Urgent Need to Step up Enforcement of Chemicals Legislation for Imported Goods and Online Sales

Cefic has analysed the 2023 data reported through 'Safety Gate', the EU's rapid alert system for products that pose safety risks. Here are the key findings:

- **Chemical non-compliance with EU legislations is the most reported risk not only in percentage but also in absolute numbers, driven by a surge in non-compliant cosmetics:**
  - The percentage of **chemical non-compliances** in products **increased** from 35 % in 2022 **to 51 %** in 2023 (figure 1), making it the **most reported risk** in the EU Safety Gate for the second year, ahead of other risks like injuries or electrocution.
  - The main reason for this was a **12-fold surge in non-compliant cosmetics** in 2023 compared to 2022 (figure 2, dark green).
  - This notable increase is largely driven by **restricted fragrances** (figure 3). The reason is the ban on the fragrance **lilial** for use in cosmetics in March 2022, which was implemented without any transition period.
  - As a result, **chemicals non-compliant** with the **Cosmetics Products Regulation (CPR) increased** from 71 in 2021 over 284 in 2022 and surged **to 1350** in 2023. For the first time, instances reported in CPR **overtook** those in REACH in the "law" rating (figure 4).

- **Endocrine-disrupting chemicals (EDCs) mostly originate from imported products, raising questions about adequate enforcement measures:**
  - **EDCs showed an upwards trend** for the third consecutive year (figure 5).
  - **Almost all EDCs are either from products from *outside* the EU/EEA** (**366** out of 427) or goods from unknown origin (53 out of 427). Only a fraction originates from **within** the EU (**8** out of 427).
  - As in previous years, **the most reported EDCs were restricted phthalates** (figure 3) – mainly **DEHP**, a substance that has been restricted in the EU since 2008, but still frequently found in plastic dolls imported from China.
  - Under China's Restriction of Hazardous Substances (**China RoHS**), **DEHP** will be restricted from 2026 in **electronics**, along with three other phthalates. As a result, we may see a decrease of DEHP in imported electronics in the coming years.

- **Chemicals non-compliant with REACH nearly doubled, also due to imports:**
  - In 2023, the number of chemicals non-compliant with REACH **almost doubled to 901** compared to 2022 (figure 6). This is only partially explained by the **continued use of**

butanone oxime in paints, a substance restricted in March 2022. Other explanations for the steep increase could be due to a general growth in imports and thus in the associated non-compliances.

- **About three quarters of chemicals non-compliant with REACH come from *outside* the EU/EEA** (605 in 2023) (figure 7). Only a fraction comes from within the EU/EEA (176 or 12 % in 2023, up from 5 % in 2022) mostly due to the newly restricted **butanone oxime** (figure 8). The number of REACH-non-compliant chemicals from products with an unknown country of origin remained high in 2023 (120), even after the **COVID-associated surge in online shopping.**

➢ **Other legislations:**

- The number of **RoHS-non-compliant chemicals in electronic products** remained relatively stable in 2021 and 2022 (104 and 112 respectively) **but surged to 360 in 2023** (figure 4 and figure 3). This mostly concerns heavy metals like lead and cadmium, followed by restricted phthalates. The spike is likely due to **targeted enforcement ahead of an anticipated RoHS revision**. A similar trend was observed in 2019 when the percentage increased from 1 % in 2018 to 17 % before dropping back to 3 % in 2020.
- The number of chemicals non-compliant with the **Classification, Labelling and Packaging Regulation (CLP)** stayed relatively low over the past years but never fell to zero: 46 in 2020, 18 in 2021, 58 in 2022 and 57 in 2023 (figure 4).
- The number of **chemicals non-compliant with the Toy Safety Directive decreased from 120** in 2020, 87 in 2021, 89 in 2022 **to 94** in 2023 (figure 4), mostly due to the migration of reprotoxic **boron** – frequently found in so-called “slime toys” – followed by restricted phthalates. China is the biggest importer of toys into the EU/EEU. However, Member States show diverging results in reporting chemically non-compliant toys from China.
- Generally, excessive migration of **boron** appears to have to slowly decreased with 35 instances in 2023 (figure 3).
- **Cosmetics emerged as the most prominent category of non-compliant chemicals in 2023,** accounting for 46 % of cases – overtaking **toys** at 13 % (figure 9). By comparison, in 2022, non-compliant chemicals in toys represented 29 % and cosmetics accounted for 21 %. Numbers of non-compliant chemical products in the narrower sense have risen (206 in 2020 vs 361 in 2023), as have non-compliant electronics (17 in 2020 vs 289 in 2023), jewellery (137 in 2020 vs 210 in 2023), and textiles (78 in 2020 vs 153 in 2023).
- The European Commission has recently launched an **evaluation of the EU’s cosmetics safety rules** to ensure better protection for consumers. An ECHA enforcement project last October found that 6 % of inspected cosmetics in the EEA contained prohibited substances.

