Forum REF-13 Report

Obligations related to online sales of products

Operational phase: 2025

Report adopted by the Forum on 19 November 2026

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This report presents the results of inspections made under the Forum enforcement project. Duty holders and substances/mixtures/articles selected for checks were those that were relevant for the scope of the project. Targeting of inspections in most countries is risk-based. 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.

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Glossary

Word	Explanation
Advertisement	According to the Digital Services Act (Article 3 (r)), it is information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and presented by an online platform on its online interface against remuneration specifically for promoting that information. In this report, 'advertisement', unless otherwise specified, refers to Article 48 of the CLP Regulation (Regulation No 1272/2008) with the particular legal meaning according to these provisions. The term "advertisement" in the original CLP Article 48 is considered as encompassing also the online offers.
Article	According to REACH, an object which, during production, acquires a particular shape, surface or design which determines its function to a greater extent than its chemical composition. Examples are toys, electronics, interior items, jewellery, etc.
Buyer	Can be either a consumer or a professional user.
Consumer	According to the Digital Services Act, any natural person who is acting for purposes which are outside his or her trade, business, craft, or profession. For the purpose of this project, general public can be considered also as being composed of consumers.
Dropshipping	An online trader or platform that does not have its own inventory. The product is delivered directly to the buyer from a third-party supplier.
Economic operator	According to the Market Surveillance Regulation, the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market or putting them into service in accordance with the relevant Union harmonisation legislation.
Fulfilment service provider	Any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services.
Mixture	According to REACH, a mixture or solution composed of two or more substances. Examples are detergents, paints, tattoo inks, etc.

Offer	For the purpose of this project, an "offer" is considered as a form of making a product available, whether in return for payment or free of charge, to a third party (buyer). A product offered for sale online is deemed to be placed on the market once the online offer is targeted to buyers in the Union[1] allowing them to conclude contracts to purchase the product. In this report, in line with Article 48(2) of CLP (Regulation No 1272/2008) the term "Advertisement" is considered to encompass "offer" when the advertised product can be made available online to a buyer via a contract concluded online[2].
Online interface	According to the Digital Services Act, any software, including a website, part of a website or an application, including mobile applications, that is operated by or on behalf of an economic operator, and which serves to give end users access to the economic operator's products. Similar definitions are available in the Market Surveillance Regulation and the General Product Safety Regulation.
Online platform	In this report, "online platform" is considered a service using an online interface which allows buyers to conclude contracts with online traders (sellers) for the sale of products[3]. "online platform" includes "marketplace", "auction rooms", "trading warehouse", etc. in the definition. An "online platform" can be equated with a shopping mall where those who sell the products (shops) correspond to the traders. The online platform shall indicate who the trader is for each product. Unlike dropshipping traders, it is the individual trader (seller) who sets the price of the product.
Online sales	A form of electronic commerce which allows traders to directly sell products to a buyer over the internet using an online interface. Online sales includes distance sales, so in this context the General Product Safety Regulation also applies in cases where the buyer is a consumer. See also the term 'offer' in this glossary.

[1] See the definition of placing on the market in the REACH and CLP Regulation and the related provisions on online sale/distance sale in Article 6 of the Market Surveillance Regulation or in Article 4 of the General Product Safety Regulation.

[2] See Q&A 0272 and Q&A 0273.

[3] According to the Digital Services Act (Article 3(i)), an online platform is a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public, unless that activity is a minor and purely ancillary feature of another service or a minor functionality of the principal service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature or functionality into the other service is not a means to circumvent the applicability of this Regulation.

Online trader	Anyone that places on the market, offers a product for online sale. It can be equivalent to a "supplier", "seller" or "webshop". Note that a trader could be also selling on an online platform. In Digital Services Act, Article 3(f): "traders mean any natural person, or any legal person irrespective of whether it is privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession".
Product	In this report, product means substance, mixture or article as defined in REACH. The primary unit of reporting was an inspected online offer/product. The same or a substantially similar product could therefore be reported more than once when offered by different traders, through different offers or on different platforms.
Product Safety Pledge	Product Safety Pledge[4] is a voluntary initiative launched by the European Commission to improve the safety of products sold online. It brings together major online platforms committed to taking additional measures to detect, remove, and prevent the sale of dangerous or illegal products to consumers. Participating platforms voluntarily agree to actions such as responding more quickly to notices from authorities, cooperating with market surveillance authorities, monitoring products identified in the EU Safety Gate system, and improving trader information and product traceability. The pledge was introduced before the entry into force of newer EU legislation, such as the Digital Services Act (DSA) and the General Product Safety Regulation (GPSR) and has served as an early framework for platform cooperation on product safety.
Substance	According to REACH, a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.
VLOP	Very large online platform[5] - classified by the Digital Services Act (Article 33(1)) as the ones with more than 45 million users per month in the EU. These platforms have to comply with several strict obligations set in Digital Services Act.
Webshop	Covers all websites that directly sell products online. It includes direct sale websites of own products, and retail web shops of different suppliers. The definition excludes online platform and traders on online platform.

[4] Consumer Protection Pledge - European Commission
[5] DSA: Very large online platforms and search engines | Shaping Europe's digital future (europa.eu)

1. Executive summary

The European Chemicals Agency's Enforcement Forum for Exchange of Information on Enforcement (Forum) has completed its thirteenth REACH-EN-FORCE (REF-13) project. The project assessed compliance with the requirement to provide hazard information in online offers under Article 48 of the CLP Regulation[6] and with restrictions on hazardous substances, mixtures and articles sold online under REACH[7], the POPs Regulation[8]. In addition, although not under the Forum's remit, the RoHS Directive[9] restrictions could have been voluntarily checked by the inspectors as part of integrated enforcement. This enforcement project was carried out in 27 EEA[10] countries, with inspections taking place during 2025.

The project targeted companies supplying hazardous substances, mixtures, or articles online, including traders and online platforms (private sellers excluded). Inspectors selected the regulations and obligations to be investigated from the scope of this project (see Annex II), taking into account national enforcement priorities and the allocation of responsibilities among the authorities.

Results

The national enforcement authorities (NEAs) in the 27 participant countries inspected a total of 5281 products of which 3424 (65 %) were mixtures, 1627 (31%) were articles and 230 (4%) were substances.

In many Member States, a risk-based approach was used to select the products or offers inspected, and those considered to present the highest risk were prioritised, which may have contributed to a higher-than-expected rate of non-compliance for most obligations examined in the project.

The overall non-compliance rate of the project was 61% of the inspected products with at least one identified non-compliance (77% for substances, 76% for mixtures, and 28% for articles).

For the **CLP Regulation**, the non-compliance rate for the obligation to provide hazard information in online advertisements (Article 48 of CLP) was 62% for both substances and mixtures. Optional checks for other CLP duties on labelling and packaging were also included in this project.

For **REACH restrictions**, 56% of the products checked were non-compliant. The highest non-compliance rate was 92% found for the restrictions on the use of carcinogenic, mutagenic or toxic to reproduction (CMR) substances in consumer products, mainly due to presence of lead in solder wires (100%) and borates in the cleaning products (96%). The rate of non-compliance that were detected for restrictions on hazardous substances in tattoo inks was 92%, for lamp oils 78%, for Perfluoroalkyl carboxylic acids (PFCAs) 29% and for phthalates 19%. Cadmium, nickel, and lead were frequently detected in jewellery with the non-compliance rates of 16%, 13% and 8%, respectively.

Under the **POP Regulation**, 14 % of the checked products were non-compliant. Short-chain chlorinated paraffins (SCCPs) and Perfluorooctanoic acid (PFOA) were the main substances investigated. SCCPs showed a 12% non-compliance rate, mainly in electrical and electronic equipment and soft plastic consumer products. Non-compliance for PFOA was highest in interior articles, such as bathmats and plastic tablecloths (38%), and textiles (16%) due to water and

[6] Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
[7] Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
[8] Regulation (EU) No 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants
[9] Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment
[10] In this report, all references to EU market include Iceland, Liechtenstein, and Norway (European Economic Area).

stain repellent surface treatments.

For **RoHS restrictions,** which were an optional check in this project, 52% of the controlled products were non-compliant. The highest rate of non-compliance (48%) was found for the restriction on lead in electrical and electronic equipment. Notable levels of non-compliance were also detected for phthalates (DEHP 26%, DBP 15%) and cadmium (14%) whereas for other controlled restrictions[11] non-compliance remained below 10%. Non-compliant products commonly included lamps, fans, headphones, radios, and other electronic equipment.
For the above legislations and duties there were also smaller samples of product types and substances checked for which no non-compliance was found[12].

Conclusions

The overall non-compliance rate in the project was 61% of products with at least one non-compliance), indicating that e-commerce remains a significant channel for non-compliant products entering the EEA market.

Online platforms (74%) showed a higher rate of non-compliance than webshops (46%).

Identical or similar products were often available from multiple traders on the same or different platforms. This created challenges for effective enforcement, particularly where information enabling the traceability of products and traders was limited. Removing a non-compliant product does not necessarily prevent the same or similar product from remaining available through other offers or being re-listed.

Main recommendations

Online traders should strengthen compliance and supplier due diligence, especially for high-risk products. Online platforms should strengthen preventive measures to limit the availability of dangerous or non-compliant products, including systematic monitoring of Safety Gate notifications[13], to prevent identified non-compliant products from remaining available through other traders or platforms or being re-listed.

The European Commission and the Member States should continue their joint efforts to strengthen the enforcement of legislation regarding online trade, notably through common guidelines, suitable IT tools, and improved data sharing.

Consumers could be cautious of products with limited information on the seller or product, particularly low-cost jewellery, toys, plastic items, and chemicals. They could look for basic safety information and warnings and check the EU Safety Gate website for information about unsafe products.

[11] Mercury, hexavalent chromium, Polybrominated biphenyls (PBB), and Polybrominated diphenyl ethers (PBDE)
[12] See for example Tables 14, 15 and 19 indicating specific entries or product categories where there no non-compliance was found
[13] https://ec.europa.eu/safety-gate/#/screen/home

2. Introduction

2.1 Background

REF-13 was an enforcement project focusing on ensuring compliance with CLP and restrictions in REACH and POPs concerning substances, mixtures and articles sold online. RoHS directive restrictions was an optional check that inspectors could make as part of an integrated enforcement approach, although not under the Forum's remit.

The Forum decided to conduct this project on online sales after considering the following:

- Online sales have grown significantly in the recent years, particularly during and after the COVID-19 pandemic. Online sales provide quick access to a wide variety of everyday products that may contain hazardous chemicals, including substances, mixtures and articles on their own or in combination with substances or mixtures[14]. The convenience and accessibility of online platforms have contributed to this increased use, making online shopping a preferred option for many consumers;
- National enforcement authorities in the Member States have found that information on the hazards, as provided in CLP Article 48, is often missing from the advertisements of hazardous substances and mixtures. Indeed, the results of the previous REF-8 project[15] on online sales revealed an extremely high [16] rate of non-compliance with hazardous substances and mixtures sold online (non-compliance rate of approximately 82%);
- The findings of the REF-4[17] and REF-10[18] projects along with Safety Gate notifications have highlighted continuing non-compliance among products subject to certain restrictions. Consequently, there is a need to examine specific hazardous substances, mixtures and/or articles subject to these restrictions, which justified including these restrictions in the project;
- EU collaboration in enforcing the legal requirements of online sales is essential for this project, since online traders/platforms may be situated in different Member States;
- The introduction of the new Market Surveillance Regulation (EU) 2019/1020, the General Product Safety Regulation (EU) 2023/988 and the Digital Services Act (EU) 2022/2065) since the previous REF-8, has introduced additional provisions relevant to the enforcement of requirements for products sold online.

[14] ECHA Guidance on requirements for substances in articles: Link
[15] REF-8 project report on online sales: Link
[16] The baseline level of non-compliance in the EU is estimated at 10%. Within the context of this report, non-compliance rates above this baseline are classified as high. Non-compliance above 50% will be classified as "very high" and above is 80% is classified as "extremely high".
[17] REF-4 project report - Harmonised Enforcement Project on Restrictions: Link
[18] REF-10 project report on integrated control of chemicals: Link

2.2 Scope

The scope of this project was to assess the compliance of products sold online within the Member States of the EEA, which are subject to CLP, REACH, and POPs Regulations and, voluntarily also the RoHS Directive. The Digital Services Act (DSA), Market Surveillance Regulation (MSR) and General Product Safety Regulation (GPSR) were also relevant to products sold online and could have been used by the inspectors, or referred to other agencies to enforce, as appropriate.

2.2.1 Target groups

The target groups were all online traders and platforms that offered products online, subject to REACH, CLP, POPs and, optionally, also RoHS requirements.

The inspected companies could be situated within the enforcement authority's own country, within the EU or outside the EU.

Private sellers were excluded from the scope of this project except when they were dropshipping traders (in these cases they were acting as professional economic operators).

