Forum REF-12

Enforcement of compliance of imported substances, mixtures and articles

10 December 2025

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This report presents the results of inspections made under the Forum enforcement project. Duty holders and substances or mixtures selected for checks were those that were relevant for the scope of the project. Forum's projects do not collect information on specific duty holders or products as it is not relevant for the evaluation of compliance or for Forums task to harmonise enforcement.

The project was not designed as a study of the EU-EEA market. The number of inspections for individual countries is varied. Accordingly, the results presented in the report are not necessarily representative of the situation in the EU-EEA market as a whole.

Forum REF-12 project report

Reference: ECHA-25-R-06-EN
ISBN: 978-92-9468-511-7
Cat. Number: ED-01-25-023-EN-N
DOI: ED-01-25-023-EN-N
Publ.date: December 2025
Language: EN

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Table of Contents

Glossary

Word	Explanation
CMRs	Carcinogenic, mutagenic, or toxic to reproduction
ECHA	European Chemicals Agency
EEA	European Economic Area (EU Member States and additionally Iceland, Liechtenstein and Norway)
Forum	The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC and BPR regulations in the EU, Norway, Iceland and Liechtenstein
ICSMS	Information and Communication System for Market Surveillance
Importer Import	Article 3(11) REACH definition "importer" means any natural or legal person established within the Community who is responsible for import Article 3(10) REACH definition "import" means the physical introduction into the customs territory of the Community. In the Union Customs code (UCC), there is no definition of importer. For that, other definitions are given in Article 5 of this regulation (see table 2).
MSA	Market Surveillance Authority
MSR	Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products (Market Surveillance Regulation)
NEAs	National Enforcement Authorities
OR	Only representative
TARIC	The integrated Tariff of the European Union, is a multilingual database in which are integrated measures relating to EU customs tariff, commercial and agricultural legislation The 10-digit TARIC code number is used for the classification of goods (e.g. *9503 0049 90*). It is made up starting from the 8-digit code of the European Union's CN (combined nomenclature) for classifying goods with an addition of 2 digits (TARIC subheadings)
REACH or REACH Regulation	Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF	REACH-EN-FORCE, Coordinated Enforcement Project of the Forum
Safety Gate	The Safety Gate system allows for information on measures taken against non-food dangerous products to be circulated quickly among the national authorities responsible for product safety in the Single Market countries (previously named RAPEX)
SDS	Safety Data Sheet
UCC	Union Customs Code

1. Executive summary

The European Chemicals Agency's Forum for Exchange of Information on Enforcement (Forum) has finalised its REF-12 project where the aim was to check importers compliance with REACH Registration, Restrictions and Authorisation obligations. The aim was also to develop and apply the systematic use of customs data from import declarations for the purpose of REACH controls and to enhance the cooperation of national REACH enforcement bodies with customs authorities.

This was an EU wide enforcement project where 29 countries performed 2603 controls related to these REACH duties during 2024.

For registration duties, inspectors focused on checking whether imported substances were registered. The non-compliance rate for registration duties for substances imported in mixtures is 32%, while for substances imported on their own is 7%.

For restrictions, inspectors checked whether imported articles and mixtures comply with the conditions of different REACH restrictions for hazardous substances. The non-compliance rate for all checked restricted substances was 16%. Most controls focused on articles, especially jewellery, but also targeted toys and textiles.

For authorisation, inspectors checked whether imported substances of very high concern listed on Annex XIV and after the sunset date had a valid authorisation. Such controls were done in 21 cases and in 4 cases the authorisation was missing or expired and in two cases the customs declaration was in breach of TARIC declaration requirements.

The project indicates areas that require more focus from the REACH inspectors and customs. The findings will help to improve enforcement and the risk assessment for targeting of future controls. By helping to improve enforcement, the project contributed to protecting the EU consumers and environment but also safeguarding the level playing field for the companies operating on the EU market.

The high percentage of non-compliance with registration for substances in mixtures is a concern. The likely reason for this high non-compliance is the lack of knowledge about EU registration requirements from the companies in the importing countries. Thus, the Forum recommends that national enforcement authorities and customs continue to cooperate and focus on imported mixtures.

The results of controls of restrictions confirm that there is a high non-compliance with the restriction obligations for imported jewellery, similar to that found in previous Forum projects[1]. In view of this persistent non-compliance, enforcement authorities are recommended to continue controls of imported jewellery. Due to increasing non-compliance with the Nickel restriction and the difficulties in enforcing the migration limit, the Forum recommends the European Commission to consider identifying ways to support the enforcement authorities on this specific restriction. The overall results for restrictions also indicate that analytical testing by NEAs continues to be a challenge.

The results of controls of the authorisation duties were not conclusive as there were only a limited number of cases reported. However, they showed the importance of unique TARIC codes for identifying the Annex XIV substances during import. TARIC codes should be defined as soon as possible after a new substance is listed in Annex XIV to allow enforcement. This was a first enforcement campaign with inspections involving TARIC codes and both enforcement authorities and duty holders need more clarity on the use of the Y certification codes for authorisation and restrictions.

[1] 16% in REF-12, 17% in the pilot on Customs, 20% in REF-10 and 18% in REF-4

The cooperation between REACH enforcement authorities and customs was reported to be successful and the cooperation models described in the project were adequate. The experience also shows which models of cooperation are most efficient for controlling registration and which for restriction. This learning can be applied to strengthen future controls.

As a result of these 2600 inspections, which prevented non-compliant substances, mixtures or articles from being released to the market or allowing release after corrective measures, human health and the environment was protected and a level playing field was promoted. Moreover, valuable experience has been gained in order to increase the checks of imports in the future.

The project improved cooperation between REACH enforcement and customs authorities, that will facilitate future controls and make them more efficient. The findings will also help to improve risk assessment for targeting future controls and better detecting non-compliant products. The project also helped to raise awareness among the inspected companies, which should help them to comply with REACH in their future imports.

2. Introduction

2.1 Background

REF-12 was an enforcement project focused on the enforcement of REACH related to substances, mixtures and articles that are imported from outside the EEA. The Forum chose this project on the control of imports to also enhance the cooperation with customs authorities and networks in the participating countries in the EU/EEA. In addition, the consideration on risks, risk profile of economic operators and the adverse effects of non-compliant imported products (*i.e.*, large volume of non-registered substances, substances subject to authorisation, etc.) also supported the realisation of the project.

In addition, the project proposed possible work methods that can be used by NEAs for cooperating with customs.

2.2 Scope

The scope of the project was to check compliance with REACH Registration, Restrictions and Authorisation obligations.

The Member States were provided with recommendations on what substances, mixtures and articles to be checked. However, Member States could perform and report inspections of other substances, mixtures or articles not included in the recommendations.

2.2.1 Target groups and check points

The target groups comprised all companies who imported substances, mixtures or articles into the EEA having a role as importers, (importing) downstream users and /or only representatives under REACH Regulation.

Controls took place at points of entry to the EEA, for example at harbours, airports or land borders. Checks could also be carried out where the goods were declared for free circulation at inland customs offices or after the release to free-circulation based on relevant import-data requested from customs.

2.2.2 Legislation

Table 1: REACH provisions enforced under the REF-12 project

Articles and annexes	Summary
2(7)(a), 2(7)(b)	Application
5	No data, no market
6	Obligation to register substances on their own or in mixtures
8	Only representative of a non-Community manufacturer
10	Information to be submitted for general registration purposes
12	Information to be submitted depending on tonnage
18	Registration of transported isolated intermediates
22	Duties of registrants to update registrations
31	Requirements for the safety data sheet Providing the registration or authorisation number of the substance
56(1)(a),56(1)(b), 56(1)(e), 56(3), 56(4), 56(5), 56(6)[2]	The requirement not to place on the market for a use or use a substance covered within the scope of authorisation, after the sunset date unless the use is exempted or an authorisation for that use has been granted to his immediate downstream user.
65	The requirement for a holder of an authorisation to include the authorisation number on the labels.
67/Annex XVII	Substance on its own, in a mixture or in an article, for which Annex XVII contains a restriction shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, placing on the market or use of a substance in scientific research and development. Annex XVII shall specify if the restriction shall not apply to product and process orientated research and development, as well as the maximum quantity exempted. Article 67 (1) shall not apply to the use of substances in cosmetic

[2] Additional exemptions apply under Article 2(5) for uses in medicinal products and in food or feeding stuff and under Article 2(8) for intermediates, see Annex 1.

Articles and annexes	Summary
	products, as defined by Directive 76/768/EEC, with regard to restrictions addressing the risks to human health within the scope of that Directive.
Annex III	Criteria for substances registered in quantities between 1 and 10 tonnes
Annex IV	Exemptions from the obligation to register in accordance with article 2(7)(a)
Annex V	Exemptions from the obligation to register in accordance with article 2(7)(b)
Annex VI	Information requirements referred to in article 10
Annex VII	Standard information requirements for substances manufactured or imported in quantities of one tonne or more
Annex VIII	Standard information requirements for substances manufactured or imported in quantities of 10 tonnes or more
Annex IX	Standard information requirements for substances manufactured or imported in quantities of 100 tonnes or more
Annex X	Standard information requirements for substances manufactured or imported in quantities of 1000 tonnes or more
Annex XI	General rules for adaption of the standard testing regime set out in annexes VII to X
Annex XIV	List of substances subject to authorisation
Annex XVII	Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Table 2: Union Custom Code[3] (UCC) definition and provisions on the customs declaration and release for free circulation relevant for the REF-12 project (non-exhaustive list)

Articles	Summary
5	(12) "**customs declaration**" means the act whereby a person indicates, in the prescribed form and manner, a wish to place goods under a given customs procedure, with an indication, where appropriate, of any specific arrangements to be applied In the UCC there is no definition of **"importer"**. There are the following useful definitions in Article 5: (4) "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts; (5) "economic operator" means a person who, in the course of his or her business, is involved in activities covered by the customs legislation; (6) "customs representative" means any person appointed by another person to carry out the acts and formalities required under the customs legislation in his or her dealings with customs authorities; (15) "**declarant**" means the person lodging a customs declaration, a temporary storage declaration, an entry summary declaration, an exit summary declaration, a re-export declaration or a re-export notification in his or her own name or the person in whose name such a declaration or notification is lodged (34) "holder of the goods" means the person who is the owner of the goods or who has a similar right of disposal over them or who has physical control of them.
46(2)	**Customs controls**, other than random checks, **shall primarily be based on risk analysis** using electronic data-processing techniques, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, on the basis of criteria developed at national, Union and, where available, international level.
47(2)	In the framework of the controls referred to in this Section, **customs and other competent authorities may**, where necessary for the purposes of minimising risk and combating fraud, **exchange with each other** and with the Commission **data** received in the context of the entry, exit, transit, movement, storage and end-use of goods, including postal traffic, moved between the customs territory of the Union and countries or territories outside the customs territory of the

[3] Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1)
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R0952-20221212

Articles	Summary
	Union, the presence and movement within the customs territory of the Union of non-Union goods and goods placed under the end-use procedure, and the results of any control. Customs authorities and the Commission may also exchange such data with each other for the purpose of ensuring a uniform application of the customs legislation.
170(1)	Without prejudice to Article 167(1) UCC, **a customs declaration may be lodged by any person** who is able to provide all of the information which is required for the application of the provisions governing the customs procedure in respect of which the goods are declared. That person shall also be able to present the goods in question or to have them presented to customs.
194(1)	Where the conditions for placing the goods under the procedure concerned are fulfilled and provided that any restriction has been applied and the goods are not subject to any prohibition, **the customs authorities shall release the goods as soon as the particulars in the customs declaration have been verified or are accepted without verification**.
201(1)	Non-Union goods intended to be put on the Union market or intended for private use or consumption within the customs territory of the Union shall be placed under **release for free circulation**.

