

MS REACH Reporting Questionnaire

General Information	
Which Member State are you reporting for?	AT
What reporting period are you reporting on?	2010
Primary contact person's name.	Wimmer Martin
Please provide an email address for the primary contact person.	martin.wimmer@lebensministerium.at

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?	Federal Ministry of Agriculture, Forestry, Environment and Water Management (Bundesministerium für Land- und Forstwirtschaft, Umwelt und Landwirtschaft, BMLFUW), Responsible unit: Unit V.2 (chemicals policy)
What is the address of the organisation?	Stubenbastei 5, A-1010 Vienna, Austria (Unit V.2)
What is the email address of the organisation?	abteilung.52@lebensministerium.at (Unit V.2), office@lebensministerium.at (BMLFUW)
What is the telephone number of the organisation?	++43-1-51522-2329 (Unit V.2)
What is the fax number of the organisation?	++43-1-51522-7334 (Unit V.2)
What part of REACH does this part of the Competent Authority deal with?	All Other (please list)
Please list the other parts of REACH that this part of the Competent Authority deals with here.	Other tasks under REACH are: - coordination of enforcement - submission of authorisation dossiers Comment: The BMLFUW deals with all tasks attributed to the Competent Authority under REACH and CLP. Co-operation with Umweltbundesamt GmbH: For operative work the Austrian CA is supported by the Austrian Environment Agency (Umweltbundesamt GmbH). The Umweltbundesamt GmbH has been established as the "Umweltschutzfachstelle des Bundes" (Environment Expert Panel of the Federal Government) pursuant to §6 (1) Umweltkontrollgesetz (Environmental Control Act), Federal Legal Gazette no. 152/1998. In this function, the Austrian Environment Agency manages the Austrian REACH&CLP-Helpdesk, acts as Mandated National Institution for access to REACH-IT on behalf of the BMLFUW and also provides expertise to enforcement authorities and in REACH&CLP procedures such as evaluation, authorisation, restriction and classification and labelling.

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 Other (please list)
Please list the other skills that staff in this part of the Competent Authority have.	Comment: Some of the skills and expertise needed for the implementation of REACH is provided by the Umweltbundesamt GmbH which supports the BMLFUW as Mandated National Institution (see comments above)
What other chemical legislation are the staff of the REACH CA involved in?	Import/Export Other
If Other, please list the different legislations here	Other legislative areas where the Austrian REACH-CA is actively involved are: - CLP - Montreal Protocol - POPs - Fluorinated ases - Detergents - Risk of nanotechnology
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.	Cooperation of the Austrian CA with other institutions is organised through an informal forum called the "Österreichische REACH-Plattform" (Austrian REACH platform). It involves, inter alia, the enforcement authorities of the Länder (provinces), the Bundesministerium für Arbeit, Soziales und Konsumentenschutz (Ministry of Labour, Social Affairs and Consumers Protection), the Bundesministerium für Wirtschaft, Familie und Jugend (Ministry of Economy, Families and Youth), Bundesministerium für Finanz (Ministry for Financial Affairs), Industry and Stakeholder Organisations and NGOs.
Does the Competent Authority outsource any of its work?	Yes
Please provide details on who the Competent Authority outsources parts of its work to.	As already mentioned above the Austrian CA is supported by the Umweltbundesamt GmbH. The Umweltbundesamt GmbH manages, for example, the Austrian REACH helpdesk, acts as Mandated National Institution for access to REACH-IT on behalf of the Austrian CA and also provides expertise to enforcement authorities and in evaluation, authorisation, restriction and classification processes.
How adequately resourced is the Competent Authority?	5

Space is available below to provide further comments on the resourcing of the Competent Authority.

It is difficult to provide an answer to this question. The Austrian public sector is determined to save budgetary resources. Thus, also the chemicals policy sector senses budgetary constraints. The overall goal is to manage the tasks under REACH and CLP with essentially the same workforce which has been fulfilling chemicals policy prior to the entering into force of these regulations. The staff involves experts at the BMLFUW, at the Umweltbundesamt GmbH and enforcement authorities in the Länder (provinces).

Theme 2 - Information on Cooperation and Communication with other Member States, the European Chemicals Agency (ECHA) and the Commission

How effective is communication between MS for REACH? 9

How could effectiveness of communication between MS be improved?

As there are at present no specific bi- or multilateral fora dealing with REACH implementation issues, the main communication channels are the CARACAL, the Management Board, the Committees and the Forum established at ECHA. Important for the functioning of REACH will be the communication between the national enforcement authorities. Therefore, the Forum will play a key role in the improvement and optimization of communication. The mentioned fora seem to be sufficiently effective, even though there is still room for improving communication practice.

