



REACH enforcement

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To cover:

- The REACH enforcement regime in the UK
- Enforcement strategy
- UK REACH CA enforcement activities
- Enforcement liaison across the UK and EU
- Any questions

The context

Pre-registration – the results!

- In total, around 2.75 million pre-registrations made by 65,000 companies
- Of these:
 - around 21,000 companies based in the UK (highest number of any Member State)
 - around 450,000 substances were pre-registered by these companies (second highest)

UK enforcement regime for REACH

The REACH Enforcement Regulations 2008:

- Came into force 1 December 2008
- Create a self-contained enforcement framework for REACH
- Multi-agency enforced
- Though similar in feel to enforcing authorities' 'primary' legislation

3 areas for enforcement:

Information submission
(registration, notification etc.)
mostly new

Information transfer
(supply-chain)
up-stream new

Information use
(downstream users)
authorisation new

The UK solution - give the Competent Authority a key enforcement role (including registration), and wherever possible appoint existing agencies using existing powers, with necessary co-ordination.

Information submission



HSE (as Competent Authority)

Information transfer



+ >200 trading standards departments

HSE (in normal role), **HSENI** and local authority **trading standards** departments

Information use



HSE, Environment Agency, Scottish Environment Protection Agency, Northern Ireland Environment Agency, HSE Northern Ireland, DECC, local authorities...



+ >400 local authorities



Powers, offences and penalties

Powers: similar to those under existing health & safety, environment, and consumer protection legislation

Offences: failure to comply with most duties under REACH is an offence

Penalties: fine and/or imprisonment



Enforcement strategy

- education, help and promotion = increased levels of compliance
- range of interventions (proactive and reactive) backed up by formal enforcement where appropriate
- focus on enforcement of those duties in REACH needed to ensure the Regulation operates effectively

Interventions

Advice, education and promotion

Inspection

Investigation

Enforcement

informal

formal written

notices

(‘improvement’, ‘prohibition’, ‘enforcement’)

prosecution

UK REACH CA enforcement (reactive)

Dedicated 'REACHCompliance' email account & phone line, for:

- complaints
- “confessions”
- referrals

Over 120 investigations since 1 December 2008,
with Notices already being served

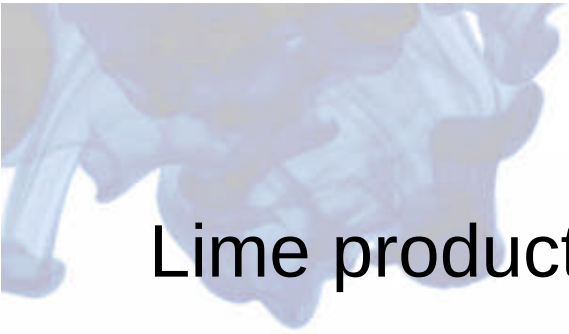
Examples of enforcement activity so far

Cases are fairly diverse,
and emphasise the sheer
scope of REACH...



Diamonds!





Lime products



Biodiesel



Ink & toner cartridges
and other office products



**Completely
safe to use!**

UK REACH CA enforcement (proactive)

1. Select
substance

(on defined criteria)

2. Gather
intelligence

(uses & supply chain
information)

3. Collate & compare
with ECHA data

(registration and pre-registration
information)

4. Approach target
companies

(that appear to be non-compliant)

5. Enforce against
non-compliant

(using appropriate powers)



Benefits:

- Targets those we already suspect are in breach, with compliant companies not having to be troubled
- Identifies companies who may be 'under the radar'
- Much work can be carried out by non-warranted staff
- Effective use of limited resources
- Respects Hampton principles
- Addresses other aspects of compliance, e.g. SDS, articles
- Sits well with approach of other REACH enforcers

