

## MS REACH Reporting Questionnaire

General Information	
Which Member State are you reporting for?	UK
What reporting period are you reporting on?	2010
Primary contact person's name.	Keith Bailey
Please provide an email address for the primary contact person.	Keith.Bailey@defra.gsi.gov.uk

Theme 1 - Information on the Competent Authority	
How many Competent Authorities are responsible for REACH?	There is one Competent Authority responsible for REACH.

One Competent Authority Responsible for REACH	
What is the name of the organisation where the Competent Authority is situated?	Health and Safety Executive (Chemicals Regulation Directorate)
What is the address of the organisation?	Redgrave Court (2.3) Merton Road Bootle L20 7HS Merseyside United Kingdom
What is the email address of the organisation?	UKREACHCA@hse.gsi.gov.uk
What is the telephone number of the organisation?	+44 (0) 151 951 4000
What is the fax number of the organisation?	+44 (0) 151 951 3317
What part of REACH does this part of the Competent Authority deal with?	All
From what part of Government does this part of the Competent Authority have authority from?	Environment
Are employees in the Competent Authority directly employed by Government (civil servants)?	Yes
What skills do staff in this part of the Competent Authority have?	Chemistry Toxicology Ecotoxicity Economy Enforcement Legal Policy Exposure CLP

What other chemical legislation are the staff of the REACH CA involved in?	Import/Export Biocides Pesticides
Are there any other institutions that the Competent Authority works with in relation to REACH issues?	Yes
Please list the other institutions that the Competent Authority works with.	All relevant Ministries, including Trade, Business, Energy, Environment. Health, etc. Devolved Administrations in Scotland, Wales & Northern Ireland Environment Agency Scottish environmental Protection Agency Environment Agency for Northern Ireland Health Protection Agency Customs & Excise Local Authorities
Does the Competent Authority outsource any of its work?	Yes
Please provide details on who the Competent Authority outsources parts of its work to.	The CA works very closely with the Environment Agency to deliver it's statutory responsibilities.
How adequately resourced is the Competent Authority?	9
Space is available below to provide further comments on the resourcing of the Competent Authority.	Resources are adequate for our current activities and plans.

## Theme 2 - Information on Cooperation and Communication with other Member States, the

How effective is communication between MS for REACH?	7
How could effectiveness of communication between MS be improved?	Institutional communication within REACH mechanisms (e.g. formal committees and working groups) is effective. However, the effectiveness of communication between MS often depends on personal contact between the individuals and having an up-to-date contact list. The use of CIRCA as a platform to facilitate discussion between MS has potential but is not always successful in practice (e.g. Annex XV Substance Specific Discussions - there is very little if any discussion on the substances). The communication fora (e.g. CARACAL & REHCORN) need to improve.
How effective is collaboration between MS for REACH?	8

<p>How could effectiveness of collaboration between MS be improved?</p>	<p>Improve the communication fora (e.g. CARACAL &amp; REHCORN). Collaboration tends to be more effective when leadership is strong &amp; more proactive. The TCNES PBT Working Group provided a useful technical forum for generic PBT issues as well as substance-specific ones, but this is no longer available. The Member State Committee could possibly fill this role, but its remit appears only to cover formal proposals for inclusion of substances on the candidate list or test plan proposals from ECHA (the RAC does not have a mandate on PBT issues as such). Some form of technical working group, even if only virtual, would help fill this gap. (This had been suggested by Germany but we haven't seen any progress since.)</p>
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<p>Are there any special projects/cooperation on chemicals that the MS participates in with other MS outside of REACH?</p>	<p>Yes</p>
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<p>Please provide further information.</p>	<p>OECD activities (e.g. test methods). HPV programme</p>
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<p>How effective is MS communication with ECHA?</p>	<p>4</p>
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<p>How could effectiveness of communication with ECHA be improved?</p>	<p>Formal communications are quite good however many areas need improvement. Better routes of entry and closer relations are needed with MS being seen as included partners. ECHA needs to be more accessible e.g. providing individual contacts for specific areas. Functional mailboxes allow MS to contact appropriate groups within ECHA but are not always responded to quickly. During consultations it would be useful to have MS specific webforms and a point of contact for when there are problems submitting comments. Better feedback is needed from meetings where MS do not take part. We are pleased that we are now receiving good feedback from the Directors' Contact Group. This should be maintained for that group, although it could be delivered in a more timely manner, and the same approach applied to other groups which MS do not attend.</p>
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<p>How effective is MS collaboration with ECHA?</p>	<p>6</p>
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How could effectiveness of collaboration with ECHA be improved?