How effective is collaboration between MS for REACH?	9
How could effectiveness of collaboration between MS be improved?	There is currently limited experience in collaboration under REACH and CLP. The Austrian CA has already cooperated successfully with other Member States on issues such as authorisation policy and guidance for chemicals in articles, with quite good experiences. Given the high importance attributed towards a progressive development on authorisation, the co-operations should be continued and deepened, particularly aiming at an involvement of other Member States that were not so pro-active so far. The process is largely “learning by doing”, so it is expected that the collaboration will work the better the more experiences are gained. ECHA does already play an important role in communication by providing meeting space and meeting time for authority meetings/workshops dealing with specific aspects of REACH and CLP. Communication means such as telephone conferences, video conferences and/or webinars should be used more intensely to save on mission times and resources. The intention of the Commission to provide within CARACAL a specific platform for discussions among national CAs, COM and ECHA is considered very valuable and welcome.
Are there any special projects/cooperation on chemicals that the MS participates in with other MS outside of REACH?	Yes
Please provide further information.	- Participation in UN for a on chemicals policy (SAICM, POPs convention, PIC convention, Montreal protocol) - Participation in a multi-lateral task force on risk reduction for nano-technology of German speaking countries - Bi-lateral co-operations in the field of chemicals leasing - CLEEN: Austria takes part in the Chemical Legislation European Enforcement Network (CLEEN). The Umweltbundesamt is actively involved in a number of key activities. Following the setting into force of REACH the focus of the activities has shifted to other areas of chemicals legislation such as biocides. - Twinning: The Umweltbundesamt has been actively involved in twinning-projects on chemicals policy since about 10 years. These programmes are important pre-requisites to ensure a high level of safety chemicals and the building up of adequate personnel resources in the new and future Member States.
How effective is MS communication with ECHA?	9
How could effectiveness of communication with ECHA be improved?	
How effective is MS collaboration with ECHA?	9
How could effectiveness of collaboration with ECHA be improved?	
How effective is MS communication with the Commission (specifically Article 133 Committee)?	7
How could effectiveness of communication with the Commission be improved?	

How effective is MS collaboration with the Commission (specifically Article 133 Committee)?	7
How could effectiveness of collaboration with the Commission be improved?	
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.	Umweltbundesamt GmbH - Environment Agency Austria on behalf of the CA
What is the address of the Helpdesk?	Spittelauer Lände 5 1090 Wien
What is the web page address of the Helpdesk?	www.reachhelpdesk.at
What is the email address of the Helpdesk?	office@reachhelpdesk.at
What is the telephone number of the Helpdesk?	+43 (0)1 31 00 472
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	1-5
Ecotoxicologist	1-5
Chemist	1-5
Risk Assessor	1-5
Economist	1-5
Social Scientist	0
Exposure Assessor	1-5
Other (please list)	
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.	
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?	101-1000
In what format can enquiries be received by the Helpdesk?	Email Phone Other (please list)
Please list the other format(s) of enquiries that can be received by the Helpdesk.	- Seminars/events - Face-to-face meetings (only few cases)
How are the majority of enquiries received?	Email
Do you provide specific advice to SME's?	No

Who are the majority of enquiries from?	Small-medium enterprises
What type of enquiries does the Helpdesk receive?	Pre-registration SIEFs Registration REACH-IT IUCLID5 Authorisation Downstream user obligations Restriction Obligations regarding articles Testing Safety Data Sheets Enforcement Other (please list) CLP
Please list the other types of enquiries that the Helpdesk receives.	waste and recovery

For each type of enquiry received, please provide the proportion in percentage of the total enquiries.	
Pre-registration (%)	8
Registration (%)	18
Authorisation (%)	1
Restriction (%)	4
Testing (%)	1
Enforcement (%)	3
CLP (%)	3
SIEFs (%)	2
REACH-IT (%)	5
IUCLID5 (%)	4
Downstream user obligations (%)	13
Obligations regarding articles (%)	15
Safety Data Sheets (%)	16
Other (%)	6

What proportion of enquiries received are deemed to be 1) straight forward, 2) complex, OR No information	
Straight forward (%)	60
Complex (%)	40
No information (%)	0

How long, on average, does it take to respond to the following types of questions?	
Straight forward questions	3 days
Complex questions	1 week
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?	2
How frequently do you use RHEP?	Monthly
Has the MS carried out any specific public awareness raising activities?	Yes
What type of activities have been carried out?	Leaflets Other (please list) Speaking events
Please list the other types of activities that have been carried out.	Regular information papers of CA on topics concerning chemicals legislation Chamber of commerce: Roadshow, leaflets, short guidance on several topics

How effective was each type of activity?	
Speaking events	4
Leaflets	3
Other	4
Do you have a REACH webpage/website?	No

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?	No information

Theme 5 - Information on Participation in REACH Committees
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(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? 8

How could the effectiveness of the Committees be improved?