Table 3: Market Surveillance Regulation[4] (MSR) provisions on import controls relevant for the REF-12 project

Articles	Summary
25	Member States shall designate national authorities as authorities in charge of the control on products entering the Union market (‘border controls’). Mostly, though not always, these are customs authorities (for the sake of simplification this summary refers to this situation). **Products subject to Union law (e. g. REACH) that are to be placed under the customs procedure ‘release for free circulation’ shall be subject to border controls** on the basis of risk analysis in accordance with Articles 46 and 47 UCC and the second subparagraph of Article 11(3) MSR. Market surveillance authorities (MSA) shall provide customs authorities with information on categories of products or the identity of economic operators where a higher risk of non-compliance has been identified.

[4] Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products EUR-Lex - 32019R1020 - EN - EUR-Lex (europa.eu)

Articles	Summary
26	Customs authorities shall **suspend the release of a product for free circulation** if in the course of 'border controls', **there is a reasonable cause to believe that the product does not comply with the Union law applicable to it or that it presents a serious risk** to health, safety, the environment or any other public interest referred to in Article 1 MSR. In this case they shall immediately notify the competent MSA.
27	Where the release of a product for free circulation has been suspended in accordance with Article 26, that product shall be **released for free circulation** where within 4 working days of the suspension, the customs authorities have not been requested by the MSA to maintain the suspension **or** the customs authorities have been informed by the MSA of its approval for release for free circulation.
28	Where the MSA conclude that a product presents a **serious risk or does not comply with the Union law** applicable to it, they shall take measures to prohibit the placing of the product on the market and shall require the customs **not to release it for free circulation**.

2.3 Objectives

The main objective of REF-12 was the enforcement of the legal requirements of REACH, UCC and MSR listed in Tables 1-3 by setting a harmonised approach and establishing common enforcement methods for checking such obligations.

In general, the following outcomes of the project were expected:

- Increase awareness of the duty holders on requirements for compliance with the obligations inspected during the project;
- Create a harmonised approach and best practices related to inspections of the duties checked in the project;
- Increase the cooperation between REACH NEAs and customs;
- Find the most appropriate procedure(s) to cooperate with customs;
- Assess the size and scale of the issue of compliance with the provisions investigated in the project. A better understanding of the problematic areas will be useful for NEAs to develop up-to-date methodologies, improve risk analysis and plan future enforcement activities with customs authorities;
- Prevent entry into the European market of imported goods which breach the main duties of REACH thereby ensuring a level playing field for companies;
- Reduce the risks for human health and environment;
- Provide harmonised parameters to support the development of risk profiles to better target the shipments for inspections.

2.4 Work method

The first step needed to make this project relevant, was to select the products to be targeted for investigation of the REACH duties for registration, restrictions and authorisations.

The project relied on the cooperation between customs and NEAs, and it was important that the work method chosen did not lead to a disproportional effort for customs or NEAs.

For the **registration** duties, inspectors could target all tonnage bands for both single shipments and aggregated yearly tonnages (combined tonnage of multiple shipments of the same substance imported by a single company in the previous full calendar year (2023). Another alternative or in addition, Member States could select a set of TARIC code numbers to be flagged at customs for targeting checks for registration duties, depending on national priorities and enforcement strategies.

For **restricted** substances, the prioritisation of products to be targeted was based on the number of non-compliant products per restriction notified in the Safety Gate and some additional parameters, such as (a) the consumer use, (b) the availability of screening methods for detecting the restricted substances and well-established laboratory analytical methods and (c) the unique identification of the inspected product by one Combined Nomenclature (CN) code.

For checking the presence of restricted substances, the custom officer or NEA would perform, where possible, physical checks of the products *e.g*. by a screening method (XRF or RAMAN[5]). Consequently, if the screening was positive and indicated presence of restricted substances, they could decide to proceed to a complete laboratory analysis. The sample could also be taken directly for laboratory analysis if it was not possible to use a screening method.

To target inspections to check the **authorisation** duties, a list of substances with high risk of non-compliance was the starting point to set-up a risk profile. The first step for the assessment of compliance was to determine the validity of the authorisation or the validity of the used exemption recorded by the importer in the customs declaration using the assigned certificate codes.

In general, shipments that are suspended for free circulation by customs at the external border, is followed by a request to NEA to assess compliance with REACH. Based on the NEA assessment, customs decides whether to release the goods for free circulation or not. In case the control results in a non-compliance with respect to REACH provisions after the assessment by NEA, the shipment will not be released for free circulation unless corrective measures are taken. For restrictions, corrective measures are in almost all cases not possible since the non-compliancy arises from the composition of the chemical/article. In addition, for restrictions, the NEAs and customs were also encouraged to use Safety Gate and send notifications along with relevant documents to the national focal points and/or to process the information in the ICSMS system, in case of a serious risk.

In general, it is up to the discretion of customs authorities to decide on whether *e.g*. the shipment has to be destroyed (respecting waste legislation rules) or re-exported.

[5] XRF – X-ray fluorescence is an analytical technique that allows identification of the elements present in the sample and its quantities

RAMAN – Raman spectroscopy is a technique commonly used in chemistry to provide a structural fingerprint by which molecules can be identified

2.4.1 Models of cooperation with customs

Table 4: Models of cooperation among national authorities

Models where REACH compliance impacts the release for free circulation by customs	
Model 1.a Customs asks NEA to assess REACH compliance	- Customs has doubts about REACH compliance - Customs asks NEA to assess the REACH compliance - NEA examines the case and informs customs whether the goods are REACH compliant - Customs decides whether to release the goods (usually for free circulation) (some variants possible) *This model also applies where customs regularly ask NEAs for technical support and NEAs assess compliance whenever requested for support.*
Model 1.b Customs asks NEA to assess REACH compliance for shipments identified through NEA risk analysis	- NEAs prepare a risk analysis to set-up the risk profile for customs (e.g. imports of a specific product or by a specific importer) - When customs encounter a shipment matching the risk profile about REACH compliance, it suspends release by 4 days - Customs asks NEA to assess the REACH compliance - NEA examines the case and informs customs whether the goods are REACH compliant - Customs decides whether to release the goods (usually for free circulation) (some variants possible)
Model 1.c Customs directly checks REACH restrictions compliance	- Customs has doubt about REACH compliance - Customs takes the sample to the lab - Customs decides on compliance based on lab results - Customs decides whether to release for free circulation
Model 1.d Joint checks by customs and REACH NEAs	- Customs officer and NEA inspector are physically present at customs premises - Customs officer selects shipments subject to REACH to check - Customs officer checks customs obligations and NEA inspector checks REACH compliance - Customs decides whether to release the goods, considering also the REACH compliance

Models where REACH compliance does not directly affect release for free circulation	
Model 2.a Customs provides data requested by NEA	- NEA requests data from customs: • Based on selected data elements/risk parameters • specific information on imports - Customs provides the requested data to NEAs. Customs' clearance is unaffected. - NEAs undertake further REACH enforcement
Model 2.b Customs spontaneously provides data to NEAs	- Customs provides import data to NEAs on specific cases, for example on authorised substances - NEAs undertake further REACH enforcement

The participating Member States could choose the approach to how the cooperation between NEAs and customs was accomplished and more than one model could be used when performing inspections under the scope of this project. The national coordinators were advised to liaise with the national customs authority prior to the enforcement phase of the project to be able to determine on how the cooperation in the project could be best achieved.

3. Results

Names of companies and products controlled under this project were not reported. The information was not collected since it was not needed for the main purpose of the project - to harmonise and strengthen the national enforcement at the EU level.

Some of the results presented in this report are based on a very low number of inspections and should thereby be treated with caution. The main purpose for including them in the report is that it can help NEAs in their work with developing risk profiles and performing targeted inspections.

3.1 Participating countries and number of inspections

Table 5: Number of inspections reported in each country participating in REF-12

Participating country	Number of inspections
Austria	20
Belgium	428
Bulgaria	152
Croatia	64
Cyprus	93
Czechia	40
Denmark	126

Participating country	Number of inspections
Estonia	9
Finland	29
France	142
Germany	247
Greece	19
Hungary	71
Iceland	18
Ireland	49
Italy	75
Lichtenstein	13
Lithuania	22
Luxembourg	161
Malta	59
Netherlands	199
Norway	18
Poland	153
Portugal	26
Romania	79
Slovak Republic	21
Slovenia	15
Spain	120
Sweden	135
TOTAL	**2603**

The controls included substances, mixtures and articles - see figure 1 for the division.

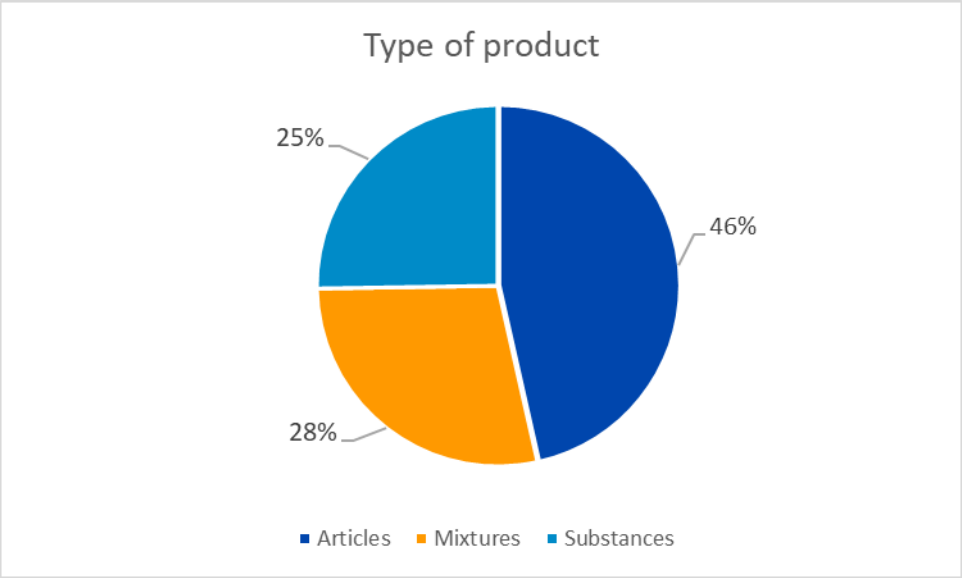

Figure 1: Type of products investigated in the project (N=2593)

The inspections were divided among the three different areas covered in the project: registration, restriction and authorisation duties. Most inspections were done for the areas of registration and restrictions - see figure 2.

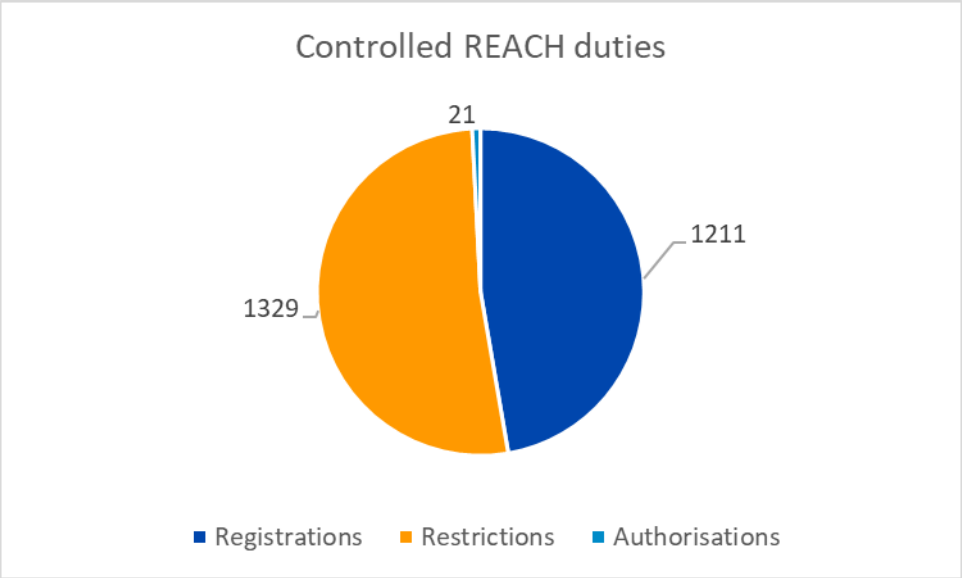

Figure 2: Number of inspections for the REACH duties investigated in the project

The controls given for the different figures and table do not add up to the total number given in table 5. This is because, in a few cases, the data was missing or not sufficient for the deeper analysis so they could not be included in the statistical analysis. The most reliable figures available have been used when compiling the statistics used in the report.

