

CEFIC ANALYSIS OF 2021 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

- THE NUMBER OF ALERTS CONCERNING CHEMICAL OR ENVIRONMENTAL RISKS OF IMPORTED GOODS IS SIGNIFICANTLY HIGHER THAN THAT OF PRODUCTS PRODUCED IN EU/EEA
- CONCERNING PRODUCTS OF UNKNOWN ORIGIN, FROM 2019 THERE HAS BEEN A STEEP INCREASE OF ALERTS SUBMITTED TO SAFETY GATE.
- IN 2020, THE NUMBER OF ALERTS SUBMITTED TO SAFETY GATE FOR PRODUCTS PRODUCED IN THE EU/EEA AND PRODUCTS PRODUCED OUTSIDE OF THE EU/EEA DESCENDED.
- 30% OF ALERTS FOR PRODUCTS MANUFACTURED IN THE EU/EEA CONCERN COSMETICS, AND 19 % CONCERN CHEMICAL PRODUCTS
- 49 % OF ALERTS FOR PRODUCTS MANUFACTURED OUTSIDE OF THE EU/EEA CONCERN TOYS

CEFIC HAS ANALYSED THE DATA REPORTED THROUGH 'SAFETY GATE', THE EU'S [RAPID ALERT SYSTEM](#) FOR PRODUCTS ESTABLISHED UNDER THE EU GENERAL PRODUCTS SAFETY DIRECTIVE. THE ANALYSIS FURTHER FOCUSES ON THE 2021 DATA.

THESE ARE THE KEY FINDINGS:

ANALYSIS OF THE **EVOLUTION** OF ALERTS RELATED TO CHEMICAL AND ENVIRONMENTAL RISKS:

- The number of alerts concerning chemical or environmental risks of imported goods is significantly higher than that of products produced in EU/EEA, which is probably related to higher amounts of imports.
- From 2010 to 2019, the number of alerts submitted to Safety Gate for products produced in the EU/EEA and products produced outside of the EU/EEA follow similar trends (see below graph '*Evolution of alerts*').
- In 2020, both trends descended, most likely due to the COVID-19 crisis that resulted in the disruption of the global supply chain. **The submission of alerts might have been affected by a reduction in production, imports, enforcement of relative regulations or a combination of those factors.**
- For products manufactured in EU/EEA, the number of alerts increased in 2021, which is not the case for imported products. The difference in this behaviour could be attributed to the COVID-19 crisis, as well as some other events such as the Suez Canal blockage, resulting in a slower recovery of imports.
- **Concerning products of unknown origin, from 2019 there has been a steep increase of alerts submitted to Safety Gate.** 38 % of those alerts are related to jewellery, due to incompliance with regulations regarding the concentration of heavy metals such as lead, cadmium and nickel.
- **30 % of alerts for products manufactured in the EU/EEA concern cosmetics, and 19 % concern chemical products** (e.g., glue, tattoo inks, liquid for cigarettes, etc.), followed by toys and clothing, textiles, and fashion items.
- **49 % of alerts for products manufactured outside of the EU/EEA concern toys,** mostly because of the presence of EU/EEA-restricted phthalates.

ANALYSIS OF CHEMICALS RELATED TO THE ALERTS:

- While 77 % of all chemicals causing non-compliance of products to REACH are found in products from outside the EU/EEA, we again see a **steep increase in cases where the country of origin of the product containing REACH-non-compliant chemicals is unknown** (18 % vs 12 % in 2020 and 4 % in 2019). This is likely due to ongoing increased online shopping during the COVID-19 pandemic.
- The **most common chemicals causing non-compliance of products to REACH, roughly 25 %, were restricted phthalates**, followed by heavy metals (cadmium, lead), which are also reprotoxic. The most common restricted phthalate was bis(2-ethylhexyl) phthalate or DEHP for short, a substance that has been restricted in Europe for years, but **still frequently shows up in plastic dolls imported from China**.
- Reported non-compliances that involve Endocrine-Disrupting Chemicals (EDCs) increased from 23 % to 27 %, while (suspected) reprotoxic substances increased from 27 % to 36 %.
- Concerning the origin of the EDCs, the situation is similar to 2020: While there were only **six instances of endocrine disruptors found inside the EU/EEA, there were 228 instances coming from outside the EU/EEA**.
- The percentage of all chemicals causing non-compliance of products to REACH in products reported to the EU Safety Gate increased from 18 % in 2020 to 25 % in 2021 (compared to other risks covered in the EU Safety Gate like injuries or electrocution).
- The percentage of reported chemicals causing non-compliance of products to REACH **has slowly increased over the last three years** (2019: 42 %, 2020: 50 %, 2021: 57 %). This could reflect an increased rate of non-compliance in enforcement activities, an increase in imports (thus in non-compliances), or more REACH restrictions to comply with, or a combination of those factors.
- There is a **slightly decreasing trend in non-compliances related to hand sanitisers** (37 vs 71 instances) that are not marked as flammable, contain methanol (not compliant with classification and labelling rules) or polyhexanide, or that contain a percentage of ethanol/isopropanol that is not sufficient to kill viruses (meaning it is not compliant with the biocides regulation).

HIGHLIGHTS

- **STEEP INCREASE IN CASES WHERE THE COUNTRY OF ORIGIN OF THE PRODUCT CONTAINING REACH-NON-COMPLIANT CHEMICALS IS UNKNOWN (18 %)**
- **THE MOST COMMON CHEMICAL CAUSING NON-COMPLIANCE OF PRODUCT WERE RESTRICTED PHTHALATES (ROUGHLY 25%)**
- **228 INSTANCES OF ENDOCRINE DISRUPTORS FROM OUTSIDE THE EU/EEA**
- **THE % OF ALL CHEMICAL CAUSING NON-COMPLIANCES IN PRODUCTS REPORTED TO THE EU SAFETY GATE INCREASED FROM 18 % (2020) TO 25 % (2021)**
- **SLOW INCREASE OF REPORTED CHEMICALS CAUSING NON-COMPLIANCE OF PRODUCTS TO REACH OVER THE LAST 3 YEARS**
- **SLIGHT DECREASE IN NON-COMPLIANCES RELATED TO HAND SANITISERS**

HIGHLIGHTS

➤ **DECREASE IN SKIN-LIGHTENING PRODUCTS WITH MERCURY WAS RECORDED: FROM 18 % (2020) OF ALL COSMETICS TO 11 % (2021)**

➤ **STRONGER FOCUS ON ENFORCEMENT OF RESTRICTION OF HAZARDOUS SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT**

- Too high migration of boron, frequently found in so-called “slime toys”, seems to be largely under control in 2021 compared to 2020 (2 % vs 7 %).
- **A decrease in “skin-lightening products” with mercury was recorded** (11% of all cosmetics, down from 18 % in 2020). However, producers seem to perform a “regrettable substitution” with pharmacologically active substances.
- Regarding chemicals causing non-compliance of products, toys – like in the years before – were the most prominent category (33 %). However, jewellery has increased to 23 % (up from 6 % in 2019), overtaking chemical products (e.g., glue, tattoo inks, liquid for cigarettes, etc.) (11 %), clothing (7 %) and cosmetics (6 %).
- In 2021, we see a **stronger focus on Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS) enforcement** (11 % vs 3 % in 2020), similar to the situation in 2019 (17 % vs 1 % in 2018). In both cases, the Commission launched RoHS activities the following year.