A consultation of all Committee members resulted in a very consistent assessment of the effectiveness of Committee work and provided the following recommendations: • Making co-operation more efficient: o set-up meeting calendars at least for one year in advance o provide agenda and documents earlier in advance of the meetings o allow for meetings of (sub)working groups at other locations than ECHA if more convenient for participants o use written procedures to save meeting time o ECHA secretariat should pre-select the distributed documents more efficiently (avoid double copying, submit only documents needed at meetings) • Difficulties experienced in the rapporteur work so far: o the procedure used for article 77 (3) c in RAC was extremely burdensome as industry did not provide the necessary information o IND representatives should not at first instance contact rapporteurs but rather ECHA secretariat o status reports on substances should be amended by a time-table of the further working steps of the Committee • Training: was generally very positively perceived. Training sessions provided valuable information and documentation.

Theme 6 - Information on Substance Evaluation Activities

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

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

Toxicologist

Ecotoxicologist

Chemist

Risk Assessor

Socio-Economic Analyst

Exposure Assessor

Other (please list)

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.

Please list the names of the substances covered in the dossiers that the MS has commented upon.

Please list the names of the substances covered in the dossiers where a draft decision has been made.

Please list the names of the substances covered in the dossiers that the MS has rapporteured.

Please list the names of the substances covered in the dossiers that the MS has completed.

How long, on average, does evaluation of a dossier take?

How many transitional dossiers has the MS completed?

How many substances has the MS added to the Community Rolling Action Plan?
How many of ECHA's draft decisions on dossier evaluation has the MS commented on?

Theme 7 - Annex XV Dossiers

How many of each type of dossier has the MS prepared?

CLP	0
Restriction	0
Identification of SVHC	1-3
Is the time spent following up your MS dossiers reasonable?	6
Space is available below to provide further comments on how reasonable the time spent following up your MS dossiers was.	

How many of each type of dossier are rapporteured?

CLP	1-3
Restriction	0
Identification of SVHC	0
Is the time spent following up rapporteured dossiers reasonable?	8
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	1-3
Restriction	1-3
Identification of SVHC	0
Is the time spent following up co-rapporteured dossiers reasonable?	5
Space is available below to provide further comments on how reasonable the time spent following up your co-rapporteured dossiers was.	The follow-up has not started yet. A final judgement is therefore not possible.

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

CLP	0
Restriction	0
Identification of SVHC	7-9

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

Restriction	0
Identification of SVHC	0

What expertise is available for preparing dossiers?	
Chemist	1-3
Toxicologist	1-3
Ecotoxicologist	1-3
Economist	1-3
Enforcement	1-3
Legal	1-3
Policy	1-3
Exposure	1-3
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?	Universities (Toxicology, Epidemiology, Ecotoxicology, Nanotechnology) Work place exposure expertise
Is the MS satisfied with the levels of access to expertise?	3
Has there been any industry involvement in the preparation of MS dossiers?	Yes
How much involvement has industry had?	1

Theme 8 - Information on Enforcement Activities

General Information

Please enter the MAIN enforcing authority for REACH within the Member State.	In accordance with in the REACH Implementation Law (Bundesgesetz zur Durchführung der REACH-Verordnung und zur Änderung des Chemikaliengesetzes 1996, REACH), BGBl.I Nr. 88 (2009), the Competent Authority for REACH supervises the monitoring activities of the Chemical Inspectorates which act as enforcement authorities in each of the nine Austrian provinces (Länder).
Is there more than one enforcing authority for REACH within the Member State?	No

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
Please outline the enforcement strategy within the Member State in a maximum of 2000 characters.	The general monitoring and enforcement strategy for REACH is based upon the experiences in implementing the previous Directives for chemicals, in particular 67/548/EEG, 1999/45/EEG and 76/769/EEG. It has been developed in closed co-operation with the Chemical Inspectorates and is reviewed and adjusted in certain intervals as required. The overall approach follows the basic principles of the REACH-Regulation starting from the “no data no market” rule. It aims to control all relevant aspects like registration, authorisation, restrictions, information dissemination etc. The monitoring activities strive to cover the complete supply chain by checking producers, importers, distributors, including both wholesalers and retailers, and downstream users. Inspection schemes are prepared by the Inspectorates and coordinated with the BMLFUW in order to ensure that REACH duties are enforced as comprehensively as possible. On a regular basis special inspection cases are selected (companies, branches, products) where enforcement authorities focus their activities and measures. The Chemical Inspectorates report to the BMLFUW on their activities and meet for coordination and training twice a year (see next item). Further information on inspection strategy and methodology can be found in section “2010 reporting”. Note: the results of the inspection project REACH-EN-FORCE 1 in Austria are attached as a separate document (Document A) under theme 10.