Collaboration is improving and will continue to as the communication improves. There are good examples (the recent testing proposals workshop) but these tend to be those initiated by ECHA, reflecting their concerns rather than those of MS.

How effective is MS communication with the Commission 6 (specifically Article 133 Committee)?

How could effectiveness of communication with the Commission be improved?

As the purpose of the Article 133 Committee is to vote on draft Commission legislation, it lies with the Commission to initiate communication. In some instances this is good, e.g. in the review of Annex II. Here there was constructive and effective discussion with MS on the policy and the drafting before the Committee met. However, at other times the Commission is too reticent about how its thinking is developing, followed by short notice of meetings and delayed circulation of drafts. Although the recitals provide some explanation of a measure it would be helpful if drafts were accompanied by explanatory notes as a matter of course. For 2010 it is helpful that the Commission has given advance warning of possible dates for Article 133 meetings, although that needs to be kept up to date. The Commission should also look to keep MS informed about progress and timings of the remainder of the legislative timetable after the Article 133 Committee, including notifying MS when the measure is published in the Official Journal. E.g. there was over a month's delay between the Committee's vote on the revision to Annex II and the Commission's adoption of the measure, but no information from the Commission with which we could respond to stakeholder questions. Beyond the Article 133 Committee the Commission is generally willing to engage with MS and those contacts are usually constructive, e.g. the development of a solution to the problem of registration numbers in safety data sheets. However, there have been some notable exceptions. e.g. the drawn out silences on the

responsibility, e.g. the draft guidance on the authorisation guidance and the review of Annex XIII. Communication around CARACAL has improved but further work is still needed. In particular the Commission needs to work with MS as partners in drawing up the contents and agendas for the meetings.

How effective is MS collaboration with the Commission (specifically Article 133 Committee)? 6

How could effectiveness of collaboration with the Commission be improved?

The comments above regarding communication apply equally for collaboration before Article 133 meetings. At the meetings themselves the Commission is willing to collaborate with Member States on more minor technical points, but seems much less willing on more substantive issues. As a result they can appear to be intransigent unless it becomes apparent that a QMV might be denied. Greater collaboration would suggest a greater willingness to bring options to the table rather than expecting MS to accept the Commission's proposal.

Has use been made of the safeguard clause of REACH (Art. 129)? No

### Theme 3 - Operation of the National Helpdesk and Provision of Communication to the Public of Information on Risks of Substances

Please provide the name of the organisation responsible for operating the National Helpdesk for REACH. Health and Safety Executive (Chemicals Regulation Directorate)

What is the address of the Helpdesk? Redgrave Court (2.3) Merton Road Bootle L20 7HS Merseyside United Kingdom

What is the web page address of the Helpdesk? <http://www.hse.gov.uk/reach>

What is the email address of the Helpdesk? [ukreachca@hse.gsi.gov.uk](mailto:ukreachca@hse.gsi.gov.uk)

What is the telephone number of the Helpdesk?	A direct telephone service not currently provided. A call back request can be sent in by email and we take some calls via a central information call service.
What is the fax number of the Helpdesk?	
Are there any more organisations responsible for operating the National Helpdesk for REACH?	No

**Please indicate the number of each type of staff that are involved in the Helpdesk.**

Toxicologist	6-10
Ecotoxicologist	1-5
Chemist	1-5
Risk Assessor	1-5
Economist	1-5
Social Scientist	1-5
Exposure Assessor	1-5
Other (please list)	1-5
If you have specified that there are a number of other staff that are involved in the Helpdesk, please list the type of staff here.	Regulatory expertise on CLP is provided by another branch of the Health & safety Executive. Technical expertise on CLP (interpretation of testing technical requirements etc) is provided by the scientific staff of the REACH Helpdesk team.
Is the same Helpdesk used to provide help to Industry on CLP?	Yes
Does the Helpdesk receive any non-governmental support?	No
How many enquiries does the Helpdesk receive per year?	>1000
In what format can enquiries be received by the Helpdesk?	Email Phone Letter

How are the majority of enquiries received?	Email
Do you provide specific advice to SME's?	No
Who are the majority of enquiries from?	No information
What type of enquiries does the Helpdesk receive?	Pre-registration SIEFs Registration REACH-IT Evaluation IUCLID5 Authorisation Downstream user obligations Restriction Obligations regarding articles Testing Safety Data Sheets Enforcement SVHC CSR preparation Other (please list) CLP
Please list the other types of enquiries that the Helpdesk receives.	Other topics include the interface of REACH with other legislation, e.g., waste, medicines, foods, etc. The percentage figure includes queries which could not be easily catergorised into the other topic areas.