3.2 Cooperation with customs

In most cases, customs contributed to this project by providing the REACH authorities with information on imported products (models 2.a and 2.b) or by asking the NEA to assess REACH compliance for shipments identified through NEA risk analysis (models 1.a and 1.b). This explains the fact that out of all the controls, 53% were done after release for free circulation and 47% before. The relatively balanced distribution of pre- and post-release checks confirms a dual enforcement strategy by authorities — both at the border and within the internal market.

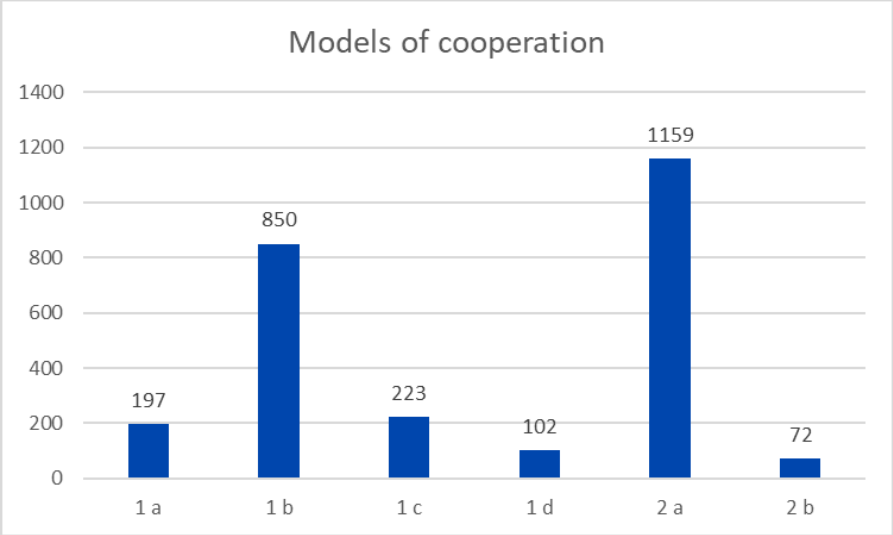

Figure 3: Model of cooperation between NEAs and customs used in the project

The most frequently cooperation models used for this project were:

- Model 2.a – 'Customs provides data requested by NEA' was used in 45% of the cases, mainly for registration controls;

- Model 1.b - 'Customs asks NEA to assess REACH compliance for shipments identified through NEA risk analysis' was used in 31% of the cases, mainly for restriction controls.

Overall, most controls were done with NEAs working together with customs either by NEAs providing support for setting the risk profile and evaluating the compliance with REACH, or NEAs acting on information provided by the customs.

For both the registrations and the restrictions' checks, an efficient model for detecting non-compliance in checks done before the release for free circulation was 1.d - 'Joint checks by customs and REACH NEAs' - but it was only used in 3-5% of all the controls (see Table 9 and Table 16).

For registration checks, another efficient model to detect non-compliance was 2.a - 'Customs provides data requested by NEA' - used in most registration controls, but also detecting most non-compliance.

3.3 Type of products inspected

Information on the products' TARIC codes were insufficient to draw conclusions/correlation regarding the different obligations checked in the project and the inspected product.

Although more than half of the TARIC code numbers were not provided, the top seven most controlled product groups still account for 1117 out of the 2603 products checked.

Since filling in the full TARIC code number (10 digits) was not mandatory in the project questionnaire, the results cannot be presented at that level of detail. Therefore, the analysis is based on broader product groupings, either at the Heading (4 digit tariff level) or by chapter (2 digit tariff level).

Based on the information of the TARIC codes reported, seven product groups stood out as the most frequently controlled (see Figure 4). Jewellery (Heading 7117) was the top category with 359 cases, mainly due to concerns over restricted heavy metals like lead or cadmium. Organic surface-active agents (Heading 3402), commonly found in cleaning products, followed with 215 cases. Shaving and toilet preparations (Heading 3307) were checked in 99 cases.

Controls also focused on chemical substances, with 181 cases for organic chemicals (chapter 29), 93 cases for inorganic chemicals (chapter 28), and 98 cases for miscellaneous chemical products (chapter 38). Toys (chapter 95) accounted for 72 cases, reflecting special focus to products intended for children.

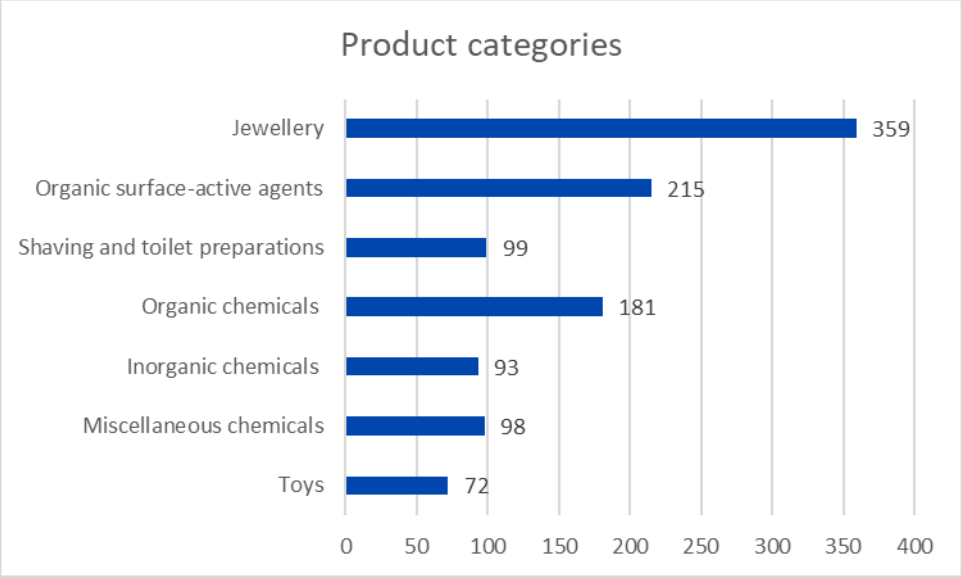

Figure 4: Product categories checked in REF-12 (N=1117)

The controlled products originated from 69 different countries, reflecting the global market and diverse sources of goods. However, most controlled products originated from five countries, indicating their significant share in the imports of substances, mixtures and articles subject to REACH. Most controlled products originated from China, with 1334 cases. This is likely due to the high volume of goods imported from that country into the EU. The other frequent countries of origin for the controlled goods were the United Kingdom (with 243 cases), Türkiye (193 cases), India (183 cases) and the United States (118 cases).

Those five countries totalled 2071 cases out of all the 2603 cases. The remaining 532 controlled products originated from 64 other countries.

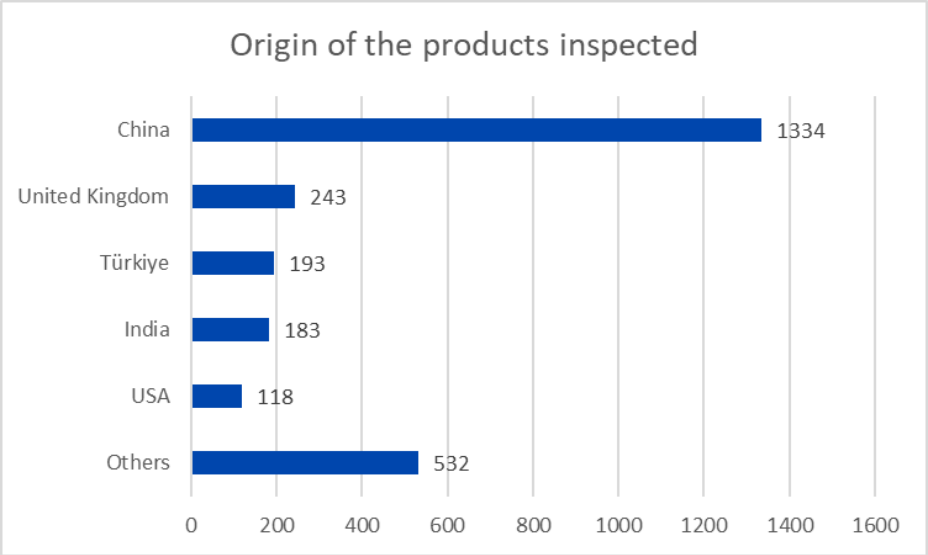

Figure 5: Country of origin of the products investigated in REF-12

Compared with the results of the Forum's pilot project on the cooperation with customs and the REF-10 project on integrated control of products, most of checked products originated from China because of the high volume of such goods imported into the EU.

3.4 Non-compliances

3.4.1 Non-compliance with Registration duties

In the project, the checks on registration provisions under REACH Regulation were performed by NEAs and/or Customs authorities of 25 Member States and EEA countries. Overall, 1211 substances on their own or in a mixture originating from 55 different countries were inspected.

The general results for inspections on registration are presented in Table 6.

Among all the substances checked for registration, 803 were subject to the registration duty. Rates of non-compliance with registration in this report are calculated in function of this number. Table 7 indicates the rates of non-compliance, including for substances on their own and in mixtures.

Table 6: General results of the registration checks

Registration inspections	Number of inspected products	Percentage (%) of non-compliance
Total number of inspected products	1211	-
Registration requirement according to REACH does not apply	408	-
Total number of inspected products subject to registration obligation	**803**	-
Non-compliant with registration	146	18%
Compliant with registration (importer/registrant)	300	37%
Compliant with registration (importing Downstream User/registration by an Only Representative)	357	45%

Among the 1211 of substances checked for registration, 34% of the inspected substances turned out to be exempted from registration obligations in accordance with REACH (Table 6), for example, they were below 1 tonne/year.

When drawing conclusions related to the non-compliances with registration duties, there are certain factors that should be considered. Firstly, the results include mixed data from inspections carried out by all models of cooperation between customs and NEA (described in chapter 2.4.1), of which most (80%) were carried out by NEAs in the internal market, not affecting the customs clearance process (see Table 9). Secondly, the methodologies for targeting products based on customs data and the accuracy in finding non-compliant products to inspect is expected to vary from Member State to Member State. This is mainly because the data reported to REF-12, in practice, consists of different national projects carried out within Member States under the framework and general methodology of REF-12. Therefore, the data behind the report does not directly represent the overall non-compliance levels of the product streams entering the EU.

Figure 6 provides an overview by percentage of the inspection results where all the inspected substances fall within the scope of registration requirements and exclude checked substances falling under exemptions. The results show that overall 18% of checked substances did not comply with registration requirements . In nearly all cases this means that the registration was missing[6]. The results also show that 37% of imported substances were registered by an importer and 45% by the Only Representatives of the non-EU manufacturer.

