

Forum

Report on the pilot project on recovered substances exempted from REACH registration

Adopted on 4 November 2022

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This report presents the results of inspections made under the Forum enforcement project. Duty holders and substances selected for checks were those that were relevant for the scope of the project. The project was not designed as a study of the EU-EEA market. The number of inspections for individual countries is varied. Accordingly, the results presented in the report are not necessarily representative of the situation in the EU-EEA market as a whole.

Forum Report on the pilot project on recovered substances exempted from REACH registration

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Glossary

Term	Description
Article	An object which is given a special shape, surface or design during production that determines its function to a greater degree than its chemical composition does (REACH Article 3.3)
By-product of manufacturing process	A substance or object that <i>a priori</i> results unintentionally from a manufacturing process starting from raw non-waste materials, the primary aim of which is not the production of that substance or object. This by-product remains a manufactured substance, substance in a mixture or in an article or object, for as long as its status is not formally changed into waste. Article 5 of the Waste Framework Directive (WFD) dictates when a by-product of a manufacturing process is not to be considered as waste (see Table 4).
By-product of waste processing	A material that <i>a priori</i> results, in principle, unintentionally from waste processing. This by-product remains waste for as long as its status is not formally changed into end of waste (EoW).
CLP or CLP Regulation	Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
COM	European Commission
ECHA	European Chemicals Agency
EEA	European Economic Area (27 Member States, Iceland, Liechtenstein and Norway).
End of waste (EoW) or EoW material	Any material that has formally lost its status of waste. Article 6.1 of the Waste Framework Directive (WFD) imposes the conditions that have to be met for a material to lose its waste status (see Table 4).
Forum	The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC and BPR regulations in the EU, Iceland, Liechtenstein and Norway.
Hazardous waste	Waste which displays one or more of the hazardous properties listed in Annex III to the Waste Framework Directive (Article 3(2)).
IMPEL	EU Network for the Implementation and Enforcement of Environmental Law.
Mixture	A mixture or solution composed of two or more substances (REACH Article 3(2)).
Pilot enforcement project	A coordinated enforcement project of the Forum to which usually a limited number of Member States participate, often by way of a test project.

Persistent organic pollutants (POPs) Regulation	Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants
REACH or REACH Regulation	Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
Recovered substance	In the context of this project, the term 'recovered substance' is synonymous with 'end-of-waste material'.
SDS	Safety data sheet.
Substance	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 (REACH Article 3(1)).
Unintentional trace contaminant (UTC)	A level of a substance that is incidentally present in a minimal amount, below which the substance cannot be meaningfully used, and above the detection limit of existing detection methods to enable control and enforcement (POPs Regulation Article 2).
UVCBs	Substance of unknown or variable composition, complex reaction product or biological material.
Waste	Any substance or object which the holder discards, intends to discard or is required to discard. National rules define which authority is competent for declaring a substance or object as waste (Waste Framework Directive Article 3(1)).
Waste holder	The natural or legal person who is in possession of the waste (Waste Framework Directive Article 3(6)).
Waste operator	Any legal person managing waste.
Waste Framework Directive (WFD)	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives
WG	Working group of the ECHA Forum.

1. Executive summary

The European Chemicals Agency's Forum for Exchange of Information on Enforcement (Forum) has finalised its pilot project that explored, for the first time, the interface between REACH and waste legislation (Waste Framework Directive), in particular, for substances recovered from waste.

This was an EU enforcement project inspecting 107 products during 2021 in 11 EEA countries.

The inspectors targeted waste operators and checked whether the substances recovered from their processes that were put on the market, benefitted from the exemption described in Article 2(7)(d) of REACH or not. For this, inspectors were encouraged to establish synergies with waste authorities, to help them assess the end of waste (EoW) status and gather information about the substances.

Whether by joint inspections or by simple communication, the project was also a good learning platform for REACH and waste inspectors to learn more about each other's regulations and practices. Consequently, this pilot was an initial step to establish a harmonised cooperation between REACH and waste authorities, with a view to move towards more effective enforcement of chemicals legislation in the future.

While visiting a waste management company, or by requesting information from the company (desktop inspection), the inspectors could also collect information about the main CLP duties of the recovered substances, as the ultimate goal of enforcing chemicals legislation is to maintain a high level of protection for human health and the environment.

Results

Results from the project's operational phase were extracted from 107 filled-in questionnaires (Annex I) submitted by inspectors from 11 participating countries.

Most of the inspected companies could be classified as small or medium-sized enterprises (SMEs) either from the manufacturing or environmental sector. Those companies were selected by inspectors from searching them in national databases (environmental permits, waste operators). However, the use of national lists of waste consignees or national databases for end-of-waste decisions was very limited.

Just over half of the inspections detected recovered substances/mixtures or by-products placed on the market. Controls of those materials were the main objective of this pilot project. The EoW status of such materials was based mainly on national criteria or *ad hoc* decisions. In very few cases, the status was based on EU-wide criteria.

In this pilot project, the key element was to assess compliance with the criteria described in REACH Article 2(7)(d) regarding exemptions for recovered substances from REACH registration obligations. This exercise was performed in 46 cases. Assessing the first condition of the exemptions (sameness of recovered and registered substance) showed that there were no issues in 63 % of cases. However, inspectors found a clear breach of this condition in 23 % of cases and could not conclude on compliance in 11 % of cases during the operational phase of the project.

The second condition for exemption under REACH Article 2(7)(d) (availability of information) was fulfilled in 96 % of cases.

Inspectors also checked that safety data sheets (SDSs) were provided together with recovered substances/mixtures, and their classification, labelling and packaging. SDSs were not always compliant (the issues were mainly with the identity of the substance or information on the composition and ingredients). In 37 % of the investigated cases, inspectors identified a non-compliance with the main titles of CLP Regulation.

Some interesting facts were discovered during the project, e.g. situations where only the first waste operator producing the recovered substance registered the substance and all subsequent waste operators producing the same recovered substance can benefit from this registration; this "first" registration could be done as an intermediate (and could be used by subsequent waste operators to prove the exemption) with very little safety information. Another finding was related to the challenges of proving sameness of UVCB substances.

Enforcement measures

Inspectors solved non-compliances mainly by written advice (39 %). Other measures included fines or administrative orders. Some assessments were still ongoing at the time of reporting and would be followed up at national level.

Collaboration with other national inspection authorities (mainly waste inspectors) was a crucial part of the project. In 70 % of cases, inspectors reported collaboration with other national inspectorates.

Recommendations

The overall recommendation is to strengthen cooperation and understanding between national authorities enforcing REACH and national authorities enforcing the Waste Framework Directive. This is to ensure that recovered substances placed on the market meet the requirements of all regulations so they are safe for humans and the environment.

As the results show that it was difficult for inspectors to identify relevant companies to inspect, national enforcement authorities are encouraged to make more use of national databases of end of waste (EoW) decisions or waste operators. That would allow more efficient enforcement activities in the Member States. Also, waste enforcement authorities are recommended to put more effort into assessing EoW decisions, to facilitate the proof and ensure the sameness of the recovered substance to a registered substance.

The Forum is encouraged to cover the scope of this project in a future REF project. It is also recommended to exchange information with the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL) in the future to raise awareness in this network about the challenges related to recovered substances.

Finally, the WG recommends for the European Commission to harmonise the EU criteria for EoW in other areas not yet covered by EU legislation. The project results show that in most cases, no harmonised or national criteria were used to determine EoW status. Additionally, a revision of the current text of REACH Article 2(7)(d) is also recommended by the WG.

2. General overview

2.1. Background

The project proposal to investigate the “(exemption of) the REACH registration obligation in the recycling sector”, was submitted during the cycle for the selection of the Forum projects by the WG “Prioritisation of REF projects” in 2018.

The Forum agreed to run this proposal as a pilot project and a working group (WG) was set up in the Forum’s 31st plenary meeting in November 2019. The WG initiated its activities in 2020. Inspections took place during 2021 and the report of the project was elaborated in 2022.

Regulation (EU) 2019/1021 of 20 June 2019 on persistent organic pollutants (POPs) (recast) repeals Regulation (EC) No 850/2004. It entered into force on 15 July 2019. Article 8(2) of the current POPs Regulation recognises that ECHA’s Forum will be used to coordinate a network of Member State authorities responsible for its enforcement. It imposes that its members must involve the enforcement authorities of Member States responsible for waste when dealing with waste-related issues.

This project was the first in which the Forum could address issues related to the POPs Regulation and it was included in the scope of this project as an optional element. However, participating countries did not pursue investigations of compliance with POPs.

2.2. Scope

In this pilot project, the focus was to better understand the enforcement of criteria described in REACH Article 2(7)(d) regarding exemptions for recovered substances from REACH registration obligations.

Therefore, only recovered substances that had lost their status of waste and acquired the status of end of waste (EoW) (based on the criteria of Article 6(1) of the Waste Framework Directive (WFD)) were in the project's scope.

The project focused on substances/mixtures and excluded objects (or articles in REACH terminology) that were EoW.

