

CEFIC ANALYSIS OF 2020 CASES OF NON-COMPLIANCE WITH THE EU CHEMICAL LEGISLATION

Data confirms an *urgent need to step up enforcement of chemicals legislation for imported goods and online sales*

HIGHLIGHTS

- UNKNOWN COUNTRY OF ORIGIN FOR 17% OF PRODUCTS LIKELY DUE TO INCREASED ONLINE SHOPPING
- HIGH NUMBER OF NON-COMPLIANT CAR RESTRICTED REFRIGERANTS AND HAND SANITISERS
- 258 INSTANCES OF ENDOCRINE DISRUPTORS FROM OUTSIDE THE EU/EEA
- HEAVY METALS ARE THE MOST FREQUENTLY FOUND REPROTOXIC CHEMICALS
- INCREASED NON-COMPLIANCE WITH ALL CHEMICAL LEGISLATION
- “SKIN-LIGHTENING PRODUCTS” WITH MERCURY ARE ON THE RISE
- % OF NON-COMPLIANCE WITH REACH REMAINS STABLE

CEFIC ANALYSED THE 2020 DATA REPORTED THROUGH THE ‘SAFETY GATE’, THE EU’S [RAPID ALERT SYSTEM](#) FOR PRODUCTS ESTABLISHED UNDER THE EU GENERAL PRODUCTS SAFETY DIRECTIVE. THESE ARE THE KEY FINDINGS:

- While close to 80 % of non-compliant articles comes from outside the EU/EEA, we see a **steep increase in cases where the country of origin of the product is unknown** (17 % vs 4 % in 2019). This is likely due to increased online shopping during the COVID-19 pandemic.
- A new trend is the high number of **non-compliances related to restricted refrigerants in cars** (not compliant with the type-approval directive) and **hand sanitisers** that are not marked as flammable, contain methanol (not compliant with classification and labelling rules), or hold an insufficient percentage of ethanol to kill viruses (not compliant with the biocides regulation).
- While there were only two instances of **endocrine disruptors** found inside the EU/EEA, there were **258 instances from outside the EU/EEA**. The lion’s share (77 %) contain DEHP, a phthalate that has been restricted in Europe for years, but still frequently shows up in plastic dolls imported from China.
- Reprotoxic chemicals found were mostly **heavy metals** – lead, cadmium, and mercury – plus too high migration of boron, frequently found in so-called “slime toys”.
- In general, the number of reported non-compliances with all chemical legislation (REACH as well as product-specific legislation) had increased in 2019, compared to 2018, due to a **stronger enforcement of the RoHS Directive** (17 % compared to 1 %), probably triggered by the Commission’s preparation to launch a RoHS review. In 2020, RoHS instances were back to previous levels (3 %).
- A growing issue is **“skin-lightening products” with mercury**, hailing from Ivory Coast or Pakistan (2019: 4 %, 2020: 18 % of all cosmetics).
- The total number of all chemical non-compliances in products reported to the EU Safety Gate (compared to other risks like injuries or electrocution) slightly decreased from 24 % in 2019 to 18 % in 2020. The number and percentage of non-compliances related specifically to REACH has remained stable over the last three years.

The findings confirm an urgent need for EU member states to step up enforcement of REACH particularly for imported goods, including from online marketplaces. Strengthening enforcement, especially in imports, has been identified as one of the areas of focus in the new Chemicals Strategy for Sustainability. Non-compliant consumer goods pose a risk to the general public. Existing restrictions on chemicals need to be better enforced at EU borders. Enforcement does not only need better resourcing, but also better coordination between Member States and market actors, as well as more digital tools.

Not only do we need more coordinated enforcement at EU borders, but we also need to ensure the restrictions or bans we adopt in Europe are enforceable. This means we need to have the analytical tools, the lab capacity, and the budgets to control a representative sample of goods for the presence and amount of restricted chemicals they contain in order to check compliance. Enforceability needs to be secured before a measure is officially adopted at EU level.

RESEARCH METHODOLOGY

This analysis is based on the Commission's 2020 Safety Gate article data but broken down into individual chemicals. Through the Safety Gate rapid alert system for dangerous non-food products (before known as RAPEX), EU/EEA member states and the European Commission exchange information about products posing a risk to health and safety of consumers. In 2020, the Cefic report listed 1136 instances of chemicals that were not in compliance with the law (2019: 1468).