Research methodology

This analysis is based on the European Commission's 2022 and 2023 Safety Gate article data but broken down into individual chemicals. 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 database was established under the EU's General Product Safety Directive. For 2023, the Cefic report listed 2904 instances of chemicals that were not in compliance with the law (2022: 1259).

As the number in 2023 was more than twice the 2022 value, Cefic's report is based predominantly on absolute figures, rather than percentages, as they could be misleading.

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

*Figure 1: **Total** number of Safety Gate product alerts for chemical and environmental risks*

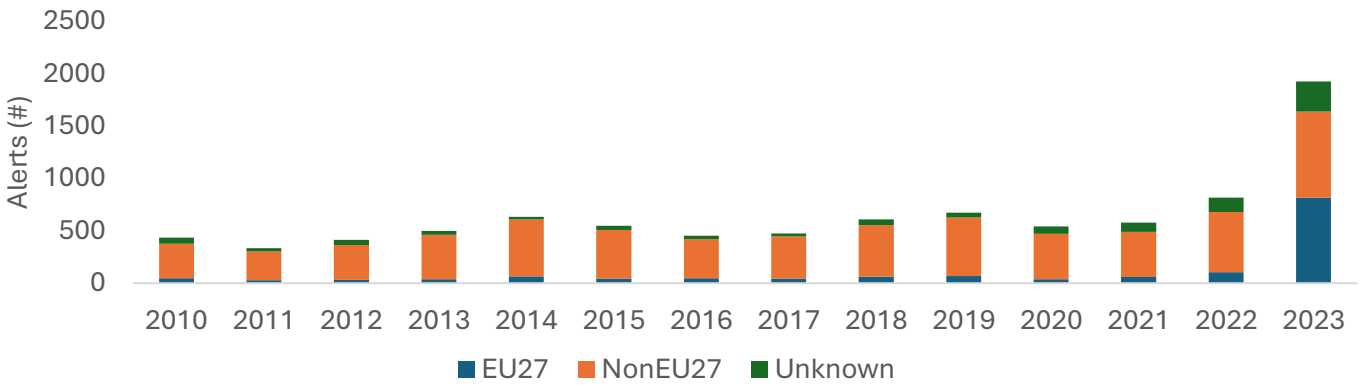


*Figure 2: Number of Safety Gate alerts for chemical and environmental risks for products produced in the **EU27***