Optionally, the recovered substance placed on the market could be investigated for its compliance with Article 3 of POPs and with the main duties of the Classification, Labelling and Packaging (CLP) Regulation.

2.3. Legislation

Table 1: REACH provisions covered by the pilot project.

Relevant legal provisions (Articles and Annexes)	Summary
2(7)(d)	Exemption for recovered substances from the registration obligation. Substances, on their own, in mixtures or in articles, which have been registered in accordance with Title II and which are <i>recovered</i> in the Community, are exempted from the obligations under REACH Titles II, V and VI (registration, downstream users' obligations and evaluation), <i>if</i> : (i) the substance that results from the recovery process is the same as the substance that has been registered in accordance with Title II; and (ii) the information required by Articles 31 or 32 relating to the substance that has been registered in accordance with Title II is available to the establishment undertaking the recovery.
5	No data, no market.
6	General obligation to register substances on their own or in mixtures.
31	Requirements for safety data sheets.
32	Duty to communicate information down the supply chain for substances on their own or in mixtures for which a safety data sheet is not required.

Table 2: Optional CLP provisions covered under the pilot project.

Relevant legal provisions (Articles and Annexes)	Summary
4	General obligation to classify, label and package substances and mixtures before placing them on the market.
17, 18, 19, 20, 21, 22,23, 25, 26, 27, 28	Content and language of the label.
40 (1) (2) (3)	Obligation to notify the Agency about substances referred to in Article 39 and placed on the market.

Table 3: Optional POPs provisions covered under the pilot project.

Relevant legal provisions (Articles and Annexes)	Summary
3	Control of manufacturing, placing on the market and use.
4(1)(b)	Exemptions from control measures for substances present as unintentional trace contaminants in substances, mixtures or articles.

Table 4: Waste Framework Directive (WFD) provisions covered under the pilot project.

Relevant legal provisions (Articles and Annexes)	Summary
5	<p>Member States have to take appropriate measures to ensure that a substance or object resulting from a production process, the primary aim of which is not the production of that substance or object, is considered not to be waste, but to be a by-product if the following conditions are met:</p> <ul style="list-style-type: none"> (a) further use of the substance or object is certain; (b) the substance or object can be used directly without any further processing other than normal industrial practice; (c) the substance or object is produced as an integral part of a production process; and (d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts).

Relevant legal provisions (Articles and Annexes)	Summary
6(1)	<p>End of waste status</p> <p>Member States have to take appropriate measures to ensure that waste which has undergone a recycling or other recovery operation is considered to have ceased to be waste if it complies with the following conditions:</p> <ul style="list-style-type: none">(a) the substance or object is to be used for specific purposes;(b) a market or demand exists for such a substance or object;(c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and(d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

2.4. Objectives

The objectives of this pilot project were to:

- assess the target group's compliance with REACH provisions on the registration of recovered substances in the waste recycling sector;
- assess whether the recovered substance/mixture fulfils the end of waste (EoW) criteria required by the Waste Framework Directive (WFD) and confirm whether an EoW decision was given;
- assess the level of compliance of safety data sheets (SDSs) for recovered substances/mixtures placed on the market by waste operators with a view to compliance with REACH Article 31;
- optionally, assess the compliance of waste operators with provisions of CLP (classification of recovered substances/mixtures, labelling, notification of classification and labelling (C&L)) and/or the POPs Regulation (placing on the market);
- where required, enforce compliance of target groups with REACH/CLP/POPs obligations covered in the project;
- contribute to harmonised enforcement in the EEA;
- promote cooperation among enforcement authorities in the EEA with regard to the recovered substances;
- foster information exchange between REACH and waste inspectors;
- contribute to the improvement of the capabilities of enforcement authorities;
- raise awareness of REACH obligations among waste operators.

2.5. Working method

The inspectors could decide on executing the inspection by themselves or delegating it to the relevant authority, or even organising a joint inspection with inspectors from other authorities. Moreover, they could decide whether to physically visit the company's premises or just establish contact with the company and collect all the needed information and documents.

2.5.1. Selection of the companies to be inspected

Selecting appropriate companies for inspection was a crucial part of this project. Inspectors needed to inspect companies that placed recovered substances or mixtures subject to REACH on the market, such as waste operators.

For the selection of such companies, REACH inspectors were encouraged to liaise with waste inspectors in their Member State and together select potential companies that fell in the scope.

A few criteria were recommended for inspectors to get the information about appropriate companies to be investigated under this project, such as searching for specific waste categories or recovery operations, as well searching in national databases of permits and end of waste (EoW) decisions.

2.5.2. Identification of the status of the material

In a production process, aside from the deliberately created product, by-products and waste will also be produced. The waste materials can be destroyed (incinerated or disposed) or processed for recycling. On the latter, inspectors focused and sought out clear information that such material was no longer considered as waste.

For that, the REACH inspectors should investigate and confirm that the company complied with Article 6(1) of the Waste Framework Directive (WFD) (see [Chapter 2.3](#)) and with the waste criteria followed by the Member State (e.g. it could be the European Commission's Union-wide end of waste (EoW) criteria for certain streams, or biding national criteria). Alternatively, or in combination with, this EoW judgement could come from the waste inspectors. The REACH inspectors would then accept the decision of the waste inspectors that the material ceased to be waste and that the REACH Regulation applied.

2.5.3. Check the validity of the exemptions of REACH Article 2(7)(d) for recovered substances/mixtures

REACH Article 2(7)(d) exempts substances/mixtures from registration obligations, if they satisfy the two criteria:

- (i) the substance that results from the recovery process is the same as the substance that has been registered in accordance with Title II ("Sameness");
and
- (ii) the information required by REACH Articles 31 or 32 relating to the substance that has been registered in accordance with Title II is available to the establishment undertaking the recovery.

The inspectors needed to investigate analytical data, manufacturing processes, and all relevant documentation that would allow them to conclude that the substance in question was in fact the same as another one already registered.

Additionally, companies needed to make available all the safety information for the inspectors to evaluate compliance with REACH Articles 31 or 32.

3. Results of the project

The results of this project were derived from inspectors' answers to the questions of the questionnaire prepared by the Forum's working group (see [Annex I](#) to this report). For each inspected material, one questionnaire was completed.

3.1. Participating countries and number of inspections

11 countries participated in the pilot project and sent 107 filled-in questionnaires. Each participating country decided on the number of inspections to be conducted.

The number of reported inspections in each country is presented in Table 5.

Table 5: Number of reported inspections per country

No	Country	Number of inspected products
1	BE	11
2	CZ	12
3	DE	2
4	DK	2
5	EE	3
6	ES	10
7	FR	3
8	NL	4
9	NO	1
10	PT	5
11	RO	54
TOTAL		107

3.2. Companies and materials inspected

3.2.1. Type of companies inspected

Nearly half of the inspected companies operated in the manufacturing area producing chemicals, petroleum products, plastics or machinery. The other half operated in the environmental sector (recovery of sorted materials, treatment of waste, waste collection, sewerage). A few other companies fell outside these categories (testing, research, plumbing, wholesale of scrap materials).

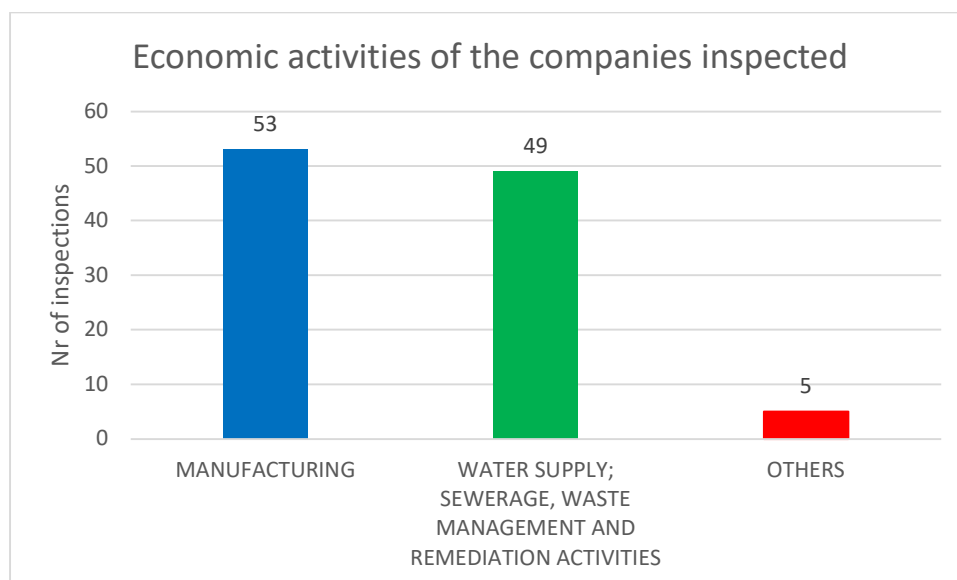


Figure 1: Main economic activities of the companies inspected in the project.

Most of the inspected companies could be classified as small or medium-sized enterprises (SMEs) according to Commission Recommendation 2003/361/EC.