If an online trader sells directly on social media applications, such as Facebook or Instagram, they could have been considered for investigation. However, where an online trader or platform had social media applications, the inspectors could investigate the products on their website, rather than the social media application, to conduct the inspection, as appropriate.

2.2.2 Legislation

REF-13 covered different parts of the Regulations as presented in Annex II.

2.3 Objectives

The main objective of REF-13 was the enforcement of the legal requirements listed in Annex II 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 online traders' and platforms' awareness of the 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 authorities in the same Member State as well as between authorities of other Member States;
- Apply relevant procedures established under the DSA, MSR and GPSR, including use of ICSMS and Safety Gate (RAPEX), to inform online traders of identified non-compliances and warn them where appropriate on non-compliances with CLP, REACH, POPs, and RoHS (optional) of offers/advertisements to buyers;
- Raise awareness of the CLP duties amongst online traders and online platforms. All buyers, professionals as well as the general public, should be alerted that, when buying a hazardous substance or mixture online, they should be able to see the hazard information provided in the advertisement before completing the purchase;
- Collect data to assess the magnitude 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 and plan future enforcement activities related to e-commerce of hazardous chemicals;
- Reduce the risks to human health and environment.

2.4 Working method

This section describes the basic methodology and steps for the enforcement of restrictions and CLP duties regarding online sales.

Step 1: **Preparation for the inspection**

Inspectors used online searches and digital tools, including the European Commission's web crawler[19], to support the identification of potentially non-compliant products on online platforms and webshops.

Step 2: **Searching**

Inspectors identified products offered online through digital searches and other publicly available online information, focusing on products accessible to consumers, including offers with available payment and delivery options.

Step 3: **Selection of products**

Following the identification of online offers, inspectors selected products for inspection based on risk-based considerations, including product type, previous enforcement experience, available information sources, market trends, and other relevant indications of potential non-compliance.

Step 4: Purchase of samples for conformity check

Depending on the type of compliance check, inspectors either assessed products directly through the online offer or, where necessary, purchased products to verify compliance with applicable requirements, including restrictions.

Step 5: Analysis for Restrictions

Where relevant, compliance with restrictions was supported by laboratory analysis or documentary assessments, including the review of available technical documentation and supporting evidence related to product compliance.

Step 6 - Enforcement actions

National enforcement authorities could take action against products sold online when they were considered to target the national market. Where non-compliant products were identified, authorities could request the removal of the offer.

Enforcement measures (written advice, information, order etc.) depend on the location of the trader and could also include cooperation with online platforms, coordination with authorities in other countries, Safety Gate notifications, and, in cases of serious risk, restrictions on access to online interfaces.

Step 7 - Cooperation with customs

If during the REF-13 project there was evidence of non-compliance with restrictions that gave rise to concern, the Member States were advised to prepare a risk analysis to be shared with customs for use in risk profiling of customs controls.

[19] IT market surveillance tool to support the inspectors from market surveillance authorities, integrating AI-based functionalities, which scans web shops pages, in order to identify products sold online which do not comply with EU product legislation.

3. Results

3.1 Participating countries and number of inspections

27 European countries participated in the project and 5281 products were checked. Each participating country decided on the number of inspections to be conducted.

The number of reported inspections of products/offers per country with an indication of the checked substances, mixtures and articles is presented in Table 1.

Table 1 Number of reported inspections per country

Country	Article	Mixture	Substance	Total
Austria	9	98	9	116
Belgium	45	15	12	72
Bulgaria	14	-	-	14
Croatia	14	34	2	50
Cyprus	29	53	-	82
Czechia	1	126	6	133
Denmark	79	-	-	79
Estonia	-	54	1	55
Finland	89	5	-	94
France	155	42	-	197
Germany	348	2113	97	2558
Greece	13	24	2	39
Hungary	37	76	3	116
Ireland	19	132	2	153
Italy	1	23	3	27
Lichtenstein	30	7	1	38
Lithuania	-	100	13	113
Luxembourg	62	1	-	63
Malta	-	11	9	20
Netherlands	-	7	27	34
Norway	191	41	-	232
Poland	128	69	10	207
Romania	-	29	5	34
Slovak Republic	15	43	2	60
Slovenia	-	11	5	16
Spain	15	190	21	226
Sweden	333	120	-	453
Total	**1627**	**3424**	**230**	**5281**

Overall, the distribution of inspections among Article, Mixture and substance is given in the Figure 1.

Two thirds of the checked products were mixtures (3424, 65%). The checks focusing on articles were 1627, 31% of the total inspected products, while only 230, 4% were on substances.

In the previous project on online sales, REF-8 in 2020, the distribution of checks was similar and focused on mixtures (81%), articles (13%) and substances (6%). It is to be noted there could have been differences in product selection, inspection strategies and sample composition which limit the direct comparability between the two projects.

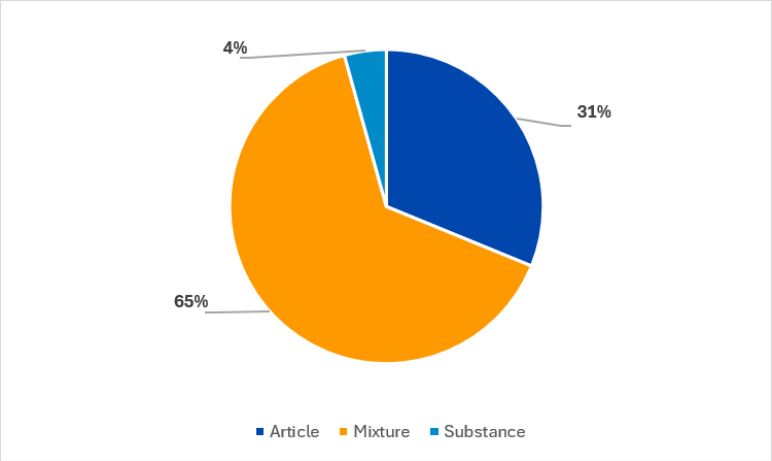

Figure 1 Percentage of the type of products inspected in REF-13

3.2 Overall non-compliance

The overall non-compliance for all products in the project was 3211 out of 5281 checked products (61%) which can be seen in Figure 2.

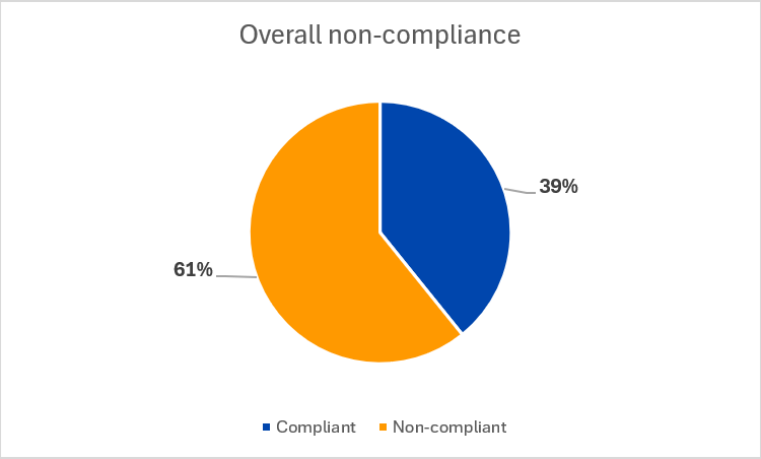

Figure 2: Overall compliance/non-compliance with at least one regulation checked in the project

The overall non-compliance rates for mixtures and substances were similar: three out of four products showed at least one non-compliance with one of the checked duties (76% for mixtures and 77% for substances). For articles, the overall non-compliance was 28% - see Figure 3.

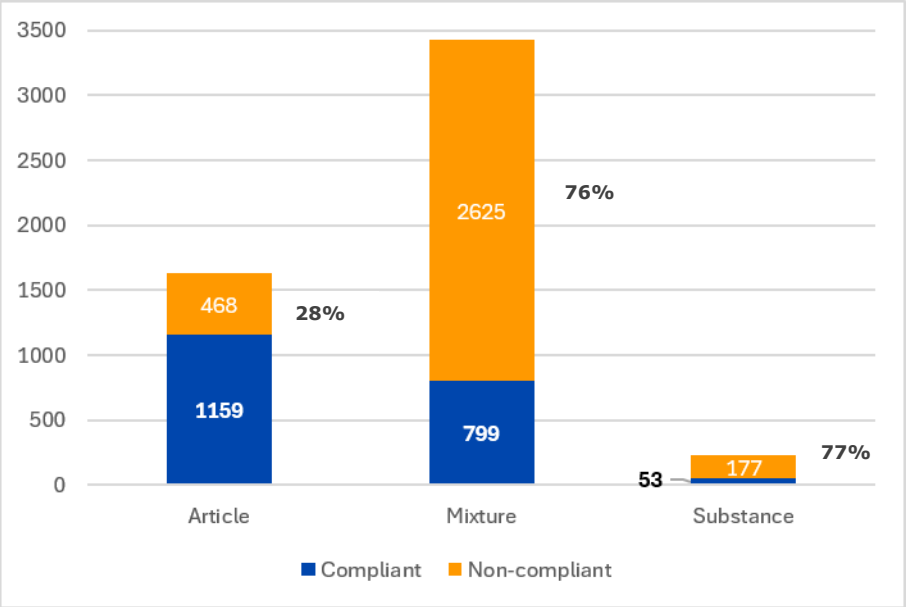

Figure 3 Non-compliance by type of product inspected for all controlled legislations

The findings show a similar overall pattern to the REF-8 project on online sales in 2020, although the non-compliance rate for mixtures was lower in REF-13. In REF-8, the non-compliance rate for mixtures was 95% and in REF-13 it is 76%. Articles had almost the same rate of non-compliance between the two projects (24% in REF-8 and 28% in REF-13).

REACH was the legislation most frequently investigated, followed by CLP, POP and RoHS. Inspectors could check multiple legislations per product, therefore the total number of legislation checks is higher than the total number of products checked but still allows comparison. The highest non-compliance rate was observed for CLP Article 48 (62%), REACH restrictions (56%), followed by RoHS restrictions (52%) and the POP restrictions (14%) – see Table 2.

Table 2 Result of overall non-compliance with the legal duties investigated in the project

Legislation	Number of products	Non-compliance	Non-compliance %
CLP advertisement (Art 48)	2206	1364	62%
REACH restrictions	3126	1763	56%
RoHS restrictions	238	124	52%
POP restrictions	634	91	14%

3.3 Non-compliance of online platforms and webshops

The inspected products (5281) were found on online platforms (2746) and on webshops (2535). The information on the number of the products for type of companies is provided in Table 3.

Table 3 Information on the companies where products were found and its non-compliance with at least one obligation

	Number of products	% of total checks	Non-compliance	Non-Compliance with at least one obligation %
Online platform	2746	52%	2032	74%
Webshops	2535	48%	1179	46%

Compared with REF-8, the results indicate lower non-compliance rates for both online platforms and webshops - see Table 4.

Table 4 Comparison of non-compliance rate where products/offers were found

	REF-13 non-compliance	REF-8 non-compliance
Online platform	74%	95 %
Webshops	46%	65 %

When looking further at the online platforms in REF-13, the results are shown in Table 5. The platforms that signed the Product Safety Pledge had higher non-compliance rate (80%) compared to the Very Large Online Platforms (VLOP) (63%) and others (34%). Note that some VLOPs could also be signees of the safety pledge.

Table 5 Non-compliance of online platforms with at least one obligation (The categories are not mutually exclusive, as an online platform may fall into more than one category. Therefore, the totals should not be summed)

Online platforms	Number of checked products	Number of non-compliant products	Non-Compliance %
Platforms that signed the Product Safety Pledge	1239	995	80%
VLOPs	1443	909	63%
Other platforms	176	60	34%

When comparing different categories of online traders — excluding those operating solely on platforms and including only traders with their own webshops — the results are presented in Table 6.

Table 6 Non-compliance with at least one obligation of the different online traders which do not operate on platforms

Online traders	Number of products	Number of non-compliant products	Non-compliance %
Classic online webshop	2327	1085	47%
Dropshipping	176	71	40%
Social media	16	3	19%
Not possible to specify	92	52	57%

The non-compliance rate was 57% for traders that could not be clearly classified by the inspectors, followed by classic webshops at 47% and dropshipping traders at 40%. It is plausible that a proportion of the unclassified traders engage in dropshipping, as inspection experience indicates that this is frequently the case.

Looking at the **place of origin of the online traders on the online platform** (Table 7), 76% of traders based outside the EEA were found to be non-compliant with at least one of the obligations checked. For traders based within the EEA, the rate of non-compliance was 72%, while for online traders whose country of origin could not be determined it was 48%.

However, from the perspective of the product, it is to be noted that substance/mixtures originating from a seller (selling in a platform) outside the EEA have a 99% non-compliance rate while from within the EEA is 83%. For articles coming from sellers outside the EEA, the non-compliance is 27% and from within the EEA, slightly lower non-compliance is observed (16%).