For each type of enquiry received, please provide the proportion in percentage of the total	
Pre-registration (%)	15
Registration (%)	35
Evaluation (%)	1
Authorisation (%)	1
Restriction (%)	1
Testing (%)	1
Enforcement (%)	3
CSR preparation (%)	1
CLP (%)	3
SIEFs (%)	4
REACH-IT (%)	2
IUCLID5 (%)	1
Downstream user obligations (%)	5

Obligations regarding articles (%)	15
Safety Data Sheets (%)	5
SVHC (%)	3
Other (%)	5

What proportion of enquiries received are deemed to be 1) straight forward, 2) complex,	
Straight forward (%)	50
Complex (%)	50
No information (%)	0

How long, on average, does it take to respond to the following types of questions?	
Straight forward questions	1 day
Complex questions	1 day
Are any types of enquiry outsourced?	No
Does the Helpdesk seek feedback on its performance?	No
Does the Helpdesk review its performance and consider ways to improve its effectiveness?	Yes

What level of cooperation is there between Helpdesks?	
What level of cooperation is there between Helpdesks under REHCORN?	3
What level of cooperation is there between Helpdesks outside REHCORN?	3
How frequently do you use RHEP?	Less frequently
Has the MS carried out any specific public awareness raising activities?	Yes
What type of activities have been carried out?	Leaflets Radio Other (please list) Speaking events



Please list the other types of activities that have been carried out.

Trade press, targeting SMEs particularly; published articles, advertorials. Online media; e.g. wide-circulation e-newsletters/bulletins, government business website (Business Link), click-through links (banners, push buttons, etc), paid search, sponsored links, screen grabs on popular search engines, social networking sites, and business publishing sites. UK tax authority's wide-circulation information bulletin.

### How effective was each type of activity?

Radio	3
Speaking events	5
Leaflets	5
Other	4
Do you have a REACH webpage/website?	Yes
Do you have a single webpage for REACH or multiple pages?	Multiple webpages
How frequently is the REACH webpage visited (per month)?	5,001+
Please describe the scope of the number of REACH webpage visits.	Wide ranging site with information on: REACH and what it is intended to do; the competent authority; our enforcement regime; and a range of leaflets on various topics. Our bitesize leaflets are the most popular part of the site.

### Theme 4 - Information on the Promotion of the Development, Evaluation and Use of Alternative Test Methods

Does the MS contribute to EU and/or OECD work on the development and validation of alternative test methods by participating in relevant committees?	Yes
What has been the overall public funding on research and development of alternative testing in your MS each year?	Euros 100,001-1,000,000

## Theme 5 - Information on Participation in REACH Committees (FORUM, MS, RAC, SEAC, CARACAL, PEG, RCN, REHCORN)

On a scale of 1-10, how effective do you think the work of the Committees associated with REACH are? 7

How could the effectiveness of the Committees be improved?

Our score out of 7/10 represents a general perception we have of the committees. It should be recognised that there have been better performing committees, and significant agenda items that have been handled more efficiently than others in the same committee. Given that the committees are new, it is important that care and attention is paid to agreeing terms of reference and efficient working procedures, and that these are kept under review. Most notably, we suggest a review of CARACAL's operations is needed. This committee should promote effective engagement with all Member States. RAC, SEAC and MSC will each have increasingly challenging agendas in the coming years, and the UK has doubts whether the current arrangements in place will be efficient. This should be reviewed. For example, RAC covers three quite different areas (classification, restriction and authorisation), and members are expected to cover any issue. In practice this is not necessarily feasible. The current workload is heavily focussed on human health, so that environmental experts can make little direct contribution on many agenda items. Perhaps some way of splitting the meeting (like the former TC NES) could help environmental experts make a more effective contribution? Similarly, a case could be made for having meetings dedicated to C&L only. On a practical note, it may be that things can be improved further in terms of timings of SEAC and RAC meeting and inter-committee interaction. Rapporteur dialogue meetings could be scheduled prior to or after SEAC/RAC meetings. to minimise travel. It is