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.

In order to supervise and coordinate the enforcement authorities, regular meetings between the BMLFUW and the Chemical Inspectorates take place, usually two meetings per year. At these meetings typically the following issues are discussed: 1. information about recent developments in the context of the REACH- and the CLP-regulation 2. discussion of specific REACH issues (such as SVHC substances in articles or waste and recovering in relation to REACH) 3. presentation and discussion of specific enforcement programmes such as monitoring of banned substances in articles and mixtures, control of the completeness and quality of safety data sheets, implementation of other Regulations and Directives, such as the VOC-Directive, etc. 4. discussion of the national chemical legislation, including also other aspects than REACH or CLP (e.g. fluorinated gases) 5. Reports of the Chemical Inspectors on the results of inspections and discussion of consequent measures, such as the development of specific enforcement programmes. International co-operation within the EU is carried out mainly through the involvement of the Austrian representative in the Forum of ECHA.

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).

REACH inspections comprise an integral part of the routine chemicals inspection scheme of the enforcement authorities since 2007. As a basic principle of the applied inspection methodology the focus is put on on-site inspections of REACH duty holders. Site visits include detailed documentation of the checks carried out and measures taken, and in many cases follow-up examinations of the relevant documentation for the case. Cases for inspections (companies, products) are selected either through an inspection scheme of the Chemical Inspectorates or the BMLFUW. Checks may also be triggered by complaints or incidents or could result from follow-up activities of previous inspections. A major REACH-focus addressed the duty for information in the supply chain. In 2008, special emphasis was put on information dissemination to potential pre-registrants about their duties under REACH due to the pre-registration deadline in 2008.

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Describe the inspection and investigation strategy and methodology.	REACH inspections comprise an integral part of the routine chemicals inspection scheme of the enforcement authorities since 2007. As a basic principle of the applied inspection methodology the focus is put on on-site inspections of REACH duty holders. Site visits include detailed documentation of the checks carried out and measures taken, and in many cases follow-up examinations of the relevant documentation for the case. Cases for inspections (companies, products) are selected either through an inspection scheme of the Chemical Inspectorates or the BMLFUW. Checks may also be triggered by complaints or incidents or could result from follow-up activities of previous inspections. A major REACH-focus addressed the duty for information in the supply chain. In 2008, special emphasis was put on information dissemination to potential pre-registrants about their duties under REACH due to the pre-registration deadline in 2008.
Describe the level and extent of monitoring activities.	Enforcement activities focused on following issues: - Inspections of the full supply chain including producers, importers, distributors and downstream users - Controls of safety data sheets including checks of information contain in the SDS - Controls of labelling and packaging requirements - Checks for compliance with restrictions - Sampling and analyses - Registration and pre-registration (see methodology)
Describe sanctions available to enforcing authorities.	Issuing of formal notices and cautions, Commissioning actions towards re-establishing of lawful conditions, Commissioning compulsory safety measures, Confiscation of products, Introduction of legal proceedings on penalties by civil means
Describe the referrals from ECHA.	In the reporting period no such referrals have occurred
Describe the referrals from other Member States.	In the reporting period few referrals via RAPEX have been dealt with
Describe any other measures/relevant information.	The lack of direct access for enforcement authorities to REACH relevant data at ECHA constitutes a major obstacle in the efficiency of planning and control actions.

2007

Dutyholders

Provide an estimate of the total number of dutyholders who are likely to have duties imposed on them by REACH.	300000
Provide an estimate of the above dutyholders who are likely to constitute registrants as defined by REACH.	800
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?	191
State the number of manufacturer dutyholders subject to inspections and investigations.	11

Were these mainly:	Small-Medium
State the number of importer dutyholders subject to inspections and investigations.	5
Were these mainly:	Small-Medium
State the number of distributors subject to inspections and investigations.	62
Were these mainly:	Small-Medium
State the number of downstream users subject to inspections and investigations.	22
Were these mainly:	Small-Medium

Inspections	
State the number of inspections that addressed registration.	0
State the number these cases which were non-compliant.	0
State the number of inspections that addressed information in the supply chain.	100
State the number these cases which were non-compliant.	42
State the number of inspections that addressed downstream use.	41
State the number these cases which were non-compliant.	10
State the number of inspections that addressed authorisation.	0
State the number these cases which were non-compliant.	0
State the number of inspections that addressed restriction.	10
State the number these cases which were non-compliant.	0
State the number of inspections that addressed other REACH duties.	1
State the number these cases which were non-compliant.	0