Based on the data, it is possible to affirm that sellers in online platform who are situated in the EEA sell products with a lower non-compliance rate compared with the ones selling from outside the EEA.

Table 7 Non-compliance with at least one obligation regarding the origin of online traders on platforms

	Number of inspected products	Number of non-compliant products	Non-compliance %
Not possible to specify	79	38	**48%**
– Substances/mixtures (S/M)	13	13	100%
– Articles (A)	66	25	38%
Outside the EEA	**1722**	**1316**	**76%**
– Substances/mixtures	1178	1170	99%
– Articles	544	146	27%
Within EEA	**942**	**678**	**72%**
– Substances/mixtures	787	653	83%
– Articles	155	25	16%

Table 8 specifies the origin of the products, indicating where they have been **manufactured**. For most products (2180), the origin was not possible to specify. In this group, 76% of products were found to be non-compliant. It is possible that inspections that were done by only checking the online offer and the product was not purchased, the origin of products could not be specified since the information about the place of manufacture ("Made in.....") is often stated on the label. The non-compliance rates for products manufactured outside EEA and within EEA are almost the same (51 % and 49% respectively).

Table 8 also shows that substances and mixtures checked in the project were more frequently produced within the EEA, while checked articles were more often sourced from outside the EEA. Since substances and mixtures also show a higher rate of non-compliance, and a greater number of inspections have been carried out on substances and mixtures than on articles, this affects the overall results and must be taken into account when interpreting the data.

Table 8 therefore also presents results separately for articles (A) and substances and mixtures (S/M). When analysed in this way, the results provide a more detailed picture: non-compliance rates are higher for products of unknown origin (S/M: 96%, A: 22%) and products manufactured outside the EEA (S/M: 87%, A: 29%), compared to product types originating within the EEA (S/M: 52%, A: 10%).

Table 8 Non-compliance with at least one obligation regarding the origin of the product

	Number of inspected products	Number of non-compliant products	Non-compliance %
Not possible to specify	**2180**	**1657**	**76%**
– Substances/mixtures (S/M)	1578	1522	96%
– Articles (A)	602	135	22%
Outside the EEA	**1487**	**759**	**51%**
– Substances/mixtures	572	496	87%
– Articles	915	263	29%
Within EEA	**1614**	**795**	**49%**
– Substances/mixtures	1504	784	52%
– Articles	110	11	10%

3.4 Non-compliance with CLP duties

For this project it was mandatory to check compliance with the requirements of CLP Article 48 provisions regarding the information included in the advertisement when selling online, while checks for compliance with Article 17 on labelling, Article 25(4) on supplemental labelling and Article 35(2) on packaging were optional.

3.4.1 Article 48 overall non-compliance

CLP Article 48 requires that hazard information is provided in online advertisements for substances and mixtures. 2206 substances and mixtures were checked for compliance with this obligation. Figure 4 illustrates the overall non-compliance rate of 62% with Article 48 for both substances and mixtures. This is an improvement since the last project on online sales, REF-8 in 2020, which had a non-compliance rate of 75%.

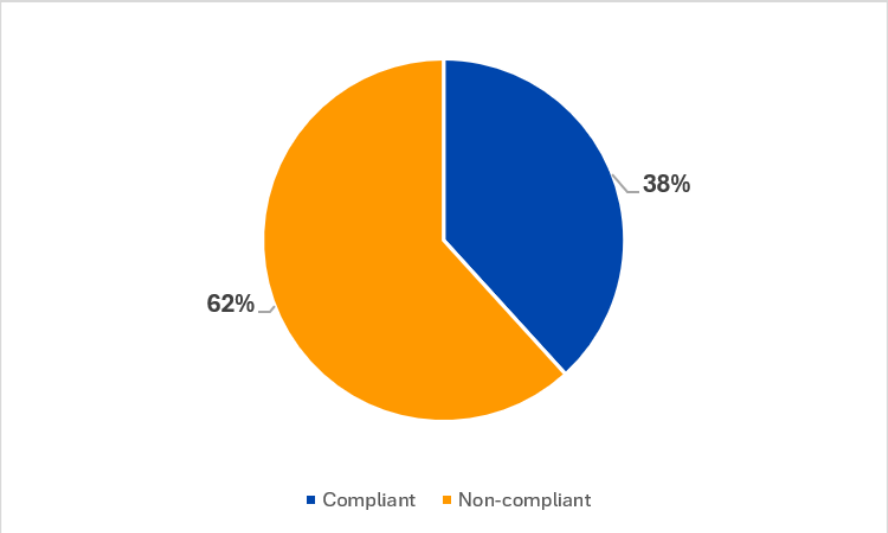

Figure 4 Overall results of compliance with CLP Article 48

More products were checked during REF-8, but the level of compliance in REF-13 shows that there has been an improvement with the compliance with Article 48(1) and 48(2) since last checked for both online platforms and webshops (Table 9).

Table 9 Overall REF-13 and REF-8 result for CLP Article 48(1) and 48(2)

Forum projects	Number of products/offers checked	Number of non-compliant products	% Non-Compliance
REF-13	2206	1364	62%
REF-8	2752	2065	75%

A wide range of different product types were checked for compliance with CLP Article 48 with the largest group being cleaning/detergent products, along with glues/adhesives and paint/varnishes (Table 10). It was observed across several product types sold online a varied rate of non-compliance, between 42%-100%, although some categories contained only a small number of products. While both substances and mixtures were checked for compliance with Article 48, there was more focus on mixtures, as there were significantly more mixtures checked.

Table 10 Product types checked for CLP Article 48 and its non-compliance

	Number of products checked	Number of non-compliant products	% non-compliance
Tattoo inks	4	4	100%
Room diffuser	88	63	72%
Glues and adhesives	236	161	68%
Paint/varnishes	144	93	65%
E-cigarette	43	29	67%
Car care products	98	63	64%
Cleaning/Detergent products	1226	735	60%
Paint stripper	66	39	59%
Pool chemicals	135	73	54%
Biocides	109	49	45%
Windscreen washer	53	22	42%

3.4.1.1 Results from controls of CLP Article 48(2) for mixtures

2090 mixtures were assessed for their compliance with CLP Article 48(2) requiring provision of hazard information and 1300 of them were found to be non-compliant (62%).

Reasons given for non- compliance with CLP Article 48(2) for mixtures

62% of advertisements for mixtures sold online were non-compliant with Article 48(2). This resulted from a combination of different deficiencies, including the complete or partial absence of hazard information. As depicted in Figure 5, in 713 cases there were no hazard statements, in 426 cases there was no hazard information at all, and for 55 cases the product label wasn't legible. In 29 cases the advertisements included hazard codes instead of hazard statements, in 9 cases they were not in an official language and in 6 cases contained only hazard pictograms. Some deficiencies occurred for the same product.

For mixtures, inspectors selected 'other' as the reason for non-compliance with CLP Article 48(2) in 43 cases. These included use of old hazard pictograms, missing or wrong hazard statements, use of safety data sheet (SDS) instead of hazard information for consumers and wrong hazard pictograms.

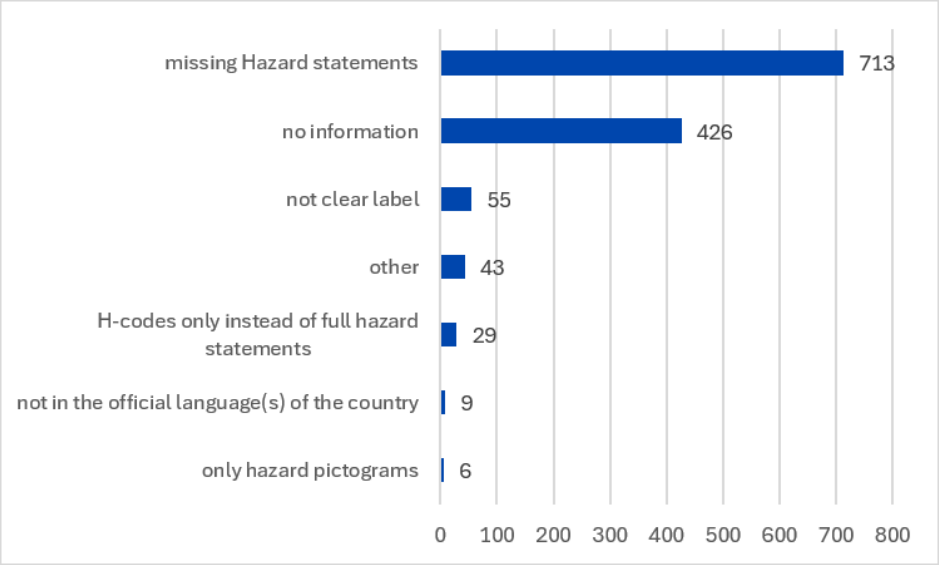

Figure 5 Number of deficiencies observed for the non-compliant mixtures with CLP article 48(2)

3.4.1.2 Results from controls of CLP Article 48(1) for substances

During the project, inspectors checked advertisements for 116 substances sold online requiring provision of hazard information. This accounts for only 5% of the overall products checked for CLP. The non-compliance rate for the requirements of CLP Article 48(1) was 55% due to missing hazard classes or hazard categories (Figure 6). While there is no requirement for inclusion of the CLP label in the advertisement for substances, where a clear label was provided, it was considered to meet the provisions of this obligation.

Reasons given for non-compliance with CLP 48(1) for Substances

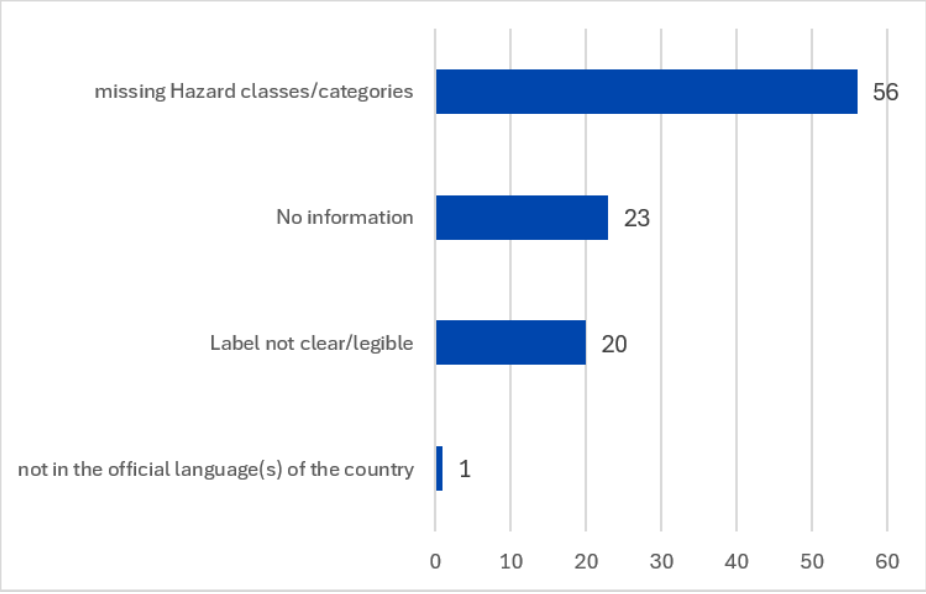

Figure 6 Number of deficiencies observed for the non-compliant substances with CLP Article 48(1)

3.4.2 Comparison of online sales channels for CLP Article 48 compliance

On review of the different types of online sales (Figure 7), products found in the webshop have a non-compliance rate of 57%, in comparison to 76% for the ones found in online platform. This may indicate that products offered by sellers located closer to the target market are more likely to comply.

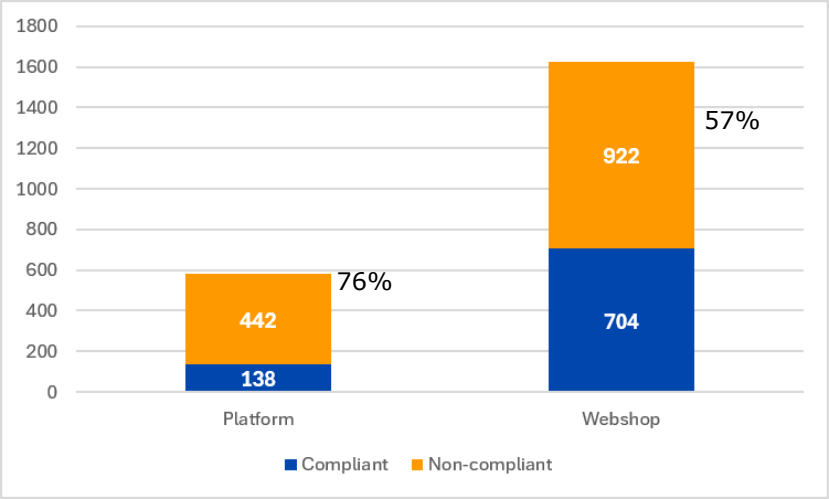

Figure 7 Overall non-compliance of online channels for CLP obligations checked in REF-13

One important observation is that when the online trader selling in online platforms was located outside of the EEA, the non-compliance rate was 97%, while for online traders (selling in online platforms) was located within the EEA, the non-compliance rate was 55%. While the results show that the majority of online platforms, including VLOPS, have an EU legal entity (571 of 580) it appears that is the origin of the seller that determines the significant difference in the compliance rate found.