Sylvie Lemoine, Cefic Executive Director Product Stewardship, commented:

“Regulation only makes sense if it is accompanied by enforcement. It is striking that with increasing online sales, an increase of products from unknown origin entering the bloc is observed. We continue to call for stronger surveillance and increased enforcement efforts, particularly on imported goods and goods from unknown origin, most likely related to online sales. As online shopping grows, it is a matter of consumer safety.”

These conclusions come not only from the Safety Gate analysis but are corroborated by studies from Nordic Member States. Cefic sees ECHA’s EU-wide [REF-8 pilot project](#) on enforcement of online sales as a step in the right direction, but further action is needed to make it effective.

Cefic calls for actions to be prioritised to better enforce EU chemicals legislation. This is particularly important as restrictions increasingly address groups of chemicals in different uses (e.g., microplastics) and will become even more generic in the upcoming revision of REACH.

Those actions, echoed by recommendations issued by the [Chemicals Strategy for Sustainability High-Level Round Table](#), should include, among others, tightened controls of imports (online marketplaces), ensuring new restrictions are enforceable by developing standard control methods and lab capacity, sufficient resources and funding for enforcement, and improving coordination and sharing data to further support enforcement actions.

RESEARCH METHODOLOGY

The first part of the analysis is based on the [European Commission's 2021 Safety Gate](#) article data and concerns alerts on chemical and environmental risks. Through the *Safety Gate rapid alert system for dangerous non-food products*, EU/EEA member states and the European Commission exchange information about products posing a risk to health and safety of consumers.

The raw data is analysis based on the product category of the reported product, the year of the submission and the country of origin. To observe the evolution of alerts over the years, year 2010 was chosen as a base, as the Safety Gate rapid alert system covers since then also professional products and products posing risks other than those affecting health and safety (such as risks to the environment).

The second part of the analysis is based on the same data but broken down into individual chemicals. For 2021, the Cefic report listed 964 instances of chemicals that were not in compliance with the law (2020: 1136).

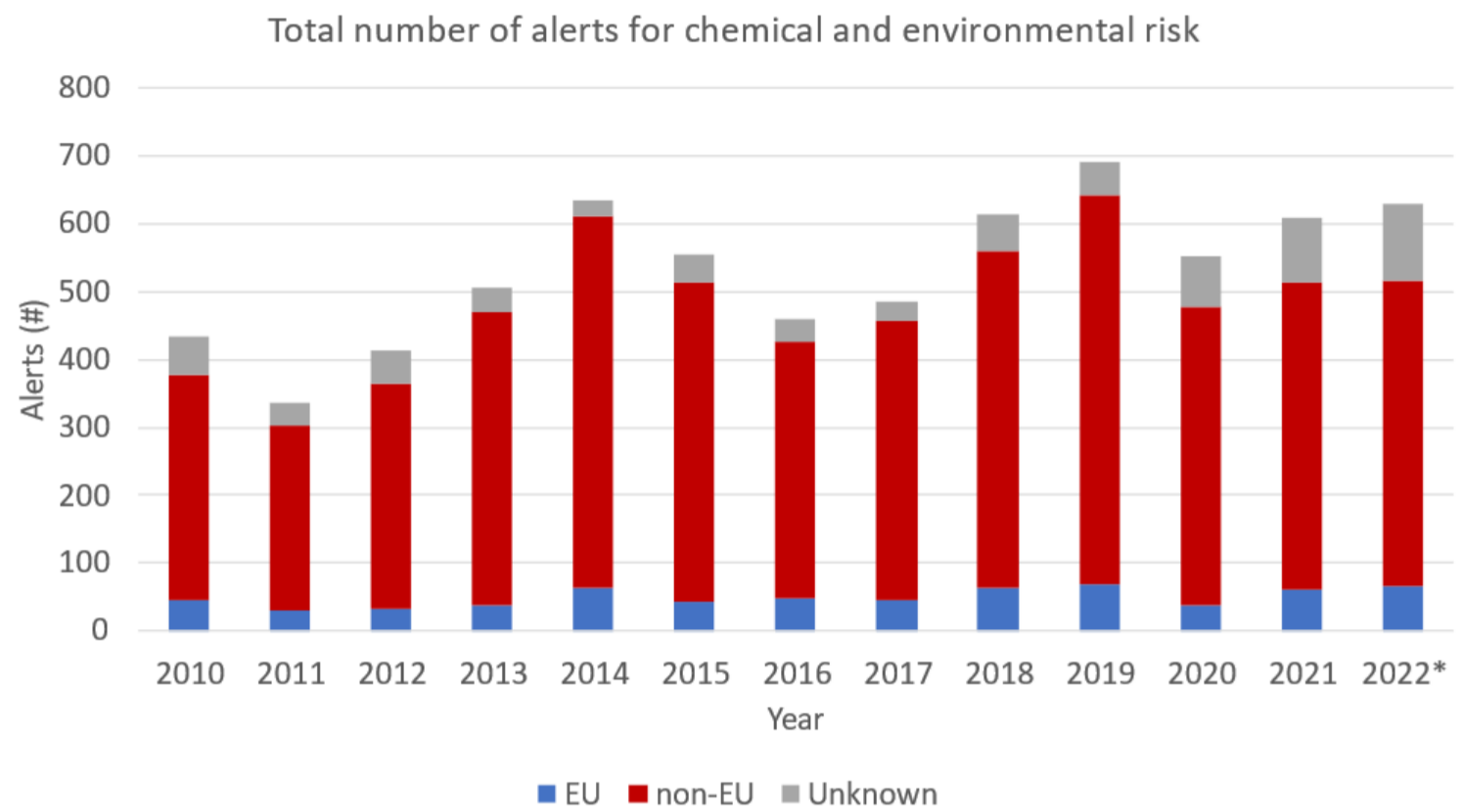
Cefic's analysis excludes button batteries and motor vehicles. The raw data has also been adjusted for the fact that a product can sometimes be found in other countries or in different colours, and more than one non-compliant chemical can be found in one product.

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.