In comparison, the overall non-compliance rate was 15% for all registration duties checked in the REF-7 project (2020)[7]. This earlier project included not only controls of importers but manufacturers and ORs as well. In REF-7 registrations were missing for only 6,5% of substances checked.

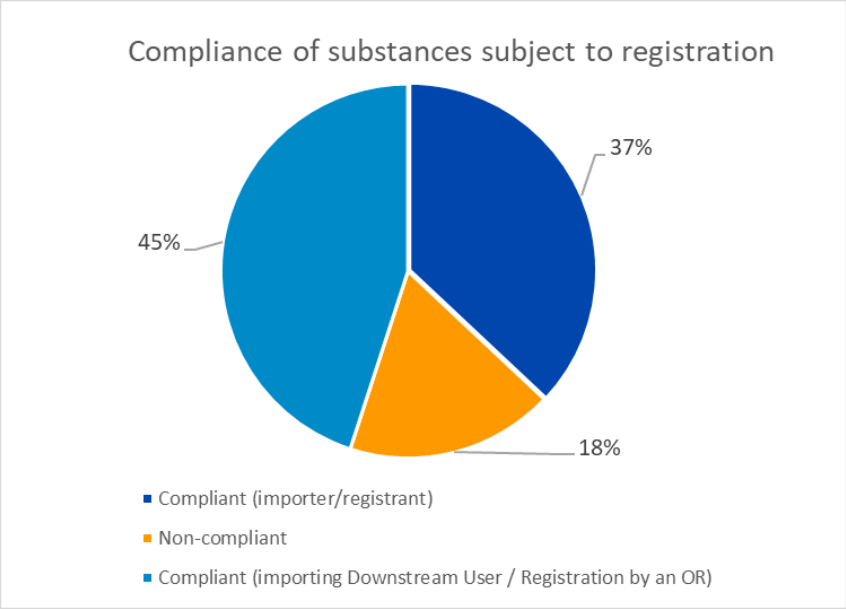

Figure 6: Results of registration checks for substances subject to registration

[6] This includes 2 cases where the substance was registered but the imported tonnage was higher than the registered tonnage band, which also constitutes a breach of registration.

[7] Forum enforcement projects - ECHA – REF-7

Table 7 presents the results for substances subject to registration requirements distinguishing between substances imported on their own and substances imported in mixtures.

Table 7: Number of inspected substances and non-compliances

Number of inspections for substances subject to registration indicating substance or mixture[1]	% of non-compliance
For substances on their own	7%
For substances in mixtures	32%

[1]*Number of inspections excluding the ones where the substance was exempt from registration obligations in accordance with REACH*

It was possible to report more than one substance subject to registration in a specific mixture, however it was not possible to retrieve that information from the data reported.

When considering results for inspected substances subject to registration requirements, the percentage of non-compliance for substances imported on their own was 7%. Among the registered substances on their own, 37% were registered by importers and 56% by only representatives (Figure 7).

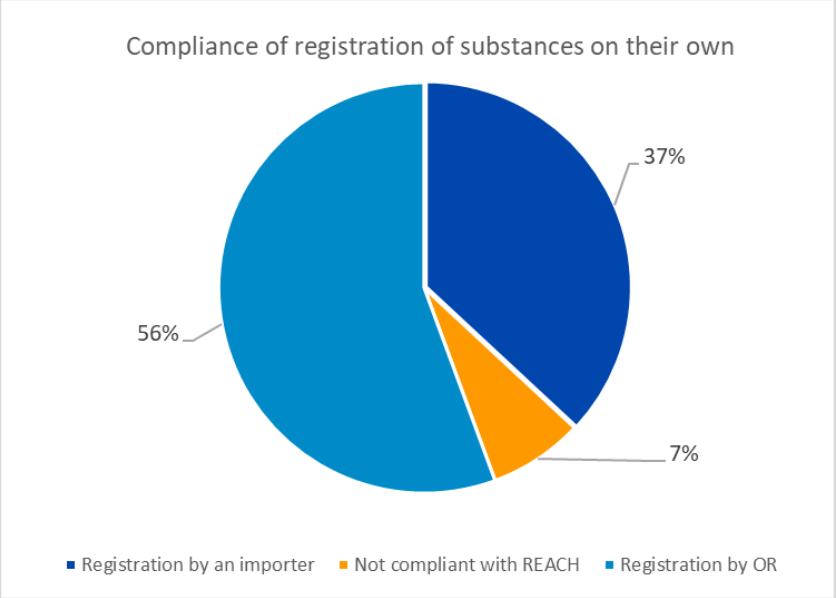

Figure 7: Results of controls of imported substances on their own subject to registration

For the cases in which substances were imported as components of mixtures, as many as 32% of the inspected substances were not registered, while 38% of these substances in mixtures were registered by importers and 30% by OR (Figure 8).

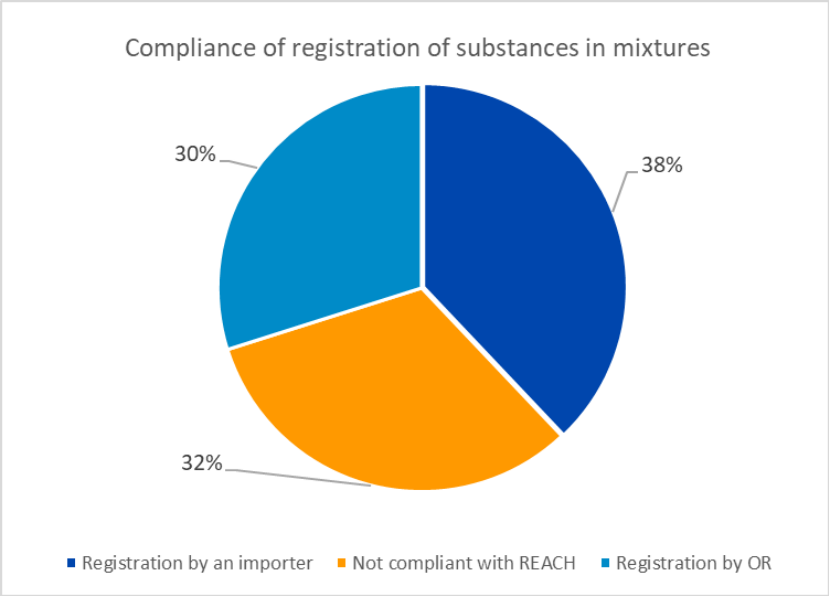

Figure 8. Results of controls of imported substances in a mixture subject to registration

The substances subject to checks for registration obligations originated from 55 different countries. The highest number of substances for which registration obligations were inspected originated from China (417), the United Kingdom (200), Türkiye (147), the USA (87) and India (60). For the majority of the countries of origin (41 countries) there were less than 10 inspected substances per country.

Table 8. Breakdown of the overall results by the country of origin of the substance

Country of origin	Overall inspections of substances subject to registration obligations for the country of origin	Percentage of inspections per country of origin for substances subject to registration	Number of non-compliant substances	Percentage of non-compliance for the country of origin
China	299	37%	47	16%
UK	89	11%	25	28%
Türkiye	80	10%	38	48%
USA	61	8%	4	7%
India	54	7%	10	19%
Other countries	220	27%[1]	22	10%[1]

[1] *Average of the results from other countries*

Table 8 provides an overview of the countries of origin for the substances that were subject to registration obligations. The results show that the highest number of substances non-compliant with registration duties were imported from China (37%), followed by the UK (11%) then Türkiye (10%), and after that, the USA (8%) and India (7%).

However, comparing the number of non-compliant substances originating from a country to the total number of checked substances from that same country, the picture is quite different. The highest country-specific non-compliance rates for registration were detected for substances originating from Türkiye, with 48% non-compliance rate, followed by the UK (28%), India with 19%, and China with 16%. The USA had the lowest non-compliance rate at 7% from among the five top countries of origin.

When looking at the results in relation to the model of cooperation between customs and NEA, the most frequently applied model of cooperation among national authorities was model 2.a, in which customs provided historical import data requested by NEAs, which then undertook further REACH enforcement at the internal market. In total, 80% of the registration checks were accomplished with this model, in which the actual customs clearance was unaffected. The other cooperation models were applied at the level of 2 to 7% of overall inspections. Models 1.d and 2.a were found to be the most effective models in finding non-compliances.

Table 9: Used cooperation models for checking registration duties (N=1211)

Model of cooperation		Number of inspections	% of overall inspections	Hit accuracy for non-compliance - % of non-compliance found using the model
1.a	Customs asks NEA to assess REACH compliance	20	2%	5%
1.b	Customs asks NEA to assess REACH compliance for shipments identified through NEA risk analysis	87	7%	0%
1.c	Customs directly checks REACH compliance	23	2%	0%
1.d	Joint checks by customs and REACH NEAs	63	5%	14%
2.a	Customs provides data requested by NEA	963	80%	14%
2.b	Customs spontaneously provides data to NEAs	55	5%	9%

3.4.2 Non-compliance with Restrictions duties

Overall results for restrictions

1329 checks were performed for restrictions by NEA and/or Customs in 23 countries. Out of those checks, 1168 were for articles and 161 for mixtures which may contain restricted substances.

Table 10. Number of checks and non-compliance of restricted articles and mixtures

	Number of products checked	Number of non-compliant products with at least one non-compliance	% non-compliance rate
Articles	1168	196	17%
Mixtures [8]	161	18	11%
Total	1329	214	16%

The 161 mixtures were checked for containing substances classified as CMRs, methanol in defrosting fluids, 1,4-dichlorobenzene, dichloromethane and for the specific restrictions of benzene, chloroform and toluene in glues. Air fresheners were analysed for the CMR restrictions mostly with a focus on the substances Lilliac and 1,4-dichlorobenzene, and also some WC/toilet tablets. The non-compliance level of mixtures is lower than for articles. This could be because the obligations for chemical products are better understood and implemented by the companies.

The existing certificate codes in TARIC only address substances. Most of the checks done in this project were on articles. Inspectors reported significant challenges when interpreting the companies' use of such certificate codes. A specific problem was the certificate code Y113[9] being used incorrectly by the companies.

Checks per article category

Table 11. Number of main checks and non-compliances per main article category

	Number of main products checked	Number of non-compliant products	% non-compliance rate
Jewellery	780	142	18%
Toys	144	10	7%
Textiles, footwear	131	6	5%

[8] Five substances included

[9] The certificate code Y113 is used in the customs declaration when the product is not subject to restrictions according to REACH

Checks on jewellery

Most of the checks on restrictions were on jewellery. Usually, three restrictions entries were checked for every jewellery (nickel, cadmium and lead). The highest non-compliance rate was for nickel (20%) with screening and laboratory analysis performed by customs or NEA.

Overall, for non-compliant jewelleries, most of them (108) were not released for free circulation and destroyed. The remaining ones were checks done after customs release for free circulation.

Table 12. Number of checks and non-compliances in jewellery regarding the three main restrictions (the same product could be checked for more than one restriction)

Jewellery	Number of products checked	Number of non-compliances with the restriction	% non-compliance
Entry 23 Cadmium	754	40	5%
Entry 27 Nickel	501	100	20%
Entry 63 Lead	755	37	4%

Comparing the results of REF-12 with the previous Forum's projects, there is a visible increase of the non-compliances related to the Nickel restriction in REF-12. This could be due to the increased availability of screening instruments at the borders that allows for a rapid identification of a higher number of products containing this restricted substance. However, the quick screening methods are also used for Cadmium and Lead and this increase is not visible.