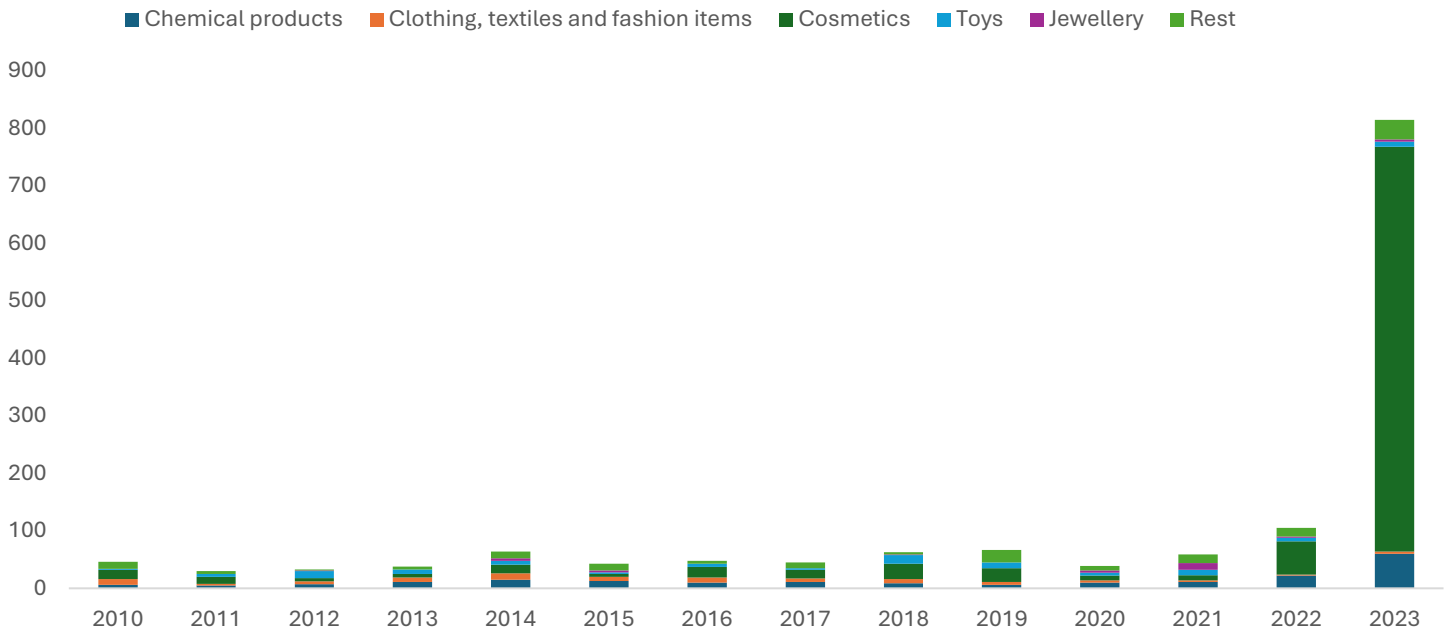


*Figure 3: Breakdown of non-compliances by **chemicals***

(2,904 instances in total)

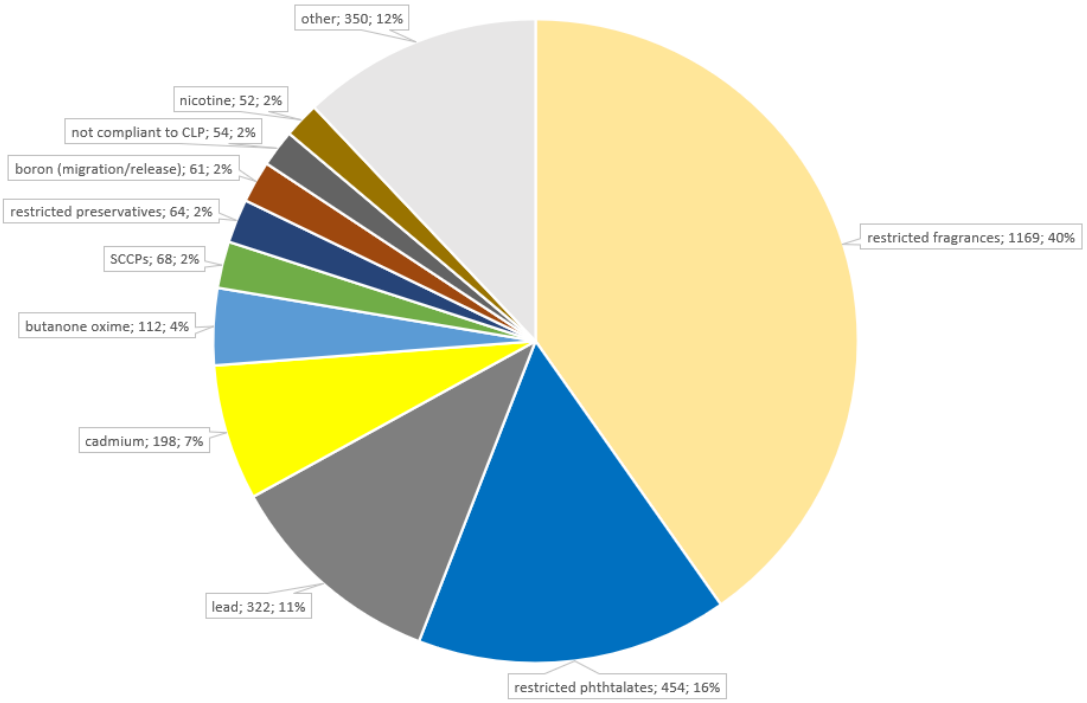


*Figure 4: Breakdown of non-compliances by **legislation***

(2904 instances in total)