3.4.3 Results for compliance with CLP Article 17 (optional)

Of the total number of substances and mixtures checked for CLP in the project (2206), 944 were checked for the CLP labelling obligations under Article 17 and 473 (51%) were found to be non-compliant.

From that sample, 339 were not in the official language, 415 were missing obligatory labelling information and in many cases, the non-compliance was for both reasons. In some cases, no reason was given why the product did not comply with CLP Article 17.

The CLP label was non-compliant in 91% of cases involving products manufactured outside the EEA, compared with 30% for products manufactured within the EEA.

Table 11 provides the information about the non-compliance found in mixtures and substances in relation to the obligation set in CLP Article 17 and it is observed that the non-compliance for the labelling of substances is lower than of mixtures.

Table 11 Break-down for substances and mixtures checked for compliance with CLP article 17 obligation

	Number of products checked	Number of non-compliant products	% non-compliance
Mixtures	894	466	52%
Substances	50	7	14%

3.4.3.1 Comparison of products sold via online platforms versus webshops concerning Article 17 labelling requirements

When the results of controls for Article 17 CLP labelling requirements are compared for products sold via online platforms versus products sold via webshops (Table 12), they show that there was a significantly higher rate of non-compliance for the online platforms: of the 336 checked products that were offered via online platforms, 282 had a non-complaint CLP label (84%) versus 608 products offered via webshops and 191 of them being non-compliant (31%).

Table 12 Results controls of CLP Article 17 for products sold via platforms versus via webshops

	Number of products checked	Number of non-compliant products	% non-compliance
Products sold on platforms	**336**	**282**	**84%**
Mixtures	329	280	85%
Substances	7	2	29%
Products sold by webshops	**608**	**191**	**31%**
Mixtures	565	186	33%
Substances	43	5	12%

When looking at results of products checked for Article 17 labelling requirements from sellers located outside the EEA, sold via online platforms, 179 were non-compliant (100%) with CLP Article 17. For sellers located with the EEA, the non-compliance rate was 63%.

3.4.4 Results for compliance with CLP Article 25(4) on supplemental information and Article 35(2) on packaging

In addition, some products were checked for compliance with CLP Article 25(4) on supplemental labelling and CLP Article 35(2) on packaging specifically regarding Child Resistant Fastening (CRF), Tactile Warning of Danger (TWD) and attractiveness to children/misleading to consumers.

Inspectors checked 627 products for CLP Article 25(4) regarding use of words like 'non-toxic' or "natural" on the CLP label that could mislead the consumer about the hazards of the product. Only 17 products (3%) were non-compliant.

Inspectors checked 640 products for CLP Article 35(2) requiring that packaging of chemicals is not attractive to children and it does not resemble food packaging. Overall, 32 products were found to be non-complaint (5%).

Inspectors checked 484 products for presence of CRF required for certain products and found 183 products were non-complaint (38%). In addition, 465 products were also checked for TWD, and it was observed that 168 of them were non-compliant (36%).

These results show high levels of non-compliance for TWD and CRF which is of concern for vulnerable persons, children and those with impaired vision being unable to determine if the product is hazardous or not.

3.5 Non-compliance with Restriction duties

3.5.1 REACH

A total of 3126 products were checked for compliance with conditions of REACH Annex XVII restriction entries. The most frequently checked entries were 28-30: CMRs, 23: Cadmium, 63: lead and 51: phthalates (DEHP, DBP, BBP, DIBP) (see Tables 13 and 14).
The restriction for CMRs in entries 28-30 was most frequently inspected and the overall non-compliance was 92%. This entry covers many different CMR-substances that are restricted for sale to the general public. Among them are lead, which in this case was found in solder wire, and borax (along with boric acid and other borates most found on cleaning products).

Cadmium (entry 23), nickel (entry 27) and lead (entry 63) were most frequently found in jewellery with a non-compliance rate for the respective restrictions of 16%, 13% and 8%.

Phthalates restriction (Entry 51: DEHP, DBP, BBP, DIBP) showed an overall non-compliance rate of 19%. The highest non-compliance rate was observed in fashion and textiles products (43%) followed by sports (20%) and interior articles (15%).

Tattoo inks (entry 75) were found to be non-compliant in 92% of the cases but only a small number were checked.

It is noteworthy that the non-compliance rate for mixtures in REF-12[20] (REACH restrictions) was 11%, compared with 56% on REACH restrictions for the present project. This difference may be explained by the fact that products offered online were selected using risk-based approaches targeting specific substances, and that non-compliance could often be identified directly from the information provided in the online offer. The latter was not possible in REF-12 because the mixtures were checked mostly at the customs site or workplaces and using different targeting methodologies. In many cases in REF-13, web-crawling tools were used to support this process making the targeting of similar products more efficient. Without the web-crawling inspections, the results for REACH restrictions would have been quite different (see section 3.5.5.3).

Table 13 Results on the inspections of REACH Restrictions per entry

[20] REF-12 project report on the compliance of imported substances, mixtures and articles: Link

Entry	Number of inspected products	Number of non-compliant products	Non-compliance %
Entry 23: Cadmium - Jewellery - Other	736 479 236	93 75 18	13% 16% 8%
Entry 27: Nickel - Jewellery - Other	416 320 96	47 42 5	11% 13% 5%
Entry 28-30: CMRs - Solder wires - Borax - Others	1539 1295 89 155	1422 1295 85 42	92% 100% 96% 27%
Entry 32: Chloroform	43	3	7%
Entry 38: 1,1-Dichloroethene	33	0	0%
Entry 47: Chromium VI	48	2	4%
Entry 48: Toluene	56	3	5%
Entry 50: PAH	200	5	3%
Entry 51 DEHP, DBP, BBP, DIBP - Other - Fashion/Textiles - Sport - Toys - Interior articles	565 130 135 98 103 71	108 9 58 20 8 11	19% 7% 43% 20% 8% 15%
Entry 52 DINP, DIDP, DNOP	268	7	3%
Entry 59 Dichloromethane	41	2	5%
Entry 63 Lead - Jewellery - Others	633 464 169	57 38 9	9% 8% 5%
Entry 69 Methanol	53	4	8%
Entry 75 Tattoo inks	12	11	92%

Among the entries that were not preselected in the questionnaire, meaning that inspectors would have to insert them specifically, the ones presented in Table 14 were the most frequently inspected.

The restriction in entry 3, regulating the placing on the market and use of hazardous substances in consumer articles and mixtures such as lamp oils, had a non-compliance rate of 78%, although the number of this type products checked was small.

For entry 68 (C_9-C_{14} PFCAs), a 29% non-compliance rate was observed. The PFCAs were found mainly in fashion/textile and interior articles, in types of products such as rain covers, jackets,

dry bags and outdoor cushion covers. These articles are often treated with such substances to obtain waterproof or water-resistant qualities.

Table 14 Other entries checked for REACH restrictions

Entry	Number of inspected products	Number of non-compliant products	Non-compliance %
Entry 3 (Lamp Oil restriction)	18	14	78%
Entry 43 (Azocolourants and Azodyes)	61	0	0%
Entry 45 (Diphenylether, octabromo derivative)	19	0	0%
Entry 46a (Nonylphenol)	51	1	2%
Entry 68 (C_9-C_{14} PFCAs) - Fashion/textile - Interior	76 38 24	22 12 7	29% 32% 29%
Entry 72 (CMRs in clothing, textiles and footwear)	119	2	2%

3.5.2 POP

For the POP Regulation, the most frequently investigated substances were short-chain chlorinated paraffins (SCCPs) and perfluorooctanoic acid (PFOA).

SCCPs were among the most frequently inspected POP substances. The overall non-compliance rate for the restriction for SCCPs was 12% (see Table 15). When looking at product categories, the non-compliance most frequently identified was in electrical and electronic equipment (EEE), where SCCPs were typically found in soft plastic components such as cables or casings of headphones, dance mats, lamps and lights. Non-compliances were also identified in fashion and textile products of soft plastic such as bags, slippers/sandals, pencil cases, and raincoats.

For the PFOA restriction, the overall non-compliance rate was 25%. The highest non-compliance rate was observed in interior articles (38%) followed by fashion/textile products (16%). In these categories, PFOA or PFOA-related substances are typically associated with surface treatments, such as water- and stain-repellent coatings used in textiles and furnishings. Non-compliant products included a variety of products such as jackets, pants, bags, outdoor cushion covers, and tablecloths.

No non-compliances were identified for several other POP substances, including brominated diphenyl ethers, perfluorooctane sulfonic acid and its derivatives (PFOS), hexabromocyclododecane (HBCDD), hexachlorobenzene (HCB), pentachlorophenol (PCP), and perfluorohexanesulphonic acid (PFHxS).

Table 15 Results on the inspections of POP restrictions per entry

Entry	Number of inspected products	Number of non-compliant products	Non-compliance %
PFOA	93	23	25%
- Fashion/textiles (shoes, bags, clothes)	57	9	16%
- Interior articles (including kitchen/bathroom articles)	24	9	38%
SCCP	538	66	12%
- Fashion/textiles (shoes, bags, clothes)	100	13	13%
- Electrical and electronic equipment (EEE) including electrical toys	164	43	26%
- Others	116	2	2%
Brominated diphenyl ethers	40	0	0%
HCB	1	0	0%
HBCDD	32	0	0%
PFHxS	31	0	0%
PFOS	63	0	0%

3.5.3 RoHS

Lead was the most frequently detected substance in electrical and electronic equipment. The non-compliance rate for RoHS restriction for lead was 48%, making it the main contributor to overall RoHS non-compliance (see Table 16).

RoHS restrictions for other substances also showed notable levels of non-compliance, such as for cadmium (14%) and for phthalates, particularly DEHP (26%) and DBP (15%). Non-compliance rates observed for restrictions for mercury, hexavalent chromium, PBB, and PBDE were generally below 10%.

Overall, the results confirm that non-compliance with RoHS requirements is largely associated with the presence of lead in solid solders inside the product (*e.g.* where components connect to circuit boards) and phthalates normally found in cable insulation, external cords, connectors, and flexible plastic enclosures. Non-compliant products included a wide range of different product types, such as different kinds of lamps and lights, portable fans, dance mats, headphones and radios.

Table 16 Results on the inspections of RoHS restrictions per entry

Entry	Number of inspected products	Number of non-compliant products	Non-compliance %
Lead	228	109	48%
Bis(2-ethylhexyl) phthalate (DEHP)	196	50	26%
Dibutyl phthalate (DBP)	196	29	15%
Cadmium	180	26	14%
Polybrominated diphenyl ethers (PBDE)	41	4	10%
Cr VI	44	2	5%
Polybrominated biphenyls (PBB)	41	2	5%
Mercury	53	2	4%
Diisobutyl phthalate (DIBP)	194	3	2%
Butyl benzyl phthalate (BBP)	195	2	1%

3.5.4 Comparison of online sale channels for compliance with Restrictions obligations

On review of the different types of online sales used to check compliance with restrictions (Figure 8), products found in webshops generally had lower non-compliance rates than products found on online platforms.

For REACH, online platforms show a very high non-compliance rate of 72% compared to only 21% for webshops. For POPs, both channels are nearly identical at 17% for online platforms compared to 13% for webshops. For RoHS, online platforms show 70% non-compliance rate and 44% for webshops.

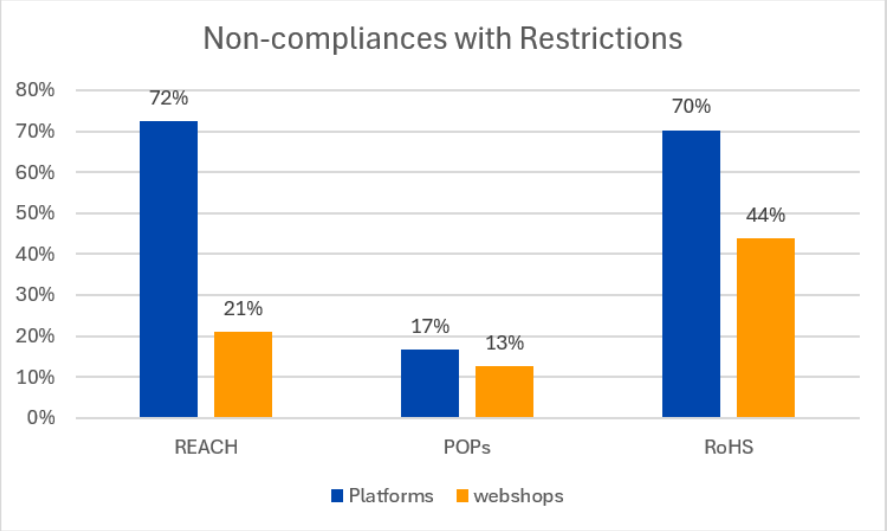

Figure 8 Comparison of online sale types for non-compliance with Restrictions obligations

It seems that no single channel is systematically "better" than the other: platforms seem to sell more non-compliant products for REACH and RoHS, but quite equivalent on POPs.