Table 13. Non-compliances found for Cadmium, Lead and Nickel in Forum's projects

Jewellery		Non-compliance %		
Forum Project	**Year it was executed**	**Cadmium**	**Lead**	**Nickel**
REF-12	2024	5%	4%	20%
REF-10	2022	12%	11%	8%
Pilot on Customs	2019	16%	8%	5%
REF-4	2016	12%	7%	8%

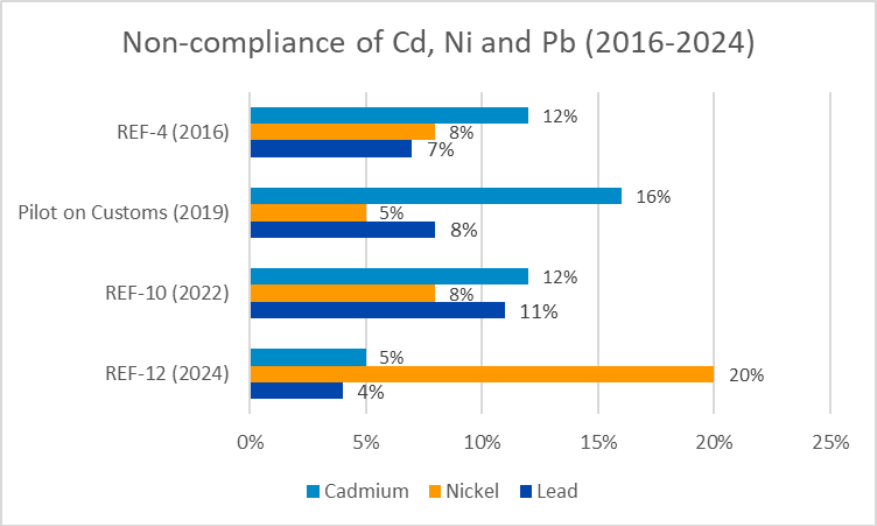

Figure 9. Evolution of non-compliances found for Cadmium, Nickel and Lead in Forum's project throughout the years

Results per entry

Table 14. Results on the inspections of Restrictions per restriction entry

Entry/article/mixture	Number of inspected products	Number of non-compliant products[10]	% of non-compliance	Evidence: Documents provided by company	Evidence: Analysis performed by NEA/Customs
Superglues **Entry 5: Benzene** **Entry 32: Chloroform** **Entry 48: Toluene**	10 10 10	0 0 0	0	88%	12%
Jewellery **Entry 23: Cadmium**	754	40 (Origin: China, India)	5%	3%	97 %
Entry 27: nickel	501	100 (Origin: China, India)	20%	9%	91%
Entry 63: Lead	755	37 (Origin: China, India)	4%	27%	73%

[10] Only the top countries of origin for non-compliant products are indicated. The order is not indicative of the number of non-compliant cases.

Entry/article/mixture	Number of inspected products	Number of non-compliant products[10]	% of non-compliance	Evidence: Documents provided by company	Evidence: Analysis performed by NEA/Customs
Entry 6 Asbestos (parts of radio-controlled model cars	28	7 (Origin: China)	25%	100 %	-
Entry 23: Cadmium Others (Ex. plastic toy, plastic part of footwear and textile, LDPE, brazing fillers)	69[11]	3 (Origin: China)	5%	100%	-
Entry 27: Nickel Metal parts (hair clip, single/double prong, belt, material for jewellery)	17	11 (Origin: China)	65%	81%	19%
Entry 30 Lilial (air freshener, scented products)12	79	0	0	4%	96%
Entry 43 Textiles, footwear	34	0	0	74%	26%
Entry 47 Chromium VI footwear, leather articles	19	3 (Origin: China, Egypt, Vietnam)	16%	10%	90%
Cement	9	1 (Origin: Serbia)	11%	100 %	-
Entry 50: Polycyclic Aromatic Hydrocarbons (PAHs) Floor coverings/mats	1	1 (Origin: China)	100%	-	100%
Entry 51: Phthalates (DEHP, DBP, BBP, DIBP) Toys	136	8 (Origin: China)	6%	-	100%

[12] Also Boric Acid and n-ethyl-2-pyrolidone

Entry/article/mixture	Number of inspected products	Number of non-compliant products[10]	% of non-compliance	Evidence: Documents provided by company	Evidence: Analysis performed by NEA/Customs
Plastic shoes	60	10 (Origin: China, Vietnam)	17%	-	100%
Plastic PVC gym accessories	3	0	0%	33 %	66%
Plastic PVC bath accessories	9	4 (Origin: China, Serbia)	44%	25%	75%
Entry 63 Lead in footwear	11	2 (children shoes) (Origin: China)	18%	-	100%
Entry 64 1,4-dichlorobenzene Air fresheners	6	0	0%	50%	50%
WC tablets	2	0	0%	100%	-
Entry 69 Methanol Defrosting fluids	2	0	0%	100%	-
Entry 72 CMR formaldehyde in footwear	43	3 (Origin: Bangladesh, China)	7%	-	100%
Entry 75 Tattoo inks	0				

Checks on superglues

A total of 10 products were checked for chloroform, toluene and benzene and they were all found to be compliant.

Checks on plastic products for phthalates

The phthalates checks were mostly on toys, but several checks were also performed on plastic consumer articles such as plastic shoes, gym and bath accessories. For toys, there were 136 checks performed, and the non-compliance rate was 6%.

Considering that in the Safety Gate there are several notifications for phthalates in toys every week, the number of non-compliance rate for toys under this project was very low (6%). The overall number of toys checked was also low (only 136) which may indicate that NEAs prefer to check this restriction during market surveillance activities rather than during importation due to

analytical limitations. Apart from the difficulties connected with the laboratory analysis for phthalates, this may also be due to the absence of a quick and repeatable screening method.

There was a slight high non-compliance for phthalates in plastic shoes, which is a category of products checked only in recent years due to their increased presence in the market and their everyday use by consumers. A factor for concern is that out of the very few (9) plastic bath accessories checked (e.g. mats), nearly half were found to contain phthalates above 0.1% and therefore non-compliant.

Azocolourants and Chromium (VI) in leather articles

Out of the 19 leather products tested for their content of Chromium (VI), 3 were found to be non-complaint giving a non-compliance rate of 16%. In the pilot project on cooperation with Customs, for the same type of products, Forum observed a non-compliance rate of 17 % for the Chromium VI restriction which is consistent with the one observed for REF-12.

No non-compliances were found for entry 43 (azocolourants), similar to the pilot with Customs, supporting, once again, the conclusion that the use of these substances may have stopped.

Checks on footwear

Several NEAs did checks on the plastic parts of shoes for Cadmium and phthalates, on leather shoes for Chromium (VI) and azocolourants, for formaldehyde in the textile part of shoes and there were even some checks for lead in the metal parts of shoes. However, there were no indications that those checks were performed on the same product, probably the contrary. This supports the indication that NEAs are having difficulties in analyzing a product for all the applicable restrictions, maybe due to the divergence of the type of analysis and the high analytical costs per product.

Cadmium

Cadmium is one of the oldest and broadest restrictions under REACH, covering many types of matrices, mixtures and articles. Under this project, the NEAs chose to check, (apart from jewelleries) - plastic toys, plastic parts of footwear and textiles, low-density polyethylene (LDPE) and brazing fillers. The overall non-compliance rate for these products was 5%. Consideration should be given to the fact that they were checked only with documentary evidence presented by the companies. In comparison, under the REF-10 project, the non-compliance for Cadmium in plastic articles was 3%.

Formaldehyde

Some NEAs also did laboratory analyses for Formaldehyde in Textiles. There were 3 non-compliances out of the 43 tested giving a non-compliance rate of 7%.

Other entries – Integrated checks

Under this project, as with similar ones in the past, NEAs were free to choose and prioritise the restrictions to check at Customs. Most of them choose, according to the proposed prioritisation, the ones on which they could do a better risk analysis, those for which there were known non-compliances from previous campaigns and the ones usually checked during market surveillance activities.

In the restrictions controls reported under this project there was an absence of checks for some entries which are usually checked, like CMRs in textiles (apart from Formaldehyde), for tattoo

inks, for di-methyl fumarate (DMF), D4 and D5 in washed off cosmetic products and PAHs (only 1 check). The reason for this was maybe the very broad TARIC numbers affecting the targeted risk approach at Customs level, their analytical cost and the absence of an established and routine analytical method for these entries. Several NEAs do not use public laboratories for their analyses and instead use private laboratories. Therefore, the cost factor and the availability of such private laboratories is also to be taken into consideration, since some analyses are rare, expensive and of high demand during the operational period of a REF project.

In addition, apart from the jewelleries, the NEAs choose not to focus on integrated checks per product and per material. For example, textiles were analysed only for one substance, leather items were not tested at all for DMF and none of the plastic articles for PAHs. We can therefore extrapolate that, even though integrated checks per product are always preferable in Forum projects, they most probably present high challenges for enforcement, for the reasons explained above.

Evidence provided by the company

For checking compliance with annex XVII entries, 312 documentary checks were performed and 1033 were checked using chemical analysis, and some inspections checked both.

For the above documentary checks, test reports were provided by the importing companies in 163 cases. In 56 cases, there were analytical reports by accredited laboratories and in 30 cases analytical reports by non-accredited laboratories. Other types of documents were also provided, for example companies' in-house analyses.

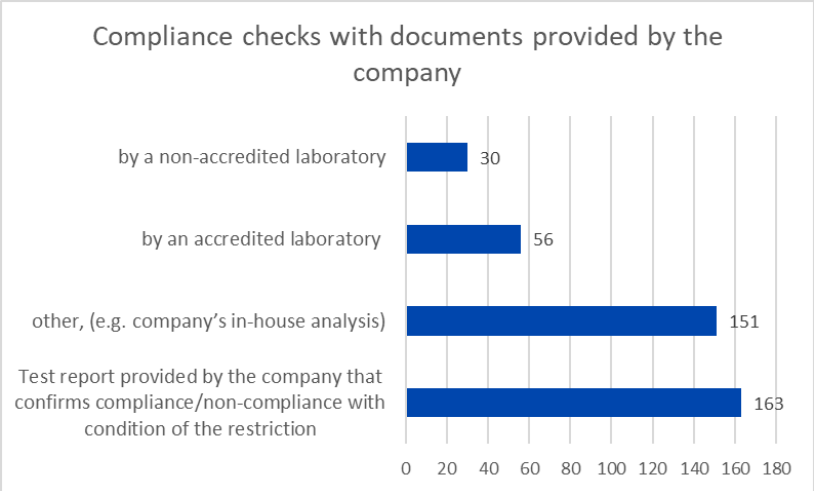

Figure 10. Type of documentary evidence provided by the companies during checks of restrictions

Analytical checks performed by the NEA's and Customs

In 639 cases, the NEA's or customs checked the compliance of the product by performing an analytical screening investigation.

In 352 cases, either the customs or the NEAs performed laboratory analyses. In 20 of these cases, the positive non-compliance result by the screening investigation was also verified by a laboratory analysis.