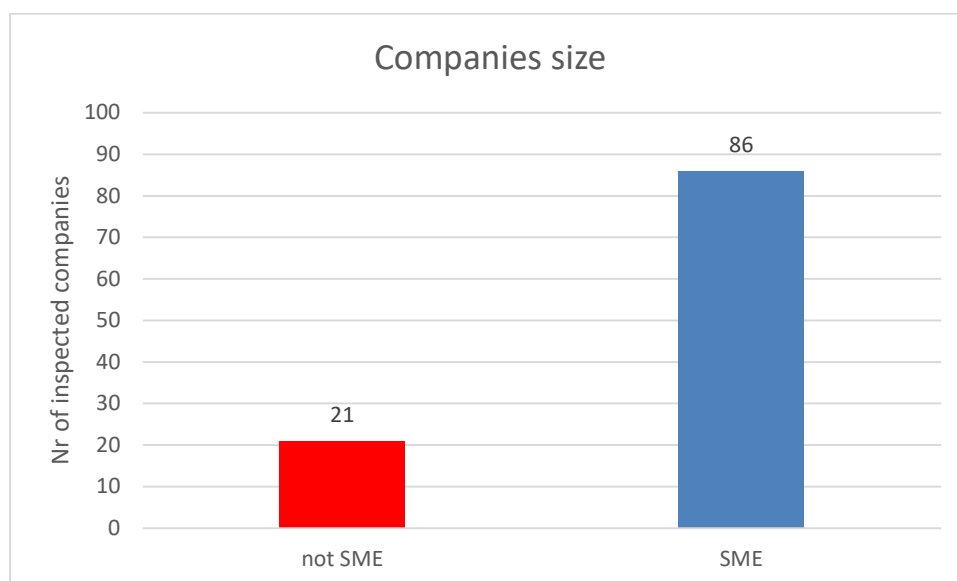


Figure 2 Size of the companies inspected in the project.

Nearly half of the inspected companies were identified as manufacturers according to the REACH Regulation. Downstream users were the second largest group. Companies might have had more than one role under REACH.

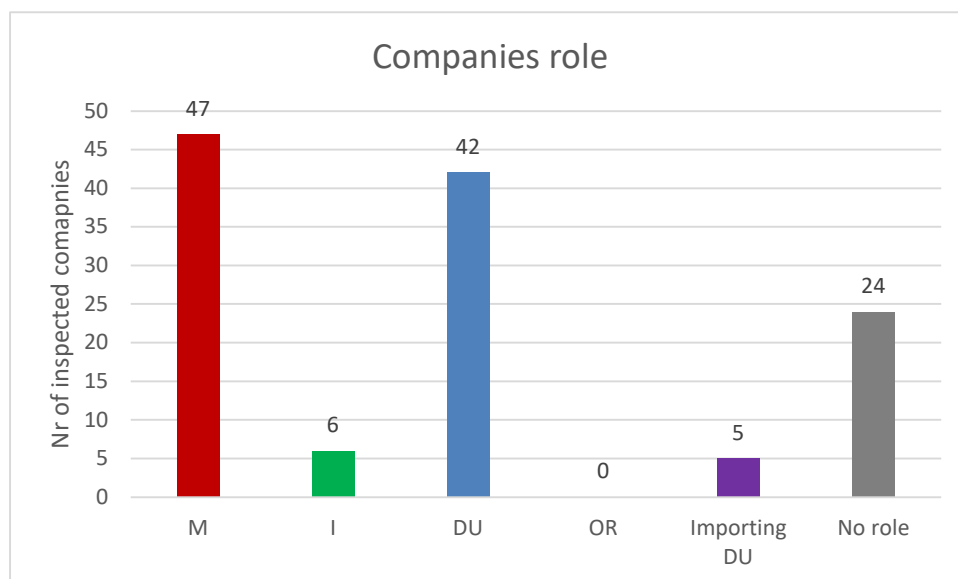


Figure 3 Role under REACH of the companies inspected in the project

(M = manufacturer, I = importer, DU = downstream user, OR = only representative)

Inspectors could have used more than one method for selecting a company to inspect (note that they might have used more methods of selection for one inspection). Inspectors mostly used databases of environmental permits (70 cases) and national databases of waste operators (32 cases). The rate of using national lists of waste consignees or national databases of end of waste (EoW) decisions was very limited. Other methods for selecting a company covered e.g. using specific national procedures.

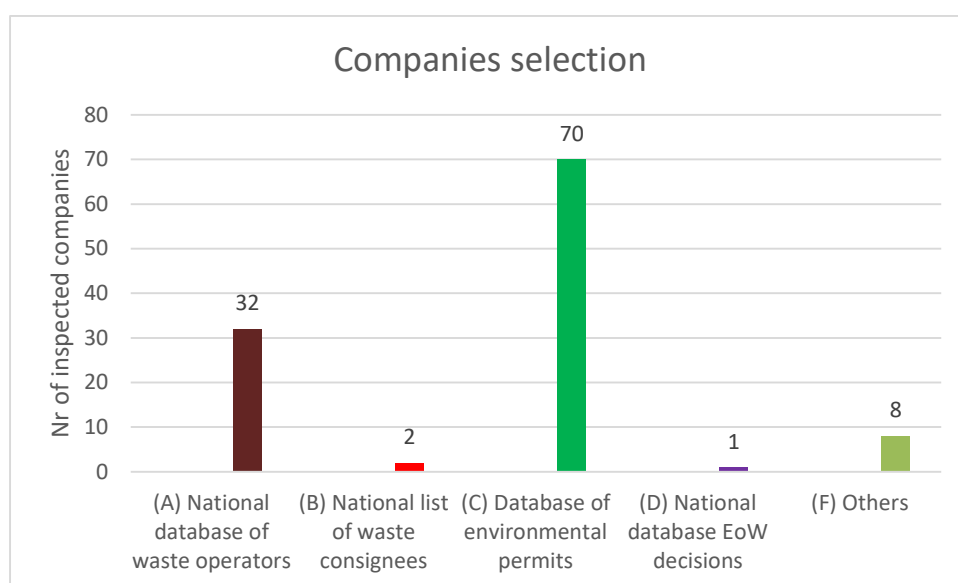


Figure 4 Methods for selecting companies for inspection in the project

3.2.2. Materials inspected

54 of the inspected materials could be identified as substances according to their CAS numbers. 22 were solvents and 8 were fuels. The remaining 24 substances included e.g. lubricating oils, slags or inorganic compounds. A full list of the substances inspected can be found in [Annex II](#).

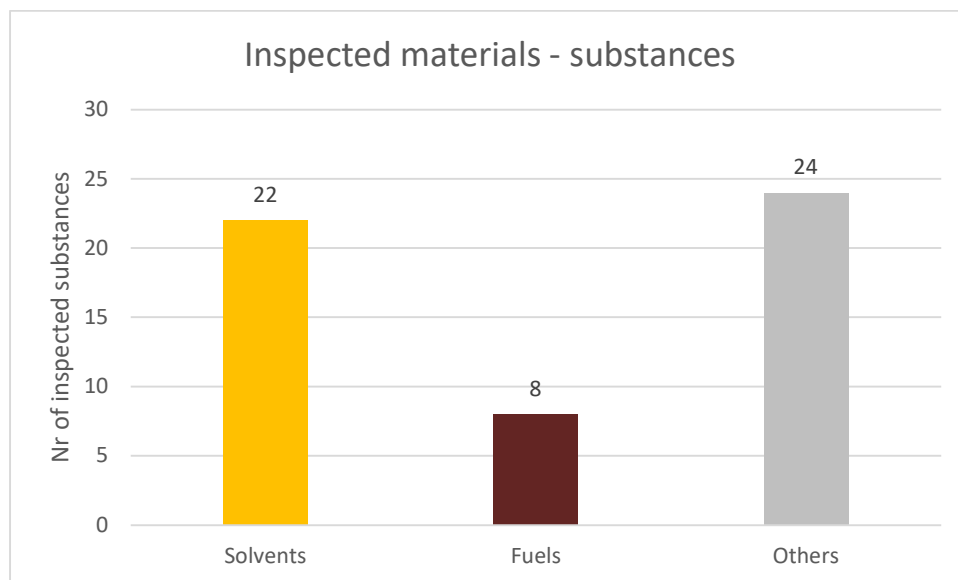


Figure 5 Type of substances inspected in the project

The most frequently investigated waste fell into the category of “other organic solvents, washing liquids and mother liquors”, with 7 cases being reported. The main waste categories reported can be found in Table 6.

Table 6 Original waste categories investigated in the project

Waste category ¹	Number of inspected materials
07 05 04* <i>other organic solvents, washing liquids and mother liquors</i>	7
07 01 <i>wastes from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals</i>	5
07 01 04* <i>other organic solvents, washing liquids and mother liquor</i>	5
08 01 11* <i>waste paint and varnish containing organic solvents or other hazardous substances</i>	4

¹ [List of waste referred to in Article 7 of the Waste Framework Directive \(2008/98/EC\), Commission decision of 18 December 2014 \(2014/955/EU\)](#)

05 01 <i>wastes from petroleum refining</i>	3
08 05 01* <i>waste isocyanates</i>	3
19 02 04* <i>premixed wastes composed of at least one hazardous waste</i>	3
Not available	8
Others	69
TOTAL	107

More than half of the inspections (55) covered materials that were either recovered substances/mixtures or by-products that were placed on the market. The other half (52) were materials not relevant for this particular project (waste, by-products not placed on the market and articles) and thus the investigation regarding their compliance with Article 2(7)(d) was not further pursued.