When looking at the location of the seller for products that were checked for restricted substances, it is observed that the products sold in webshops by sellers located outside the EEA have a significantly higher non-compliance rate (49%) compared with the sellers in webshops within EEA, with 22% non-compliance rate.

However, the same is not observed when products are sold by sellers operating on platforms: the rates of non-compliance of such sellers located outside the EEA (73%) are marginally lower than the ones located in the EEA (76%). But when looking at product types, a difference can be seen: for articles, the non-compliance rate for sellers outside EEA is 26% and within EEA is 16%. For substances and mixtures, the corresponding rates were 100% for sellers outside the EEA and 94% for sellers within the EEA.

3.5.5 Product types

3.5.5.1 Articles

Several types of article were investigated in REF 13. See Table 16 below.

Table 16 Overview of the types of article checked in REF 13 and their non-compliance in relation to REACH, POPs and RoHS restrictions

Type of Article	Number of articles checked	Number of non-compliant articles	% non-compliance with at least one restriction duty
Electrical products incl. electrical toys (EEE)	238	121	51%
Jewellery	500	138	28%
Interior articles (including kitchen/bathroom articles)	106	28	26%
Fashion/textiles (shoes, bags, clothes)	354	77	22%
Sports (training equipment etc)	109	23	21%
Sex toys	8	1	13%
Toys (not EEE)	135	13	10%
Building materials	10	1	10%
Other articles	190	20	11%

Electrical products showed the highest level of non-compliance overall (51%). A total of 238 products were investigated in this product category. Electrical toys were also included in this category. Typical product types were gadgets and appliances requiring batteries or electrical current to function. Examples include LED-lamps, flashlights, headphones, chargers and gaming articles. The non-compliances found were mainly related to the presence of lead, cadmium, phthalates (DEHP and DBP), and SCCPs. This overall non-compliance is consistent with the results from the REF-10 project, in which electrical products showed the highest level of non-compliance (52%).

Jewellery: A total of 500 products were checked within the jewellery category. The overall non-compliance rate of 28% was due to presence of lead, cadmium and nickel found in metals parts. Usually, these three REACH restrictions entries were checked for every jewellery (see Table 17). In this project, jewellery was selected as a separate article category because of previous experiences with many non-compliances. The results suggest that there is a persistent level of non-compliance with the restriction obligations for jewellery (see Table 18).

Table 17 Number of checks in REF-13 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	479	75	16%
Entry 27 Nickel	320	42	13%
Entry 63 Lead	464	38	8%

Table 18 Non-compliances found for Cadmium, Lead and Nickel in Forum's projects in jewellery[21]

				non-compliance %		
Forum Project	**Year it was executed**	**Jewellery sample size[22]**	**At least one restriction on heavy metals**	**Cadmium entry 23**	**Nickel entry 27**	**Lead entry 63**
REF-13	2025	500	28%	16%	13%	8%
REF-12	2024	780	18%	5%	20%	4%
REF-10	2022	459	23%	12%	8%	11%
REF-8	2020	340	Not calculated	23%	5%	9%
Pilot on Customs	2019	1118	Not calculated	16%	5%	8%
REF-4	2016	1173	Not calculated	12%	8%	7%

Interior articles A total of 106 products were checked within this category and showed a non-compliance rate of 26%. This is a broad category consisting of many types of plastic articles, for example, bathmats, door mats and PVC Tablecloths. The non-compliances found in this category were mainly related to phthalates (DEHP, DBP, BBP, DIBP) and C_9-C_{14} PFCAs. An interesting result in this category was a 29% non-compliance rate for restriction of PFCAs.

Fashion/textiles: A total of 354 products were checked within the fashion/textiles category. The overall non-compliance rate was 22%. This category is broad and covers articles like bags made of plastic, but also shoes and textiles ranging from clothes to bed linen. The non-compliances found in this category were mainly related phthalates (DEHP, DBP, BBP, DIBP),

[21] It is to be noted the differences in product selection, inspection strategies and sample composition, which can limit the direct comparability between projects.

[22] These three restrictions can be checked for the same product or not, hence the sample size given is for the highest number of products checked for either Cadmium, Lead or Nickel.

SCCP, PFOA and C_9-C_{14} PFCAs. An interesting result in this category was a 32% non-compliance rate for restriction for PFCAs.

Sports products: A total of 109 products were checked, included training equipment like yoga mats, handles, resistance bands, jump ropes and balls. Many articles in this category are made of soft plastic. The non-compliance rate within this group was 21% and was due to excessive amounts of phthalates and SCCP found in soft plastic.

Toys, building materials and sex toys showed the lowest percentage of non-compliance (10 - 13%). For toys, note that checking compliance with the Toy Safety Directive was not part of this project. Hence, all the non-compliances that were found in toys were related to REACH restrictions.

Other articles: This category represents 190 articles, a significant proportion of the controlled articles, with 11% non-compliance. The information provided by inspectors indicates that this category included school supplies as well as items for children and babies, telephone accessories (phone cases and jewellery), animal toys, protective and safety items (swimming armbands), etc. The non-compliance rate within this group was mainly due to the restrictions on phthalates and cadmium.

3.5.5.2 Substances and Mixtures

Table 19 Overview of types of substances and mixtures checked in REF-13 and their non-compliance with REACH restrictions

Product type	Number of products checked	Number of non-compliant products	% non-compliance
Solder wires	1308	1305	99%
Borax	89	85	96%
Lamp oil	18	14	78%
Tattoo Inks	12	11	92%
Room diffuser/room fragrance	5	1	20%
Glues /adhesives	44	6	14%
Paint stripper	32	4	13%
Paint, varnishes or lacquers	15	2	13%
Windscreen washing or defrosting fluids	26	3	12%
Car care products	10	0	0%
Detergents	28	0	0%
E-cigarettes (disposable)or e-cigarette liquids (including flavours)	1	0	0%

Biocides	1		0%
Pool chemicals	14	0	0%

REACH testing of substances and mixtures showed a significant non-compliance rate for brazing fillers and solder wires (99%, see chapter 3.5.5.3), borax (96%), tattoo inks (92%), lamp oil (78%) and to a lesser extent room diffuser/room fragrance (20%), although only a few products were checked.

3.5.5.3 Solder wires

1300 solder wires (out of 1308) were checked in the project by one Member State, representing around 25% of the total number of inspections. The targeting of solder wires was carried out using a risk-based approach, including keywords associated with potentially non-compliant offers, combined with a semi-automated methodology (web-crawler) whereby screenshots were automatically generated from a predefined list of URLs.

The high number of solder wires identified reflects that this type of non-compliance can be relatively easily detected through web-based screening methods. This indicates that web-crawling approaches may constitute an effective tool for identifying certain types of non-compliances in online offers.

These results of a high number of solder wires found on an online platform and with almost 100% non-compliance rate can significantly influence and slightly skew the overall results. Table 20 presents the non-compliance rates both including and excluding solder wires.

Since solder wire is regarded as a mixture and the controls have mainly been done on online platforms, this is where the differences can be seen. The non-compliance rate will be significantly lower when excluding this product from the result. The reason why the solder wires are included in the overall results of this report is because that is what has been checked by the inspectors and is also a reality of what is sold on online platforms.

Table 20 Difference of non-compliance when taking solder wires in account or not

	Non-compliance % with solder wires	Non-compliance % without solder wires
Mixtures	76%	61%
Products from online platforms checked for REACH	72%	31%
Platforms that signed the Product Safety Pledge	80%	50%
VLOPs	62%	47%
Location of sellers in platforms: Mixtures checked for restrictions	Outside EEA: 100% Inside EEA: 94%	Outside EEA: 92% Inside EEA: 32%

Another noteworthy finding is that some of the reported offers of solder wires concerned the same products and, consequently, the same brands. Duplicates among the reported offers were identified, and in some cases identical product images were used. Identical or highly similar product offers frequently remained available and were offered by multiple traders, either on the same platform or across different online platforms. However, in all such cases, at least one element differed, namely the seller, the product offer, or the online platform. This suggests that the same potentially non-compliant products may continue to circulate through multiple sales channels, despite variations in traders on online platforms or online platforms.

3.6 Enforcement

3.6.1 Enforcement measures

Of the 5281 inspected cases in the project, at least one enforcement measure was reported by the national enforcement authorities (NEAs) in 3243 cases (61%), while no enforcement measure was initiated in 2038 cases (39%). These percentages refer to all inspected cases and should not be interpreted as the proportion of non-compliant cases in which enforcement measures were taken, since compliant cases would normally not require enforcement action. As more than one enforcement measure could be reported for the same case, the Figure 9 below represent reported measures and are not mutually exclusive.

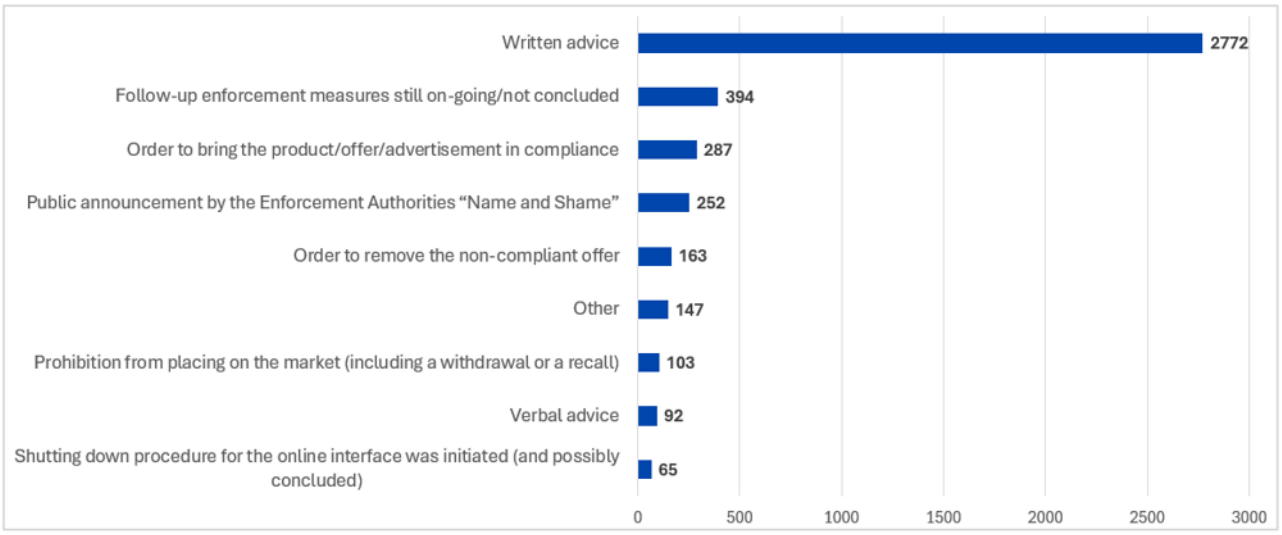

Figure 9 Enforcement measures reported by the national enforcement authorities

The most frequently reported enforcement measure was written advice, which was used in 2772 cases (Figure 9). This indicates that NEAs most often sought to achieve compliance through direct communication with the online trader or platform. Follow-up enforcement measures were still ongoing or not concluded in 394 cases. Orders to bring the product or online offer into compliance were reported in 287 cases, while public announcements by enforcement authorities were reported in 252 cases. More restrictive measures were reported less often, including orders to remove the non-compliant offer (163), prohibitions from placing the product on the market, including withdrawal or recall (103), and procedures to shut down the online interface (65). Verbal advice was reported in 92 cases and other enforcement measures in 147 cases.

Sanctions, fines or criminal complaints were reported in 384 cases, corresponding to 7% of the inspected cases. The most frequently reported sanction was the imposition of a fine (260 cases). Information was forwarded to an investigation authority or police in 66 cases, while criminal complaints or referrals to the public prosecutor's office were reported in 32 cases. Other sanctions or similar actions were reported in 52 cases. Since more than one type of sanction or follow-up action could be reported for the same offer, these figures are not mutually exclusive.