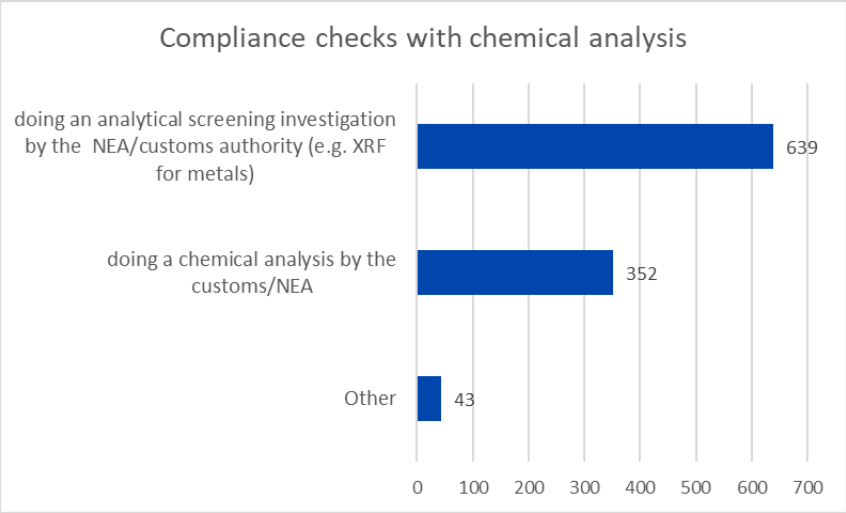

Figure 11. Type of evidence when the compliance was ascertained via chemical analysis

Country of origin

Table 15 lists the main countries of origin for the non-compliant products as well as the overall number of products checked for restrictions, proportion among all restriction checks, number of products non-compliant for restrictions and rate of non-compliance for the checked products originating from that country. Based on the results, for the countries of origin with the highest number of inspected products, the highest country-specific non-compliance rates were detected for products originating from India, with a 64% non-compliance rate, followed by China with 13%.

Table 15. Breakdown of the overall products check and non-compliance for restrictions by the country of import (N=1329)

Country of origin	Overall inspections for the country of origin	% inspections per country of origin among all restriction inspections in the project	Number of non-compliant products for the country of origin	% of non-compliance for the country of origin
China	882	66%	111	13%
India	125	9%	81	64%
Türkiye	40	3%	2	5%
United Kingdom	40	3%	3	8%
Thailand	35	3%	1	3%
United States	32	2%	2	6%
No reply	62	5%	7	11%
Other countries	113	-	7	6%

Type of cooperation

For checking the restrictions' obligations, in most cases, both Customs and NEAs were involved in the checks.

In the vast majority (85%) of cases for the restrictions' controls, model type 1 was used (Table 16), which involves direct controls before the release for free circulation. The most successful model from those controls in detecting non-compliances was model 1b, which was used in more than half of the cases. Considering also the fact that almost all non-compliances for restrictions were detected in articles, we can conclude that the NEAs expertise is key for selecting and checking products, most probably because NEAs have experience in assessing materials of different type.

Table 16: Cooperation models used for checking Restrictions duties (N=1329)

Model of cooperation		Number of inspections	% of overall inspections	Hit accuracy for non-compliance - % of non-compliance found using the model
1.a	Customs asks NEA to assess REACH compliance	175	13%	1%
1.b	Customs asks NEA to assess REACH compliance for shipments identified through NEA risk analysis	749	56%	10%
1.c	Customs directly checks REACH compliance	169	13%	1%
1.d	Joint checks by customs and REACH NEAs	41	3%	1%
2.a	Customs provides data requested by NEA	179	14%	3%
2.b	Customs spontaneously provides data to NEAs	16	1%	0%

3.4.3 Non-compliance with Authorisations duties

The checks on REACH authorisation duties were performed in 7 Member States and included 25 reported cases on 8 substances subject to authorisation according to Annex XIV of the REACH Regulation. Out of the 25 checks 8 involved also customs officers. Almost half of the inspected cases cover one substance (UV-328) which was inspected in one Member State.

The low number of checks could be explained by the fact that the certificates codes in TARIC only exist for substances and therefore relevant mixtures cannot be easily identified from customs declarations.

In Table 17 are listed the individual substances from Annex XIV of the REACH Regulation that were relevant in the inspected cases, the number of cases inspected and the number of non-compliant cases for each of the substances.

The most frequently checked substances in the REF-9[13] project with field inspections in 2021 are again the most frequently checked substances checked in REF-12 (chromium trioxide, lead chromate pigments, sodium dichromate). Note that the substance UV 328 was not yet relevant in 2021.

Table 17. Inspected substances from Annex XIV (identification in the form of entry number and substance name) in the 25 reported checks on REACH authorisations and number of checks and number of non-compliant cases per substance

Entry	Substance	Number of checked cases	Number of non-compliant cases
51	UV 328	10	2
46	1,2-Benzenedicarboxylic acid, di-C6-10-alkyl Esters (with ≥ 0.3% of dihexyl phthalate)	2	0
29	Strontium chromate	1	1
19	Potassium dichromate	1	0
18	Sodium dichromate	2	1
16	Chromium trioxide	6	0
12	Lead chromate molybdate sulphate red	1	1
11	Lead sulfochromate yellow	2	1

For 4 cases, it only transpired in the course of the inspections that the cases did not cover substances listed in Annex XIV. Therefore, the data in the further analysis in this report focuses on the relevant 21 cases.

[13] https://echa.europa.eu/documents/10162/17088/project_report_ref-9_en.pdf/b2110033-262e-1075-b50c-11b20754bc80?t=1678096425553 – REF-9 report

The low number of inspections for authorisation is likely a result of a potentially low number of supply chains for Annex XIV substances. Already in the results of the REF-9 project for authorisation, only 98 out of the overall 502 inspections focused on suppliers' duties (the rest focussed on downstream user duties). The low number of inspections on supplier duties for Annex XIV substances in both the REF-9 and REF-12 projects can be seen as a consequence of the limited number of supply chains for Annex XIV substances. With the focus on imports, the REF-12 project was even further limited to first level suppliers only. In this light, the low number of 21 cases focusing on authorisation duties of importers in the REF-12 project does not come as a surprise.

The country of origin of the imports for chromium compounds mirrors the known countries with mining and manufacture of the substances subject to authorisation (South Africa, Kazakhstan, Columbia) and for other substances it shows a broader variety of other countries of origin. In terms of non-compliant cases, no significant link between country of origin and non-compliance rates could be identified. Consequently, when checking for compliance with REACH authorisation requirements it is not possible to identify cases with a higher risk of non-compliance from the country of origin in the customs declaration.

The 21 cases turned out to be covered by the following situations as regards the authorisation status:

- 6 by an existing authorisation decision
- 2 by an expired authorisation decision
- 2 cases were not covered by either an application or an authorisation decision
- 11 by a valid exemption from the authorisation requirement (intermediate, scientific research and development, pending authorisation / application, sunset date of Annex XIV not yet passed).

Compared to the findings of the REF-9 project on authorisation, cases that include an exemption from the authorisation requirements were checked more frequently (11/21, *i.e.* 52% in REF-12 compared to 24% of supply related cases as indicated in Chart 3 in the REF-9 report).

Most substances listed in Annex XIV have a unique TARIC code number (ten digits) assigned and for these TARIC-code numbers an obligatory measure is imposed which requires the use of certification codes in the customs declaration. The certification codes describe either the presence of an authorisation decision for the imported substance or the specific exemption to the authorisation requirement that is applied to the imported substance (*e.g.* the codes C073, Y105, Y115).

In REF-12, the obligatory declaration of TARIC measures was also checked by REACH inspectors or customs officials. These checks have shown that certification codes are in general used in a correct manner, but also identified some situations showing specific problems. For instance, for the substance UV 328 (entry 51 in Annex XIV of the REACH Regulation) there was not yet a unique TARIC code number assigned during the early operational phase of this project. Therefore, usual measures applicable to substances listed in Annex XIV could not be applied and, as a consequence, the customs declaration for UV 328 did not require a certification code.

Based on this finding, it can be concluded that checks for substances with a recent sunset date are important to reduce non-compliance with authorisation requirements for the relevant substances imported and placed on the market. To enable NEAs to do such checks quickly after the sunset date it is important that the Commission Services update the TARIC for the new entries in Annex XIV as quickly as possible, at least before the sunset date.

For two of the cases (one checked before and one checked after release for free circulation), it was observed that the customs declaration did not contain the required certificate code, which is in breach with the existing TARIC measure for this imported substance. For one of the two cases, it was observed that the import was concerning a substance covered by a pending authorisation (application for authorisation) which is a situation for which the certificate code Y105 is defined in TARIC, but was not provided in the customs declaration. The aim of reporting this episodical observation is to highlight the importance of assigning the correct TARIC certificate code Y105 also during the time of a pending authorisation. It seems important to make users of TARIC understand that Y105 also applies to situations with pending authorisation.

For inspectors controlling Annex XIV and substances subject to authorisation in customs declarations (which also indicate TARIC code numbers for these substances) it is helpful to find the TARIC code numbers also in the table of Annex XIV. Therefore, Annex XIV should be amended accordingly to include the unique TARIC codes for the listed substances. This seems especially important for the entries in Annex XIV to which no CAS number or EC number is assigned and therefore the ECICS[14] database cannot be used in a straightforward manner.

As regards to the identified non-compliances with the REACH authorisation requirements and the TARIC declaration obligations, the checks covered 21 cases out of which 4 cases have shown a non-compliance with REACH obligations (19%) and 2 cases have breached the requirements related to TARIC declaration for Annex XIV substances. The overall non-compliance for the 21 cases was 29%.

Results of controls on supply chain duties from the REF-9 project on REACH authorisation showed that in 6% of inspections, instances were uncovered where companies used or marketed substances without obtaining or applying for an authorisation or being covered by an applicable exemption (cf. in the REF-9 report: "free riders supply chain"). In comparison, even with the small sample size, the higher non-compliance results of REF-12 indicate that targeting first level suppliers is an efficient and effective approach for supplier-related inspections of Article 56 of the REACH Regulation.

[14] European Customs Inventory of Chemical Substances

3.5 Enforcement

3.5.1 Enforcement measures taken by NEAs

When looking into what measures were taken by the national enforcement authorities for the non-compliant cases, the most frequent measures applied were written advice and order (see figure 12 – note that more than one measure could be applied by the inspectors). These results should be read also considering the measures taken by customs, where 88% of the non-compliant products checked before the release for free circulation were never allowed on the market.

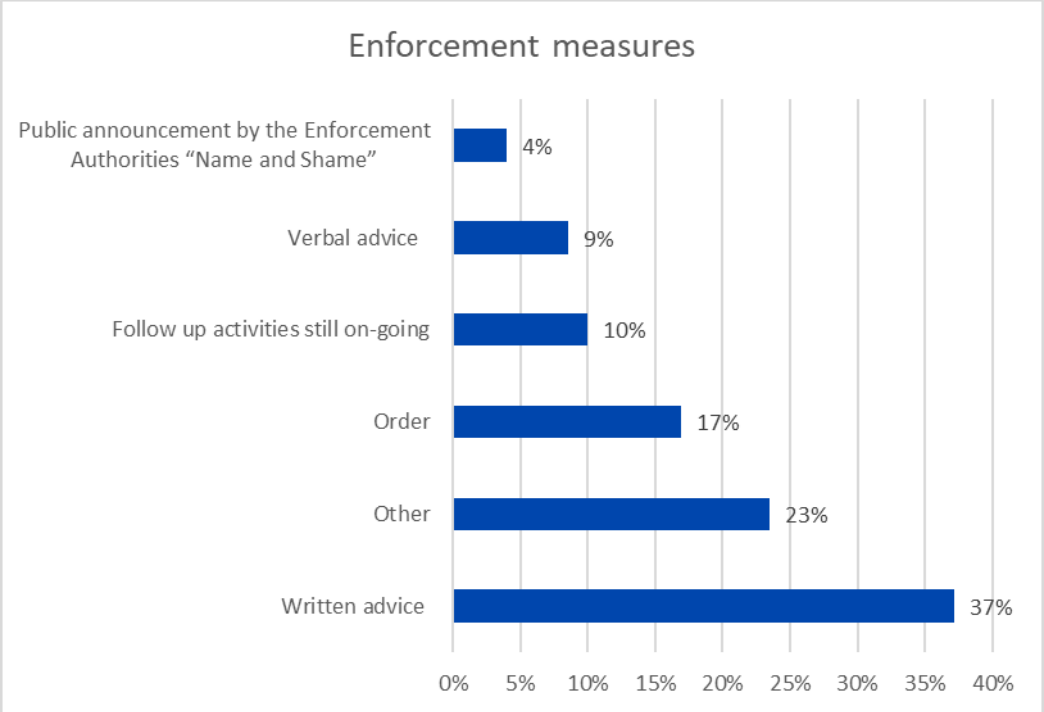

Figure 12: Type of enforcement action imposed by inspectors in case of non-compliance

When looking closer at 'Other' measures undertaken by the NEA (open text field in the questionnaire), these concern mostly the advice to customs to destroy the concerned products where non-compliance was concluded, followed by release for free circulation when compliant. In some cases, an official report to the public prosecutor was given or the advice to customs not to release for free circulation or a sanction was imposed. In another cases, the measure was taken by the NEA to withdraw the product from the market after the goods had been released by customs for free circulation.