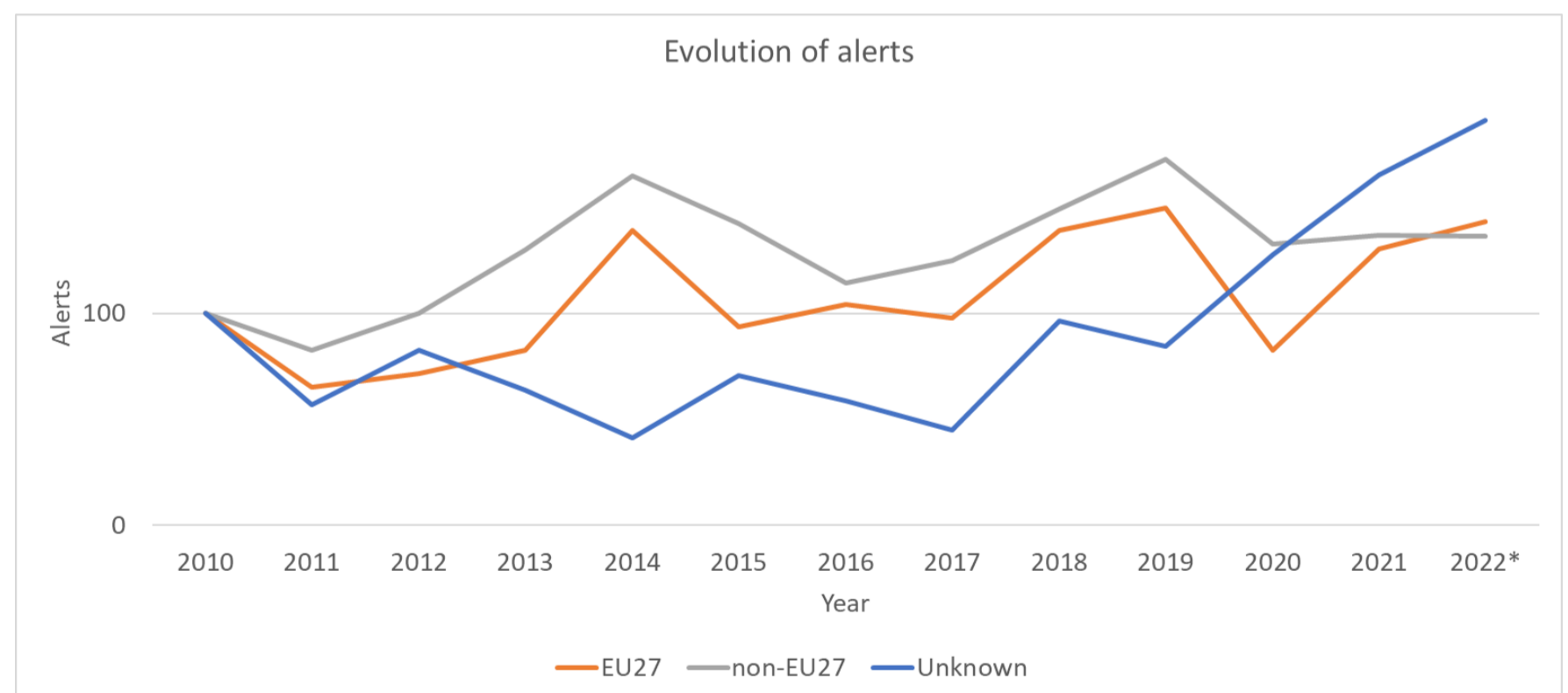
For more information about the methodology, please contact Bernd Kappenberg, Cefic Product Stewardship Manager: bka@cefic.be

RAPEX 2021 – ANALYSIS OF THE PRODUCT ALERTS RELATED TO CHEMICAL AND ENVIRONMENTAL RISK (* 2022 DATA TILL SEPTEMBER)

