



Bundesanstalt für Arbeitsschutz und Arbeitsmedizin

National and EU Activities on the Inspection of Chemicals

Katja vom Hofe, BAuA



Outline

National Activities

- Organizational Structure
- National Strategies for Enforcement
- Enforcement Activities in Germany

International Activities

- The Forum of the European Chemicals Agency
- Harmonization of Enforcement Activities

Enforcement: Organizational Structure

16 Federal States

- responsible for the enforcement of Chemicals Legislation according to the German Chemicals Act
- independent with regard to enforcement structures, strategies and priorities
- different geographic, industrial and economic situations
 - Northrhine-Westphalia: 17,8 million inhabitants, focus: manufacture
 - Hamburg: 500.000 inhabitants, focus: import



Enforcement: Organizational Structure

Tasks of the Federal States

- Organization of nat'l enforcement authorities (NEAs) at relevant levels (ministry / regional / district level)
- Provision of personal and financial resources
- Education and training of enforcers
→ qualification of inspectors
- Information and guidance for dutyholders (optional)

➡ **Cooperation and harmonization needed**

Enforcement: Organizational Structure

Harmonization:

Working Committee of the Federal Government and the States on Chemical Safety (BLAC)

- Exchange of information
- Coordination of joint projects
- Awareness raising
- Development of a common enforcement strategy



Enforcement: Strategies

Strategy for the Market Surveillance of Chemicals

- Developed and revised by BLAC
- Additional strategies for each Federal State – reflect the specific conditions in each state
- Framework strategies: leave room for additional inspections triggered by up-to-date information

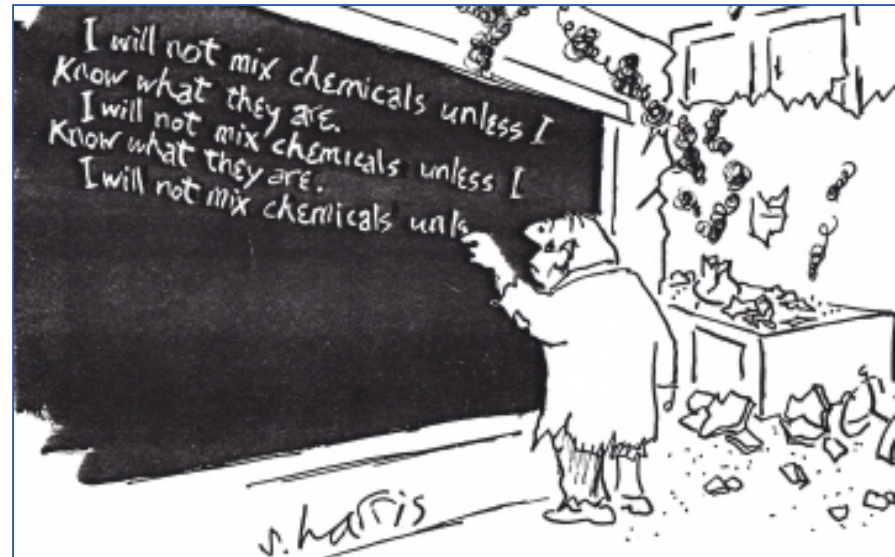


➡ **Strategies are regularly revised and adapted**

Enforcement: Strategies

Objectives:

- Promote the safe handling of chemicals



- Ensure environmental and human health standards
- Educate dutyholders and provide guidance
- Provide a level playing field on the EU market



Enforcement Activities in Germany

Inspections

= desktop studies + company visits, if necessary

Active vs Reactive Enforcement

- Active Enforcement
= enforcement authority actively decides to enforce
- Reactive Enforcement
= enforcement authority reacts to a certain situation

Enforcement Activities in Germany

Inspections – Active Enforcement

- based on risk-related market surveillance
- often in the course of specific inspection projects:
focus on specific substances and / or
product-types (PAHs in tyres)
- additionally: information / awareness-raising campaigns