Investigations	
State the number of investigations prompted by complaints and concerns raised.	3
State the number of investigations prompted by incidents or dangerous occurrences.	0
State the number of investigations prompted by monitoring.	6
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.	31
State the number of inspections and investigations resulting in verbal or written advice.	11
State the number of inspections and investigations resulting in formal enforcement short of legal proceedings.	17
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.	1
Were these mainly:	Small-Medium
State the number of importers subject to formal enforcement.	1
Were these mainly:	Small-Medium
State the number of distributors subject to formal enforcement.	10
Were these mainly:	Small-Medium
State the number of downstream users subject to formal enforcement.	6
Were these mainly:	Small-Medium

2008

Dutyholders

Provide an estimate of the total number of dutyholders who are likely to have duties imposed on them by REACH.	300000
Provide an estimate of the above dutyholders who are likely to constitute registrants as defined by REACH.	800
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?	154
State the number of manufacturer dutyholders subject to inspections and investigations.	14
Were these mainly:	Small-Medium
State the number of importer dutyholders subject to inspections and investigations.	7
Were these mainly:	Small-Medium
State the number of distributors subject to inspections and investigations.	76
Were these mainly:	Small-Medium
State the number of downstream users subject to inspections and investigations.	22
Were these mainly:	Small-Medium

Inspections

State the number of inspections that addressed registration.	2
State the number these cases which were non-compliant.	0
State the number of inspections that addressed information in the supply chain.	98
State the number these cases which were non-compliant.	38
State the number of inspections that addressed downstream use.	39
State the number these cases which were non-compliant.	9
State the number of inspections that addressed authorisation.	0
State the number these cases which were non-compliant.	0
State the number of inspections that addressed restriction.	10
State the number these cases which were non-compliant.	0
State the number of inspections that addressed other REACH duties.	7
State the number these cases which were non-compliant.	0

Investigations	
State the number of investigations prompted by complaints and concerns raised.	9
State the number of investigations prompted by incidents or dangerous occurrences.	0
State the number of investigations prompted by monitoring.	20
State the number of investigations prompted by results of inspection/follow up activities.	1
State the number of inspections and investigations resulting in no areas of non-compliance.	39
State the number of inspections and investigations resulting in verbal or written advice.	61
State the number of inspections and investigations resulting in formal enforcement short of legal proceedings.	13
State the number of inspections and investigations resulting in initiation of legal proceedings.	2
State the number of convictions following legal proceedings.	1

Enforcement	
State the number of manufacturers subject to formal enforcement.	1
Were these mainly:	Small-Medium
State the number of importers subject to formal enforcement.	2
Were these mainly:	Small-Medium
State the number of distributors subject to formal enforcement.	4
Were these mainly:	Small-Medium
State the number of downstream users subject to formal enforcement.	4
Were these mainly:	Small-Medium

2009

Dutyholders	
Provide an estimate of the total number of dutyholders who are likely to have duties imposed on them by REACH.	300000
Provide an estimate of the above dutyholders who are likely to constitute registrants as defined by REACH.	800
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?	243
State the number of manufacturer dutyholders subject to inspections and investigations.	36
Were these mainly:	Small-Medium

State the number of importer dutyholders subject to inspections and investigations.	27
Were these mainly:	Small-Medium
State the number of distributors subject to inspections and investigations.	87
Were these mainly:	Small-Medium
State the number of downstream users subject to inspections and investigations.	36
Were these mainly:	Small-Medium

Inspections	
State the number of inspections that addressed registration.	49
State the number these cases which were non-compliant.	0
State the number of inspections that addressed information in the supply chain.	161
State the number these cases which were non-compliant.	59
State the number of inspections that addressed downstream use.	63
State the number these cases which were non-compliant.	15
State the number of inspections that addressed authorisation.	0
State the number these cases which were non-compliant.	0
State the number of inspections that addressed restriction.	19
State the number these cases which were non-compliant.	1
State the number of inspections that addressed other REACH duties.	10
State the number these cases which were non-compliant.	0

Investigations	
State the number of investigations prompted by complaints and concerns raised.	18
State the number of investigations prompted by incidents or dangerous occurrences.	7
State the number of investigations prompted by monitoring.	68
State the number of investigations prompted by results of 1 inspection/follow up activities.	1
State the number of inspections and investigations resulting in no areas of non-compliance.	52
State the number of inspections and investigations resulting in verbal or written advice.	29
State the number of inspections and investigations resulting in formal enforcement short of legal proceedings.	33

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.	5
Were these mainly:	Small-Medium
State the number of importers subject to formal enforcement.	5
Were these mainly:	Small-Medium
State the number of distributors subject to formal enforcement.	6
Were these mainly:	Small-Medium
State the number of downstream users subject to formal enforcement.	12
Were these mainly:	Small-Medium

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?