... appreciated that ECHA have tried to use "written procedures" to advance scientific and technical discussions and this should be continued. However, although there is still a need for such discussions to take place within meetings, our experience to date is that the plenary setting is too formal for such discussions. The business of the meeting is progressed, but discussions are often disjointed. Difficult issues predominantly end up being addressed in ad hoc meetings, usually at lunchtime or in the evenings. It is suggested that the Secretariats of these meetings should foresee the difficult discussions and schedule meeting time accordingly; forming small ad hoc groups to progress issues in parallel to each other. The timescale for commenting on some documents (e.g. urgent Commission requests or new technical guidance) is very compressed. Greater care could be taken to set sensible timescales. Could Forum papers, especially, be circulated further in advance of a meeting than they currently are. The Risk Communication Network is a welcome extra-statutory forum. As a functional network with a very focussed remit, it might benefit from more proactive, engaging agenda items when the Network is convened. This would provide an opportunity for members to learn and share best practice in both general and risk-focussed communications, which would help prepare for 'crisis' or other risk communication situations should they arise under REACH. A simulation exercise should also be considered. Regarding REHCORN (Hazard), the EAC process could be considered in the

(helpnet), the RAQ process could be speeded up. No response should be counted as an agreement. During meetings, greater effort could be made to agree an answer: too often, 1 objection from 1 delegate has been sufficient to prevent an agreement. Could a clear majority position be taken forward in the future? As for RAC, SEAC and MSC, could some matters be progressed better with smaller groups working in parallel? We would encourage more use of the webinar method of communication. PEGs have shown variable performance. The use of email by ECHA to engage directly with experts and then to develop revised documentation has generally worked well. However in some cases the time given to respond during consultations has simply been too short. Our impression is that more use could be made of phone and webinar combined for small-scale interactions.

## Theme 6 - Information on Substance Evaluation Activities

### 2010 Reporting

Please name the organisations/institutions that are involved in the evaluation process.

Health and Safety Executive The Environment Agency

Please indicate the number of each type of staff that are involved in substance evaluation.

Toxicologist 0

Ecotoxicologist 0

Chemist	0
Risk Assessor	0
Socio-Economic Analyst	0
Exposure Assessor	0
Other (please list)	0
If you have specified that there are a number of other staff that are involved in substance evaluation, please list the type of staff here.	There are currently no staff involved in substance evaluation as this process has not yet started.
Please list the names of the substances covered in the dossiers that the MS has commented upon.	Not applicable - substance evaluation has not started yet
Please list the names of the substances covered in the dossiers where a draft decision has been made.	Not applicable - substance evaluation has not started yet
Please list the names of the substances covered in the dossiers that the MS has rapporteured.	Not applicable - substance evaluation has not started yet
Please list the names of the substances covered in the dossiers that the MS has completed.	Not applicable - substance evaluation has not started yet
How long, on average, does evaluation of a dossier take?	No information
How many transitional dossiers has the MS completed?	4-6
How many substances has the MS added to the Community Rolling Action Plan?	0
How many of ECHA's draft decisions on dossier evaluation has the MS commented on?	1-3

### Theme 7 - Annex XV Dossiers

How many of each type of dossier has the MS prepared?	
CLP	4-6
Restriction	0
Identification of SVHC	1-3
Is the time spent following up your MS dossiers reasonable?	9

Space is available below to provide further comments on how reasonable the time spent following up your MS dossiers was.

The comments made on UK C&L dossiers to date have been relatively minor. Accordance check comments have been somewhat trivial, but again little time is needed for follow up.

### How many of each type of dossier are rapporteured?

CLP	4-6
Restriction	0
Identification of SVHC	0
Is the time spent following up rapporteured dossiers reasonable?	7

Space is available below to provide further comments on how reasonable the time spent following up your rapporteured dossiers was.

### How many of each type of dossier are co-rapporteured?

CLP	4-6
Restriction	1-3
Identification of SVHC	0
Is the time spent following up co-rapporteured dossiers reasonable?	9

Space is available below to provide further comments on how reasonable the time spent following up your co-rapporteured dossiers was.

For restrictions the process is just beginning therefore our answer relates only to the CLP dossiers.

### How many dossiers prepared by other MS has the MS contributed to or commented upon?

CLP	4-6
Restriction	0
Identification of SVHC	>9

### How many dossiers prepared by ECHA has the MS contributed to or commented upon?

Restriction	0
Identification of SVHC	1-3

What expertise is available for preparing dossiers?	
Chemist	1-3
Toxicologist	4-6
Ecotoxicologist	1-3
Economist	1-3
Enforcement	4-6
Legal	1-3
Policy	1-3
Exposure	4-6
CLP	4-6
Other (please list)	
If you have specified that there is other expertise is available for preparing CLH dossiers, please provide details here.	
Is the MS able to access external specialists?	Yes
What types of external specialists does the MS have access to?	Environmental risk management. The UK has access to a number of scientific committees consisting of independent experts in various fields (e.g. toxicology, mutagenicity, occupational hygiene, ecotoxicity etc.)
Is the MS satisfied with the levels of access to expertise?	4
Has there been any industry involvement in the preparation of MS dossiers?	Yes
How much involvement has industry had?	5