3.5.2 Measures taken by customs

Based on the non-compliant cases found where the control was done before the goods were released for free circulation by customs, it shows that in 88% of the cases the goods were not released for free circulation at all. In 8% of cases the goods were released for free circulation after corrective measures were taken by the importer.

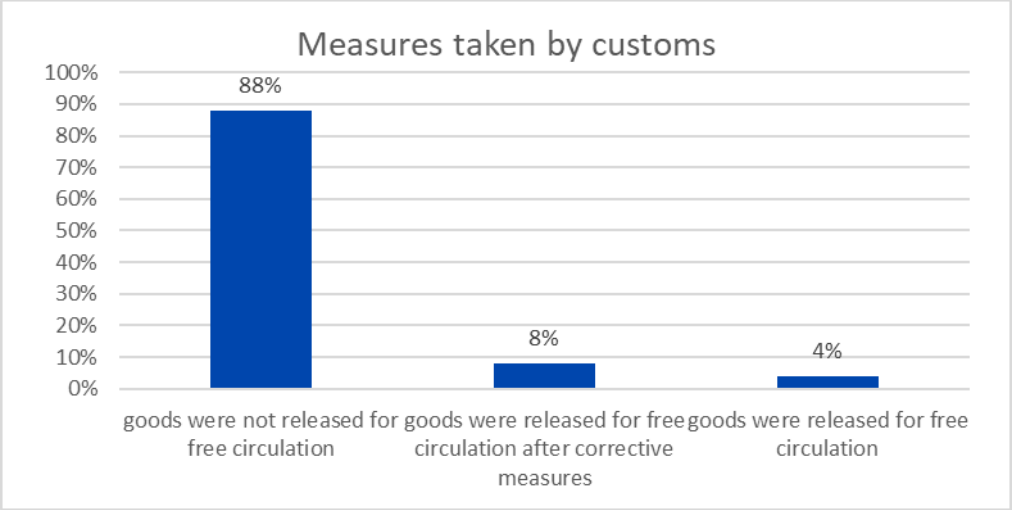

Figure 13: Measures taken by customs upon apprehending the goods

4. Conclusions and recommendations

The result of the project indicates that the objectives of the project were met. Over 2600 inspections helped in raising awareness amongst the companies inspected. Most of the inspection were carried out with both customs and NEAs involved, which increased the cooperation and promoted the use of the most appropriate methods for performing these controls. Non-compliant products were prevented from entering the EU market. Where the inspections were made before the release for free circulation 96% of the non-compliant products were either not released for free circulation or only allowed after corrective measures were taken. This also reduced the risk for human health and the environment and promoted a level playing field.

Conclusions from the Registration results

- The non-compliance rate for substances subject to registration duties (18%) was significantly affected by the high non-compliance of substances which were imported into the EEA as components of mixtures (manufactured outside of the EEA).

- The non-compliance rate for substances in mixtures was 32%. A reason for this could be the lack of knowledge or willingness to comply with REACH registration requirements for substances in mixtures by the EU importers.

- When analysing the percentage of non-compliance found by applying each model of cooperation between customs and NEA, the highest "hit accuracy" was achieved by applying models 1.d and 2.a (14% for each) suggesting that the models in which NEAs analysed the customs data and planned the inspections or where the NEAs were involved in joint checks with customs were the most efficient ways to detect non-compliant products.

- Looking at non-compliance with registration duty per the country of origin of the imported substances, high levels of non-compliance were detected in imports from Türkiye, the UK, India and China. These are also the countries that cover high numbers of imports to the EU.

- The high non-compliance rate related to the UK could be the result of the Brexit. After Brexit, all the registrations that were done in the UK became invalid. Those registrations had to be repeated or transferred to a registrant in another EU member state.

Conclusions from the Restrictions results

- It is obvious from the results of this project that there is a persistent non-compliance with the restrictions for heavy metals in jewellery. Over the years, the Forum has devoted a lot of resources to checking jewelleries and the overall picture for their non-compliance has not improved (Table 13). The Forum can continue checking them in future projects, but additional actions need to be implemented, as better explained in the recommendations, for better protection of consumers from this everyday product.

- Non-compliance with Lead and Cadmium restrictions is lower in this project than in the past. However, the non-compliance with the Nickel restriction is higher compared with the previous projects on jewellery performed so far (Table 13).

- NEAs face analytical, administrative and financial difficulties with performing checks for multiple REACH restrictions on the one product (integrated checks). NEAs tend to focus only on the products where the risk of non-compliance is well established (*e.g.* jewelleries) and the ones they can target better with risk analysis.

- The non-compliance of 25% for asbestos was more than anticipated for this widely known and enforced ban which entered fully into force in 2005. It is also higher than in previous projects (13.6 % in REF-4, 0% in REF-10 and 0% in Pilot on Customs). Given the fact that it was mostly reported in parts of radio-controlled model cars with documentary evidence provided by the companies, this indicates that outside the EU this restriction is not well understood. More actions need to be undertaken to communicate the hazardousness of this family of substances among non-EU companies exporting articles to the EU.

- The NEAs experience for assessing materials in various types of articles and for selecting and checking products is essential for efficient enforcement, in comparison to the cooperation models used in which Customs alone decides on what are the products to be checked on (lower non-compliance rate under these models of cooperation).

Conclusions from the Authorisation results

- The check for substances with a recent sunset date is important in order to reduce non-compliance with authorisation requirements for the relevant substances imported and placed on the market. To enable NEAs to perform such checks, it is important that the Commission Services update the TARIC for the new entries in Annex XIV as soon as possible, or at least before the sunset date.

4.1 Recommendations for European Commission

The Commission is invited to:

1. Indicate in the ongoing dialogues with third countries indicated in the report the products with high non-compliance repeatedly observed in enforcement projects over the years, such as non-compliance with restrictions of jewellery and metal parts of consumer articles. Invite the authorities of these countries to raise awareness among exporters about the legislation and that such products exported to the EU must not contain the restricted substances;

2. Provide funding for the expensive testing of some restrictions to support NEAs in those checks in the single market;

3. Support the Member States on upgrading the role and the capacity of their Customs laboratories, for example via funding, technical support and expertise, to perform multiple (integrated) REACH restrictions' checks per imported product;

4. Increase the risk profile at Customs level for jewellery, mainly due to the increased and repeated non-compliance observed;

5. Consider the difficulties in enforcing the Nickel restriction migration limit value and, if possible, identify ways to support NEAs on this specific restriction.

Given that it was the first coordinated campaign with inspections involving the checks of TARIC codes, there are several specific recommendations on that for the European Commission since the TARIC database is handled by DG TAXUD. The Commission is invited to:

6. Clarify the meaning of certificate codes, in particular the code Y113 on restricted substances, for a more efficient use by the companies/customs and consider an additional Y code for the companies to declare that the product is not subject to REACH obligations;
7. Provide more detailed TARIC or other Customs' identification codes for chemical mixtures and for the articles with high non-compliance for registration and restriction duties;
8. Update the TARIC codes for the new entries in the list of substances subject to authorisation (REACH Annex XIV) as quickly as possible after the substance is listed and include the TARIC codes in Annex XIV.

4.2 Recommendations for Forum

The Forum is invited to:

1. For future projects, harmonise the consistency of the questions in the questionnaire with previous projects for better comparison;

2. Focus its future projects, and where applicable, on the registration obligations of substances in imported mixtures.

4.3 Recommendations for Member States

4.3.1 The Member States are invited to: For national REACH enforcement authorities

1. Focus on registration duties for substances imported in mixtures;

2. Continue to focus on the enforcement of REACH restrictions, in particular, imported jewellery items;

3. Focus on substances with a recent sunset date to reduce non-compliance with authorisation requirements for the relevant substances imported and placed on the market.

4.3.2 For national customs authorities

1. Encourage broader use of pre-release checks, which allow for more effective prevention of non-compliant goods entering the market;

2. Invest in training and operational tools to help custom officials distinguish between cases requiring immediate blocking and those suitable for conditional clearance;

3. Consider upgrading the role and the capacity of the Customs laboratories, for example via funding, technical support and expertise, to perform multiple (integrated) REACH restrictions' checks per imported product.

4.3.3 Member States Communication Network

1. Promote awareness among importing companies of their obligations imposed by chemicals legislation, especially for consumer articles which contain restricted substances and are usually bought online or imported, *e.g*. cheap jewellery from third countries and on the registration duties for imported mixtures.

4.4 Recommendations for companies

1. Importers of chemicals and articles are recommended to become more aware of their obligations under REACH and contact their national helpdesks for regulatory advice before the importation takes place.

2. Before the import, importers are recommended to acquire updated and consistent analytical reports or other documentary evidence proving compliance with REACH registration, restrictions and authorization obligations.

5. Annexes

Annex I – Project Questionnaire

PRODUCT QUESTIONNAIRE **REF-12** (fill out **one questionnaire per product** inspected in-depth)	
Section 0 - General Information about the inspection	
0.1. Participating country: ☐	
	* - means that the answer to the question in the EU Survey is mandatory ◯ - means 'Single choice' option ☐ - means 'Multiple choice' option
0.2. File or customs reference number: ☐	NEA Internal reference number e.g., inspector No., case No., customs reference, etc. This data is only for internal use
0.2.1. Who was involved in the checks: ◯ NEAs only ◯ Customs and NEAs ◯ Customs only	
0.2.2 What was the model of cooperation with Customs and NEAs applied for the inspection: ◯ 1 a ◯ 1 b ◯ 1 c ◯ 1 d ◯ 2 a ◯ 2 b	Select the applied cooperation model from Table 5
Section I: Details of the inspected product	
1.1. Information of the importing company for reference of the inspector Name of company: Identification number: 1.2 Exporter Name: Address: Country:	This data is only for internal use. Importing company as defined in REACH
1.3 Product name / description ☐ 1.4 EAN/ GTIN number (if available) ☐	EAN = European Article Number GTIN = Global Trade Item Number

1.5 CN code 1.6 The product is a: ◯ Substance, Please specify EC ◯ Mixture ◯ Article	Commodity codes (CN codes): https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:361:FULL&from=EN
1.7 Origin of the product Dropdown list with all countries in the world	Use "country of origin" from customs declaration
1.8 Role(s) of the importing company under REACH ◯ Importer ◯ Importing Downstream user (only for registration or authorisation) (if an Only representative (OR) exists)	The inspector should conclude about the company's role under REACH The importing company may either have a role as an **importer** under REACH, or alternatively, in case the imports of the company are covered by a registration/authorization, by **an only representative (OR)** of a non-EU manufacturer, the importing company may be considered as **a downstream user (importing DU)** under REACH
Section II – Inspection of Registrations	
2.1 Did NEA/Customs check the compliance with the Registration obligations? ◯ Yes ◯ No. End of section 2.2 Does the company import* substances in quantities of 1 tonne or more per calendar year? ◯ Yes 2.2.1 If yes, which of the following apply? ☐ As substances as such ☐ As substances in mixtures ◯ No 2.3 Did the company register the inspected substance?	* Both importers and importing downstream users are considered as importers in the context of question 2.2.