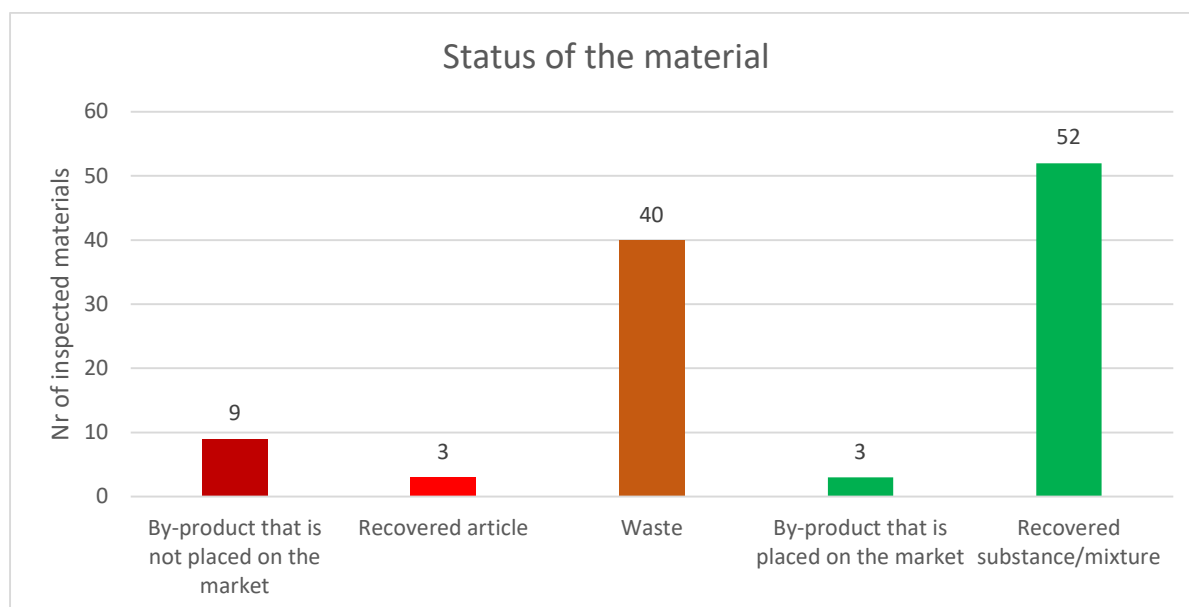


Figure 6 Status of the inspected material - the green bars are materials for which the investigation on compliance with REACH Article 2(7)(d) continued.

REACH inspectors reported that companies found it somewhat challenging and resource intensive to conclude if their substance was a by-product or end of waste (EoW). That could be the reason why almost half of the substances reported were, in fact, out of scope.

For the 55 materials in the scope of this investigation, interestingly, in most cases where there was an EoW status granted to the material, it was claimed by the company (56 %). In 18 % of cases, the EoW status was granted by the authority (mainly on the national level, from the environmental area of competence).

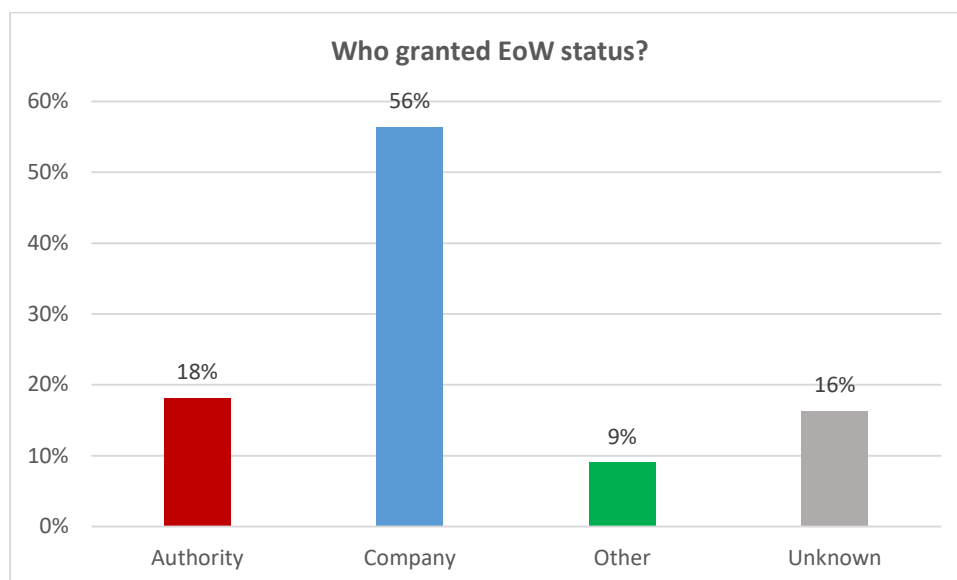


Figure 7 Granting of the end of waste (EoW) status

The EoW status was based on using EU criteria² for EoW (Figure 8) in only a few inspection cases. Where no Union-wide EoW criteria have been adopted, Member States may decide at national level whether certain waste has ceased to be waste. It can be done using national criteria (in 13 % of the reported cases) or single *ad hoc* decisions (20 %) as the background for the EoW claim. However, in most cases, the EoW was granted by someone else (e.g. company rules) or the background was unknown.

² The European Commission adopted Union-wide end of waste (EoW) criteria for certain waste streams. At this moment, these waste streams are: iron, steel, aluminum and copper scrap, and glass cullet.

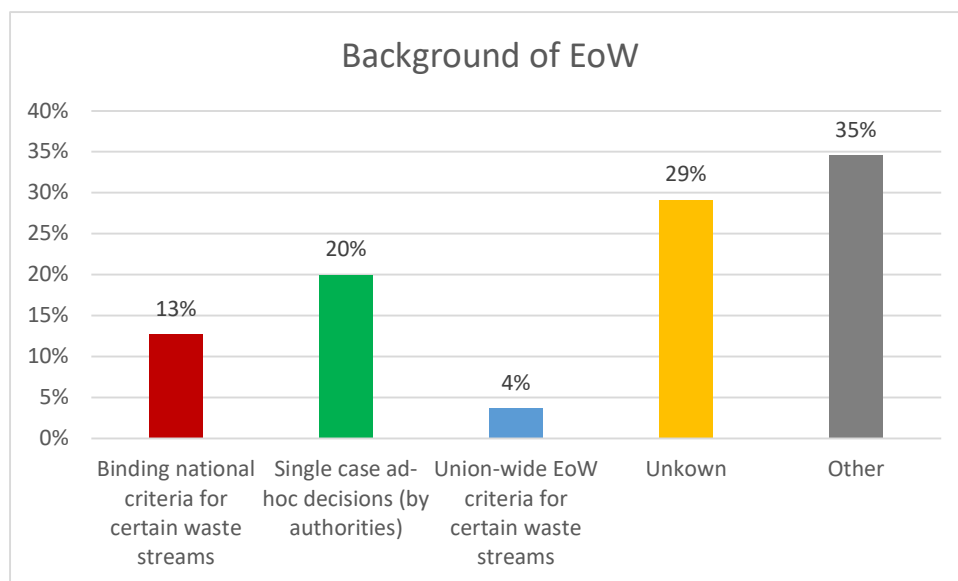


Figure 8 Background of the end of waste (EoW) status found by the inspectors

In 59 % of cases, the EoW claim of the inspected material was verified *ex post* by the inspectors (in the majority of cases, it was done by waste inspectors). From these cases where the inspectors verified *ex post*, 68 % were cases where the EoW was self-claimed by the companies.

Out of the 55 materials placed on the market (52 recovered substances/mixtures and 3 by-products), an exemption according to Article 2(7)(d) of REACH was claimed in 46 cases, other exemptions (intermediate, polymer, PPORD, Annex V or low tonnage) in 6 cases and 3 materials were registered.

Chapter 3.3 reports the investigations of compliance with REACH Article 2(7)(d) of the 46 cases (44 recovered substances/mixtures and 2 by-products) that claimed exemption under this provision.

3.3. Non-compliance with Article 2(7)(d)

Both criteria under this obligation (sameness and available of safety information) were thoroughly assessed by inspectors and their findings are reported in Chapters 3.3.1 and 3.3.2.

3.3.1. Fulfilment of REACH Article 2(7)(d)(i)

Waste operators may claim to benefit from the exemption to register for their end of waste (EoW) material under REACH Article 2(7)(d).

As a general rule, waste operators must collect adequate information and analytical data to demonstrate that they have sufficiently identified and characterised their recovered substance/mixture and that they have knowledge and control concerning the variability of the composition. The acquired data has to confirm that the recovered substance and the already registered substance are the same.