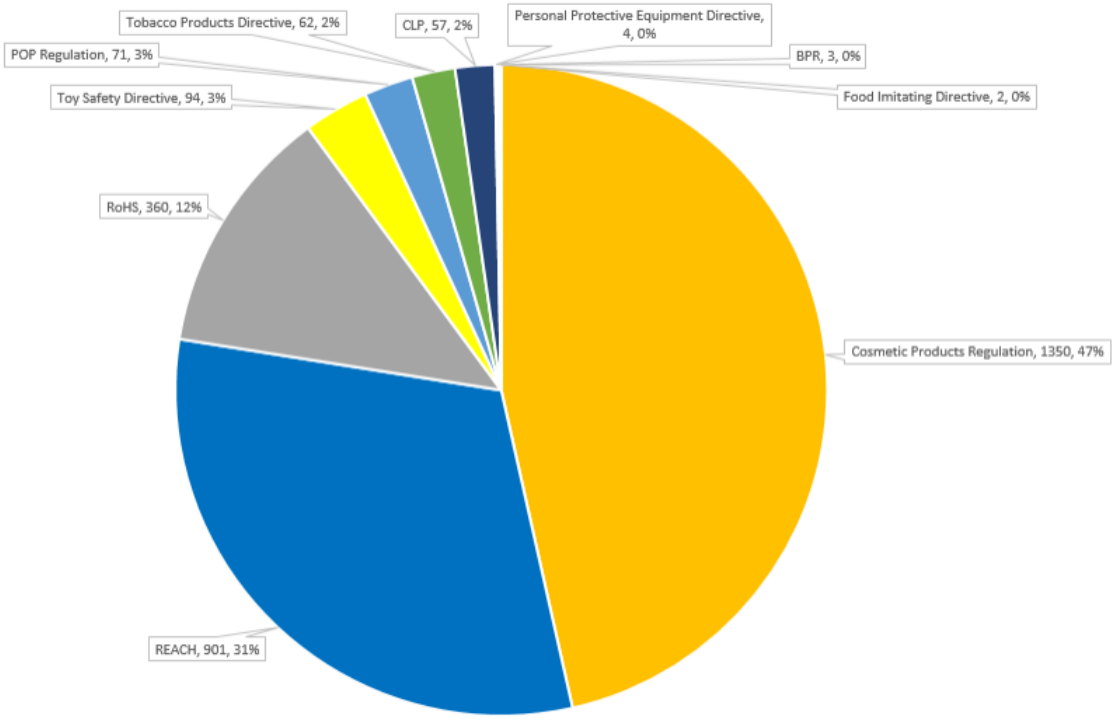


*Figure 5: Non-compliant chemicals **outside** the EU/EEA, breakdown by **EDCs**, (suspected) reprotoxic, and other chemical risk*

(1,387 instances in total)