As REACH regulates a chemicals market which is highly globalised it would seem logic to assess the effectiveness of REACH primarily at European level. However, data will need to be collected at national level. It is, therefore, proposed that such indicators should be applied which can be as well aggregated at national level so as to allow Member States to make an assessment of the progress at the national level, too. The REACH baseline study by EUROSTAT (<http://circa.europa.eu/Public/irc/dsis/reachbaselinestudy/library>) has demonstrated that it is very difficult to identify indicators which are available over a sufficiently long time-line with acceptable quality. This holds also for the data situation on chemicals in Austria. An evaluation of the types of indicators identified in the EUROSTAT study, provided the following indicators/parameters for which data exist or could relatively easily be collected in Austria (not listed are those parameters which should be better collected by European institutions such as ECHA or EUROSTAT): - number of restriction and authorisation dossiers submitted by Austria - number of C&L dossiers submitted by Austria - number of chemical inspections carried out annually - number of inspections of chemicals at workplace - statistics of the legal conformity with respect to restrictions to certain chemicals in Annex XVII (programmes to be co-ordinated at EU level) - results of health related examinations of workers exposed to selected chemicals - assessment of the number and quality of safety data sheets (e.g. through exposure scenarios covered); a data-base of safety data sheets is available at the Umweltbundesamt - long-term measurements of selected chemicals (e.g. heavy metals) at selected surveillance water

monitoring sites - statistics on the consultations of the Austrian REACH-Helpdesk - statistical assessment of REACH awareness in industry through questionnaire (not yet done in Austria, the questions should be harmonised in EU) - statistical assessment of consumer's knowledge about certain elements of chemicals policy by opinion polls (not yet done in Austria; the questions should be harmonised in EU). This could cover parameters such as: knowledge of hazards from certain chemicals, use and knowledge of the public domain data base on chemical properties at ECHA; knowledge of the meaning and significance of CLP labels, application of article 33 for SVHC substances in articles, - export/import statistics of certain chemicals (available at different aggregation level with respect to individual chemicals)

Theme 10 - Other Issues/Recommendations/Ideas

Please provide any further information on the implementation of REACH that the MS considers relevant.

Individual aspects of implementation issues are addressed in brief written documents listed below.

1. Experiences with authorisation policy: On occasion of their visit to ECHA both Commissioners Mr. Potočník and Mr Tajani, expressed clearly their interest in the progressive development of authorisation policy. Austria proactively supports this initiative as it considers the authorisation as an important supplementary legal instrument of chemicals policy. The authorisation regime strongly motivates industry to develop alternatives to substances with undesirable intrinsic properties but at the same time provides the opportunity for industry to continue the use of such substances for specific applications if there are no alternatives available. The Austrian REACH Implementation Law (REACH-DFG, BGBl. I Nr. 88 (2009)) stipulates the general objective that at least two authorisation dossiers pursuant to REACH article 59 (3) should be submitted by Austria every year. So far, Austria has submitted three candidate substances to ECHA and is dedicated to continue this activity through the next years. Based on the previous experience the following issues are considered as important for the development of authorisation policy under REACH:

a. Given the administrative and technical burden connected with the submission of an authorisation dossier it is obvious that co-operation between Member States will be crucial for achieving progress. Both, ECHA and the Commission have encouraged Member States to co-operate on the submission of authorisation dossiers. This co-operation is, however, not as such foreseen in the REACH legislation as, for example, article 59 (3) states that “any Member State” may submit a dossier which would not allow - according to ECHA’s interpretation - that several Member States jointly submit a dossier. The Commission is, therefore, asked to consider this issue and to find ways by which co-operation of Member States in the field of authorisation could be formalised appropriately.

b. In the context of authorisation it has been found that SVHC substances which have similar effects and uses (and therefore may be used as one other’s substitute) should be considered as groups of substances rather than individually (examples are chromium or cobalt compounds). This aspect has been considered, to a certain extent, by the informal group of Member States who have developed in a co-operation a list of priority substances for the authorisation. However, REACH does not seem to provide such a grouping approach formally. The Commission is, therefore, asked to develop further ideas and concepts to integrate the aspect of grouping into title VII of REACH.