**Theme 8 - Information on Enforcement Activities**

### General Information

Please enter the MAIN enforcing authority for REACH within the Member State.	The Health and Safety Executive (HSE)
Is there more than one enforcing authority for REACH within the Member State?	Yes
Please provide details on the other enforcing authorities for REACH within the Member State.	The authorities given enforcement responsibility by the REACH Enforcement Regulations 2008 are as follows: - the Health and Safety Executive (HSE); - the Health and Safety Executive for Northern Ireland (HSENI); - the Environment Agency (EA); - the Scottish Environment Protection Agency (SEPA); - the Northern Ireland Environment Agency (NIEA); - the Department of Energy and Climate Change (DECC); and - local authorities (LAs), as regards occupational health and safety and consumer protection (trading standards) issues.

### Enforcement Strategy

Has an overall strategy (or strategies) been devised and implemented for the enforcement of REACH?	Yes
If Yes, is the strategy (or strategies) in line with the strategy devised by the Forum?	Yes



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Please outline the enforcement strategy within the Member State in a maximum of 2000 characters.

The UK REACH Enforcement Liaison Group (see below for details) has agreed a UK REACH Enforcement Strategy which is about to be published on the internet ([www.hse.gov.uk/reach/enforcement.htm](http://www.hse.gov.uk/reach/enforcement.htm)). The strategy is designed to ensure that high standards of compliance with REACH are achieved and maintained, but in ways which minimise the burden of verifying compliance for both businesses and for public authorities. The overall strategy is to create and operate enforcement processes that make best use of the skills of enforcing authorities' staff to secure compliance, using two principal approaches: (i) the provision of education, advice and help to dutyholders, and the promotion of REACH, as increased awareness and understanding will lead to increased levels of compliance; and (ii) the use of a range of interventions (both proactive and reactive), backed up by formal enforcement where necessary. The principal focus of interventions should be on those provisions which are most important to enforce in order to make REACH work effectively (such provisions are listed in the Strategy document). The term "enforcement" is used in a broad sense and encompasses a number of different interventions aimed at securing compliance.

**Co-ordination, co-operation and exchange of information**

Please outline of the mechanisms put in place to ensure good cooperation, coordination and exchange of information on REACH enforcement between enforcing authorities and the Competent Authority.

The legislation implementing the REACH enforcement regime in the UK - the REACH Enforcement Regulations 2008 - require enforcing authorities to co-operate and share information with each other, the Competent Authority, ECHA, and enforcing authorities in other Member States. This is to assist compliance with, and the effective enforcement of, REACH. The Regulations also give enforcing authorities power to agree arrangements with each other to allow the carrying out of an enforcement duty by another authority. This means that there is flexibility for the most suitable enforcing authority to carry out enforcement in any particular case. A Memorandum of Understanding (MoU) on REACH enforcement has been agreed between the UK REACH enforcing authorities. The MoU details the administrative procedures and working arrangements between the enforcing authorities. It contains provisions as to joint working arrangements where enforcement responsibility overlaps, the sharing of information between enforcers, notification of matters of concern regarding dutyholders, and so on. To further strengthen cooperation and coordination, the MoU sets up a UK REACH Enforcement Liaison Group. This Group is composed of representatives from all UK REACH enforcing authorities and meets at least twice per year. Its functions include: carrying out the functions of the MoU (above); discussing emerging enforcement issues, grey areas, the interpretation of REACH and so on; identifying lessons learnt and best practice; proposing amendments to guidance, based on practical experience; and determining priority substances and/or issues, and proposing and coordinating enforcement activity on these where possible.

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Describe how these mechanisms have operated in practice during the reporting period (e.g. regular meetings, joint training, joint inspections, co-ordinated projects and so on).