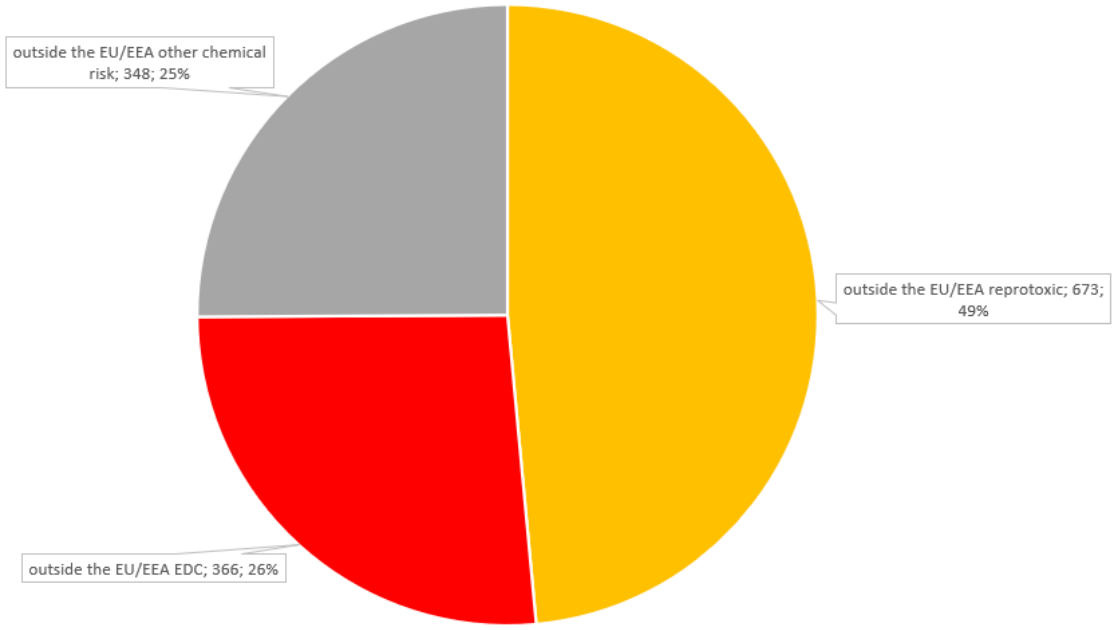


*Figure 6: Chemicals non-compliant to **REACH**, breakdown by **chemicals**:*

(901 instances in total)

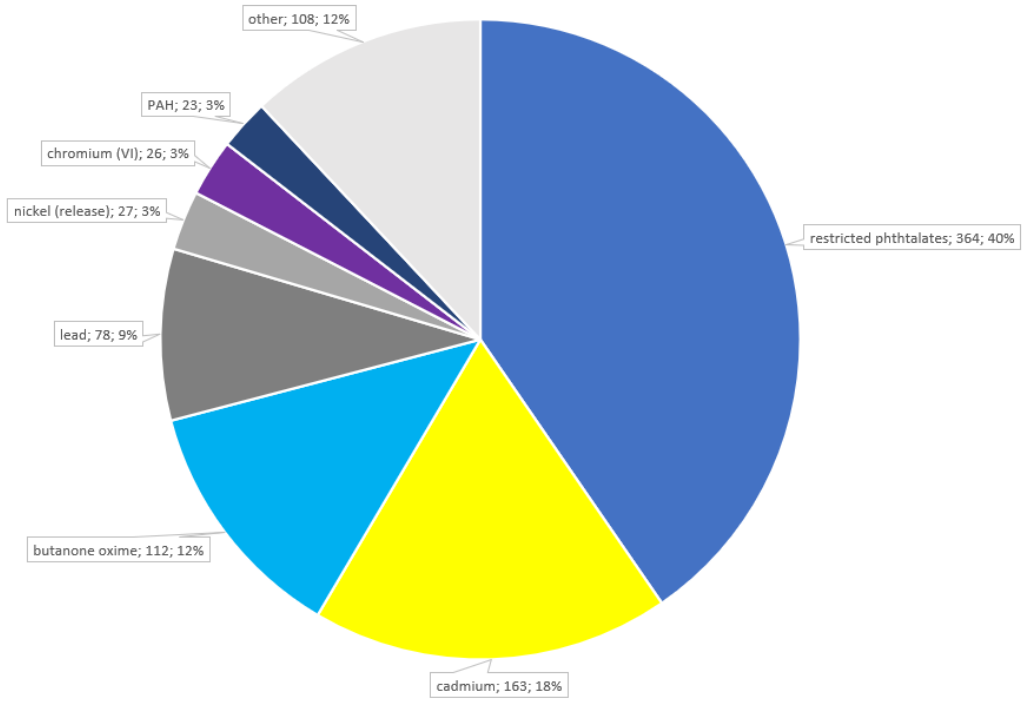


*Figure 7: Chemicals non-compliant to **REACH**, breakdown by **origin** (2023)*

(901 instances in total)