General assessment on identification of the substances

For assessing the fulfillment of REACH Article 2(7)(d)(i), inspectors checked whether the information for the identification of the substance was available and sufficient.

The required information for identifying a substance consisted of:

- a) analytical data;
- b) composition; and
- c) the name and other identifiers (including manufacturing and process description for UVCBs).

Inspectors further investigated particular aspects concerning the available information for the recovered substances, such as:

- adequacy of the chemical name/numerical identifier and their consistency with the compositional data, including the manufacturing process (in case of a UVCB);
- competency of the waste operator to demonstrate and conclude that the recovered substance/mixture could be registered jointly with an existing joint submission.

Results

From the total of 46 inspected materials, 63 % (29 cases) showed no issues related to the features listed above. As such, inspectors concluded that these substances could fulfil the requirements of REACH Article 2(7)(d)(i) on the identification and could be proven to be the same as an already registered substance. These inspected substances were in compliance with REACH Article 2(7)(d)(i).

In 26 % (12 cases), the inspectors considered that there was a clear breach of REACH Article 2(7)(d)(i). In these cases, the waste operator could not demonstrate that the recovered substance could be registered jointly with an existing joint submission.

In 7 cases, inspectors concluded on the non-compliance, the reasons varied:

- there was no analytical data, no information or insufficient information on the analytical data provided. For instance, information on the composition was missing or some analytical data of the substances was provided but it was not adequate to verify the reported composition;

- the chemical name and numerical identifier (EC/CAS) assigned to the recovered substance was not correct and not consistent with the compositional data or the waste operator incorrectly concluded that the recovered substance could be registered jointly with an existing joint submission based on the UVCB name on ECHA's website.

In 5 cases, companies did not provide a justification for not complying with the inspectors' request.

Inspectors concluded that these 12 materials could not fulfil the requirements of REACH Article 2(7)(d)(i) on the identification and could not be proven to be the same as an already registered substance. These inspected substances were non-compliant with REACH Article 2(7)(d)(i).

In 11 % (5 cases) from the total of 46 inspected materials, although information on analytical data and composition was provided, the inspectors could not find a sound identification of the substance. They found that the provided information was insufficient and it was not possible to fully assess and establish the identity of the substance within the time of the operational phase of the project. The reasons why the substance identification could not fully be assessed varied. In some cases, companies did not generate the required additional information within the timeframe of the project or the laboratory was not available to perform additional analysis within the set deadline.

For these recovered substances, inspectors could not conclude on compliance with REACH Article 2(7)(d)(i) within the operational phase of the project.

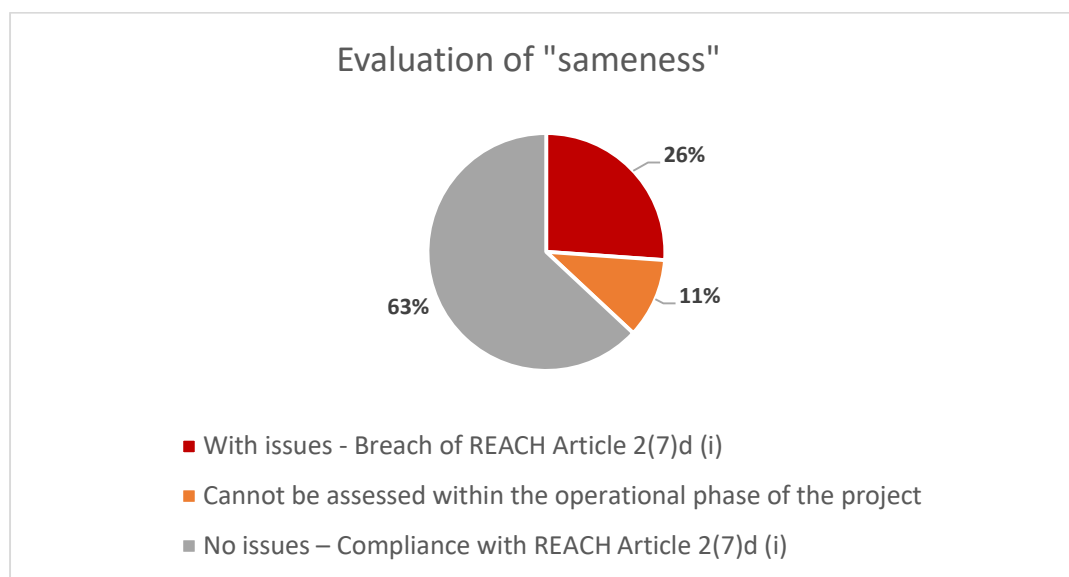


Figure 9: General assessment on identification of the substances

3.3.2. Fulfilment of REACH Article 2(7)(d)(ii)

To verify the second condition for application of an exemption to REACH Article 2(7)(d), the inspectors needed to request the company to provide one of the following documents:

- A safety data sheet (SDS) of the substance that was registered (including exposure scenarios, if applicable). This only applies to substances that fulfil criteria in Article 31(1) of REACH (classified as hazardous, PBT, vPvB, SVHC);

- A registration number and other information required in accordance with REACH Article 32(1) if the safety data sheet (SDS) is not required. This is applicable if the substance is subject to authorisation, restriction or there is any other available and relevant information about the substance that is necessary to enable appropriate risk management measures.

If such information was not available to the waste operator, the company could not benefit from the registration exemption under REACH Article 2(7)(d).

From the 46 cases, required information was provided to inspectors in 44 (96 %) and these were compliant with REACH Article 2(7)(d)ii. The other 2 cases were not clear enough for inspectors to conclude on its compliance.

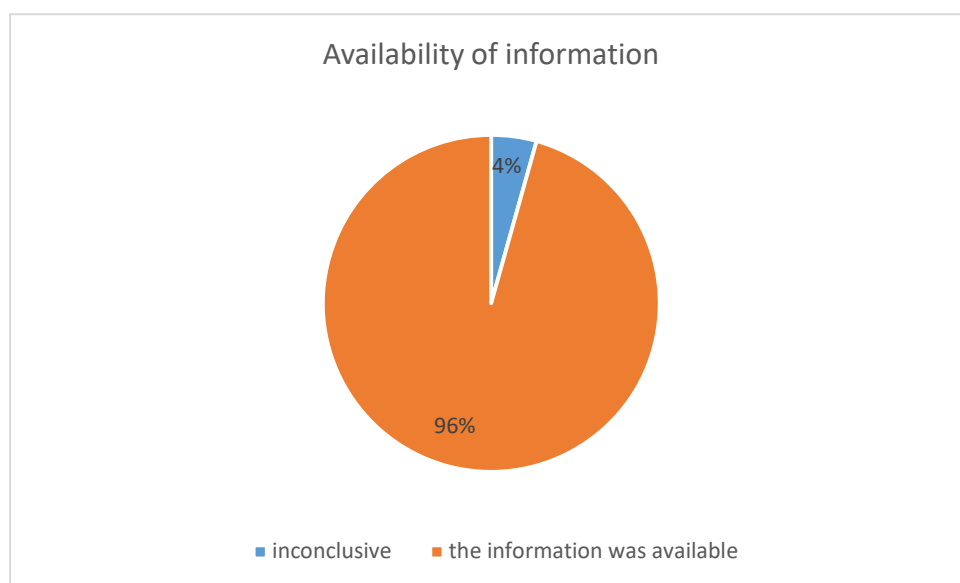


Figure 10 Availability of information, disregarding the quality of such information

Regarding the way the information was obtained, in 20 cases the safety data sheet (SDS) was provided by the registrant and in 21 cases it was composed solely by the waste operator. Only 2 waste operators reported the safety information was provided by the registrant, and only one indicated neither answer was applicable.

In 39 inspections, it was confirmed that the SDSs were required for the substance/mixture, while only 7 were not required. The inspectors further investigated the ones where SDSs were required and assessed the adequacy of the SDS with Annex II to the REACH Regulation. Table 7 shows the results obtained and the non-compliances identified.

Table 7 Assessment of compliance of the SDS

Adequacy of the SDS	Yes	No	% non-compliances
The substance identification was provided in accordance with Article 18 of the CLP Regulation and in accordance with the end of waste decision	34	2	5 %
The SDS had 16 sections	39	0	0 %
The SDS was supplied in the official language of the Member State	38	1	2.5 %
The name of the waste recovery operator was identified in the SDS	36	3	8 %
The relevant identified uses of the substance or mixture and uses advised against were indicated	38	1	2.5 %
If the substance was a recovered substance claimed to comply with REACH Article 2(7)(d), the stated identity was in accordance with the chemical identity established in the sameness assessment	23	2	8 %*
All product identifiers, the concentration or concentration ranges and the classifications provided for at least all substances are referred to in points 3.2.1 or 3.2.2. of Annex II to the REACH Regulation	13	1	7 %**
If the mixture contained recovered substances claimed to comply with Article REACH 2(7)(d), the given concentration or concentration ranges of the substances in the mixture were in accordance with the chemical identity established in the sameness assessment	9	2	18 %***

* The percentage of non-compliance has been calculated based on the number of recovered substances investigated. As there were 14 cases which the inspectors indicated as "non-applicable", the sample size was just 25 substances.