Enforcement liaison

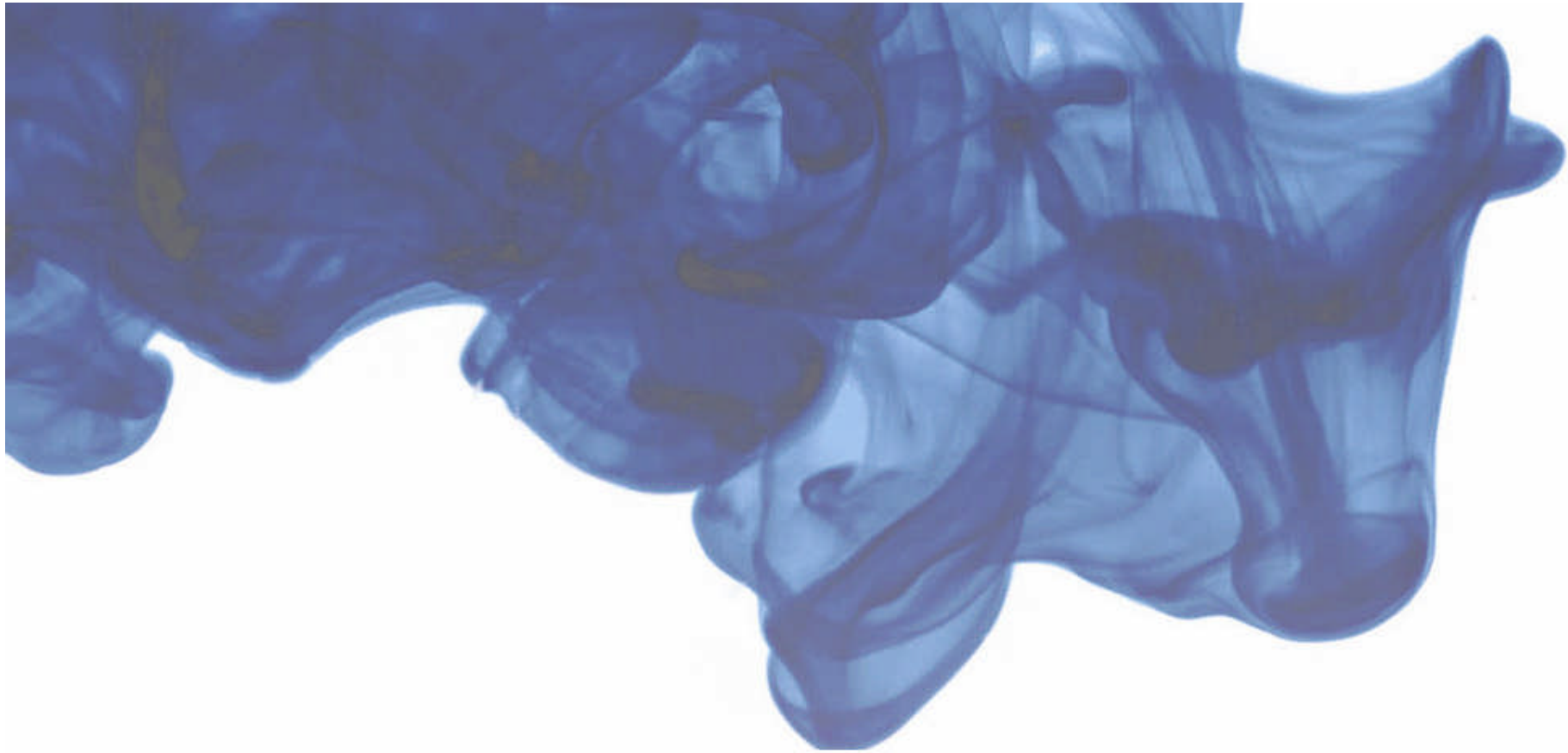
Mechanisms for co-operation and information exchange:

... in the UK:

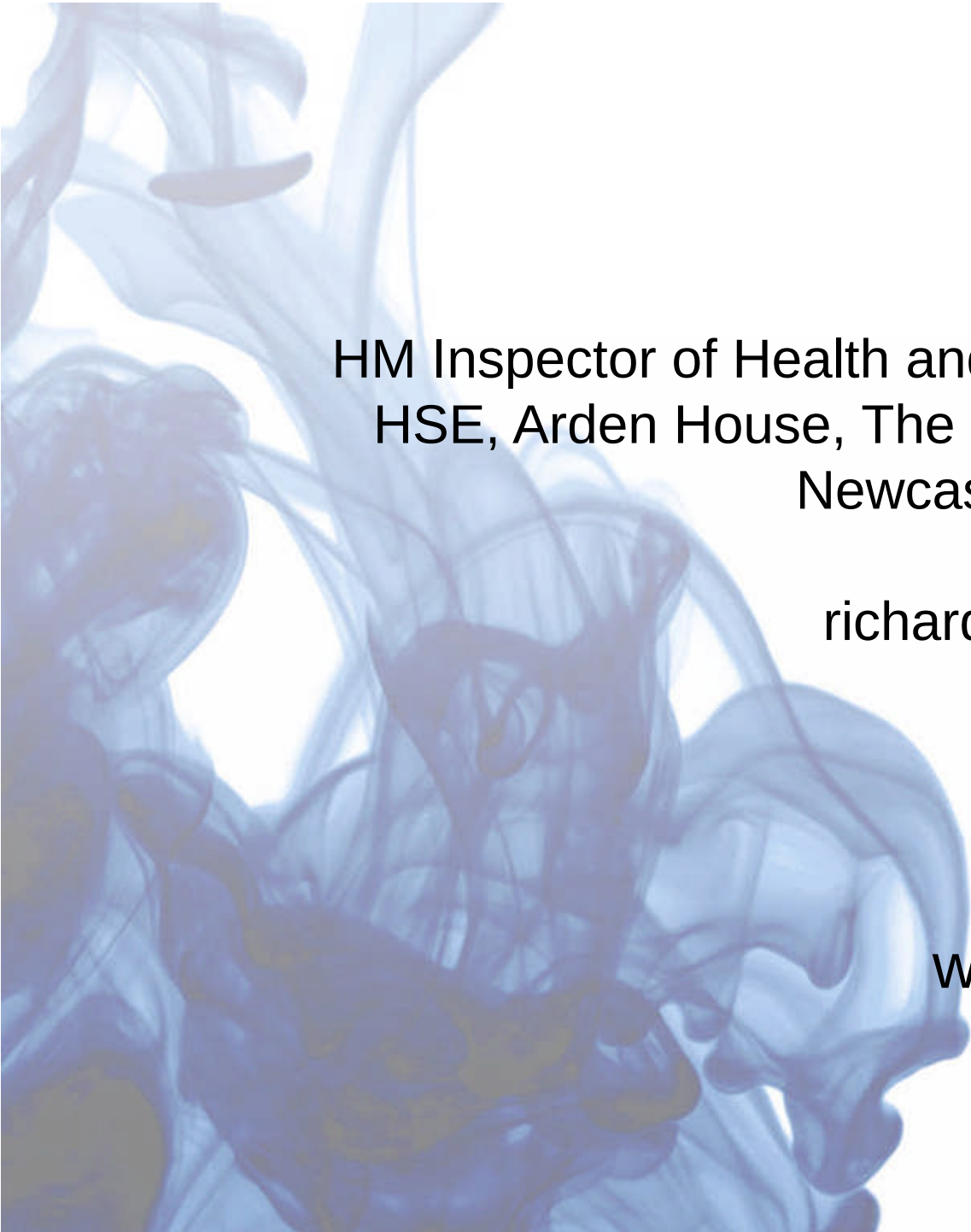
- Memorandum of Understanding
- Enforcement Liaison Group

... across the European Union

- the Forum for Exchange of Information on Enforcement ('the Forum')



Your questions...



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