Cefic's analysis excludes button batteries and motor vehicles. The raw data has also been adjusted for the fact that a product can sometimes be found in other countries or in different colours.

This analysis does not reflect the number of all non-compliant articles placed on the EU market and is only based on the cases reported by EU Member State enforcement authorities through Safety Gate.

For more information about the methodology, please contact Bernd Kappenberg, Cefic Product Stewardship Manager, bka@cefic.be

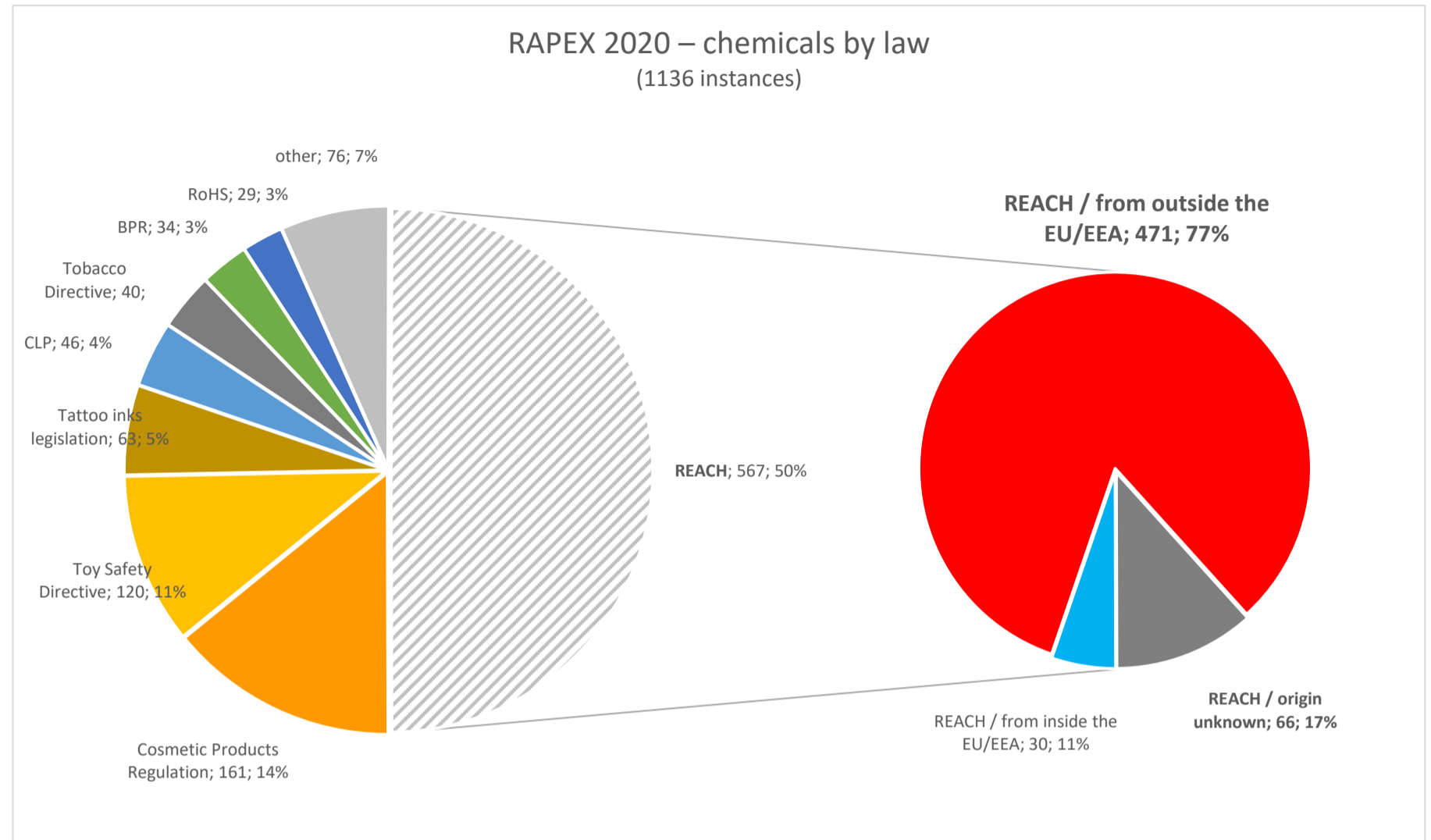
RECOMMENDATIONS

- **STEP UP REACH ENFORCEMENT FOR IMPORTED GOODS:**
 - IMPROVE RESOURCING AND MEMBER STATES COORDINATION
 - INCREASE THE USE OF DIGITAL TOOLS