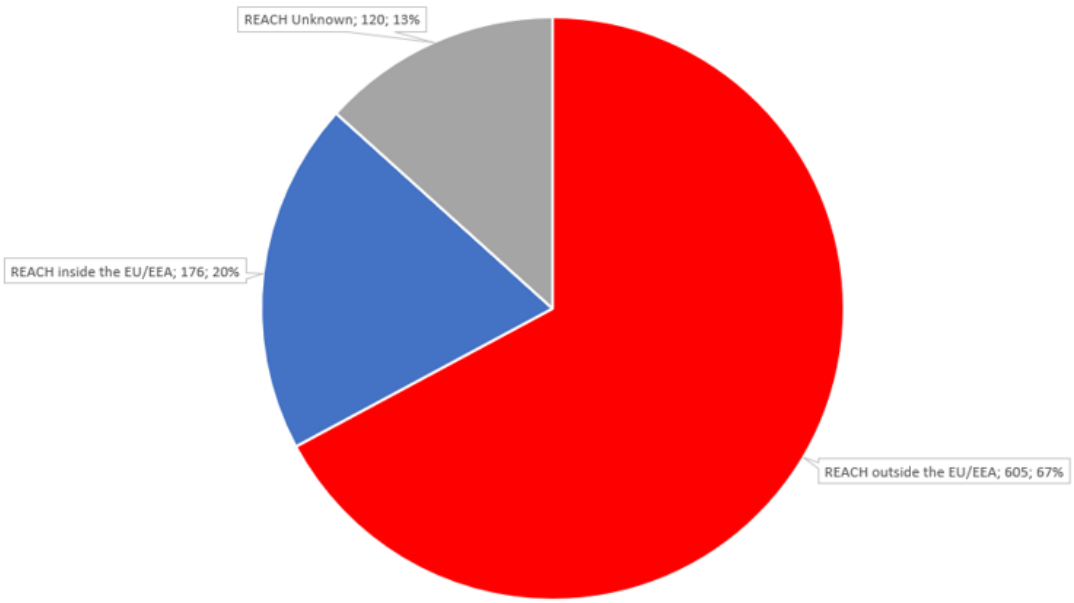


*Figure 8: Chemicals non-compliant to **REACH**, breakdown by **origin** (2022)*

(559 instances in total)

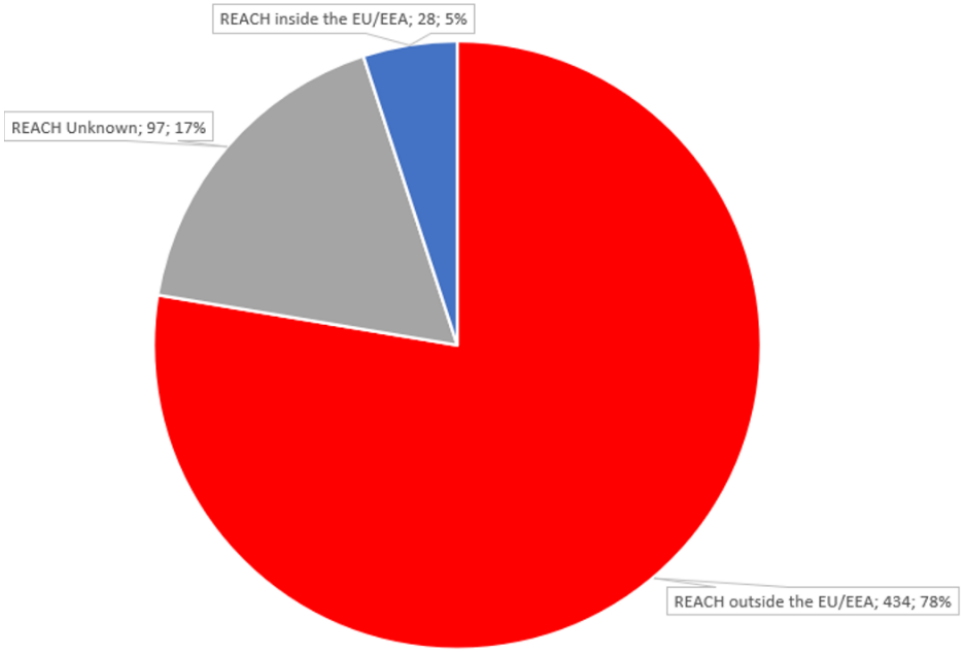
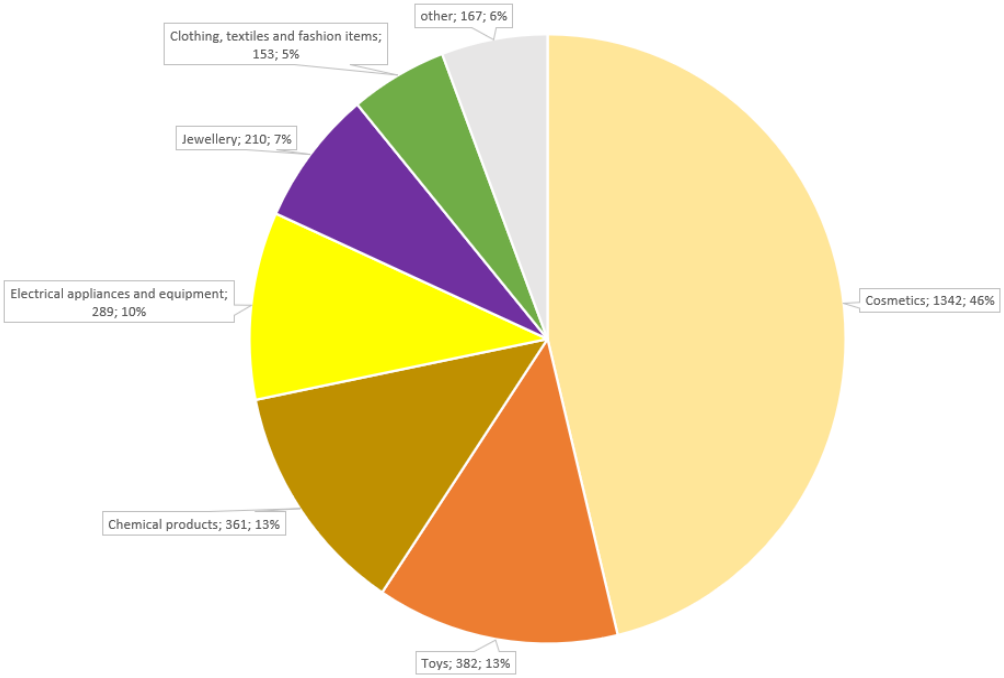