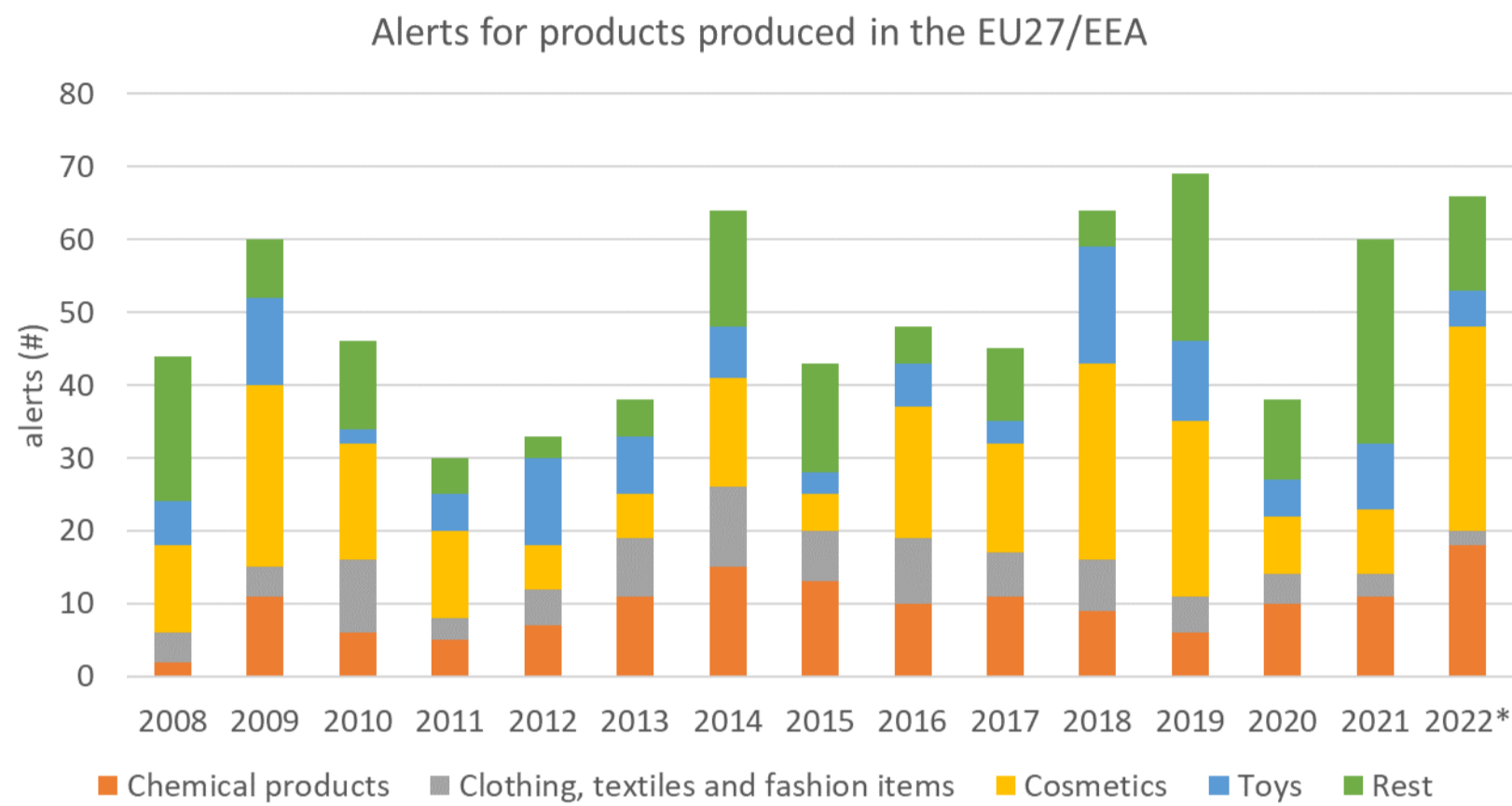
ALERTS RELATED TO CHEMICAL AND ENVIRONMENTAL RISKS



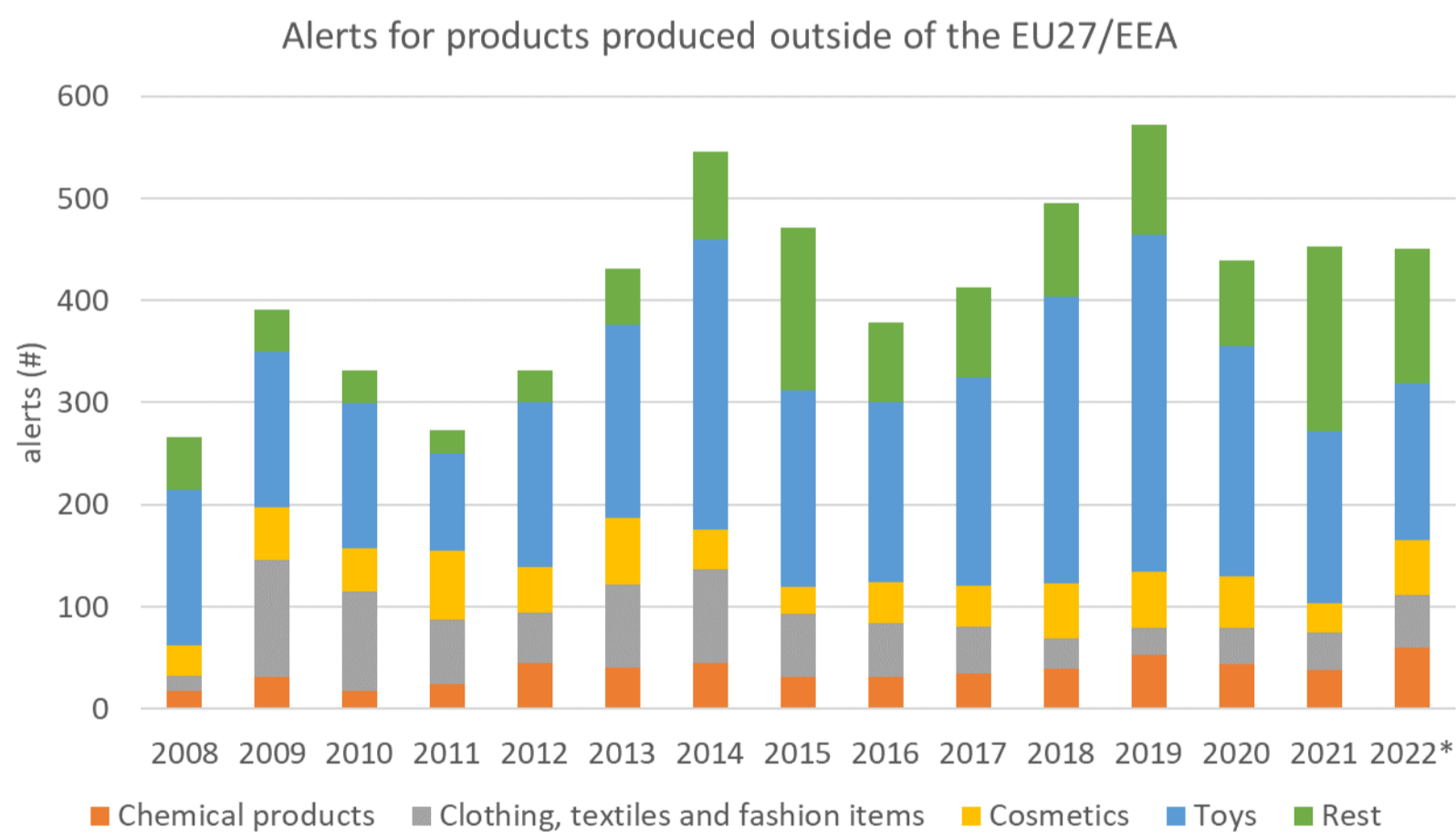
EVOLUTION OF ALERTS



RAPEX 2021 – BREAKDOWN OF ALERTS RELATED TO CHEMICAL AND ENVIRONMENTAL RISK PER PRODUCT GROUP (* 2022 DATA TILL SEPTEMBER)