In terms of cooperation, coordination and information exchange in the UK, the UK REACH Enforcement Liaison Group (see above) has been active since November 2008. Its work includes agreeing a common enforcement strategy for UK REACH enforcement, and finalising the terms of the Memorandum of Understanding on REACH Enforcement (see above). The UK REACH CA has conducted a series of 10 inspector training events nationwide. These were principally for inspectors from the Health and Safety Executive (HSE) and local authorities, but representatives from all other UK REACH enforcing authorities were invited and training materials were shared. These training materials also formed the basis for the development by the UK, Hungary and Spain of ECHA's recent 'train the enforcement trainers' event. The Environment Agency for England and Wales has developed an e-learning package on REACH for its inspectors and has shared this package not only with other UK enforcing authorities, but also with authorities across Europe via the ECHA Enforcement Forum. The Environment Agency has also worked closely with local authority representative bodies to develop agreements concerning REACH enforcement activity at certain sites. The UK REACH CA has also provided much operational support, and specialist advice, to UK REACH enforcing authorities. Recently it has assisted two local authorities in preparing legal proceedings against dutyholders suspected to be in breach of REACH restriction requirements. In terms of cooperation, coordination and information exchange across the European Union, the UK has participated actively in the ECHA Enforcement Forum and various Working Groups. The UK also contributed significantly to the number of inspections for the first EU-wide REACH enforcement project, REACH-EN-FORCE-1. In December 2009 the UK Forum member was elected as Chair.

Describe the inspection and investigation strategy and methodology.

The Environment Agency and the Health and Safety Executive have developed an innovative, new approach for conducting REACH inspections. A campaign-based approach has been developed, centred on particular substances or topics. This involves gathering much pre-campaign intelligence to identify supply chain activity surrounding the subject matter of the inspections. This intelligence can then be compared to existing records (e.g. of companies that have submitted a (pre-)registration), in order to effectively target those companies that appear to be in breach of core requirements in REACH. The approach also presents authorities with opportunities to assess compliance with other REACH duties. The UK believes such an approach strikes the best balance between effective enforcement of REACH while ensuring minimal regulatory burden on compliant companies. It also reduces the burden on enforcing authorities - for example, much work is undertaken remotely from dutyholders, and visits are only paid to those already suspected to be non-compliant. Our approach has been favourably reviewed in publications such as ENDS Europe Daily and Chemical Watch, and the UK Chemicals Industry Association has described the approach as "excellent". UK REACH enforcing authorities have also established 'reactive' processes with a view to securing compliance. These typically involve a REACH-specific contact point (separate to the UK REACH Helpdesk), to handle approaches from: - dutyholders who believe or know that they might now be in contravention of REACH (e.g. having missed the pre-registration period); - those who wish to contact us to raise their concerns about the compliance of others (i.e. "complaints"); and - other UK enforcing authorities, EU Member States and the European Chemicals Agency (ECHA) who need to refer enforcement issues across.

Describe the level and extent of monitoring activities.

Monitoring (i.e. measurement, sampling, testing and/or analysis of various media) is conducted proactively mainly by local authorities as part of broader monitoring programmes under general market surveillance legislation. The monitoring that local authorities will undertake that concerns REACH typically centres on substances restricted for supply to consumers. However, local authorities will often refer matters of concern detected through monitoring to other enforcing authorities who have responsibility for enforcing REACH for those dutyholders further up the supply chain. It is not possible to give any precise details of the level and extent of monitoring activities undertaken by local authorities as currently there is no mechanism that exists in the UK that operates to retrieve such information. However, anecdotally the UK REACH CA is aware of a significant amount of activity in this respect, and in some instances this has led to formal enforcement action being taken by local authorities and other UK REACH enforcing authorities. Reactively, all enforcing authorities will commission monitoring work to be undertaken as necessary to support enforcement action.

Describe sanctions available to enforcing authorities.

The REACH Enforcement Regulations 2008 give each enforcing authority the powers they need to carry out their responsibilities. These powers are not only for the purposes of inspection and investigation (such as powers of entry, powers to seize evidence etc) but also for formal enforcement of the legislation (for example, powers to serve various kinds of enforcement notice, or to prosecute offenders etc). The REACH Enforcement Regulations 2008 provide that it is an offence for a person to contravene a 'listed REACH provision' or to cause or permit another person to do so. The Enforcement Regulations allow for a person in breach of a listed REACH provision to be tried summarily (e.g. in Magistrates Courts) or on indictment (e.g. in Crown Courts). The same potential maximum penalty applies for each provision, namely: - up to £5,000 fine and/or up to three months imprisonment following summary conviction; and - an unlimited fine and/or up to two years imprisonment following conviction on indictment. The Enforcement Regulations also provide for a number of other criminal offences. These include obstruction of inspectors, providing false statements, failing to comply with enforcement notices, and so on. These additional offences are also the subject of penalties, which are the same as those above.

Describe the referrals from ECHA.