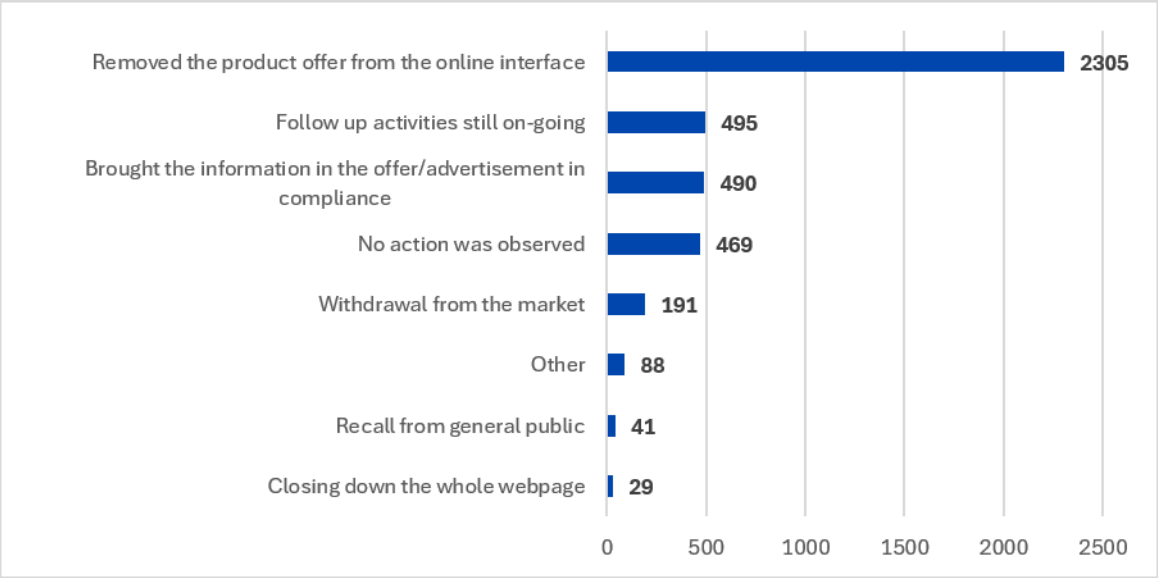

Figure 10 Actions reported by the online trader or platform as a result of the enforcement action

Figure 10 presents follow-up actions reported for online traders or platforms during the project. The most frequently reported action was the removal of the product offer from the online interface, reported in 2305 cases. In 495 cases, follow-up activities were still ongoing and in 490 cases the information in the online offer was brought into compliance., No action was observed in 469 cases. More far-reaching market actions were reported less frequently, including withdrawal from the market (191), recall from the general public (41), and closing down the whole webpage (29). Other actions, such as informing the buyers or referring the non-compliance to the manufacturer, were reported in 88 cases.

NEAs most often used corrective and compliance-oriented measures in response to problems identified in online sales. Written advice was by far the most frequently used measure, while more restrictive measures, such as removing offers, prohibitions from placing products on the market, withdrawal, recall or shutting down online interfaces, were applied less often. Enforcement in online sales was frequently aimed first at bringing the product or advertisement into compliance through communication with the trader or platform.

The most common approach was pragmatic and focused on rectifying non-compliance with regulations and limiting the availability of problematic online offers. The most frequently reported action by online traders or platforms was the removal of the product offer from the online interface. This underlines the practical importance of rapid removal of online offers as an enforcement outcome in e-commerce.

3.6.2 Impact of the DSA and the MSR on the enforcement activities

Some inspected online platforms were checked for their duties under the Digital Services Act (DSA) to have a single point of contact for authorities (Article 11 of the DSA) and – for platforms not located in the EU – to have a legal representative in the EU (Article 13 of the DSA). These checks have been performed per inspected product case and thus could address one online platform several times.

Out of the 2032 inspections in which a non-compliant product was identified on an online platform, the platform was contacted by the inspectors in 7% of the cases (136 cases) for checking the online platform's further duties under the Digital Service Act.

Of the 77 inspections for which the online platform/webshop was successfully contacted for initiation of enforcement measures on the non-compliant product, 12 could not identify the platform's single point of contact for authorities. For 3 out of 70 inspected products offered by non-EU based online platforms/webshops, the inspectors could not identify the platform's legal representative in the EU.

In 39 cases the online platforms were requested to act against illegal content (non-compliant product offered by online traders on the platform) according to Article 9 of the DSA and all platforms took action and were all in compliance with this duty. No non-compliance was observed among the limited number of cases in which this duty was checked.

In 4 cases the online platform was requested to provide information related to a non-compliant product according to Article 10 of the DSA. The platforms took action and were all in compliance with this duty, hence no non-compliance related to Article 10 of the DSA was observed.

For 3 products posing a serious risk the inspector started a procedure to restrict the access to the online platform based on Article 14(4)(k) of the Market Surveillance Regulation (MSR).

The findings of the REF-13 project also indicate areas of systemic risks for having non-compliant products offered on online platforms, *e.g*. for specific types of jewellery or solder wires. In most cases, identified non-compliances relate to products offered that are unsafe due to the presence of a chemical risk. According to Article 34 of the DSA, providers of very large online platforms (VLOPs) are obliged to identify, analyse and assess any systemic risks stemming *inter alia* from the use made of their services by online traders offering their products. According to Article 35 of the DSA, also mitigation measures tailored to the identified specific systemic risks need to be implemented for VLOPs.

Enforcement authorities regard their findings in the REF-13 project for specific product categories showing high rates of non-compliance as an important source of information for the providers of VLOPs when fulfilling their duty for risk assessment and risk mitigation under Article 34 and 35 of the DSA. In this respect, product categories identified in REF-13 that show specific high rates of non-compliance may represent a high systemic risk associated with non-compliant and potentially hazardous product offers on VLOPs. These product categories are:

- Low-cost jewellery in alloy metal, especially with dark oxidized parts;
- Low-cost, no brand electronics like chargers, headphones etc;
- Soft plastic articles made of PVC like inflatables, interior articles, and toys;
- CMR substances and mixtures that are restricted for sale to the general public, including solder wires with high content of lead and borax;
- Hazardous substances and mixtures. They need to be classified and labelled correctly to provide information about hazards and how to safely handle them. Hazard information must be clearly provided in the online offers.

4. Conclusions and recommendations

4.1 Conclusions

- The inspected products in this project showed an overall non-compliance rate of 61%. Since inspections were largely risk-based, the result should not be interpreted as representative of the EEA online market as a whole. This indicates that online sales have a very high level of non-compliance with at least one regulation checked in the project.
- The non-compliance with at least one regulation checked in the project for substances and mixtures was 77% and 76%, respectively, compared to 28% for articles. This difference is influenced by differences in detectability. For mixtures, non-compliance can sometimes be identified directly from the online offer or product label (e.g. information requirements, constituent substance names given in the offers like solder wires), whereas for articles, non-compliance typically requires chemical testing to be verified.
- Online platforms (74%) showed a higher rate of non-compliance than webshops (46%).
- The combined non-compliance rate for CLP Article 48 was 62%. Higher observed rates were recorded for offers on online platforms than for offers in webshops. For products offered on platforms, non-compliance was also markedly higher where the seller was located outside the EEA. A similar pattern was observed in the optional checks under Article 17.
- REACH inspections of restrictions for 3126 products revealed high non-compliance rates, particularly for CMR substances (92%) in consumer products (lead in solder wires, borates in cleaning products), phthalates (19%) mainly in fashion/textiles and sports products made of soft plastic, as well as cadmium (16%), nickel (13%) and lead (8%) in jewellery. For POPs, SCCPs restriction was found most frequently checked, with 12% non-compliance rate, mainly in electronics and soft plastic articles. For PFOA restriction, 25% of products were non-compliant, mainly in interior and textile products.
- Under RoHS restrictions, lead in solders in electronics was the main cause of non-compliance (48%), followed by phthalates (up to 26 %) and cadmium (14%).
- The results concerning the extremely high number of non-compliant solder wires identified in this project indicate that enforcement measures by online platforms are often limited to the specific offers identified during inspections. Identical products frequently remain available, offered by multiple traders on the same or different platforms. This observation is consistent with the experience of the members of the working group REF-13 (AT, BE, CY, CZ, DE, FI, FR, IE, IT, LT, NO, PL and SE). This occurs despite the obligations of online platforms under relevant legislation to review notifications in Safety Gate and identify identical listings of unsafe or non-compliant products.
- The selection of products for inspection in each Member State may depend on national priorities, inspection methodologies applied, inspection plans, such as national market-surveillance strategies, including under the Market Surveillance Regulation, which include elements of a risk-based inspection approach. This has also influenced the REF-13 project results. Product targeting can be challenging and may vary depending on available information and inspection experiences. These differences may affect which products are prioritised for inspection and therefore potentially influence the observed non-compliance rates.
- Furthermore, both online platforms and enforcement authorities face significant challenges related to product traceability (ID number of the products such as article number, model number, EAN code etc.), as traceability information is often incomplete, unreliable, or insufficient to identify identical products with certainty. These shortcomings highlight the need for strengthened traceability requirements.

4.2 Recommendations

4.2.1 To the European Commission

- Significant efforts are currently underway to strengthen different pieces of legislation and obligations, particularly for online platforms. Continued support and clear implementation guidance for these legislations from the European Commission will therefore be important.
- The European Commission should continue supporting Member States with improved IT tools for market surveillance and enforcement. Update of the web-crawling instrument could, for example, include enhanced image-based web crawling functionalities.
- Multiple online offers for one and the same non-compliant product from different online traders in their web shops or on online platforms are frequent. It is an enforcement challenge for inspectors but also for online traders and online platforms to identify in the online offers the non-compliant products. This is because there is no uniform product identifier that supports traceability of offers of identified non-compliant products. To improve enforceability and facilitate traceability of products in online offers, a system of uniform product identifiers should be made obligatory for every online offer.

4.2.2 To the Forum

- Since product targeting is important both for effective enforcement and for enabling comparisons between different types of online actors, future online sales projects could focus on specific product categories rather than including a too broad range of products.
- Strengthen coordination on joint enforcement actions focusing on high-risk sectors and products and promote best practices for product targeting strategies among Member States to support more effective enforcement and a level playing field.
- Encourage systematic sharing of inspection methodologies and case studies to improve consistency in enforcement approaches.

4.2.3 To Member States

- Support online traders with guidelines for online sales by providing information and guidance on what is required when selling products online[23].
- Members of the ECHA Member States Communicators Network[24] to consider specific targeted communication campaigns to raise awareness about the risks associated with products purchased online that show a high risk of non-compliance with chemicals legislation.

4.2.4 To the National Enforcement Authorities

- The National Enforcement Authorities (NEAs) should continue to focus on inspections of products sold online, with particular attention to online traders located outside the EEA and products manufactured outside the EEA, given the high rates of non-compliance detected. NEAs should continue to utilise the skills and knowledge gained in this REF-13 project and incorporate online sales into their annual enforcement activities.

[23] For example: Selling chemical products online - Health and Safety Authority

[24] Collaborative network managed and coordinated by ECHA, bringing together communication professionals representing national competent authorities from across EEA

- Continue to develop skills and expertise in the market surveillance of products sold online by making use of relevant training and resources, such as those provided through the E-enforcement academy, and by exchanging knowledge and best practices with other authorities.
- Enhance risk-based targeting methods, particularly for online sales channels, where product selection significantly influences non-compliance rates.
- Continue to use the IT tools for market surveillance and enforcement developed by the European Commission, such as web crawlers, to better target products for inspection.
- Improve consistency in identifying traders and product origin through better integration and use of available platforms, customs, and commercial data (*e.g*. trader registration details, fulfilment information, and business identifiers) to support determination of business models such as dropshipping.

4.2.5 To online traders

- Traders should ensure that all information required before purchase under the applicable legislation is available in the online offer. They should also ensure that the physical product label and packaging comply with the applicable requirements before the product is placed on the market.
- Verify compliance of products before placing them on the market. Traders should establish procedures to confirm that products supplied by manufacturers or importers comply with relevant requirements under REACH, CLP, POP and RoHS legislation.
- Strengthen supplier due diligence, particularly for products sourced from outside the EEA. Traders should request and retain relevant compliance documentation (*e.g*. safety data sheets, declarations of conformity, test reports, information on substances of concern, or compliance with restrictions).
- Improve traceability and transparency. Traders should ensure that company identity, contact details, responsible economic operator information, and product origin are clearly available to buyers and authorities.
- Pay particular attention to high-risk product categories.

  Chemical mixtures:

  - CMR-substances that are restricted for sale to the general public, including solder wires with high content of lead and borax
  - All hazardous substances and mixtures. They require information about their hazards to be included in the online advertisement.

  Articles:

  - Low-cost electronics, toys, articles made of PVC and jewellery may require additional scrutiny due to higher observed rates of non-compliance or sector-specific legal obligations.

4.2.6 To online platforms

- Remediation actions should not be limited to the removal of a single notified listing. Platforms should implement more effective systems for identifying and assessing identical or substantially similar product listings across traders, including the use of image recognition, product matching tools, and keyword-based searches.