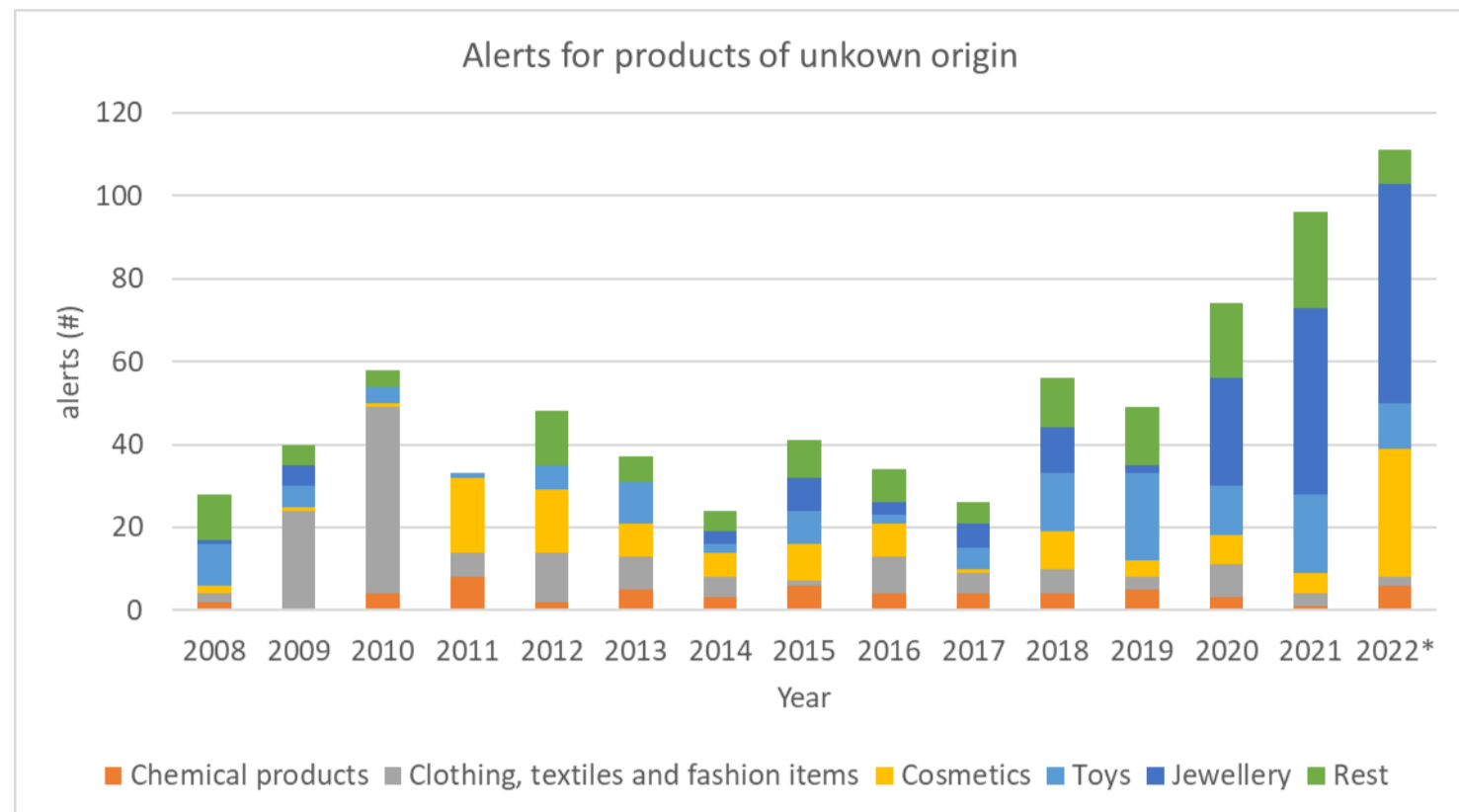


➤ ALERTS FOR PRODUCTS PRODUCED IN EU/EEA

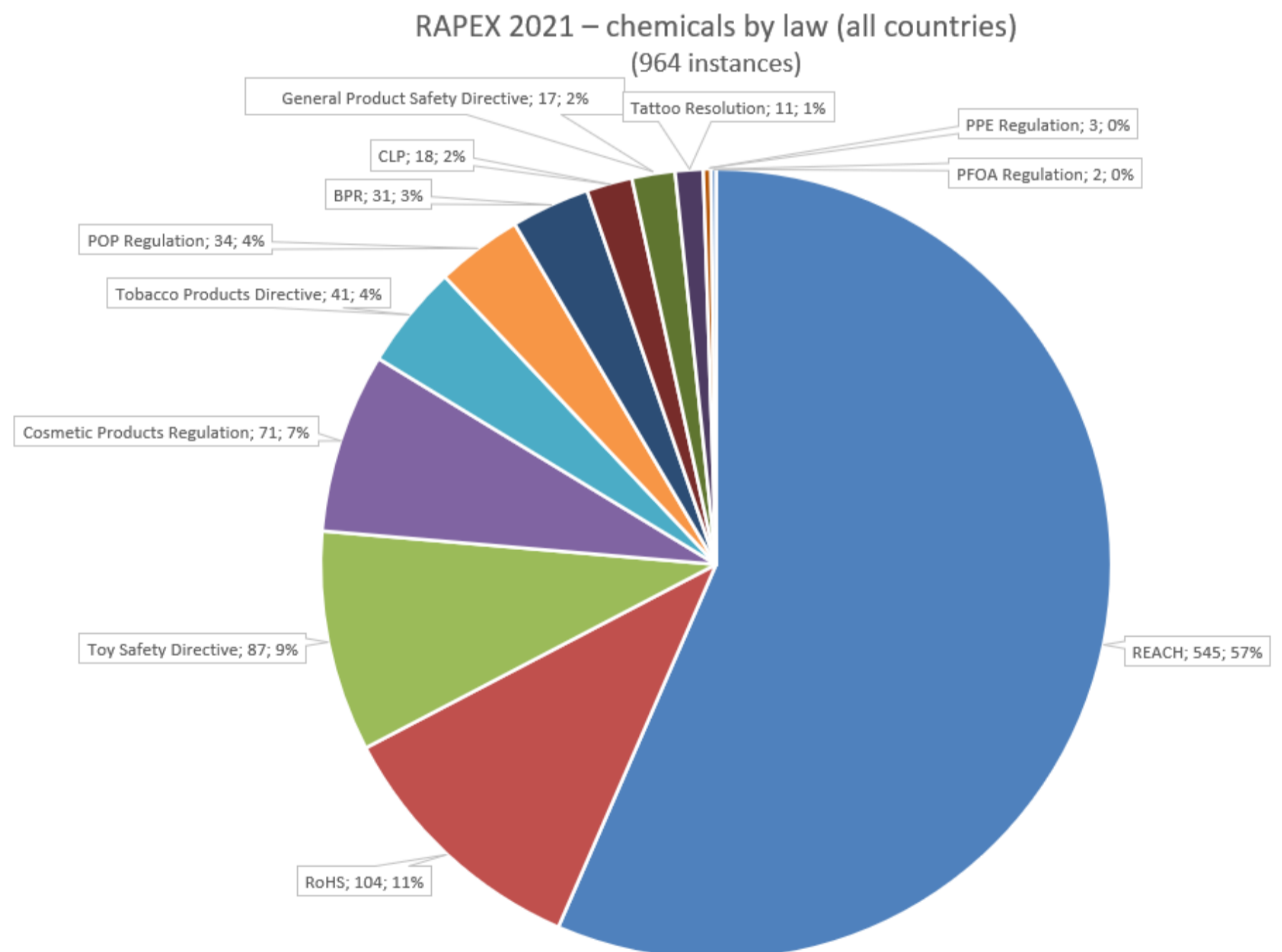


➤ ALERTS FOR PRODUCTS PRODUCED OUTSIDE THE EU/EEA

➤ ALERTS FOR PRODUCTS OF UNKNOWN ORIGIN

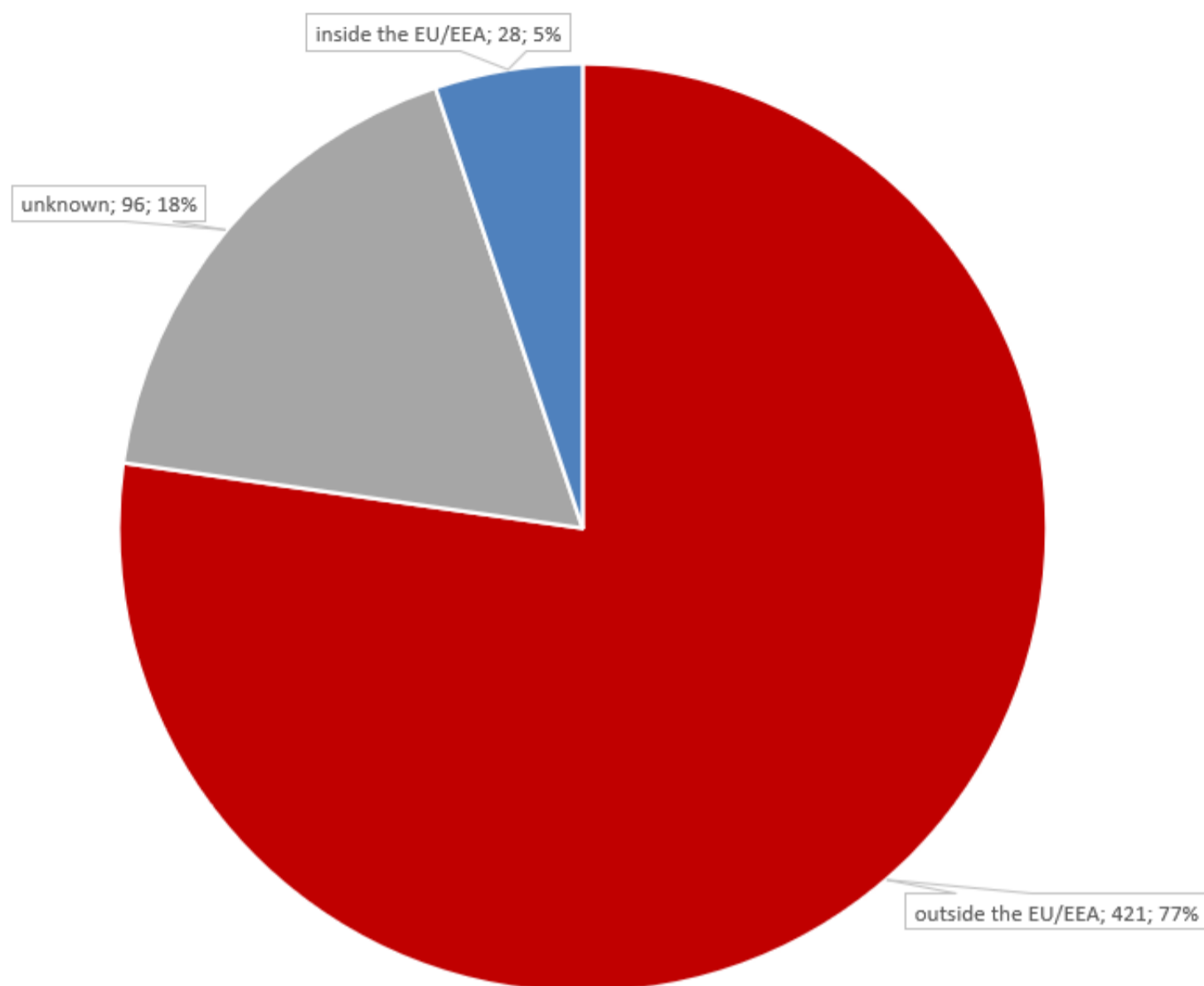


RAPEX 2021 – BREAKDOWN OF NON-COMPLIANCES PER LEGISLATION



