

Obligations under the PIC Regulation

Jornada Control Técnico al Comercio de
Productos Químicos
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Regulation (EU) No. 649/2012

- The EU PIC Regulation concerns the export and import of hazardous chemicals whose use has either been banned or severely restricted within the EU
 - Implements, within the EU, the Rotterdam Convention on the prior informed consent procedure
 - Promotes shared responsibility and cooperation in the international trade of hazardous chemicals
 - Places obligations (mainly) on companies who wish to export PIC chemicals to non-EU countries
- This presentation provides an update on the highlights since the last workshop in October 2016

Amendments to Annex I & V



Two amendments in 2018

- The European Commission foresees two amendments to the Regulation in 2018
- The amendments will add new substances to Annexes I & V and will move chemicals from part 2 to part 3 of Annex I
- Changes stemming from the new Mercury Regulation (which enters into force on 1 January 2018) will be reflected
- The amendments will be published separately and are expected to enter into force during the first and third quarter of 2018

Amendment 1 – substances

Proposed for inclusion in Part 1 of Annex I and subject to export notification procedure:

- **Triflumuron**

Proposed for inclusion in Parts 1 and 2 of Annex I and subject to export notification and explicit consent procedure

- **Tepraloxydim**
- **Carbendazim**
- **Cybutryne**
- **Triclosan**

Proposed for *inclusion* in Parts 1 and 3 of Annex I

- **Methamidophos**

Proposed for *removal* from Parts 1 and 3 of Annex I

- **Methamidophos SHPF**

Proposed for inclusion in Part 1 of Annex V and subject to export ban

- **Hexabromocyclododecane (HBCDD)**

Amendment 2 – substances [1/2]

Proposed for inclusion in Parts 1 and 2 of Annex I

- **Amitrole**
- **Beta-cypermethrin**
- **DPX KE 459 (Flupyrulfuron-methyl)**
- **Isoproturon**
- **Linuron**
- **Orthosulfamuron**
- **Picoxystrobin**
- **Triasulfuron**

Proposed for inclusion in Part 3 of Annex I

- **Carbofuran**
- **Trichlorfon**
- **Short-chain chlorinated paraffins**

Amendment of the entry in Part 3 of Annex I is proposed

- **Tributyltin compounds** → additional category "industrial"

Amendment 2 – substances [2/2]

Proposed for inclusion in Part 1 of Annex V

- **Short-chain chlorinated paraffins**

Proposed amendments to existing entries of Annex V Part 2

- Mercury compounds - Mercury sulfide (HgS, CAS RN 1344-48-5); Mercury compounds except compounds exported for the purposes of **laboratory-scale research or laboratory analysis**
- Mixtures of metallic mercury with other substances with a mercury concentration of less than 95% and all mercury compounds - All exports are prohibited for the purpose of reclaiming mercury.



ePIC development [1/2]

- Two releases of ePIC went live in 2017
- ePIC 1.6 went live on 30 May 2017 with the following changes (relevant for industry):
 - Extended search for chemicals → search by CAS number and regulation amendment
 - Special RIN request → alert on yearly threshold on quantities for research/analysis (10kg)
 - Create export notification → alignment of HS and CN codes; easier creation of notifications for group substances
 - RIN match algorithms → more efficient match between an export notification and an explicit consent

ePIC development [2/2]

- ePIC 1.7 went live on 8 November 2017 with the following changes (relevant for industry):
 - Further improvement to the Article 10 functionality to avoid issues with automatic generation of the industry reports
 - New feature providing transparency to industry users on substances added to group entries
 - Special RIN requests for mixtures/articles:
 - submission of mixtures/articles containing Annex V chemicals;
 - prefill SDS attachment automatically
 - Declarations section: mandatory checkboxes for the SDS language and an emergency situation
 - Search for chemicals which are no longer in PIC

ePIC support

- ePIC Industry User Manual was updated following both 2017 releases *but not translated*
- New/updated fact sheets
 - Fact sheet on waiver procedure was updated
 - NEW fact sheet on Special RIN request procedure, including a bulk special RIN template
 - NEW Fact sheet on Article 10 reporting (under preparation)
- The manuals and fact sheets are available on the ECHA website:
<https://echa.europa.eu/support/dossier-submission-tools/epic/epic-manuals>
- Helpdesk
<https://echa.europa.eu/contact>

Article 10 reporting



Article 10 reporting [1/3]

- The annual Article 10 reporting cycle on 2017 exports/imports will start on 1 January 2018
- The deadline for companies is 31 March 2018



Article 10 reporting [2/3]

- A pre-generated report will be available in ePIC for companies who have validated notifications/special RINs in the system for 2017
- The pre-generated report includes:
 - All validated export notifications for the previous calendar year
 - Validated Special RIN requests for Annex I part 3 chemicals for which the intended use corresponds to the PIC use category and there is a positive import response in the latest PIC Circular
 - Validated Special RIN requests for countries who waived their right to receive export notifications (e.g. Brazil, Ceuta and Melilla)

Article 10 reporting [3/3]

- The pre-generated report does **not** include
 - Special RIN requests for exports in quantities <10 kg for the purpose of research and analysis
 - These exports should not be inserted manually to the reports as they are exempted from the obligations of the regulation (Article 2(3))
- Report on imports
 - Same information requirements as for exports
 - Imports in quantities <10 kg for the purpose of research and analysis must not be reported
 - Reports have to be created manually

ECHA's reporting activities



Article 10 reports for 2014 & 2015

- The non-confidential EU-level reports were published on the ECHA website on 24 May and are available here:
<https://echa.europa.eu/regulations/prior-informed-consent/annual-reporting-on-pic-exports-and-imports>
- For each year, you may find the following:
 - the full/official report as a PDF
 - two excels (one for exports & one for imports)
 - each excel has two tabs offering different levels of data granularity

Article 22

- The DNAs an ECHA submit a report to the European Commission every three years on the operation of the PIC Regulation
- ECHA's first Article 22 report covering the period 2014-2016 was published on ECHA website on 6 September
<https://echa.europa.eu/about-us/the-way-we-work/plans-and-reports>

Article 20

- Concerns information (of scientific, technical, economic and legal nature) that is provided to non-EU countries or other requestors
- A corrigendum to the Article 20 report was published on 2 June:
https://echa.europa.eu/documents/10162/21728206/pic_article_20_report_2014-2015_en.pdf/ad0e2b0d-4f12-486f-b1da-9fd2ddbbb187
- The next Article 20 report is due in 2018

Practical tips & recommendations



Complete information requirements

- Importer details – provide sufficient information
 - A physical address has to be provided for the importing company therefore no P.O. box accepted
 - Provide at least phone/fax/email for the importing company (possibly a contact person)
- Language of the SDS
 - Make every reasonable effort to attach a SDS in the official language of the importing country or in one of its principal languages (i.e. English, French or Spanish as relevant)
 - If you do not attach the SDS in the principal language of the importing country, you need to make a declaration in order to submit your notification

Waiver documents

- To ensure efficient processing, provide the following when submitting a waiver request
 - a translation into English if the documentary evidence is not in English/French/Spanish
 - a short explanation on the nature of the document presented
 - an explanation on the expiry date if it is not explicitly mentioned in the document itself
 - an explanation as to why the document is still valid if the date of issue is >15 years



Thank you!

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