

# Export and import of hazardous chemicals.

## Recast

2011/0105(COD) - 17/10/2018 - Follow-up document

The Commission presents a summary of the synthesis report on the operation of Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals.

Article 22 of this Regulation (Prior Informed Consent (PIC) Regulation) requires the Commission to report on its activities under the Regulation every three years, and to compile a synthesis report on the performance of the PIC Regulation.

This reporting exercise is the first under this PIC Regulation and covers the implementation since the Regulation became applicable (2014-2016).

### *Good cooperation*

The report demonstrates that the procedures established by Regulation (EU) No 649/2012 operated well and contributed to achieving its objectives. Good cooperation between all stakeholders formed the basis for successful implementation.

The Commission, the Agency and designated national authorities (DNAs) consider the coordination between EU and national institutions effective.

The Agency considered the collaboration with the Commission satisfactory, pointing to a number of areas for improvement, such as the preparation of notifications of FRA, the preparation of meetings, the procedure for updating Annexes.

### *Higher than expected workload*

In general, the Member States met their obligations, although the high workload at the end of each year - caused by the large number of export notifications – presented a challenge for some Member States and sometimes led to problems with timeframes.

More specifically, the export notification is the PIC Regulation instrument by which countries exchange information on banned or severely restricted chemicals. During the reporting period, Member States accepted and forwarded 15 771 export notifications to the Agency and rejected 1214. The number of export notifications processed varied significantly between Member States. Three Member States did not process any export notification during the reporting period and five Member States had fewer than 10 notifications. The highest numbers of export notifications were processed by Germany (5196 notifications), France (3358), the United Kingdom (1829), Italy (1321) and Spain (1265). The importing countries that received the highest numbers of export notifications from the Union were Switzerland (1044 notifications), Turkey (984), Russia (890), the USA (754) and China (601).

### *Explicit consent procedure*

The explicit consent procedure, which goes beyond the Convention as a standard procedure for the export of certain chemicals, has led to the high number of 3362 requests for explicit consent sent to importing countries in the reporting period. Experience suggested that those requests presented a challenge for many importing countries, largely because the procedure is rarely used under the Convention and many Parties

may not be aware of its existence. This may have resulted in a high number of exports not being allowed to proceed due to unanswered requests for consent. The possibility to apply for a waiver under certain conditions ensured that the number of exports blocked for this reason was kept to a minimum.

### ***Control of the export and import of chemicals subject to the PIC Regulation***

Member States must designate authorities, such as customs authorities, to control imports and exports of chemicals listed in Annex I. All Member States have nominated these authorities. Customs are involved in the implementation of the PIC Regulation in all Member States, except Malta and the United Kingdom.

In four countries, the only national enforcement authority (NEA) is the customs administration (Spain, Croatia, Italy and Slovakia).

In almost all Member States, NEAs involved in the enforcement of the PIC Regulation are also involved in the enforcement of other chemicals legislation. Most Member States have also described their applicable penalty system for infringements of the PIC Regulation. DNAs typically described a mix of enforcement measures such as seizure and detention of goods, withdrawal from the market, suspension of activities, etc.

On penalties for infringements, 23 Member States indicated that they impose fines for specific infringements, often with a scale of fines depending on the gravity of the infringement. In seven Member States, a penalty of imprisonment can be imposed for the most serious infringements.

### ***Implementation***

The contribution of the Agency to implementation was fully in line with the requirements of the Regulation, and its solid performance was the basis for effective functioning of the relevant procedures. The Commission completed its obligations under the Regulation. Two Commission Delegated Regulations amending Annex I, as well as two Commission Implementing Decisions adopting Union import decisions, were adopted in the reporting period. In addition, the Commission coordinated the contribution of the Union to the international work and represented the Union to the Convention.