➤ CHEMICALS BY LAW (ALL COUNTRIES)

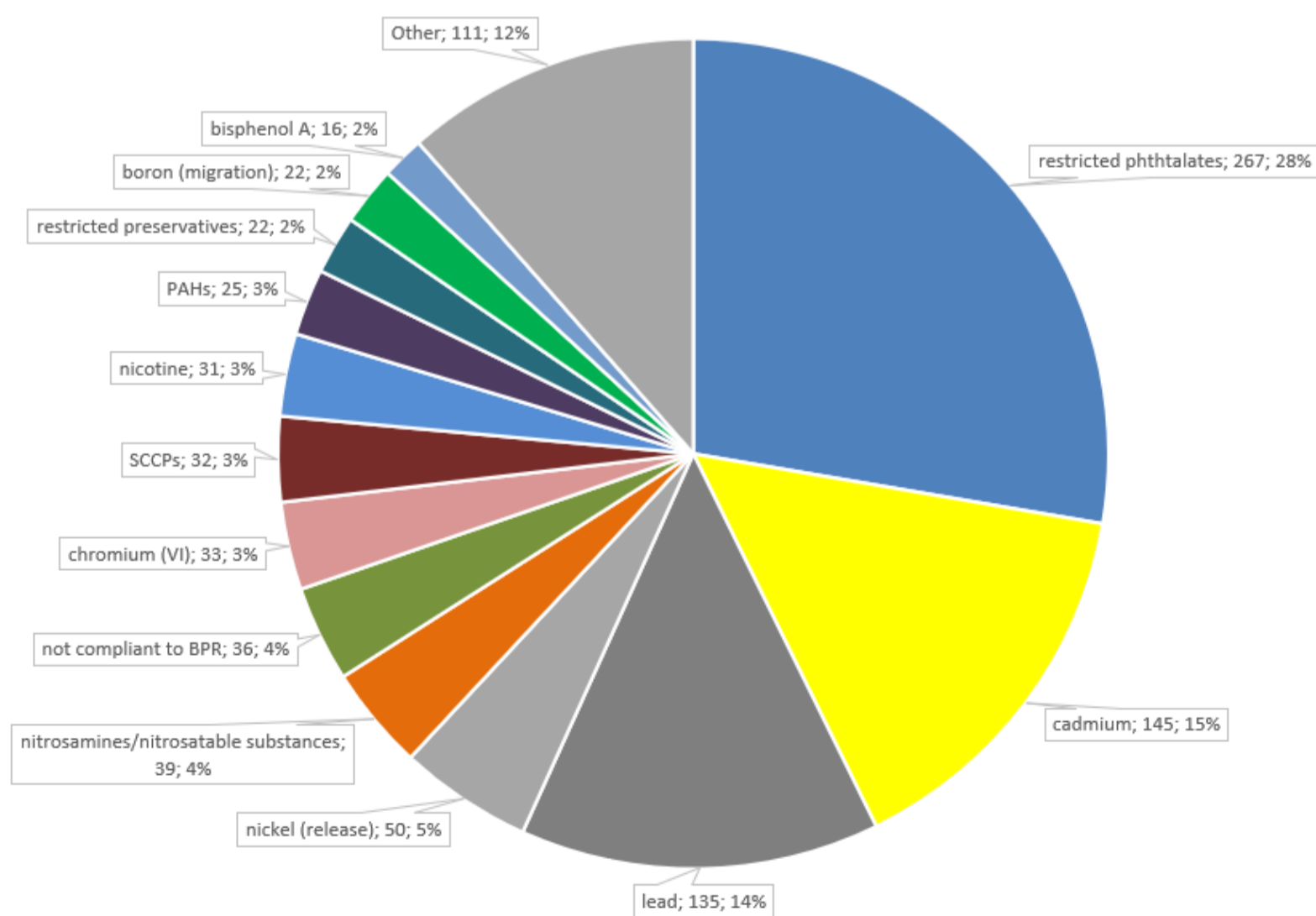
RAPEX 2021 – REACH (all countries)
(545 instances)



➤ REACH

RAPEX 2021 – BREAKDOWN OF NON-COMPLIANCES BY CHEMICALS

RAPEX 2021 – by chemical (all countries)
(51 weeks / 964 instances)