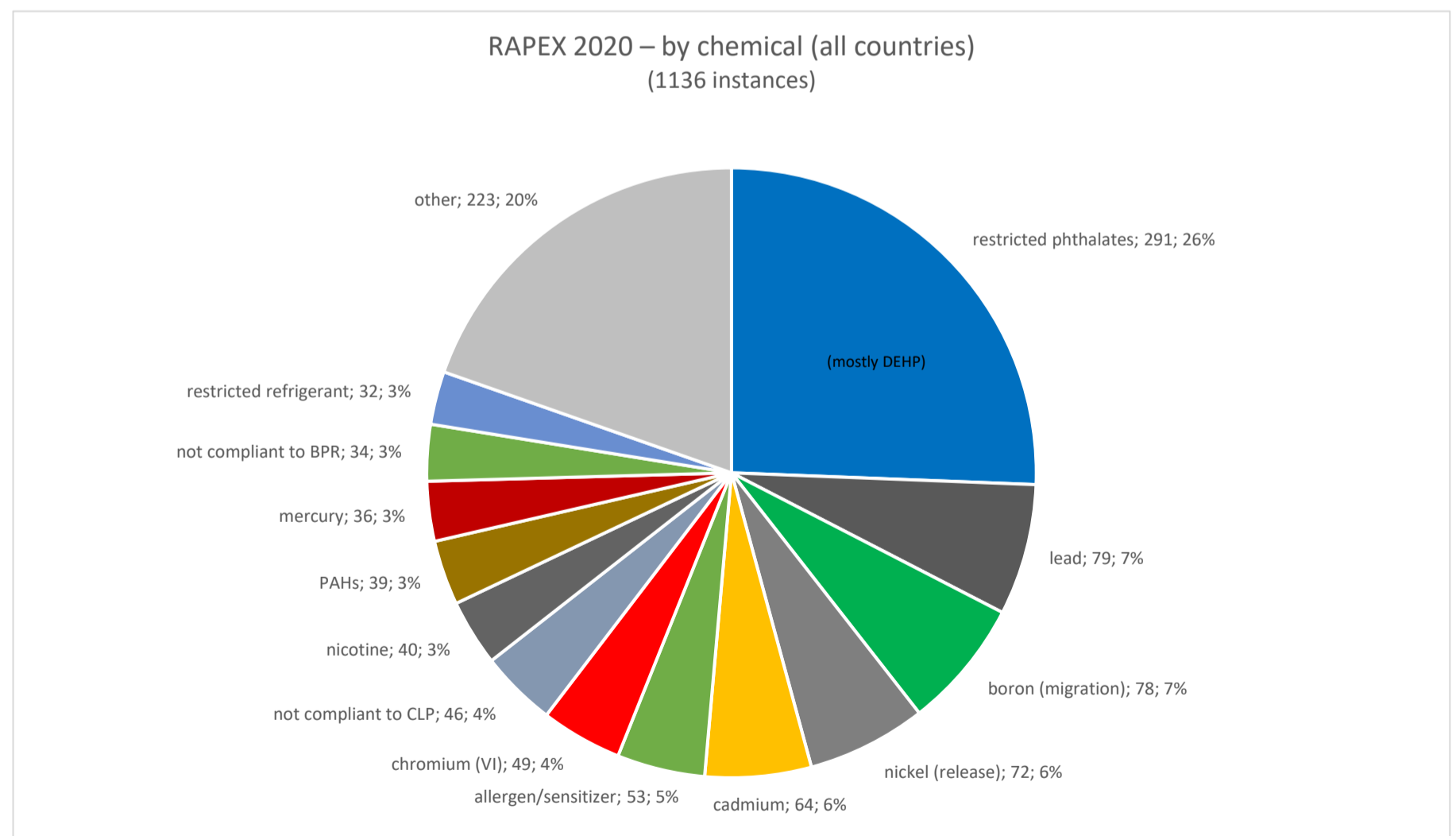
- **ENSURE ENFORCEABILITY OF RESTRICTIONS AND BANS WITH:**
 - ANALYTICAL TOOLS
 - LAB CAPACITY
 - MORE BUDGET TO VERIFY COMPLIANCE