*** The percentage of non-compliance has been calculated based on the number of recovered mixtures investigated. As there were 25 cases which the inspectors indicated as "non-applicable", the sample size was just 14 substances.*

**** The percentage of non-compliance has been calculated based on the number of recovered mixtures investigated. As there were 28 cases which the inspectors indicated as "non-applicable", the sample size was just 11 substances.*

The majority of companies inspected the availability of the safety information/SDS, and evaluated the SDS, by checking if they had the 16 sections. However, they were not always in compliance with the requirements established in Annex II to REACH. The major non-compliances were related to the identity of the substance and to the information on the composition or ingredients of the recovered substance or mixture.

These results highlight that the identification of the substance/mixture can be a challenge for companies.

3.4. Non-compliance with CLP

Optionally, inspectors could have checked CLP provisions related to the classification of the recovered substances or mixtures and its subsequent labelling (Titles II, III and IV of CLP). Moreover, the obligation to notify ECHA according to CLP Article 40 was also investigated since it is not tonnage-dependant and as such not affected by the use of the exemption from registration under REACH Article 2(7)(d).

19 inspections of the recovered substance/mixture were carried out to check these obligations and in 7 cases (37 %) the inspectors identified a non-compliance with CLP. The reports from each of the provisions checked can be found in Table 8.

Table 8: Results of non-compliances with CLP obligations

CLP obligation	Number of non-compliances
Classification according to Title II	3
Labelling according to Title III	2
Packaging according to Title IV	0
Notification to ECHA Article 40	5
Notification according to the SDS	4

From the results, it can be seen that, in general, waste operators are aware that substances they recover must be classified, labelled and packaged according to the CLP Regulation, even if in some cases it was not done correctly. However, the results show a higher lack of awareness regarding the obligation to notify substances they market.

3.5. Enforcement and cooperation with other authorities

3.5.1. Enforcement actions

During inspections, where a non-compliance was detected in relation to the obligations checked in the project, enforcement measures were imposed by the enforcement authorities (multiple actions could be taken). The most common enforcement measure for the non-compliances was written advice (39 %).

Table 9: Enforcement measures for non-compliant materials (multiple choices were possible)

Enforcement measures	Number of non-compliances	%
Written advice	7	39 %
Others: e.g. assessment still ongoing	7	39 %
Administrative order	3	17 %
Fine	1	6 %
No measures	0	-
Verbal advice	0	-
Criminal complaint / Handing over to public prosecutor's office	0	-

Assessments that were not finalised during the duration of the project will be followed-up by the national inspectors and are not featured in this report.

3.5.2. Cooperation with other authorities

This project had an important element of cooperation between national authorities enforcing REACH and authorities enforcing the Waste Framework Directive (WFD) and granting the end of waste decisions. The REACH and waste authorities were encouraged to organise joint inspections as a learning opportunity for both and strengthening the cooperation between the two bodies, aiming for more efficient enforcement activities in the Member States.

The IMPEL³ network developed a project on the interaction between REACH and waste and inspectors at national level could have liaised with the IMPEL national contact points to explore further cooperation.

³ <https://www.impel.eu/about-impel/>

From the 107 inspections reported in the project, 76 (70 %) inspections from 7 countries reported that there was contact and collaboration with other national authorities to carry out the inspections.

The vast majority of such collaborations (70 cases, (92 %)) was with waste authorities. They helped with the following tasks (more than one task was identified):

- to select the companies to be targeted – in 60 cases;
- to confirm the EoW decisions – in 15 cases; and
- to organise joint inspections – in 4 cases.

Inspectors reported whether there was some form of national cooperation between authorities that benefited the inspections of such materials. Two countries reported the existence of a cooperation agreement and exchange of information protocol.

4. Other findings of the project

During the running of the inspections in the participating countries, inspectors found interesting and challenging cases that prompted some questions.

The general description of these cases in this report is merely informative and with the aim to raise awareness of other potential similar cases. In the recommendation chapter of this report (Chapter 5.2), the WG provides some ideas on how such situations could be overcome or at least limited.

4.1. Registration duty only falls to the first registrant

Article 2(7)(d) states that a recovered substance that results from a recovery process is exempted from registration if this substance is the same as a substance that has been registered. If the recovered substance is not the same, the recovered substance has to be registered in accordance with REACH Title II.

However, the wording of Article 2(7)(d) leads to the situation where only the first waste operator producing the recovered substance has to register this substance. From the moment of registration, all subsequent waste operators producing the same recovered substance can benefit from this registration by claiming sameness to a registered substance, because from then on it has been "registered before". This puts the burden of registration only on the first waste operator and could form a big obstacle for waste operators to comply with REACH.

4.2. Intermediate dossier used as registration of the recovered substance with limited amount of hazard information

In a case where a recovered substance was registered as an intermediate, the burden of registration was limited. An intermediate registration is a low-cost registration that offers limited information on the substance. As a result, other manufacturers of the same recovered substance can claim exemption from registration based on Article 2(7)(d) because the substance has been registered before.

Another consequence of this is that according to the *Guidance on recovered substances*, the use of a recovered substance is not limited to the identified uses of the "original" registered substance. This means the subsequent waste operators are not limited to the use as an intermediate. Besides that, manufacturers of a recovered substance that is exempted from registration do not need to perform a chemical safety assessment or complete a chemical safety report on the substance. This could lead to situations where recovered substances are lawfully applied in uses with little information on the substance and without a chemical safety assessment.

The *Guidance on recovered substances* states that waste operators should take account of the existing information and have to provide appropriate risk management measures (RMMs) in the safety data sheet. Lacking a chemical safety assessment, it is very difficult for the inspector to identify which RMMs are appropriate and how to assess them.

Registering a recovered substance as an intermediate could be an intentional way for subsequent waste operators to bypass obligations on identified uses and performing chemical safety assessments.

4.3. How to prove “sameness” of a UVCB substance with an already registered substance

Recovered substances from waste oil are often claimed to be the same as registered (petroleum) substances produced from crude oil. As these are substances of unknown or variable composition, and complex reaction products (UVCBs), the chemical composition alone is not sufficient for identification. The source materials and the production process of the recovered oil and petroleum products are equally important for identification.

UVCBs in general are identified by their chemical composition, their source (or origin) and the most relevant steps taken during processing. Source materials of recovered substances are, by definition, different from virgin material and in many cases the recovery process will be different from the original production process as well.

In some registration dossiers of petroleum substances, recycled materials are excluded from “sameness” because the registrants claim it is the initial requirement for a petroleum substance to be derived from crude oil or natural gas condensate. It is a challenge for national enforcement authorities to address these internationally shipped recovered product streams that often find their way into bunker fuels.

It was challenging to enforce issues related to UVCBs as advice can be found only in *Guidance*, which are not legally binding.

5. Conclusions and recommendations

Based on the data received and its analysis, the following conclusions and recommendations can be drawn from the project.

5.1. Conclusions

- Inspections mainly targeted SME companies from either the manufacturing or environmental sectors.
- Inspectors mainly utilised databases of environmental permits and national databases of waste operators. The rate of using of the national databases of end of waste (EoW) decisions was surprisingly low and may coincide with the relatively high proportion of inspections where it was concluded that the material was still waste and as such outside the scope of the project.
- Some inspectors found it very hard to find suitable companies to investigate in this project due to a lack of experience in the area.
- Almost half (47 out of 107) of the inspections were done for manufacturers according to REACH. This number roughly corresponds to the number of inspected recovered substances or mixtures (52).
- In the majority of cases (56 %) when the material was EoW, the claim was made by the recovery operator itself. Only in 18 % was the status granted by an authority (mainly national authority issuing an *ad hoc* decision).
- In only 59 % of cases, the EoW claims of the inspected material were verified *ex post* by inspectors.
- In 26 % of the inspected recovered substances, the inspectors found issues and the substances did not fulfil the requirements of sameness to be exempted from registration based on Article 2(7)(d)(i).
- In 96 % of cases, the inspected companies were able to provide to the inspectors the information required by REACH Article 2(7)(d)(ii).
- 100 % of the safety data sheets inspected had the regulated 16 sections. However, not all were compliant in all its sections.
- The majority of non-compliances with the safety data sheets were related to information on the identity of the substance, or composition of the mixture.
- There is a lack of awareness regarding the classification notification to ECHA. This has been detected as a major non-compliance with the CLP Regulation.
- The cooperation element of this project brought to light that communication is not always easy between authorities responsible for different pieces of legislation. In light of the European Commission's Green Deal and its circular economy plan, national authorities need to learn to "talk with one language".

5.2. Recommendations

5.2.1. To waste operators

- Ask your customers about the real uses of the recovered substance they place on the market to be able to update their safety data sheets.
- Ask the competent authorities or national helpdesks for advice and guidance.
- Collect or produce more and better evidence to prove sameness of a recovered substance to a registered substance.
- Strive to learn more about registration duties for recovered substances, with special attention to UVCB substances.