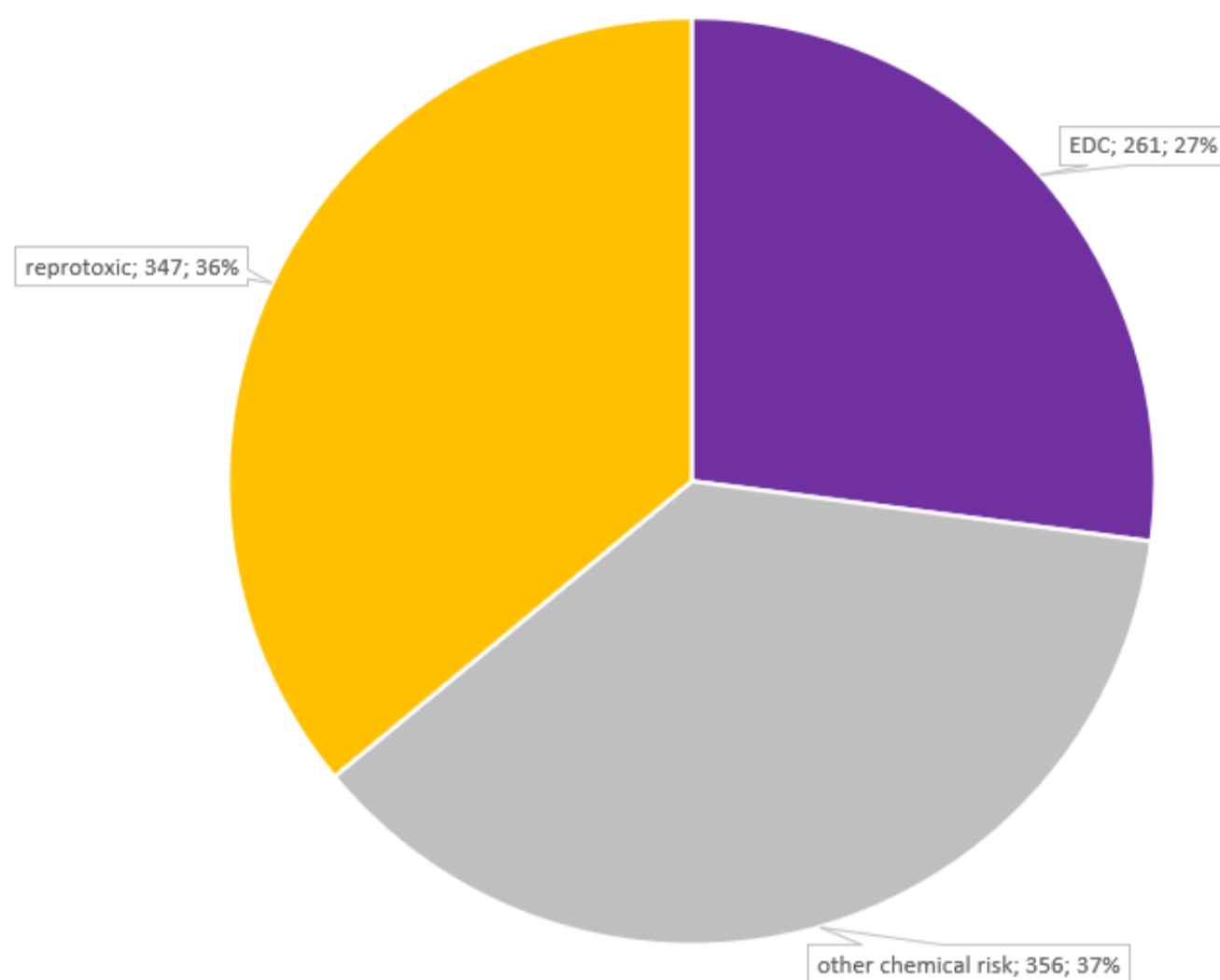


➤ BY CHEMICALS

RAPEX 2021 – BREAKDOWN OF NON-COMPLIANCES BY ENDOCRINE-DISRUPTING AND REPROTOXIC PROPERTIES VS OTHERS

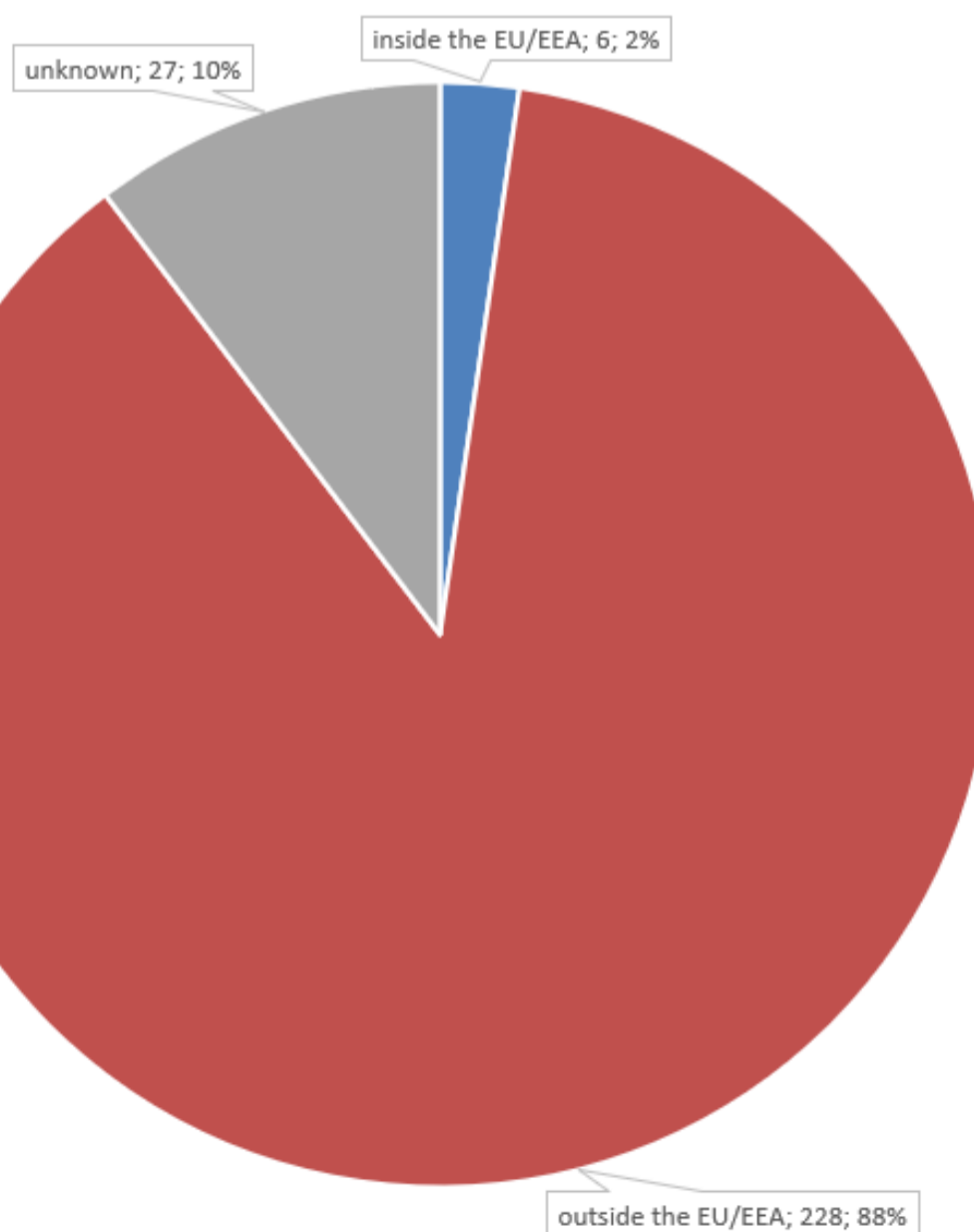
RAPEX 2021 – chemicals by EDC / (suspected) reprotoxic / other, **all countries** (964 instances)