ECHA has referred three cases to the UK REACH CA during the reporting period. These were all related, in that they concerned UK legal entities that had created multiple party IDs in REACH IT and used these to pre-register a large amount of substances. ECHA was concerned that these legal entities had been created specifically to exploit the opportunities which pre-registration presents to gain access to commercially valuable information which will be exchanged between companies pre-registering the same substance. ECHA asked the UK to investigate the situation further, with a view to identifying any areas of non-compliance with REACH.

Describe the referrals from other Member States.

The UK REACH CA has received a number of referrals from other Member States during the reporting period. These have fallen into two broad categories: 1) Requests for information: during this reporting period, not all CAs have had access to REACH IT. This has prompted requests to the UK REACH CA for certain information needed for enforcement purposes, e.g. pre-registration information of dutyholders based in a different country. (The UK REACH CA has similarly contacted other Member States with requests for such information.) 2) Requests for action: this has not occurred as frequently as requests for information, but on certain occasions, cross-border enforcement issues have been referred to the UK REACH CA with a request for some kind of follow-up action. (Again, the UK REACH CA has similarly sent such requests to other Member States to follow up.) For both types of referral, contact has been made primarily via Forum members. In all cases where issues have been referred by the UK REACH CA to other countries, we have experienced very positive responses from colleagues abroad and action has normally been taken swiftly.

Describe any other measures/relevant information.

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### Dutyholders

Provide an estimate of the total number of dutyholders who are likely to have duties imposed on them by REACH.

Provide an estimate of the above dutyholders who are likely to constitute registrants as defined by REACH.

What was the total number of inspections and investigations carried out by enforcing authorities in which REACH was discussed and/or enforced for this year? 0

State the number of manufacturer dutyholders subject to inspections and investigations. 0

Were these mainly: Not applicable

State the number of importer dutyholders subject to inspections and investigations.	0
Were these mainly:	Not applicable
State the number of distributors subject to inspections and investigations.	0
Were these mainly:	Not applicable
State the number of downstream users subject to inspections and investigations.	0
Were these mainly:	Not applicable

Inspections	
State the number of inspections that addressed registration.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed information in the supply chain.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed downstream use.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed authorisation.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed restriction.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed other REACH duties.	0
State the number these cases which were non-compliant.	

Investigations	
State the number of investigations prompted by complaints and concerns raised.	0
State the number of investigations prompted by incidents or dangerous occurrences.	0



State the number of investigations prompted by monitoring.	0
State the number of investigations prompted by results of inspection/follow up activities.	0
State the number of inspections and investigations resulting in no areas of non-compliance.	0
State the number of inspections and investigations resulting in verbal or written advice.	0
State the number of inspections and investigations resulting in formal enforcement short of legal proceedings.	0
State the number of inspections and investigations resulting in initiation of legal proceedings.	0
State the number of convictions following legal proceedings.	0

Enforcement	
State the number of manufacturers subject to formal enforcement.	0
Were these mainly:	Not applicable
State the number of importers subject to formal enforcement.	0
Were these mainly:	Not applicable
State the number of distributors subject to formal enforcement.	0
Were these mainly:	Not applicable
State the number of downstream users subject to formal enforcement.	0
Were these mainly:	Not applicable

## 2008

Dutyholders	
Provide an estimate of the total number of dutyholders who are likely to have duties imposed on them by REACH.	
Provide an estimate of the above dutyholders who are likely to constitute registrants as defined by REACH.	

What was the total number of inspections and investigations carried out by enforcing authorities in which REACH was discussed and/or enforced for this year?	22
State the number of manufacturer dutyholders subject to inspections and investigations.	18
Were these mainly:	Small
State the number of importer dutyholders subject to inspections and investigations.	4
Were these mainly:	Small
State the number of distributors subject to inspections and investigations.	0
Were these mainly:	Not applicable
State the number of downstream users subject to inspections and investigations.	0
Were these mainly:	Not applicable

Inspections	
State the number of inspections that addressed registration.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed information in the supply chain.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed downstream use.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed authorisation.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed restriction.	0
State the number these cases which were non-compliant.	
State the number of inspections that addressed other REACH duties.	0

State the number these cases which were non-compliant.

Investigations	
State the number of investigations prompted by complaints and concerns raised.	22
State the number of investigations prompted by incidents or dangerous occurrences.	0
State the number of investigations prompted by monitoring.	0
State the number of investigations prompted by results of inspection/follow up activities.	0
State the number of inspections and investigations resulting in no areas of non-compliance.	5
State the number of inspections and investigations resulting in verbal or written advice.	16
State the number of inspections and investigations resulting in formal enforcement short of legal proceedings.	1
State the number of inspections and investigations resulting in initiation of legal proceedings.	0
State the number of convictions following legal proceedings.	