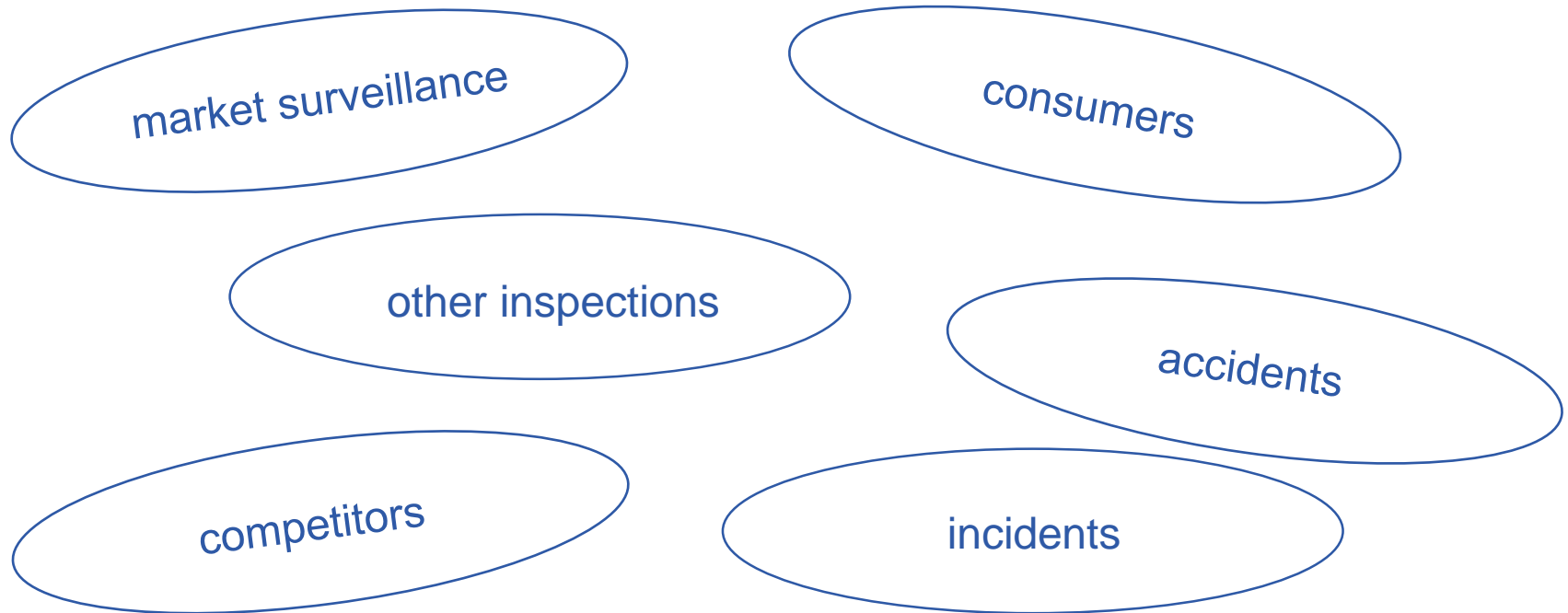


Source: Utko

Enforcement Activities in Germany

Reactive Enforcement

- triggered by information received from / through



Enforcement Activities in Germany

Tools of Enforcement

- **Information and guidance for dutyholders**
- **Administrative intervention**
 - companies are often willing to collaborate with enforcement authorities
 - common goal: registrants' compliance !
 - in cases of non-compliance: administrative order





Enforcement at national and EU Level

German objectives for enforcement

- Promote the safe handling of chemicals
- Ensure environmental and human health standards
- Educate dutyholders and provide guidance
- Provide a level playing field on the EU market

➡ **Need to be ensured at national and EU level !!**

The Forum

Forum for Exchange of Information on Enforcement

Composition

- Body of the European Chemicals Agency, ECHA
- One member from each of the 27 EU Member States + non-voting members from the European Commission

Task

- Harmonization of enforcement of REACH, CLP and PIC in the EU Member States



Harmonization of Enforcement Activities

Challenges

- Different legal systems in 27 Member States
- Varying organizational structures
- Competencies within different authorities (MSCA / NEA*)
- National systems of sanctions / penalties

*MSCA = Member State Competent Authority, NEA = National Enforcement Authority



➡ **Harmonized approach to enforcement**
= comparable enforcement, not uniform enforcement

Harmonization of Enforcement Activities

Practical solutions

- Development of best practice documents
- Exchange of inspectors
- Harmonized enforcement projects
- Annual “Train-the-Trainers” events
- Manual with “practical cases” and Forum conclusions
- Common Information Exchange System (IT)





Thank you for listening!

Katja vom Hofe

Federal Institute for Occupational Safety and Health (BAuA)

Federal Office for Chemicals

Friedrich-Henkel-Weg 1-25

D-44149 Dortmund

ChemG@baua.bund.de

Further Information: www.baua.de