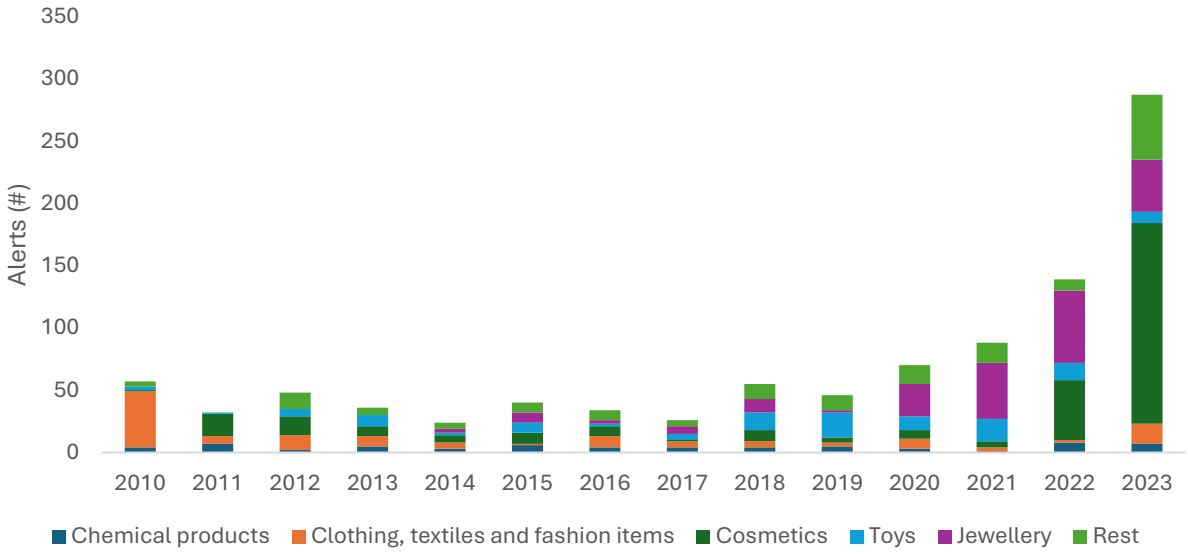
Figure 9: Breakdown of non-compliances by category

(2,904 instances in total)