Enforcement	
State the number of manufacturers subject to formal enforcement.	0
Were these mainly:	Not applicable
State the number of importers subject to formal enforcement.	1
Were these mainly:	Small
State the number of distributors subject to formal enforcement.	0
Were these mainly:	Not applicable
State the number of downstream users subject to formal enforcement.	0
Were these mainly:	Not applicable

**2009**

### Dutyholders

Provide an estimate of the total number of dutyholders who are likely to have duties imposed on them by REACH.

Provide an estimate of the above dutyholders who are likely to constitute registrants as defined by REACH.

What was the total number of inspections and investigations carried out by enforcing authorities in which REACH was discussed and/or enforced for this year? 349

State the number of manufacturer dutyholders subject to inspections and investigations. 75

Were these mainly: Small-Medium

State the number of importer dutyholders subject to inspections and investigations. 75

Were these mainly: Small-Medium

State the number of distributors subject to inspections and investigations. 77

Were these mainly: Small-Medium

State the number of downstream users subject to inspections and investigations. 122

Were these mainly: Medium

### Inspections

State the number of inspections that addressed registration. 157

State the number these cases which were non-compliant. 4

State the number of inspections that addressed information in the supply chain. 54

State the number these cases which were non-compliant. 7

State the number of inspections that addressed downstream use. 65

State the number these cases which were non-compliant. 0

State the number of inspections that addressed authorisation. 0

State the number these cases which were non-compliant.	
State the number of inspections that addressed restriction.	18
State the number these cases which were non-compliant.	3
State the number of inspections that addressed other REACH duties.	0
State the number these cases which were non-compliant.	

Investigations	
State the number of investigations prompted by complaints and concerns raised.	175
State the number of investigations prompted by incidents or dangerous occurrences.	1
State the number of investigations prompted by monitoring.	2
State the number of investigations prompted by results of inspection/follow up activities.	17
State the number of inspections and investigations resulting in no areas of non-compliance.	231
State the number of inspections and investigations resulting in verbal or written advice.	81
State the number of inspections and investigations resulting in formal enforcement short of legal proceedings.	34
State the number of inspections and investigations resulting in initiation of legal proceedings.	3
State the number of convictions following legal proceedings.	0

Enforcement	
State the number of manufacturers subject to formal enforcement.	12
Were these mainly:	Small
State the number of importers subject to formal enforcement.	23
Were these mainly:	Small-Medium
State the number of distributors subject to formal enforcement.	2

Were these mainly: Small

State the number of downstream users subject to formal enforcement. 0

Were these mainly: Not applicable

### Theme 9 - Information on the Effectiveness of REACH on the Protection of Human Health and the Environment, and the Promotion of Alternative Methods, and Innovation and Competition

Do you think that the effects of REACH would be better evaluated at a Member State (MS) or EU level? EU

What parameters are available at MS level that could be used to assess the effectiveness of REACH in a baseline study?

The UK commissioned a scoping study in 2009 to examine the feasibility of developing suitable indicators to measure REACH impacts in the areas of human health, the environment, promotion of alternative test methods, and business/industry. A copy of the study was forwarded to the Commission for information at the time. The study concluded that it is likely to prove difficult to develop indicators that are sufficiently sensitive to be able to disaggregate the effects of REACH from the effects of other influences, such as other legislative controls, disease causal factors, and wider economic effects on businesses. It may be that proxy indicators are the best we can hope for, i.e. effects for which REACH may be a contributory factor. We continue to assess the feasibility of developing REACH-sensitive evaluation indicators. An example of one possible measure is to assess the impacts of the extended safety data sheets on users of substances and mixtures. It should be remembered that any EU-wide assessment of the impacts of REACH should be able to be broken down according to country/region or possibly even at a sector or substance specific level. A particular point worth noting is the need to assess the increased burden on industry (especially smaller businesses) in complying with REACH obligations compared to the intended benefits - for example, meeting the 45 day deadline for responding to requests from consumers for information on SVHCs present in articles, particularly where there are significant non-EU supply chains involved.

### Theme 10 - Other Issues/Recommendations/Ideas

Please provide any further information on the implementation of REACH that the MS considers relevant.	We have nothing further to add on implementation issues within the UK.
Do you wish to upload documents in support of this submission	No

### Meta Informations

Creation date	28-05-2010
Last update date	
User name	ReachUK
Case Number	578724446441514810
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Status	N