RAPEX 2020 – BREAKDOWN OF NON-COMPLIANCES

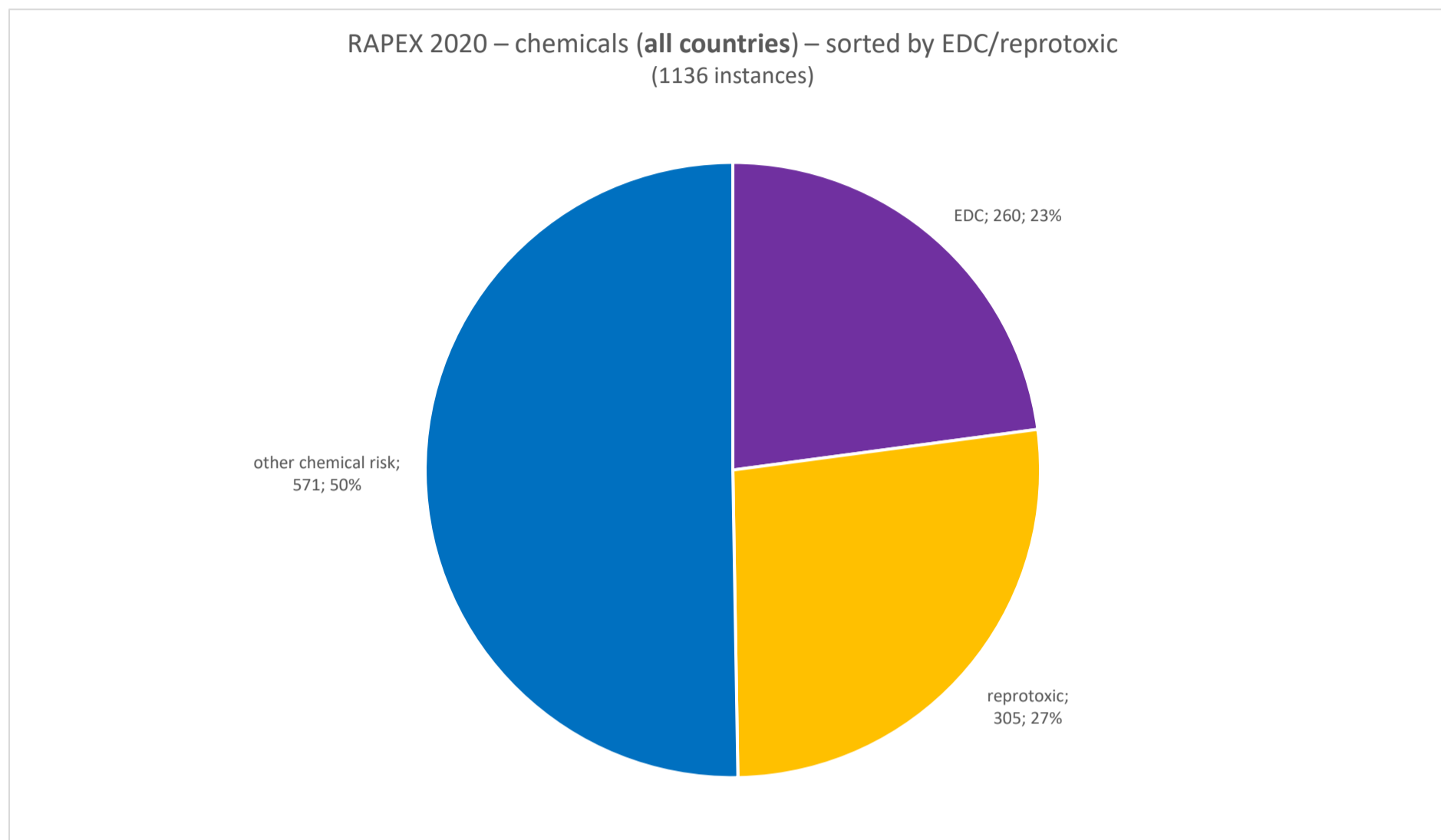
BY LEGISLATION



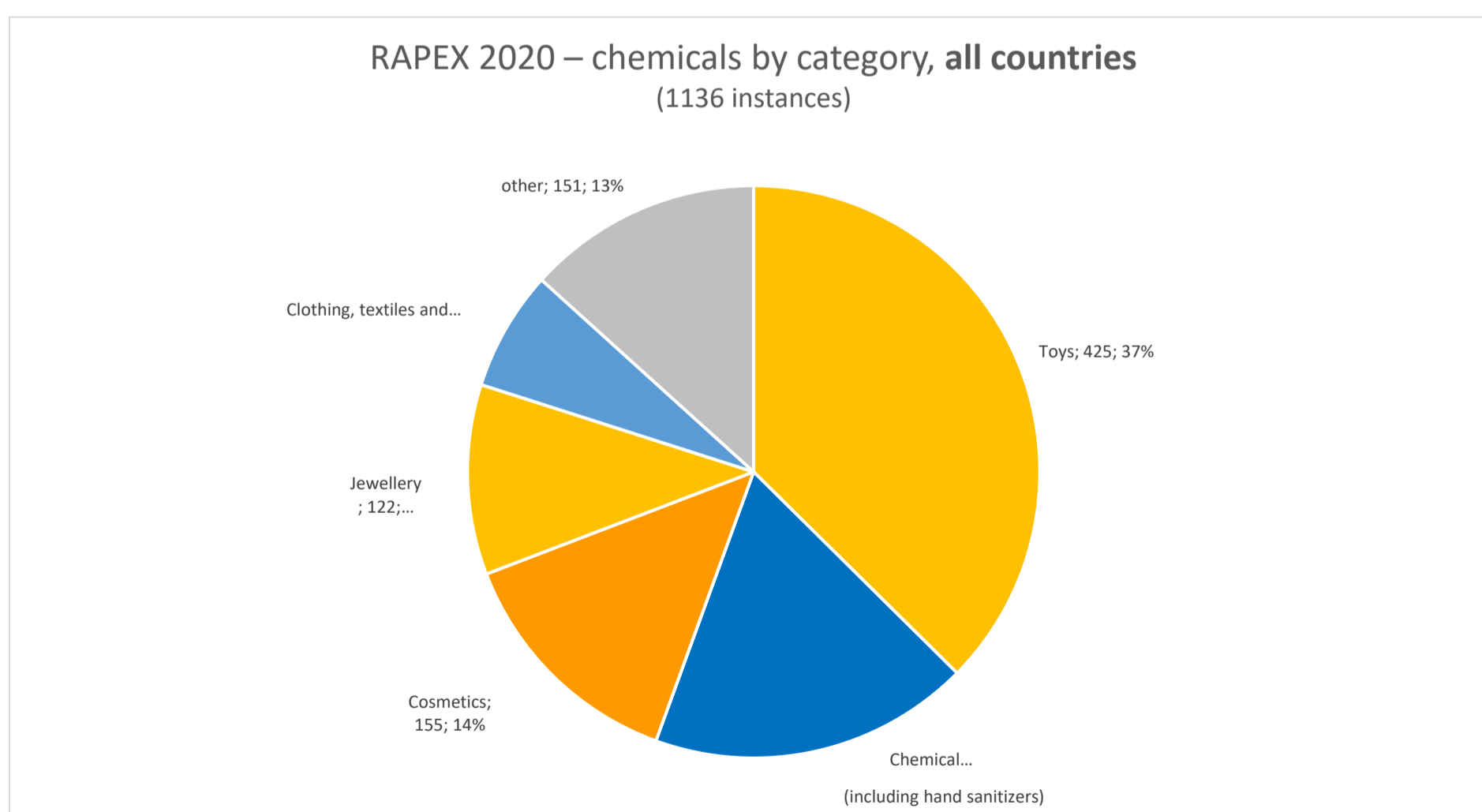
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RAPEX 2020 – BREAKDOWN OF NON-COMPLIANCES



➤ BY PROPERTY



➤ BY CATEGORY