➤ By EDC / (SUSPECTED) REPROTOXIC / OTHER

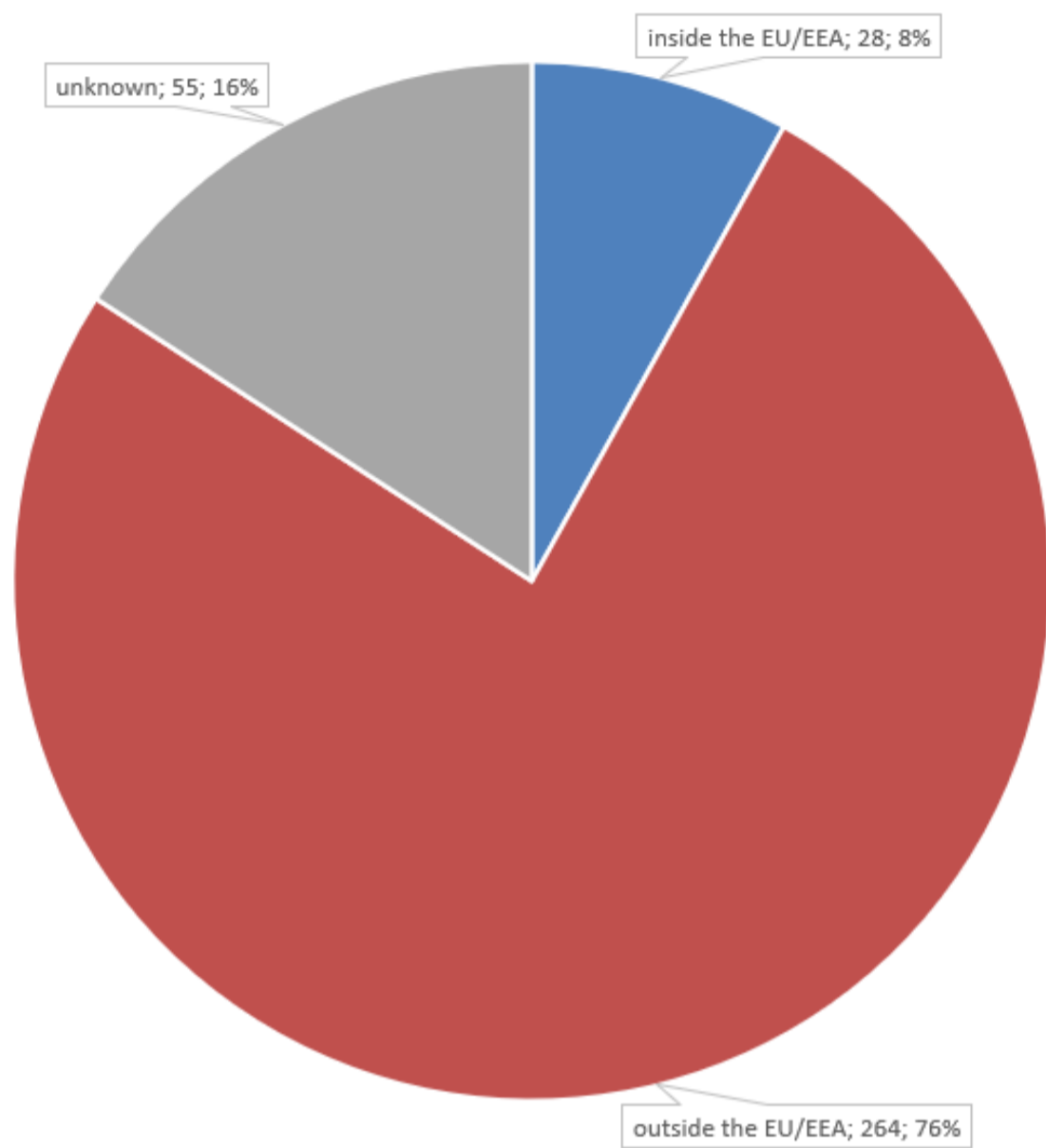


RAPEX 2021 – **EDCs**, all countries (261 instances)

➤ EDCs



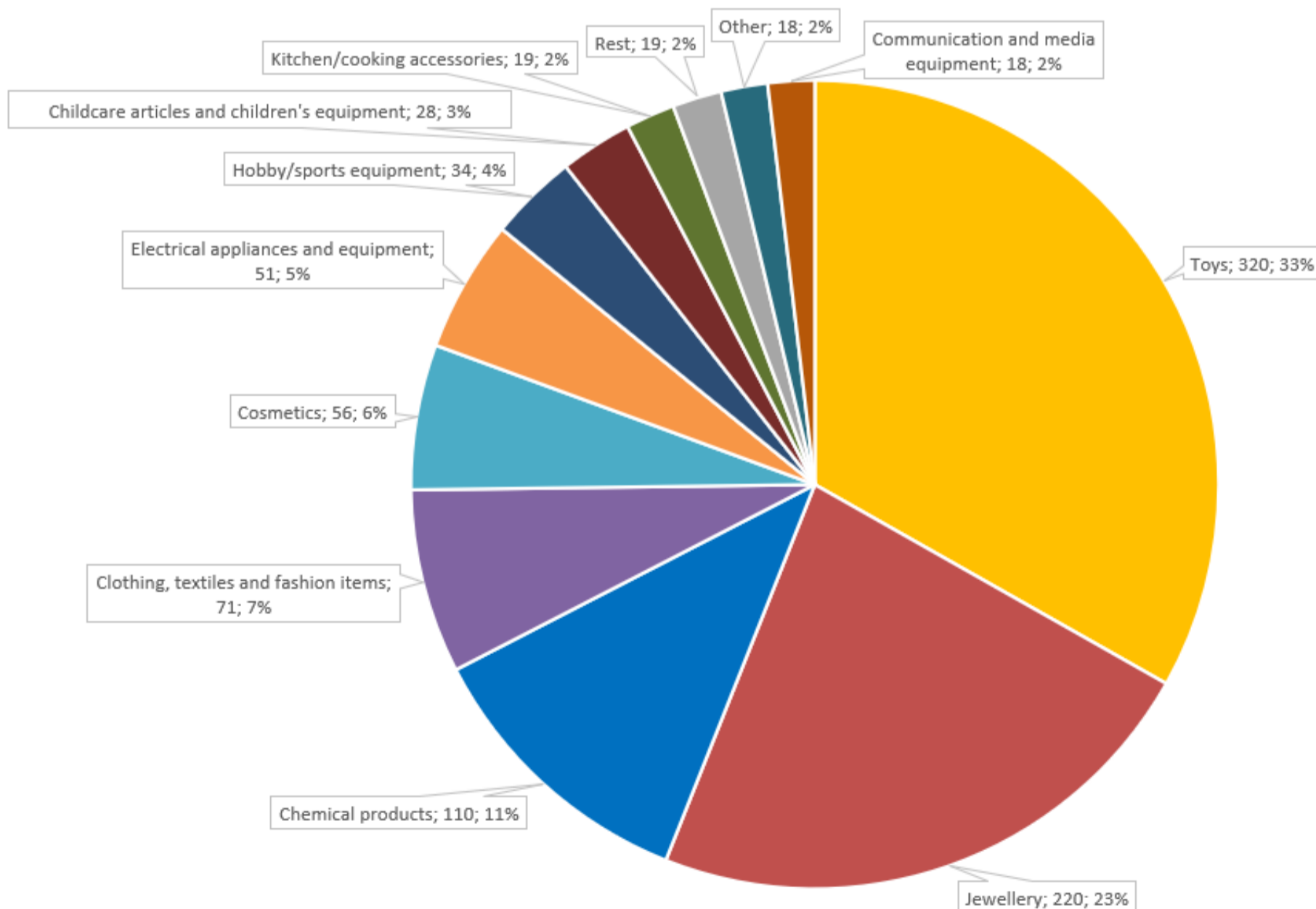
RAPEX 2021 – (suspected) **reprotoxic**, all countries
(347 instances)



➤ REPROTOXIC

RAPEX 2021 – BREAKDOWN OF NON-COMPLIANCES
PER CATEGORY OF PRODUCT

RAPEX 2021 – chemicals by category, **all countries**
(51 weeks / 964 instances)



➤ BY CATEGORY