c. Because of a number of exemptions foreseen in REACH, the scope of authorisation is quite narrow. For example, REACH excludes intermediate substances from the authorisation, including e.g. monomers. On the other hand, the legislator has given monomers a specific status in so far as they do not benefit from certain exemptions granted to other intermediates in the registration process (see article 6 (2) of the REACH Regulation). This seems well justified in view of the fact that monomers can be released to the environment during the use of the respective polymer (either as non-reacted impurities in polymers or as polymer degradation products). Monitoring data demonstrate the relevance of such exposure routes for certain monomers. Against this background it seems not justified that monomers are excluded from the authorisation regime. AT has addressed this issue in a discussion paper within the CIRCA discussion forum

(which refers to the substance 4-tert-butylphenol as a concrete example). The Commission is asked to analyse this issue and to consider possible solutions, including the option of an appropriate revision of the REACH Regulation in 2012.

d. Another exemption from the authorisation concerns the use of articles containing SVHC substances from the authorisation regime. The introduction of the authorisation procedure for European companies producing articles which contain SVHC substances imposes certain bureaucratic burden as opposed to their competitors outside Europe. This fact creates a significant resistance of the European industry to authorisation policy in general which may significantly hamper its development. The Commission is also asked to consider this issue in the first revision of REACH in 2012.

2. Substances in articles: Austria is amongst the Member States that have so far not endorsed the ECHA “Guidance on Substances in Articles” (SiA) with respect to the interpretation of the 0,1% threshold referred to in articles 7 and 33 of the REACH regulation. The criticism concerns the interpretation in the guidance that, in the essence, the percentage refers always to the whole article, despite of its complexity. Recently, the Danish Environment Ministry has proposed, on the basis of findings reported in a study carried out on behalf of the Nordic Council (www.norden.org/en/publications/publications/2010-514?set_language=en) an alternative interpretation which simply assumes that “the 0.1 % trigger limit must be calculated as the average concentration of any object that has a shape, surface or design which entails compliance with the definition of an article in REACH (art. 3(3)). It does not make a difference whether or not such an article has been joined together with other articles to form a larger article.” This interpretation seems well justified from a legal point of view, and is probably the only operable definition from an enforcement point of view. It is also supported by consumer and worker protection organisations. Industry has raised concerns that this interpretation may trigger, in the case of very complex articles, disproportionate expenses for companies. It is obvious that the alternative interpretation needs to be further elaborated, considering special or boundary cases for which the interpretation may not be practical (compare boundary cases between articles and mixtures discussed in the SiA). The current situation that guidance is in parts not generally accepted is quite undesirable. Therefore, the Commission is asked to reconsider its position in the light of the study of the Nordic Council and the recently distributed documents, and to propose a possible compromising interpretation. In this context, it is noted that an enforcement project which was recently finalised has demonstrated the existence of SVHC substances in consumer articles above 0,1%. The project focused on plastic shoes. 24 samples have been collected by Chemical Inspectors and analysed for different substances, including various phthalates, by the Austrian Environment Agency (Umweltbundesamt GmbH). In 9 of the 24 samples the 0,1% threshold for at least one of three phthalates which are SVHC substances was exceeded. Most of these products came from low prize supermarkets.

3. Co-operation between Chemical and Labour Inspectorates The enforcement of REACH lies with the Chemical Inspectorates of the Länder (provinces). However, REACH has significant relevance for the occupational health and safety policy. Therefore, the co-operation between Chemical and Labour Inspectorates is important. The current status in Austria is

Labour inspectorates is important. The current status in Austria is briefly summarised in an attached document (Document A).

4. Co-operation of ECHA with enforcement authorities The effectiveness of enforcement has an important impact on the implementation of REACH. The flow of information from ECHA to both, the CAs and the enforcement authorities plays a key role. As already stated under theme 8, the current lack of direct access for enforcement authorities to REACH relevant data at ECHA constitutes a major obstacle to the efficiency of planning and control actions at local level. Chemical inspectors need to obtain direct access to all registration data which fully allow them to enforce REACH. It will also be necessary to establish simple and efficient information channels between ECHA and the enforcement bodies in order to ensure that deficiencies which are identified by ECHA can be quickly followed up by chemical inspectors. For this purpose it will be necessary that relevant data, including non-public data from registration dossiers, be transmitted from ECHA to enforcement authorities. The Commission is invited to consider this issue and to make arrangements with ECHA so as to ensure a quick solution in this area.

5. Experiences of the Austrian industry with the (pre)registration procedure The Austrian industry is represented in the Austrian REACH platform by the Wirtschaftskammer Österreich (WKO, Austrian Chamber of Commerce) and the Fachverband der chemischen Industrie (Association for the Austrian chemicals industry), which is a member of the WKO. Industry has been explicitly invited to express their view on the recent experiences with the (pre)registration process. In response to this industry has made some recommendations, especially with respect to SMEs which can be summarised as follows.