◯ Yes (Go to Q 2.4)
◯ No

2.3.1 If not,

◯ Company is not compliant with Article 6 of REACH

The reason of non-compliance:

☐ no registration submitted for substance on its own or in a mixture
☐ no registration submitted for the monomer substance(s) or any other substances(s) by manufacturer or importer of a polymer (not in REF-12 scope)
☐ registration submitted but has a status invalid
☐ registration submitted but has a status inactive
☐ another substance identity was registered
☐ Others

◯ Company is not compliant with Article 18 of REACH

The reason of non-compliance:

☐ no registration submitted for transported isolated intermediates
☐ another substance identity was registered
☐ Others

◯ Company does not need to register

☐ exempted because of Annex IV and V
☐ re-imported
☐ food
☐ medicines
☐ Below 1 tonne/year
☐ Biocide
☐ food and feeding stuffs
☐ polymer compliant with Art. 3.5 REACH
☐ recovered substances which were registered before
☐ registration done by an only representative (OR) of a non-EU manufacturer
☐ Others

☐ The company is an importer and has registered the substance (as per your reply to Question 1.8) 2.4 Does the tonnage band in the registration dossier correspond to the detected imported tonnages[15] of the inspected substance? ◯ Yes ◯ No 2.4.1 If not, ◯ detected tonnage is higher than tonnage in the registration dossier ◯ detected tonnage is lower than tonnage in the registration dossier ◯ Not checked/Not applicable	Based on Article 10 and the relevant Annexes. A higher detected tonnage than the tonnage in the registration dossier indicates breach of obligations of Art. 6 or 22 of REACH.
☐ The company is an importing downstream user and an OR has registered the substance (as per your reply to Question 1.8) 2.5 Does the tonnage band in the registration dossier cover the detected imported tonnages[21] of the inspected substance imported by the DU? ◯ Yes ◯ No 2.5.1 If not, ◯ detected tonnage is higher than tonnage in the registration dossier ◯ detected tonnage is lower than tonnage in the registration dossier ◯ is lower ◯ Not checked/Not applicable	Based on Article 10 and the relevant Annexes. A higher detected tonnage than the tonnage in the registration dossier indicates breach of obligations of Art. 6 or 22 of REACH.
2.6 Did the company present the information of appointment from the non-EU manufacturer stating that the registration has been done by the OR? ◯ Yes ◯ No ◯ Not checked 2.7 Did the company present other documentation, such as	

[15] Please take into account that some tonnages may be exempted while other tonnages of the same substance need to be registered. Please note also that a company can produce/import the same substance as a substance and as an intermediate: in this case, verify the tonnage band for each use.

correspondence with the OR, indicating that the imported tonnage was covered by the OR registration? ◯ Yes ◯ No ◯ Not checked 2.8 Did the inspector contact the OR to verify compliance of the supply chain? ◯ Yes ◯ No	
Section III – Inspection of Restrictions	
3.1 Did NEA/Customs check the compliance with Annex XVII entry of the product? ◯ Yes ◯ No. End of section 3.2 Compliance with the Annex XVII entry was checked, with documents provided by the company or by chemical analysis (multiple answers possible): ◯ with documents With documents provided by the company ☐ test report provided by the company that confirms compliance/non-compliance with condition of the restriction ☐ by an accredited laboratory please specify the quality system (ISO 17025, GLP, etc) ____ ☐ by a non-accredited laboratory ☐ other, (e.g. company's in-house analysis), please specify ____ ◯ with chemical analysis ☐ doing an analytical screening investigation by the NEA/customs authority (e.g. XRF for metals) ☐ doing a chemical analysis by the customs/NEA ☐ Other, please specify ____ 3.3 Which entries have been checked? ☐ Entry 5: Benzene, Superglues Compliant (Y/N) ☐ Entry 23: Cadmium; □ Jewellery □ brazing fillers □ Other, please specify ____ Compliant (Y/N) ☐ Entry 27: Nickel	

□ Jewellery □ Metal parts of clothes (rivet buttons, rivets, zippers, belts buckles…) □ Other, please specify ☐ Compliant (Y/N) ☐ Entry 32: Chloroform ☐Superglues Compliant (Y/N) ☐ Entry 47: Chromium (VI) ☐Cement ☐Leather articles ☐Footwear Compliant (Y/N) ☐ Entry 48: Toluene ☐Superglues Compliant (Y/N) ☐ Entry 50: Polycyclic Aromatic Hydrocarbons (PAHs) ☐Rubber granules/times/mats for playgrounds/sport pitches ☐Floor coverings/mats ☐Handlebars of Bicycles Compliant (Y/N) ☐ Entry 51: Phthalates (DEHP, DBP, BBP, DIBP) ☐Toys ☐Handlebars of bicycles/scooters ☐Plastic shoes ☐Plastic PVC gym accessories ☐Plastic PVC bath accessories Compliant (Y/N) Was the plastic material PVC in the articles checked for 51 and 52 restrictions? ◯Yes ◯No ◯Not checked ☐ Entry 63: Lead □ Jewellery Compliant (Y/N) ☐ Entry 64: 1,4-dichlorobenzene ☐Air fresheners ☐Toilet or cosmetic preparations ☐WC tablets Compliant (Y/N) ☐ Entry 69: methanol ☐Defrosting fluids Compliant (Y/N) ☐ Entry 75: ◯ Tattoo inks	

Compliant (Y/N) Specify the restricted substance that was detected Name EC number ☐ Other entry: please specify entry from Annex XVII Specify Substance/Mixture/ Article Compliant (Y/N)	
Section IV – Inspection of Authorisations	
4.1 Did NEA/Customs check the compliance with REACH Annex XIV? ◯ Yes ◯ No. End of section 4.2 Which entry in Annex XIV has been checked: ☐ Entry 49: Sodium peroxometaborate ☐ Entry 48: Sodium perborate, perboric acid, sodium salt ☐ Entry 47: Trixylyl phosphate ☐ Entry 46: 1,2-benzenedicarboxylic acid, di-C6-10-alkyl esters or mixed decyl and hexyl and octyl diesters with ≥ 0.3% of dihexyl phthalate (EC No. 201-559-5) ☐ Entry 45: Dihexyl phthalate ☐ Entry 44: 1,2-Benzenedicarboxylic acid, dihexyl ester, branched and linear ☐ Entry 43: 4-Nonylphenol, branched and linear, ethoxylated ☐ Entry 42: 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated ☐ Entry 41: Pitch, coal tar, high-temp. ☐ Entry 40: Anthracene oil ☐ Entry 29: Strontium chromate ☐ Entry 18: Sodium dichromate ☐ Entry 17: Acids generated from chromium trioxide and their oligomers ☐ Entry 16: Chromium trioxide ☐ Entry 11: Lead sulfochromate yellow ☐ Other entry: please specify entry from Annex XIV Specify Substance 4.4 Was a Certification Code part of the declaration? If yes, which one? ◯ C073 Go to 4.5 ◯ Y105 Go to 4.6 ◯ Y109 Go to 4.7 ◯ Y115 Go to 4.8	

◯ None[16] Go to 4.9

4.5 Was for the use of the substance a valid and applicable authorisation available?

◯ Yes

Authorisation No.: [ ]

4.5.1 Was the Authorisation Number available during the inspection?

◯ Yes (multiple choices possible)

☐ SDS

☐ Label

☐ Other:

◯ No

◯ No

◯ Authorisation expired

◯ Authorised use not applicable

◯ No connection to any authorisation

[End of section]

4.6 Was a generic exemption in accordance to Art. 56 for this product applicable?

◯ Yes

4.6.1 Use in:

◯ Scientific research and development

◯ Plant protection Product

◯ Biocidal Product

◯ Motor fuel

◯ Fuel in mobile or combustion plants of mineral oil plants and as fuels in closed systems

◯ In mixtures below the lowest concentration limit which result in the classification of the mixture as dangerous

◯ Import of a substance for use in cosmetic product (art 56(5)(a) REACH)

◯ Import a substance for use in materials intended to come into contact with food (art 56(5)(b) REACH)

◯ No

[End of section]

[16] This could be the case of entry 48 when no import control is mandatory under the TARIC number

4.7 Was there an exemption in the entry to Annex XIV[17]
◯ Yes
◯ No
[End of section]

4.8 Was an exemption for this product applicable in accordance with Art. 2 (5) or (8)?
◯ Yes
◯ Medicinal products
◯ Food and feedingstuff
◯ On-site isolated intermediates and transported isolated intermediates
◯ No
[End of section]

4.9 Was the product imported under a valid exemption?

◯ Yes

4.9.1 If Yes

☐ On-site isolated intermediate/transported isolated intermediate
☐ Use in medicinal products and/or the immediate packaging of medicinal products
☐ Use in food or feeding stuffs
☐ Use in Scientific Research and Development
☐ Use on plant protection products
☐ Use in biocidal products
☐ Use as motor fuel
☐ Use as fuel in combustion plants of mineral oil products
☐ Use in cosmetic products
☐ Use in food contact materials
☐ Use of substances referred in Article 57 d, e, and f when present in mixtures below a concentration limit of 0.1% w/w
☐ Use of all other substances, below the values specified in Article 11(3) of Regulation (EC) No 1272/2008 which result in the classification of the mixture as hazardous

◯ No

[17] Currently there are no entries in Annex XIV available, which contain an exemption

4.9.2 Was a valid and applicable authorisation available for the product? ◯ Yes Authorisation No.: ☐ ◯ No ◯ Use exempted ◯ Authorisation expired ◯ Authorised use not applicable ◯ No connection to any authorisation 4.9.2.1 Was the Authorisation Number available during the inspection? ◯ Yes (multiple choices possible) ☐ SDS ☐ Label ☐ Other: ◯ No ◯ Use exempted ◯ Authorisation expired ◯ Authorised use not applicable ◯ No connection to any authorisation	
Section V – Results of check by NEA or customs and enforcement measures taken by NEA	
5.1. Measures imposed by the NEA due to non-compliance with REACH obligations subject to this project ☐ No enforcement actions were initiated ☐ Verbal advice ☐ Written advice ☐ Order ☐ Public announcement by the Enforcement Authorities "Name and Shame" ☐ Follow up activities still on-going ☐ Other (please specify in 5.1.a): 5.1.a Please specify your answer other ☐ Others:	
5.2 The follow-up activities are: ◯ completed [ ] Safety Gate notification ◯ ongoing	

Section VI – Cooperation with customs and measures taken by customs	
6.1 The product was checked ◯ Before customs release for free circulation 6.1.1 Customs procedure **applied after the REACH compliance was checked and** ◯ goods **were released** for free circulation ◯ goods **were released** for free circulation after corrective measures ◯ goods **were released for free circulation** with corrective measures supervised by NEA after release ◯ goods **were not released** for free circulation **and** ☐ destroyed ☐ re-exported ☐ storage ☐ under sampling analysis ☐ no (final) information /unknown (at the time the case was reported) ☐ other ◯ After customs release for free circulation	
Section VII - Use of Interact Portal This section can be filled by NEA or customs, in cases where customs have access to Interact portal	
7.1. Do you have access to Interact portal ◯ Yes ◯ No 7.2. Did you use the Interact portal during the preparation/conduct of this inspection? ◯ Yes ◯ No	This section should be filled per inspection

VIII: Informal comments[18]
…… ……

[18] Please fill this section if you would like to inform on obstacles overcome, lessons learned, need for clarification/harmonization

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