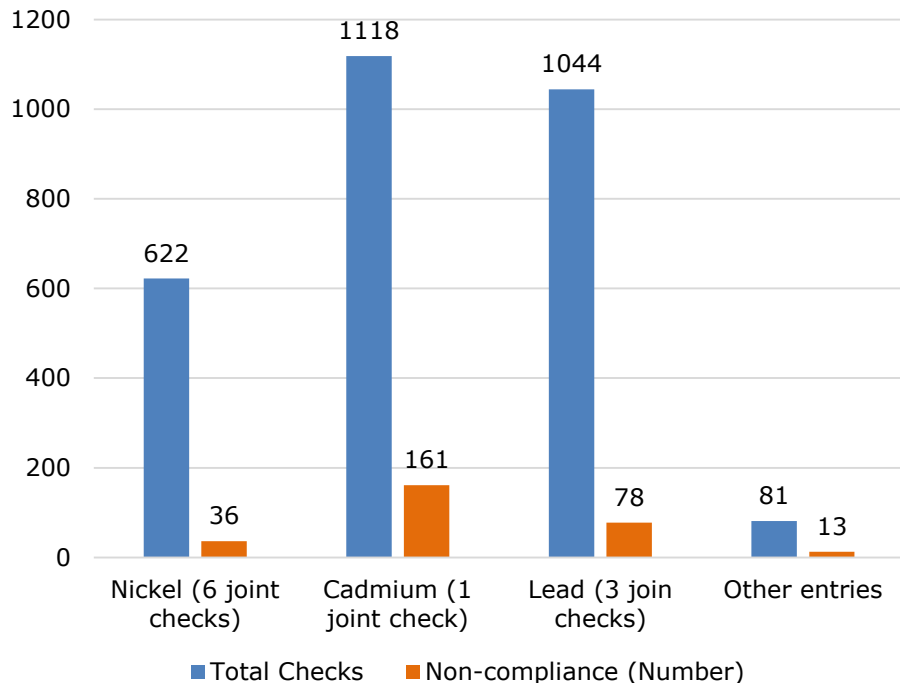
Number of products

- 48
- 10
- 16
- 1
- 6

1 substance and 6 mixtures checked for restricted substances. All compliant.

Restrictions – non-compliances (1)

- **211** out of **1225** products non-compliant
- **17%** non-compliance rate



Entry	Customs II	REF-4
	% non-compliance	% non-compliance
Overall	17	18
23 - Cadmium in jewellery	14	10
27 - Nickel	6	7,9
63 - Lead	7	6,7
Other entries	16	

Cadmium the restriction with the highest non-compliance rate

Non-compliances for cadmium were found **only in jewellerys**, not in plastic or other articles

Restrictions – non-compliances (2)

- Non-compliance rates for jewellery similar to REF-4 project
- In contrary to REF-4, **non-compliances for asbestos** were **not** detected in the current project
- 5 non-compliances for **phthalates** out of 6 checks. In REF-4 non-compliance rate was 20%. Several weekly notifications in RAPEX
- 4 non-compliances out of 13 checks for **Nickel** in metal items other than jewellery
- Non-compliances for **Chromium(VI)** in leather items was **17%** and in REF-4 it was **13%**.
- Non-compliances for **restrictions'** products: **65%** destroyed, **21%** re-exported, **13%** other (e.g. temporary storage)

CLP duties



- **107** out of the **167** products checked not in conformity. Mostly labelling issues
- **64% non-compliance rate**
- 12 out of 110 products with non-compliant **packaging**
- 76 products intended for professional use; 63 products for public use; no information for the rest 27 products
- USA is the origin of most non-compliant CLP products. Probably due to its different labelling system
- Customs procedure for **non-compliant CLP** products:
 - **71%** were not released for free circulation (destroyed, re-exported, under temporary storage, etc.)
 - **26%** released with undertaken corrective measures, including supervision by NEA after release

	% non-compliance
Overall	64
Classification	30
Labelling	71
Packaging	11

Models of cooperation with Customs



Models of cooperation

- Tested 4 models of cooperation between REACH/CLP national enforcement authorities (NEAs) and customs
- The most frequent model used during inspections (43%) and also the most efficient model to detect non-compliances was
 - **Joint checks by customs and REACH/CLP NEAs**

Conclusions and Recommendations



Main Conclusions

- **23 % non-compliance** rate overall (REACH and CLP)
- 17% the non-compliance for restrictions. Similar to REF-4 (18%) executed in 2016
- **Cadmium** the highest non-compliant restriction, similar to REF-4
- CLP checks were less in number but higher non-compliance rate
- 64% non-compliance for CLP, **labeling the major problem** (national language, absence of Pictograms, Signal Word and Statements)
- EAN number provided only in 7% of the checks. Promotion of its use will facilitate documentary checks and traceability of products
- **Harmonisation of the national risk profiles** is needed, which are used for controlling imports at customs level. At the moment each MS performs each own risk analysis (non-fair competition)

- Use customs procedures or other legislation to **enhance REACH and CLP enforcement at the borders** (e.g. TARIC, new Market Surveillance Regulation)
- **Harmonise risk analysis** for stopping imports at the entrance points of the European market. Similar recommendation as in REF-4 for stopping 'free riders'
- **Support the NEAs on the acquisition and use of screening equipment** at points of entrance to the European single market, since these can multiply the number of checks performed
- New Market Surveillance Regulation will be the legal framework for REACH and CLP import controls. Raise awareness for tools for electronic communication with customs, for common risk management and for **electronic data sharing** between customs and NEAs (including **access to import data from customs declarations**)
- Define a legal obligation to **provide SDS within the Customs declaration**

Recommendation to ECHA

- Specific awareness raising campaign **to importers, customs brokers and their unions**, on fulfilling REACH and CLP provisions for imported products

Main recommendations to Importers

- Check with the non-EEA suppliers **before importation**. If REACH/CLP provisions cannot be met turn to other, compliant suppliers, in European or third countries
- Contact national helpdesks for precise guidance **on the applicable legal provisions to be met for every type of product** they intend to import - *take targeted advice **before** the products reach the European market*



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