- The registration fees are generally considered as too high, taken into particular account that many companies have additional costs because of the necessity to consult external experts. To improve the situation it is proposed that ECHA should allow for the payment of fees by instalment and to review the level of fees after the experience of the first registration wave.
- The practical processes in SIEFs are still unsatisfactory, especially for SMEs. Therefore, ECHA and the Commission are invited to pay more attention to the practicalities in the SIEFs. SMEs should be better supported in the participation in SIEFs, e.g. through workshops, guidances or Help-Desk actions particularly targeted to SMEs.
- The functioning of REACH-IT still needs improvements. It is requested that
 - all guidance on REACH-IT be made available in all official languages of the EU
 - a Software-tool for a completeness check should be made available well in advance of the first registration deadline
 - in order to clarify simple (e.g. technical) problems quickly, direct contact of companies with ECHA staff should be made possible
 - participation of companies that recover/recycle substances in SIEFs should be made possible by ECHA
- The quality of guidance should be generally improved. For this purpose it is requested that industry should be more involved in PEGs and that all guidance should be made available in all official languages of the EU. It is also requested that industry should be more actively involved in the REHCORN.
- Consistency of other EU legislation (e.g. directives such as the RoHS) with the REACH regime is considered insufficient and should be improved. "Parallel concepts" to the ones developed under REACH in other EU legislation should be generally avoided.
- The compliance of REACH with the WTO-

rules should be permanently monitored. Companies from outside the EU need more and better information about their specific obligations with respect to REACH. The Fachverband der chemischen Industrie has provided a written document which is attached to this report (Document B). It is noted that the presented position represents the opinion of the Austrian industry and does not necessarily reflect the opinion of the Austrian CA (BMLFUW).

6. The concept of DMELs The concept of DMELs (Derived Minimal Effect Levels), which is not as such foreseen in the REACH regulation but was introduced in the ECHA guidance on the information requirements for the chemical safety report, chapter R.8, has been heavily criticised by experts on Occupational and Health Protection in Austria. The problem is illustrated by an attached paper from the General Accident Insurance Institution (Document C).

7. Information in the supply chain: The information in the supply chain (title IV) is a key element of the REACH regulation, and the safety data sheet plays a central role. Therefore, the Austrian enforcement authorities consider the examination of safety data sheets as a priority in enforcement activities. For the purpose of efficient controls, a leaf-let (focusing on points 1-3 and 15 under REACH Annex II) and a check-list have been developed and used for inspections. These documents are provided with the Austrian report (Documents D and E). According to REACH article 31 para 3 c) a safety data sheet must be provided by the supplier if "Community workplace exposure limits" are in place. The Chemicals Agents Directive, 98/24/EC, lays down both, binding as well as indicative occupational exposure limits and highlights in recital 13 the importance of data sheets which enable industrial users "to take the measures necessary to ensure the protection of the safety and health of workers." As the Chemicals Agents Directive requires Member States to lay down national occupational exposure limits (based on the binding as well as indicative values), it is essential that REACH article 31 para 3 c) is amended to cover also national occupational exposure limits rather than only Community exposure limits, thus triggering the transmission of a safety data sheet.

8. The Austrian Nanotechnology Action plan Austria considers the control of possible risks to human health and environment from nanotechnology of high importance. Therefore, an action plan has been developed by the BMLFUW in co-operation with a number of organisations including ministries, industrial stakeholders and health and consumer protection institutions. A number of recommendations were made for action on national, European and international level was elaborated, and a nanotechnology information platform was created. The Nanotechnology Action plan is attached to this report and provides further details (Document F).

9. Environmental health and legal aspects of cleaners containing living microbes as active ingredients: A study on cleaners containing living microbes has been carried out on behalf of the BMLFUW. The objectives of this study were (i) to provide an overview on the technology, products, and applications, (ii) to discuss the application of existing legislation, (iii) to identify and discuss possible environmental and health risks as well as environmental benefits, and (iv) to provide recommendations to regulators for further research and policy action. The study is attached to this report (Document G).

Do you wish to upload documents in support of this submission

Yes

Please provide a brief description of the documents that you are uploading. Note: You may upload more than one document.

1. Co-operation between chemical and labour inspectorates in Austria (Document A, see point 3 above) 2. Experiences of the Austrian industry with the (pre)registration procedure (Document B, see point 5 above) 3. Criticism of the DMEL concept (Document C, see point 6 above) 4. Leaf-let for chemical inspections of safety data sheets (in German; Document D, see point 7 above) 5. Check list for chemical inspections of safety data sheets (in German; Document E, see point 7 above) 6. The Austrian Nanotechnology Action plan (Document F, see point 8 above) 7. Report on cleaners containing living microbes as active ingredients (Document G, see point 9 above)

Meta Informations

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