- Platforms should strengthen requirements for product traceability information and ensure that traders provide complete, accurate, and verifiable information regarding product identity, manufacturer, importer, and product origin. Better traceability would facilitate the identification of identical products and improve compliance efforts and enforcement effectiveness.
- Platforms should establish more robust procedures for reviewing and acting upon Safety Gate notifications, including proactive searches for equivalent products and repeated monitoring to prevent reappearance of the same products.
- Ensure that online offers for hazardous substances and mixtures clearly and visibly display the required hazard information.

4.2.7 To Very Large Online Platforms (VLOPs)

- The advice given for platforms above is also valid for VLOPs.
- Based on the findings of this project, it is recommended that Very Large Online Platforms (VLOPs), in the context of systemic risk assessments under Articles 34 and 35 of the Digital Services Act (DSA), make use of information and intelligence from market surveillance authorities.
- VLOPs are recommended to take the high-risk product categories identified in 4.2.5 (CMRs, all hazardous substances and mixtures, and low-cost articles) into consideration for their risk assessments.

4.2.8 To consumers

- Avoid buying products for which there is incomplete or no information about the product or online trader.
- Be cautious when buying higher-risk products such as low-cost jewellery, toys, soft plastic items, or hazardous chemicals. Look for information about the materials used, safe-use instructions, and any applicable warnings or hazard pictograms.
- Be proactive and learn about the general legal requirements for consumer products in the EEA. Information on consumer's rights can be found on the web pages of the Commission, ECHA, and national authorities[25].

[25] Learn about the rights of the consumer in COM's web page
The COM's Safety Gate website provides information on product safety and tips for online shopping:
https://ec.europa.eu/safety-gate/#/screen/pages/PSaC
https://ec.europa.eu/safety-gate/#/screen/pages/tips

5. Annexes

Annex I – Project Questionnaire

Forum Project REF 13 on online sales
Questionnaire

Section 0: General information about the inspection	**Remark**
0.1. *Participating country:	
0.2. Name of authority: **0.3.** Person in Charge (inspector): Telephone: E-mail: **0.4** File reference	This data is only for internal use.

Section 1 - Product level questions

1. Product identifier	
1.1 Sample number	Please coordinate in you MS what number series to use. One example could be MS prefix + Number e.g., SE1, SE2 etc.
1.2 EAN / GTIN No./Barcode / Item number **1.3** URL address **1.4** CN code	EAN = European Article Number GTIN = Global Trade Item Number This data is only for national use.
1.5 *The product is a: ◯ Substance ◯ Mixture ◯ Article 1.6: * What legislations have you checked? (multiple choice) [] REACH [] POP [] RoHS [] CLP	Please note that certain products maybe a combination of an article and a substance /mixture (e.g., electric air fresheners. In this case, please tick article if you are checking the electric device substances and tick substance/mixtures if you are checking the substance/mixture in the refilled block or check both) On alloys, such as lead solder, see FAQ 0190 Note that when clicking substances this is not substances in articles.
1.7 If an article – What type?	

◯	Fashion/textiles (shoes, bags, clothes)
◯	Jewellery
◯	Electrical and Electronic Equipment (EEE) including electrical toys
◯	Toys (not EEE)
◯	Sport (training equipment etc)
◯	Building material
◯	Interior articles (including kitchen/bathroom articles)
◯	Sex toys
◯	Other

1.7 a) Please specify the article further (ring, necklace, plastic doll, yoga mat, shower curtain, etc.):	
1.8 If a substance/mixture (chemical product) was checked– What type?	

◯	Paint, varnishes or lacquers
◯	Paint stripper
◯	E-cigarettes (disposable)or e-cigarette liquids (including flavours)
◯	Car care products
◯	Cleaning products
◯	Detergents
◯	Glues /adhesives
◯	Room diffuser/room fragrance
◯	Tattoo Inks
◯	Pool chemicals
◯	Windscreen washing or defrosting fluids
◯	Other: [free text]

Section 2 – Online trader/platform level questions

2.1. URL of the product or the offer	
2.2* Where was the product found ? ◯ Online traders ◯ Classic online trader ("webshop") ◯ Online trader - Dropshipping ◯ Social media (e.g. Facebook, Instagram) ◯ Not possible to specify [explain why – open text] ◯ Online platform [] Very large online platforms (VLOP) [] part of the Product Safety pledge + [] others 2.3* Was the product also **advertised** in social media? ◯ yes ◯ no ◯ not checked	Note that online traders on online platforms shall not be reported. Only the platform. List of VLOPs https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses Link to the pledge: Consumer Protection Pledge - European Commission (europa.eu)
2.4* Where is the legal entity of the online trader/platform situated where the product was found? ◯ Within EEA ◯ Outside the EEA 2.4.a Please specify the country: ◯ Not possible to specify [explain why – open text]	See the terms and conditions to identify the legal entity. Only valid for online classic trader, dropshipping trader and platform. See question 2.5 for trader on online platform
2.5* Where is the online trader (seller) on the online platform situated? ◯ Within EEA ◯ Outside the EEA 2.5.a Please specify the country: ◯ Not possible to specify [explain why – open text]	
2.6* Where is the product manufactured (made)? ◯ Within EEA ◯ Outside the EEA 2.6.a Please specify the country: ◯ Not possible to specify [explain why – open text]	The label often states where the product is made e.g., "Made in X"

Section 3 - Restriction questions

3.1 Please indicate the REACH restriction(s) investigated and whether it was found compliant or non-compliant.

Compliant?

REACH

If the substance have been checked, fill in Compliant or Non-compliant	**Compliant**	**Non-compliant**
Entry 23: Cadmium	◯	◯
Entry 27: Nickel	◯	◯
Entry 28-30: CMRs	◯	◯
Entry 32: Chloroform	◯	◯
Entry 38: 1,1-Dichloroethene	◯	◯
Entry 47: Chromium VI	◯	◯
Entry 48: Toluene	◯	◯
Entry 50: PAH	◯	◯
Entry 51 DEHP, DBP, BBP, DIBP	◯	◯
Entry 52 DINP, DIDP, DNOP	◯	◯
Entry 59 Dichloromethane	◯	◯
Entry 63 Lead	◯	◯
Entry 69 Methanol	◯	◯
Entry 75 Tattoo inks	◯	◯
Other entry(ies) : please specify entry from Annex XVII		
Entry:	◯	◯
Entry:	◯	◯
Entry:	◯	◯
Entry:	◯	◯
Other restrictions on label/package requirement (listed in Table 7)		
Entry:	◯	◯
Entry:	◯	◯

3.2 Overall result of the product checked for **REACH restrictions**:

◯ Compliant
◯ Non-compliant

3.3 Please indicate the **RoHS** restriction(s) investigated and whether it was found compliant or non-compliant.

	Compliant	**Non-compliant**
Lead	◯	◯
Cadmium	◯	◯
Mercury	◯	◯
Cr VI	◯	◯
Polybrominated biphenyls (PBB)	◯	◯
Polybrominated diphenyl ethers (PBDE)	◯	◯
Bis(2-ethylhexyl) phthalate (DEHP)	◯	◯
Butyl benzyl phthalate (BBP)	◯	◯
Dibutyl phthalate (DBP)	◯	◯

Diisobutyl phthalate (DIBP)	◯	◯	

3.4 Overall result of the product checked for **RoHS restrictions**:

◯ Compliant
◯ Non-compliant

3.5 Please indicate the **POPs** restriction(s) investigated and whether it was found compliant or non-compliant.

	Compliant	Non-compliant
Brominated diphenyl ethers	◯	◯
PFOS	◯	◯
PFOA	◯	◯
SCCP	◯	◯
HCB	◯	◯
HBCDD	◯	◯
PCP	◯	◯
Other entry(ies) : please specify entry from Annex I		
Entry:	◯	◯
Entry:	◯	◯
Entry:	◯	◯

3.6 Overall result of the product checked for **POPs restrictions**:

◯ Compliant
◯ Non-compliant

Section 4 - CLP questions

4. CLP	**Only fill the CLP part for products known to be classified as hazardous**
Note: Answer the following questions if the advertisement refers to the online sale of an hazardous <u>substance</u>: **4.1a)** Does the advertisement contain information related to the hazard classes or hazard categories of the substance according to Article 48(1)? ◯ Yes – **compliant with Art 48(1)** (select applicable answer(s)*) ☐ The advertisement contains written information providing the hazard classes or hazard categories in the official language ☐ The advertisement includes a clear/legible picture of the product's label containing the hazard classes or hazard categories in the official language ◯ No **non-compliant with Art 48(1)** (select applicable answer(s)*) Because of : ☐ missing Hazard classes/categories ☐ label not clear/legible ☐ not in the official language(s) of the country ☐ no information	**Article 48 (1)** For substances, the advertisement shall mention hazard classes or hazard categories e.g. Acute oral toxicity category 3. See ECHA Q&A 0272 <u>Note</u>: there is compliance with Article 48(1) if the hazard classes or hazard categories are provided in the advertisement of a substance. This can be done either by written information or by providing a clear/legible picture of the product label. * Note: some or all can apply
Note: Answer the following questions if the advertisement refers to the online sale of an hazardous <u>mixture intended for the general public</u>: **4.1b)** Does the advertisement contain information on the type or types of hazard as indicated on the label according to Article 48 (2)? ◯ Yes – **compliant with Art 48(2)** (select all applicable answers) ☐ The advertisement contains written information on the hazard type or types in the official language ☐ The advertisement includes a clear/legible picture of the product's label containing the hazard type or types in the official language ◯ No **– non-compliant with Art 48(2)** Because of ☐ missing Hazard statements ☐ H-codes only instead of full hazard statements ☐ only hazard pictograms ☐ not in the official language(s) of the country ☐ no information ☐ label not clear/legible ☐ Other: ….. 4.1.1 Does the advertisement also include, as recommended in Q&A273: ☐ the hazard pictogram(s) ☐ the Signal word (Warning or Danger) ☐ None of the above	**Article 48 (2)** For mixtures intended for the general public, the advertisement shall mention the type or types of hazard indicated on the label. <u>This can be done by providing the relevant hazard statement(s) and supplemental hazard statement(s) e.g "H319: Causes serious eyes irritation", "EUH208: Contains <name of sensitising substance>. May produce an allergic reaction".</u> See ECHA Q&A 0273
4.2 Overall result of the product checked for CLP (Article 48): ◯ Compliant ◯ Non-compliant	

[] Optional investigations for further compliance checks **4.3 Further control related to Art 17** 4.3.1 Does the product label contain ALL obligatory information according to Article 17(1) of CLP? ◯ Yes ◯ No ◯ Not checked 4.3.2 Is the product label available in the official language(s) of the Member State where it is placed on the market? ◯ Yes ◯ No ◯ Not checked 4.3.3 Overall result of the product checked for CLP (Article 17) ◯ Yes - Compliant ◯ No - Non-compliant **4.4 Further control related to Art 25(4)** 4.4.1 Does the product label/packaging contain statements like 'non-toxic', 'non-harmful', 'non-polluting', 'ecological' which are inconsistent with its classification ? ◯ Yes - non-compliant ◯ No - compliant **4.5 Further control related to Art 35(2)** 4.5.1 Does the packaging of product **intended for the general public** has the shape or design likely to attract or arouse the active curiosity of children or to mislead consumers, or have a similar presentation or a design used for foodstuff or animal feeding stuff or medicinal or cosmetic products, which would mislead consumers? ◯ Yes - non-compliant ◯ No - compliant 4.5.2 Does the packaging of the product have a child-resistant fastening? ◯ Yes - compliant ◯ No - non-compliant ◯ Not relevant/Not applicable 4.5.3 Does the packaging of the product have a tactile warning of danger? ◯ Yes - compliant ◯ No - non-compliant ◯ Not relevant/Not applicable	*To reply to these questions, the inspector needs to have a physical product to check* Choose **NO** if the label is not consistent/wrong or not complete (*e.g.* missing statements, missing pictograms, missing Product identifiers). Article 17(2): Label shall be written in the official language(s) of the Member State(s) where the substance or mixture is placed on the market, unless the Member State(s) concerned provide(s) otherwise. If at least one "No" is checked in 4.3.1 or 4.3.2, then the product is considered as non-compliant as regards to the labelling of the product (Article 17 obligations).

Section 5 – Actions

5.1* Enforcement measures taken by the authority on the product?

No enforcement actions were initiated	
Verbal advice	
Written advice	
Order to bring the product/offer/advertisement in compliance	
Order to remove the non-compliant offer	
Prohibition from placing on the market (including a withdrawal or a recall)	
Shutting down procedure for the online interface was initiated (and possibly concluded)	
Public announcement ** by the Enforcement Authorities "Name and Shame"	
Follow-up enforcement measures still on-going/not concluded	
Other (please specify in 5.1 a):	

5.1 a) Please specify your answer "other": .....

*** Examples of public announcement is that the result on the non-compliant product and company is published in a report or in the public NEA´s decision (order)*

For example, inform OLAF or EUIPO

5.2* Sanctions/fines/criminal complaint done by the authority?