5.2.2. To the Forum

- Cover the scope of this project in a future REF project due to the significant number of detected non-compliances.
- Exchange information with IMPEL on the issue of recovered substances and raise awareness in this network.

5.2.3. To Member States/national enforcement authorities/inspectors

REACH national enforcement authorities

- The WG recommends that inspection bodies make more use of national databases of end of waste (EoW) decisions. The results show that it was somewhat difficult for the inspectors to identify the waste operators placing EoW material on the market. Use of the aforementioned databases and cooperation with waste inspectors may help in targeting companies for inspections.
- Inspectors are recommended to monitor the situation of recovered substances placed on the market given the high percentage of non-compliance found in this project.

Waste enforcement authorities

- Put more effort in the assessment of EoW and confirmation of the EoW status of recovered substances.

Member States

- Promote close cooperation between REACH and waste inspectors to ensure that recovered substances placed on the market meet requirements of all EU chemicals legislation.
- Raise awareness between waste operators of their obligations regarding chemicals legislation.

5.2.4. To the European Commission

- The WG recommends the harmonisation of the EU criteria for EoW in other areas not yet covered by EU legislation. Project results show that in most cases no harmonised or national criteria were used to determine EoW status.
- The WG recommends changing REACH Article 2(7)(d) in a way that no longer only the first waste operator has to register a recovered substance that was not registered before. The burden of the registration should be shared by all companies producing the same substance. Such changes in this REACH article would improve the situations described in [Chapter 4](#) *Other findings of the project*.

5.2.5 To ECHA

- Review the *Guidance on waste and recovered substances* of May 2010 by removing the rule that the use of a recovered substance is not limited to the identified uses of the “original” registered substance. The uses of recovered substances should be limited to the identified uses in the registration dossier.
- Clarify the fact that every recovery operator is a potential registrant, and that the substance identification data must be generated according to Section 2 of Annex VI to REACH in order to provide evidence to support the exemption.

Annexes:

[Annex I](#): Questionnaire used by inspectors in the project

[Annex II](#): Full list of substances inspected

Annex I: Questionnaire used by inspectors in the project

Forum Pilot project Recovered substances exempted from REACH registration 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: General information about the inspected company	
1.1 Name of company: 1.2 Name of the contact person: 1.3 Contact person's role:	This data is only for internal use e.g. in case you need to forward this dossier to other NEAs e.g. for assistance.
1.4 Company ID code	Unique code assigned by the inspector to the company (e. g. BE1, BE2 etc.). Use this code to fill in additional questionnaires for additional materials checked in the same company.
1.5. Company's NACE-Code ⁴ :	
1.6 According to Commission Recommendation 2003/361/EC the company qualifies as ⁵ : <input type="radio"/> - SME <input type="radio"/> - not SME SME: <250 employees and ≤50 million euro annual turnover	

⁴ NACE-Code (statistical classification of economic activities in the European Community): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:393:0001:0039:EN:PDF>

For this project, the most used code would be under "38.3 Materials recovery":

 [38.31 Dismantling of wrecks](#)

 [38.32 Recovery of sorted materials.](#)

⁵ SME = Small and medium-sized enterprises as defined in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (REACH Article 3.36)

In this project, for ORs, it means the size of non-EU company represented by the OR.

<p>1.7 Role(s) of the company under REACH:</p> <p><input type="checkbox"/> Manufacturer</p> <p><input type="checkbox"/> Importer</p> <p><input type="checkbox"/> Downstream user</p> <p><input type="checkbox"/> Only representative</p> <p><input type="checkbox"/> Importing Downstream user</p> <p><input type="checkbox"/> No role under REACH</p>	<p>Company can have more than one role.</p>
<p>1.8. How was the company selected for inspection?</p> <p><input type="checkbox"/> National database of waste operators</p> <p><input type="checkbox"/> National list of waste consignees</p> <p><input type="checkbox"/> Database of environmental permits</p> <p><input type="checkbox"/> National database EoW decisions</p> <p><input type="checkbox"/> Other</p>	

Section 2: Details of the material inspected

<p>2.1 Identification of the material</p> <p>2.1.1 EC</p> <p>2.1.2 CAS</p> <p>2.1.3 IUPAC (chemical) name</p> <p>2.1.4 Chemical trade name</p> <p>2.1.5 Category of the original waste</p>	<p>In the case of mixture, fill in preferably 2.1.4 and 2.1.5</p>
<p>2.2 What is the status of the material?</p> <p><input type="radio"/> Waste (End Questionnaire – Out of the scope of the project)</p> <p><input type="radio"/> Recovered article (End Questionnaire – Out of the scope of the project)</p> <p><input type="radio"/> By-product that is <u>not</u> placed on the market (End Questionnaire – Out of the scope of the project)</p> <p><input type="radio"/> By-product that is placed on the market</p> <p><input type="radio"/> Recovered substance/mixture</p>	

<p>2.3 Who granted or claimed the EoW status?</p> <p><input type="radio"/> An authority</p> <p style="padding-left: 20px;">2.3.1 At which level?</p> <p style="padding-left: 40px;"><input type="radio"/> National level</p> <p style="padding-left: 40px;"><input type="radio"/> Regional level</p> <p style="padding-left: 40px;"><input type="radio"/> Local level</p> <p style="padding-left: 20px;">2.3.2 In which competence area?</p> <p style="padding-left: 40px;"><input type="radio"/> Waste</p> <p style="padding-left: 40px;"><input type="radio"/> Environment</p> <p style="padding-left: 40px;"><input type="radio"/> REACH/Chemicals</p> <p style="padding-left: 40px;"><input type="radio"/> Other</p> <p><input type="radio"/> The company/waste operator self-declared the EoW status</p> <p><input type="radio"/> Other</p> <p><input type="radio"/> Unknown</p> <p>2.4 The EoW status was granted based on:</p> <p><input type="radio"/> Union-wide EoW criteria for certain waste streams. Specify which waste stream</p> <p><input type="radio"/> Binding national criteria for certain waste streams Specify which waste stream</p> <p><input type="radio"/> Single case ad-hoc decisions (by authorities)</p> <p><input type="radio"/> Other</p> <p><input type="radio"/> Unknown</p> <p>2.5 Was the EoW claim verified (ex-post) by and enforcement authority?</p> <p><input type="radio"/> Yes</p> <p style="padding-left: 20px;">2.5.1 By whom?</p> <p style="padding-left: 40px;"><input type="radio"/> Waste inspector</p> <p style="padding-left: 40px;"><input type="radio"/> REACH inspector</p> <p style="padding-left: 40px;"><input type="radio"/> Other</p> <p><input type="radio"/> No</p>	
<p>2.6 The company claims that the by-product/recovered substance/substances in mixture is/are</p> <p><input type="radio"/> <i>Registered</i></p> <p><input type="radio"/> <i>Not registered</i></p> <p><input type="radio"/> <i>Exempted from registration</i></p> <p style="padding-left: 40px;">2.6.1 The exemption is based on:</p> <p style="padding-left: 60px;"><input type="checkbox"/> <i>REACH Article 2(7)(d)</i></p> <p style="padding-left: 60px;"><input type="checkbox"/> <i>Other</i></p>	<p>If several registrations in case of a mixture, all registrations should be checked</p> <p>Other: REACH Annex V, IV, polymer</p>

2.7 Details of the assessment for the fulfilment of REACH Article 2(7)(d)(i)

2.7.1 Is the following information required by Annex VI.2 for the identification of a substance (in case of mixture it applies for all substances it contains) for the purpose of registration available:

- (a) analytical data,
- (b) composition,
- (c) name and other identifiers (including manufacturing process description for UVCBs)?

- Yes, everything (a, b and c) is available
- No, at least one of the item (a, b or c) is missing
– Which one?

2.7.2 Are the provided analytical data (a) adequate to verify the reported composition (b)?

- Yes
- No
- Not relevant

2.7.3 Does the information document the variability of the composition obtained from the different production campaigns performed over the years?

- Yes
- No
- Not relevant

*Whenever at least one of the answers to questions 2.7.1, 2.7.2 or 2.7.3 is **NO**, the waste operator should be asked to generate the Substance Identification (SID) information necessary for the identification of the recovered substance before any further assessment can be conducted. The inspector normally provides a deadline to the waste operator to provide the SID. If the SID information is not provided in time to allow assessment of this information by the inspector before 31 December 2021 (i.e. the end of operational phase of this pilot project), questions 2.7.4, 2.7.5 and 2.7.6 cannot be answered.*

The company has provided the requested SID information before 31 December 2021 – Go to Question 2.7.4

The company has not provided the requested SID information before 31 December 2021 – Go to Question 2.7.7

It is possible to establish that the (b) composition is derived from analyses (a).

Available data allows establishing that the results from the analyses are representative of the substance recovered **over time**.

2.7.4 Are the chemical name and numerical identifier (EC/CAS) assigned to the recovered substance (in case of mixture it applies for all substances it contains) correct and consistent with the compositional data and, if the substance is a UVCB, the manufacturing process?