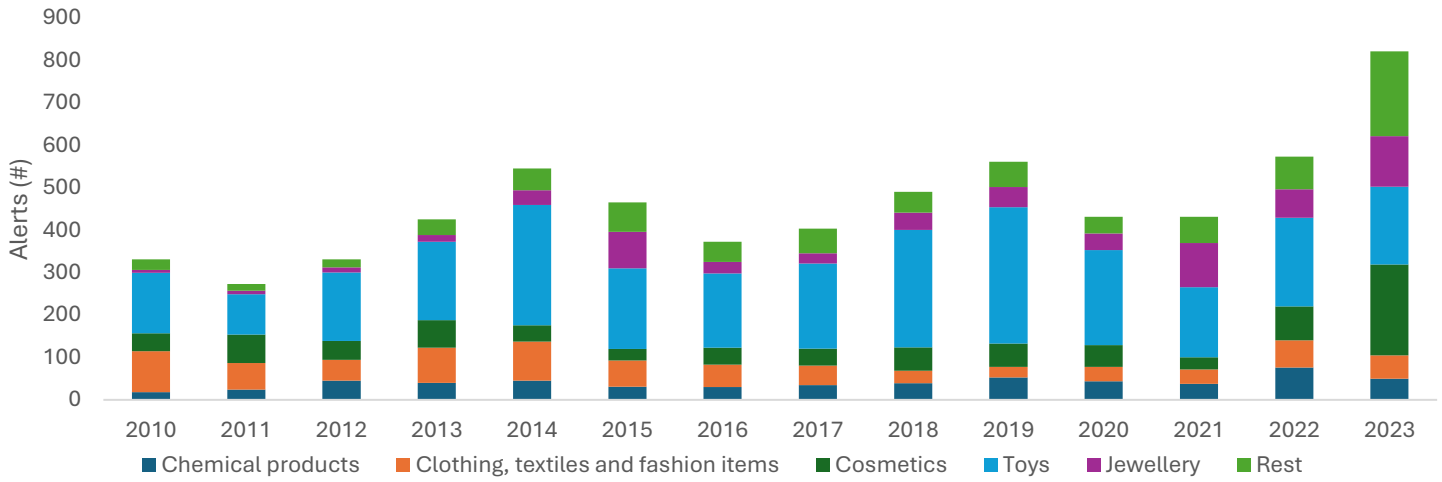


Additional charts

Number of Safety Gate alerts for chemical and environmental risks for products of unknown origin

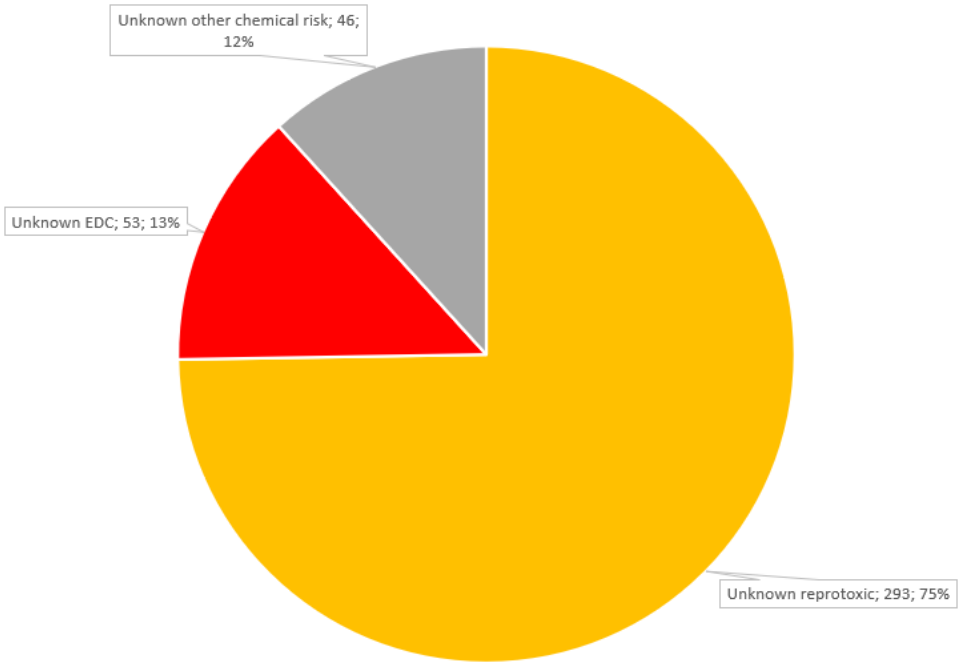


Number of Safety Gate alerts for chemical and environmental risks for products produced outside of the EU27



*Non-compliant chemicals in products of **unknown origin**, breakdown by **EDCs**, (suspected) reprotoxic, and other chemical risk*

(392 instances in total)



*Non-compliant chemicals **inside** the EU/EEA, breakdown by **EDCs**, (suspected) reprotoxic, and other chemical risk*

(1,125 instances in total)