No sanctions were applied	
Fine imposed	
Information to investigation authority (Police)	
Criminal complaint / handing over to public prosecutor's office	
Other (please specify in 5.2 a):	

5.2.a) Please specify your answer "other": .....

5.3* What actions did the online trader/platform take as a result?

Removed the product offer from the online interface (Restrictions)	
Brought the information in the offer/advertisement in compliance	
Closing down the whole webpage	
Withdrawal from the market	
Recall from general public	
Follow up activities still on-going	
No action was observed	
Other (please specify in 5.3 a):	

5.3.a) Please specify your answer other …..

Section 6 – Communication/Cooperation

6.1* Has information about the non-compliant product been forwarded to other Member States Authorities or other kind of Authorities for action?

◯ *No*
◯ Yes
◯ Not relevant/Not applicable

6.1.1 If Yes, please specify the tools/procedures *used:*

	Used
Interact portal	()
ICSMS ('pass the baton/request for information/request for executive measures')	()
Safety Gate: the EU rapid alert system for dangerous non-food products	()
Informally to another Member State (e.g., e-mail, phone call)	()
Reported to other relevant authorities (e.g. *[] DSA* *[] GPSR* *[] MSR* *[] POPs* *[] RoHS*	()
Other (e.g. customs)	()

6.1.1.1 a) Please specify your answer "other" …..

Section 7 – Impact of the DSA and the MSR on the enforcement activities

7.1 *Was an online platform/trader successfully contacted for initiation of enforcement measures on the non-compliant product?*

◯ *Yes*
◯ No
◯ Not relevant

7.1.1 If Yes or No, please specify:

Duty of online platform/marketplace	**Compliant**	**Not compliant**	**Not relevant**
The requested action against illegal information on the non-compliant product was taken (Article 9 of the DSA)	◯	◯	◯
The requested information related to the non-compliant product was provided (Article 10 of the DSA)	◯	◯	◯
A legal representative in a Member State is available (Article 13 of the DSA)	◯	◯	◯
A point of contact for authorities is available (Article 11 of the DSA)	◯	◯	◯

7.2 *Was a procedure to restrict access to the online platform with the non-compliant product initiated (Article 14(4)(k) of the MSR)?*

◯ *Yes*
◯ No
◯ Not relevant

7.3 Additional comment (free text, in EN):

Section 8 – Comment

8: Informal comments (free text)

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

.....
.....

Annex II – Legislation in the scope of REF-13

Classification, Labelling and Packaging of substances and mixtures (CLP)

Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures.

Table A1 CLP provisions enforced under the REF-13 project

Articles	Relevant parts of the provisions
48	1. Any advertisement for a substance classified as hazardous shall mention the hazard classes or hazard categories concerned. 2. Any advertisement for a mixture classified as hazardous or covered by Article 25(6) which allows a member of the general public to conclude a contract for purchase without first having sight of the label shall mention the type or types of hazard indicated on the label.
Optional checks:	
4(1), 4(4), 4(10)	General obligations to classify, label and package 1. Manufacturers, importers and downstream users shall classify substances or mixtures in accordance with Title II before placing them on the market. 4. Where a substance or mixture is classified as hazardous, suppliers shall ensure that the substance or mixture is labelled and packaged in accordance with Titles III and IV, before placing it on the market. 10. Substances and mixtures shall not be placed on the market unless they comply with this Regulation.
17	A substance or mixture classified as hazardous and contained in packaging shall bear label elements, such as suppliers information, products nominal quantity, product identifiers, where applicable hazard, precautionary and/or supplemental information. The label shall be written in the official language(s) of the Member State(s) where the substance or mixture is placed on the market, unless the Member State(s) concerned provide(s) otherwise. Suppliers may use more languages on their labels than those required by the Member States, provided that the same details appear in all languages used.

25(4), 25(6)	4. Statements such as 'non-toxic', 'non-harmful', 'non-polluting', 'ecological' or any other statements indicating that the substance or mixture is not hazardous or any other statements that are inconsistent with the classification of that substance or mixture shall not appear on the label or packaging of any substance or mixture. 6. Where a mixture contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II. The statements shall be worded in accordance with Part 3 of Annex III and shall be placed in the supplemental information section of the label. The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture.
35(2)	2. Packaging containing a hazardous substance or a mixture supplied to the general public shall not have either a shape or design likely to attract or arouse the active curiosity of children or to mislead consumers, or have a similar presentation or a design used for foodstuff or animal feeding stuff or medicinal or cosmetic products, which would mislead consumers. Where the packaging contains a substance or mixture which meets the requirements in section 3.1.1 of Annex II it shall have a child-resistant fastening in accordance with sections 3.1.2, 3.1.3 and 3.1.4.2 of Annex II. Where the packaging contains a substance or mixture which meets the requirements in section 3.2.1 of Annex II it shall bear a tactile warning of danger in accordance with section 3.2.2 of Annex II.

Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

Table A2 REACH provisions enforced under the REF-13 project

Articles and annexes	Relevant parts of the provisions
67	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 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 XVII	Restriction list

Persistent organic pollutants (POPs)

Regulation (EU) No 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants restricts the manufacturing, placing on the market and use of several persistent organic pollutants listed in its Annex I.

Table A3 POPs provisions enforced under the REF-13 project

Articles and annexes	Relevant parts of the provisions
3(1)	Control of manufacturing, placing on the market and use of substances in Annex I Substances included in Annex I shall not be manufactured, placed on the market or used, unless there is a specific derogation for that purpose indicated in the entry in the Annex I.
4(1)(b)	Exemptions from control measures for substances present as unintentional trace contaminants in substances, mixtures or articles.

4(2)	Six-month exemption period from control measures for substances present in articles produced before or on the date that this Regulation becomes applicable to that substance. Exemption from control measures for substances present in articles already in use before or on the date that this regulation or Regulation (EC) No 850/2004 became applicable to that substance, whichever date came first.
Annex I	List of prohibited substances.

Hazardous substances in electrical and electronic equipment (RoHS) – voluntary check

Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

This directive is not under the Forum's remit, but it was an optional check that inspectors could make voluntarily as part of an integrated enforcement approach . Integrated enforcement of several related legislations is Forum priority and reflects the reality of enforcement. Voluntary RoHS checks reported with REF-13 inspections are reflected in this report.

Table A4 RoHS provisions optionally enforced under the REF-13 project (optional)

Articles and annexes	Relevant parts of the provisions
2	**Scope**: This Directive shall apply to electrical and electronic equipment (EEE) falling within the categories set out in Annex I.
4	**Prevention:** Member States shall ensure that EEE placed on the market, including cables and spare parts for its repair, its reuse, updating of its functionalities or upgrading of its capacity, does not contain the substances listed in Annex II.
7	**Obligations of manufacturers:** EEE must be designed and manufactured in accordance with the requirements of Article 4; The EEE must be marked with a type, batch or serial number or other means of identification or, if the size or nature of the electrical or electronic equipment does not allow this, the necessary information must be given on the packaging or in the document accompanying the electrical or electronic equipment.

9	**Obligations of importers** -Importers place on the Union market only EEE which complies with this Directive. -Importers shall, before placing an EEE on the market, ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has established the technical documentation, that the EEE bears the CE marking and is accompanied by the required documents, and that the manufacturer has complied with the requirements set out in Article 7 in points (f) and (g). -Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the EEE or, failing that, on its packaging or in a document accompanying the EEE.
10	**Obligations of distributors:** Distributors carefully follow the applicable requirements, in particular checking that the EEE is CE marked, that the necessary documents are attached to it in a language easily understood by those Member States in which the EEE will be placed on the market, consumers and other end-users.
Annex II	Restricted substances and maximum concentration values tolerated by weight in homogeneous materials.

Additional relevant legislation on online sales - voluntary checks

The following legislations are not under the Forum's remit but they regulate online sales therefore affect enforcement of REACH, CLP, POPs for products sold online. Inspectors could optionally assess to what extent these provisions affect enforcement and voluntarily report information as part of an integrated enforcement approach on the national level. Information voluntarily reported with REF-13 inspections is reflected and analysed in section 3.6.2. of this report.

Table A5 Other provisions useful for the REF-13 project

Articles	Summary of relevant parts of the provisions
(EU) 2022/2065	**Digital Services Act (DSA)**
6	Liability exemption for online platforms for illegal content (*e.g.* non-compliant product) dependent on the awareness of facts from which the illegal content is apparent. It is an important provision together with Article 9.
9	Order by a relevant administrative authority (*e.g.* a NEA enforcing REACH, POP or CLP) to an online platform to act against illegal content. Important provision for an NEA to order the online platform to remove an offer *e.g.* by a non-EU-based trader for a non-compliant product.
10	Order by a relevant administrative authority (*e.g*. a NEA enforcing REACH, POP or CLP) to an online platform to provide information about individual recipients of the service (traders). Important provision for identifying traders on online platforms, *e.g.* in order to require EU-based traders to remove the non-compliant offer
11	Point of contact of an online platform to be used by Member State authorities like *e.g*. a NEA enforcing REACH, POP or CLP. The point of contact needs to be public information which NEA can identify and use for their communication with the online platform. Is an important provision together with Article 9 or 10.
13	Obligation for non-EU online platforms to have a legal representative at least in one of the Member States. Is an important provision for NEAs when formally addressing enforcement actions to an online platform.
26	Obligation for online platforms related to advertising, as relevant (*e.g.* Article 48(1) of CLP).
30	Obligation for online platform offering to the consumers to ensure traceability of traders. Is a relevant provision together with Article 10.
31	Obligation for online platform offering to the consumers to enable traders to comply. It is an important provision to ensure better compliance of traders using the services of online platforms.

32	Obligation for online platform offering to the consumers to inform consumers about an illegal product. It is an important provision, but it is not to be enforced by a NEA in its competence for REACH-, POP- or CLP-enforcement.
34	Obligation of **very large online platforms** (VLOP[26]) for a risk assessment, *e.g.* on non-compliance of traders or products.
35	Obligation of very large online platforms (VLOP) for mitigation of risks, *e.g.* to remove non-compliant products or traders.
(EU) 2019/1020	**Market Surveillance Regulation (MSR)**
4	Fulfilment service provider: Can be a responsible economic operator and relevant for RoHS legislation in case the supplier is in a third country (see "Fulfilment service provider" in the Glossary). Article 3(11) states that "*Any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services*".
6	Products offered for sale online or through distance sales are deemed to be made available on the market (in REACH/CLP/POP: placed on the market[27]) if the offer is targeted at end users in the Union. Similar provision also in Article 4 of the General Product Safety Regulation.
7	Online platforms need to cooperate with NEAs (market surveillance authorities) in order to eliminate or mitigate risks presented by a product.
14	Article 14(4)(j) provides for the power of a NEA (in its capacity as a market surveillance authority) to act under cover identity when inspecting samples. Article 14(4)(k) provides for the power of a NEA (in its capacity as a market surveillance authority) - to require the removal from an online interface (e.g. an online shop) of content referring to a product presenting a serious risk - or to require the explicit display of a warning to end users when they access an online interface - to ask the relevant authorities to restrict the access to an online interface containing an offer for a product presenting a serious risk.
2017/C 250/01	**Commission Notice on the Market surveillance of products sold online** The Notice sets out good practices for the market surveillance of products sold online and for communication with businesses and consumers.

[26] See the list of very large online platforms made public by the European Commission at https://digital-strategy.ec.europa.eu/en/policies/dsa-vlops

[27] The term „making available on the market" under the Market Surveillance Regulation is equivalent to „placing on the market" under REACH, CLP or POP.

(EU) 2023/988	**General Product Safety Regulation** (GPSR)
19	Obligations of economic operators in case of distance sale (online sale)[28].
22	Additional obligations of online platform offering to the consumers related to product safety: 22(1): the single point of contact for authorities needs to be indicated on the Safety Portal. This is an important provision in order to easily find the single point of contact for online platform offering to the consumers. The provision complements Article 11 of the DSA. 22(4) provides for further details related to Article 14(4)(k) of the MSR and for a reaction time of online platform offering to the consumers within two working days. 22(5) provides for orders of the NEA to require removal of identical content referring to an offer of the dangerous product in question 22(9) provides for further details related to Article 31 of the DSA 22(12) provides for an obligation of online platform offering to the consumers to cooperate with NEAs and further details Article 7 of the MSR.
2022/C 247/01	**Blue guide on the implementation of EU product rules 2022** Guide to the implementation of directives based on the New Approach and the Global Approach However, it can be useful as a reference for the concepts of "placing in the market" and "making available on the market". Note that the Blue Guide does not attempt to cover REACH and chemicals - see chapter 1.5 of the Blue Guide.
2000/31/EC	**Directive on electronic commerce** On certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

[28] Note that Article 19(b) of the GPSR does not apply to REACH, CLP and POP

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