- Yes, all the data above are consistent*
 No, at least the composition or the manufacturing process is not consistent with the identifiers provided
 Not relevant

2.7.5 Did the waste operator demonstrate, using information from (an) existing registrant(s), that the recovered substance (in case of mixture it applies for all substances it contains) could be registered jointly with an existing joint submission (e.g. SID information collected from the existing registrants, statements from existing registrants)?

- Yes*
 No
 Not relevant

2.7.6 Did the waste operator conclude that the recovered substance (in case of mixture it applies for all substances it contains) could be registered jointly with an existing joint submission based on the ECHA website?

- Yes, by applying the 80% rules for well-defined substances*
 Yes, based on the UVCB name
 No
 Not relevant

2.7.7 General assessment of all sub-questions under 2.7

Which scenario was found?

- No issues – there is fulfilment of REACH Article 2(7)d (i)
 Scenario A
 Scenario B
 Scenario E (conditionally)
- With issues - **REACH Article 2(7)d (i) is not fulfilled**
 Scenario C
 Scenario D
 Scenario F
 Scenario G

<p><input type="radio"/> Cannot be assessed: REACH Article 2(7)d (i) is not fulfilled Why?</p> <p><input type="radio"/> At least one of the answers to questions 2.7.1, 2.7.2 or 2.7.3 is NO; indicate the technical reason</p> <ul style="list-style-type: none"> <input type="radio"/> The company has still time to generate the information <input type="radio"/> The laboratory was not available to perform the analyses within the set deadline. Additional time is needed to comply with the request <input type="radio"/> The company decided not to comply with the request within the deadline – no info and no justification <input type="radio"/> Other: 	
<p>2.8 Is the information required by REACH Article 2(7)(d)(ii) available to the waste operator?</p> <p><input type="radio"/> Yes</p> <p>2.8.1 How was the information required by Article 2(7)(d)ii obtained by the waste operator?</p> <ul style="list-style-type: none"> <input type="radio"/> Safety information was provided by the registrant <input type="radio"/> SDS was provided by the registrant <input type="radio"/> Information was composed solely by the waste operator <input type="radio"/> Not applicable <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p>	<p>Availability of SDS or information according to REACH Article 32 to the waste operator.</p>

<p>2.9 Is a Safety Data Sheet required for the substance or mixture?</p> <p><input type="radio"/> Yes <input type="radio"/> No (end of section 2)</p> <p><i>If yes:</i></p> <p>2.9.1 Is the substance identification provided in accordance with article 18 of the CLP-regulation and in accordance with the end-of-waste decision of the waste authority?</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> <i>Not applicable</i></p> <p>2.9.2 Does the SDS have 16 sections?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>2.9.3 Is the SDS supplied in the official language of the Member State?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>2.9.4 <i>Is the name of the waste recovery operator identified in the SDS?</i></p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>2.9.5 Are relevant identified uses of the substance or mixture and uses advised against indicated?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>Composition/information on ingredients</p> <p><u>In case of a substance:</u></p> <p>2.9.6 Is the chemical identity of the main constituent of the substance provided?</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> <i>Not applicable</i></p> <p>2.9.7 If the substance is a recovered substance claimed to comply with REACH Article 2(7)(d), is the stated identity in accordance with the chemical identity established in the sameness assessment?</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> <i>Not applicable</i></p>	<p>See REACH Article 31 for the criteria for which substances and mixtures an SDS is required</p> <p>At least the identified uses relevant for the recipient(s) of the substance or mixture shall be indicated. The uses which the supplier advises against and the reasons why shall, where applicable, be stated.</p>
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<p><u>In case of a mixture:</u></p> <p>2.9.8 Are all product identifiers, the concentration or concentration ranges and the classifications provided for at least all substances referred to in points 3.2.1 or 3.2.2. of Annex II of the REACH regulation?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p> <p>2.9.9 If the mixture contains recovered substances claimed to comply with article REACH 2(7)(d) are the given concentration or concentration ranges of the substances in the mixture in accordance with the chemical identity established in the sameness assessment?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p>	
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III. (Optional) CLP questions	Remark
<p><input type="checkbox"/> I will not investigate the CLP obligations</p> <p>3.1 Is the recovered substance/mixture properly classified according to Title II of CLP?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p> <p>3.2 Is the recovered substance/mixture properly labelled according to Title III of CLP?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p> <p>3.3 Is the recovered substance/mixture properly packaged according to Title IV of CLP?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p> <p>3.4 Did the waste operator notify to ECHA information according to Art. 40 of CLP?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p> <p>3.5 Is the notification in accordance with the information in the SDS?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>	<p>CLP articles: 4, 17-23, 25-28, 35 40 (1)(2)(3)</p>

IV. (Optional) POPs questions	Remark
<p><input type="checkbox"/> I will not investigate the POPs obligations</p> <p>4.1 Is the observed POP content of the substance/mixture compliant with POPs Article 3?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>4.2 What is the identity of POP that was found in the inspected substance/mixture above the UTC limit?</p> <p>4.3 How was the POP content determined?</p> <p><input type="radio"/> <i>By chemical analysis performed by the NEA</i> <input type="radio"/> <i>Information was provided by the inspected company</i> <input type="radio"/> Other</p>	Investigation of POP regulation obligations
V. Summary/enforcement actions/enforcement measures taken against the company	Remark
<p>5.1 Is the company compliant regarding the product investigated?</p> <p><input type="radio"/> Yes <input type="radio"/> No, regarding the obligations concerning</p> <p><input type="checkbox"/> REACH <input type="checkbox"/> CLP <input type="checkbox"/> POPs</p>	Based on the provisions in the scope of this project
<p>5.2. Measures imposed due to non-compliance with the obligations subject to this project</p> <p><input type="checkbox"/> No measures <input type="checkbox"/> Verbal advice <input type="checkbox"/> Written advice <input type="checkbox"/> Administrative order <input type="checkbox"/> Fine <input type="checkbox"/> Criminal complaint / Handing over to public prosecutor's office <input type="checkbox"/> Others:</p>	

VI. Cooperation with other authorities	Remark
<p>6.1 Did you contact and collaborate with other national authorities for the inspection of this company?</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Yes</p> <p>6.1.1 With whom?</p> <p><input type="checkbox"/> Waste authorities</p> <p>6.1.1.1 In which context were there collaboration with Waste authorities?</p> <p><input type="checkbox"/> to select the companies to be targeted</p> <p><input type="checkbox"/> to access the EoW decision database</p> <p><input type="checkbox"/> to confirm the EoW decision</p> <p><input type="checkbox"/> to organise joint inspections</p> <p><input type="checkbox"/> other</p> <p><input type="checkbox"/> National enforcement authority responsible for POPs</p> <p><input type="checkbox"/> other</p> <p>6.2 Does your Member State have any type of cooperation established between authorities, such as a memorandum of understanding or information exchange protocol?</p> <p><input type="radio"/> Yes - Which type?</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not relevant</p> <p>6.3 Did you forward this case to authorities in another Member State?</p> <p><input type="radio"/> Yes, to:</p> <p><input type="checkbox"/> Interact PD-NEA Focal point</p> <p><input type="checkbox"/> ICSMS contact point</p> <p><input type="checkbox"/> Forum Member</p> <p><input type="checkbox"/> the National coordinator</p> <p><input type="radio"/> No</p>	

VII. Use of Interact Portal	Remark
<p>7.1 Do you have access to the Interact portal?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No (end of section VII)</p> <p>7.2 Did you use the Interact portal during the preparation/conduct of this inspection?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p>7.3 In case of an on-site inspection, have you used Interact portal while being on site?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable</p>	

VIII: Informal comments
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Annex II: Full list of substances inspected

Solvents

Name	Number of inspections
Toluene	4
Methanol	3
Acetone	3
Ethyl acetate	2
Dichloromethane	2
4-Methyl-2-pentanone	1
Tetrahydrofuran	1
Butyl acetate	1
Tetrachloroethylene	1
Isopropanol	1
N,N-Dimethylformamide	1
Acetonitrile	1
Methyl ethyl ketone	1
Total	22

Fuels

Name	Number of inspections
Fuel oil, residual	2
Naphtha, petroleum, full-range straight-run	1
Shale oils	1
Fuels, diesel	1
Fuel oil, No. 2	1
Fuel oil, No. 4	1
Gasoline	1
Total	8

Others

Name	Number of inspections
Unknown	3
Formaldehyde	2
Polymethylene polyphenyl polyisocyanate	2
4,4'-Diphenylmethane diisocyanate	1
Ethylene glycol	1
Calcium hydroxide	1
Manganese(II,III), oxide	1
Gypsum (Ca(SO ₄).2H ₂ O)	1
Cobalt(II) acetate tetrahydrate	1
Benzoic acid	1
Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd.	1
Copper	1

Lubricating oils	1
Bromotrifluoromethane	1
Sulfuric acid	1
Ammonium sulfate	1
Asphalt	1
Polypropylene	1
Polystyrene	1
Slags, steelmaking, converter	1
Total	24