

## EUROALLIAGES POSITION PAPER

### ON CUSTOMS SINGLE WINDOW ENVIRONMENT – PUBLIC CONSULTATION 16 JANUARY 2019

EUROALLIAGES is the European association of Ferro-Alloys and Silicon producers, representing about 95% of the sector in Europe. The European Ferro-Alloys and Silicon industry is the first supplier of strategic industrial sectors like iron, steel, aluminum and chemicals industries. It also provides the electronic and solar industries with elements essential to their manufacturing process. Composed of a majority of SMEs, the European Ferro-Alloys and Silicon industry is exposed to a very intensive international competition, which is often unfair and increases even further its cost vulnerability. Controls at the borders of the EU territory is an essential element to enforce the European Policy and ensure a level playing field between EU and non-EU manufacturers.

EUROALLIAGES welcomes the initiative of the Commission to gather businesses' views about formalities related to the movement of goods across EU borders.

Please find here below some comments on the customs role related to chemical or waste regulations in order to approach a better Non-Toxic Environment and a Circular Economy.

#### HARMONIZED REGIME

Customs controls should contribute to compliance with and enforcement of legislations such as REACH and the waste regulations.

Industry needs a harmonized regime for controls at EU borders and harbors to avoid distortions of competition on the internal market.

The issue is the fine balance between holding back the transported goods in customs for compliance checking and ensuring quick release of the goods to the recipient without undue delay.

The opportunity to have home clearance should also be better considered: on the one hand, the carrier reports the shipment to the customs before entering EU, the plant on the other reports the shipment content to the customs, then customs permission is given to unload as declarations are matching, with physical control at the factory as and where relevant.

At the borders of the European territory, controls by customs should be reinforced on waste exports but also and mainly on products imports. In particular, controls should be performed on the quality of products content (and compliance with REACH), as their non-EAA production escape the quality control (put in place for EAA manufacturers) and hence the traceability.

## TOOLS AND PROCEDURES

DG TAXUD has conducted an evaluation and a fitness check of the European Customs Inventory of Chemical Substances (ECICS), and its coherence vis-à-vis other existing databases, and, in particular, REACH and CLP regulations. This is an important issue as the customs officers need relevant, efficient and use-friendly tool/data bases to perform their controls in a context of a growing legal requirements. We wonder what the outcome of the consultation and the next steps are.

In the daily practices of the Customs, random checks should be reinforced on compliance with registrations or restrictions under REACH. An alert system should be set up when a decision related to REACH is formalized related to the customs codes at stake, as it exist in trade defense procedures. Control of their implementation/enforcement and training for customs officers should be implemented accordingly, as well as increase cooperation between customs officers and REACH/EHS inspectors. Indeed, in an EU/EEA-wide project of ECHA's Enforcement Forum, inspectors found hundreds of consumer products with illegal amounts of restricted chemicals.

A solution should be found for the basked heading codes under which could fall e.g. restriction decisions.

## ANALYTICAL METHODS

The ECHA Forum has issued a Compendium of analytical methods to check compliance with REACH Annex XVII restrictions in March 2016. It appears that the relevant analytical methods are

lacking. How is the link between ECHA and Customs Laboratories European Network (CLEN) organized to anticipate changes, to address analytical issues of unusual substances?

With the new requirements imposed by REACH, the sequence sampling, testing and in case of positive control, inspection at the factory gate will become a growing trend.

## CONCLUSIONS

Players on the same market must be subject to the same rules. This does not necessarily call for stricter rules but for strictly the same rules for all.

How can a Non-Toxic Environment (NTE) for Europe be achieved without a robust control system of the European territory?

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