

CYPRUS

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Cyprus in its notification to the Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	CYPRUS*
Article	
5	X
6(1)	X
6(2)	X
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	X
9(2)	X
9(6)	X
10	
11(1 and 3)	X
12(1)	X
12(2)	X
13(1-5)	X
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	X
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	X
22(2)	X
24(2)	X
25(1)	X
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	X
28(6)	X
29(3)	
30(2)	X
30(6)	X
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X

Country	CYPRUS*
Article	
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	X
41(4)	
46(2)	X
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67(1)	X

2. Types of offences related to REACH in Cyprus

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Cyprus. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure to register before the placing on the market of substances, in preparation, articles. (Art 5) - Failure to apply the CSR and recommend the risk reduction measures (Art 14) <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> - Failure to respect the objectives and general rules of Art 25. - Failure to comply with the general requirements for generation of information on intrinsic properties of substances of Art 13. - Failure to submit a registration to the Agency (Art 6, 7) - Failure to submit a pre-registration for phase-in substances in quantities of one tonne or more per year until December 2008.(Art 28) - Failure to notify toward the European Chemical Agency and to provide them information and data (Art 7, 6, 24, 30) 	Failure to comply with all identified requirements of REACH related to registration and evaluation

	<ul style="list-style-type: none"> - Failure to keep up-to-date the information on quantities imported and customers sold to, as well as information on the supply of the latest update of the SDS (Art 8) - Failure to notify toward the European Chemical Agency and to provide them information and data (Art 9, 22) - Failure to provide the relevant information and in a correct way for registration. (Art 11, 12, 17, 18, 19) - Failure the downstream user and the registrant to submit information to ECHA 	
Offences related to authorisation and restrictions requirements	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure to ask for an authorisation before the placing on the market of substances subject to authorisation (Art 56) <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> - Failure to include the authorization number on the label before the holder and downstream users place the substance or preparation on the market (Art 65) - Failure by downstream users to notify ECHA within three months of the first supply (Art 66) - Failure to comply with the conditions of the restrictions on the manufacturing, placing on the market and use of certain dangerous substances, preparations and articles (Art 67) - Failure in identification of substances who referred to in Art 57 (Art 59) 	Failure to comply with all identified requirements of REACH related to authorisation.
Offences related to the supply chain requirements	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure of the supplier to provide safety data sheet and indicate true information on it (Art 31) - Failure to respect the provisions relating to the obligation of the members of the supply chain to communicate information (Art 31, 32, 33, 34, 35, 36) <p><i>Minor offences:</i></p> <p>N/A</p>	Failure to comply with all identified requirements of REACH related to supply chain.
Offences related to the downstream user requirements	<p><i>Major Offences:</i></p> <p>N/A</p> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> - Failure to comply with the provisions relating to the obligation of the members of the supply chain to communicate information (Art 37, 38) - Failure the downstream users to comply with the requirements of Art 37 and 38 at the latest 12 months (for Art 37) and 6 months (for Art 38) after receiving a registration number (Art 39) 	Failure to comply with all identified requirements of REACH related to downstream users.

3. Sanctions applicable to legal persons in Cyprus

This table mentions whether or not Cyprus applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Cyprus	Y	Identical to natural persons	Y (anyone)

4. REACH related administrative and criminal penalties in Cyprus

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Cyprus. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	<ul style="list-style-type: none"> - A penalty up to 100 EUR per day of infringement for articles 11, 12, 40, 46 or - A penalty up to 5 000 EUR (Articles 6, 7, 8, 9, 13, 17, 18, 19, 22, 24, 25, 28, 30) or - A penalty up to 20 000 EUR (Articles 5, 14) <p>In case of continuation of the infringement, a penalty of 100 to 1 000 EUR per day of infringement.</p>	<p>On conviction on indictment, a fine up to 80 000 EUR or imprisonment not exceeding 2 years, or both.</p> <p>On second/ subsequent conviction, a fine up to 80 000 EUR or imprisonment not exceeding 4 years, or both.</p>
Penalties related to infringement of authorisation requirements	<ul style="list-style-type: none"> • A penalty up to 100 EUR per day of infringement (Articles 65 and 66) or • A penalty up to 500 EUR per day of infringement (Articles 59 and 67) or • A penalty up to 20 000 EUR (Article 56) <p>In case of continuation of the infringement, a penalty of 100 to 1 000 EUR per day of infringement.</p>	<p>On conviction on indictment, a fine up to 80 000 EUR or imprisonment not exceeding 2 years, or both.</p> <p>On second/ subsequent conviction, a fine up to 80 000 EUR or imprisonment not exceeding 4 years, or both.</p>
Penalties related to infringement of the supply chain requirements	<ul style="list-style-type: none"> • A penalty up to 100 EUR per day of infringement (Article 36) or • A penalty up to 20 000 EUR (Articles 31-35) <p>In case of continuation of the infringement, a penalty of 100 to 1 000 EUR per day of infringement.</p>	<p>On conviction on indictment, a fine up to 80 000 EUR or imprisonment not exceeding 2 years, or both.</p> <p>On second/ subsequent conviction, a fine up to 80 000 EUR or imprisonment not exceeding 4 years, or both.</p>
Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> • A penalty up to 500 EUR per day of infringement (Articles 37-39) <p>In case of continuation of the infringement, a penalty of 100 to 1 000 EUR per day of infringement.</p>	<p>On conviction on indictment, a fine up to 80 000 EUR or imprisonment not exceeding 2 years, or both.</p> <p>On second/ subsequent conviction, a fine up to 80 000 EUR or imprisonment not exceeding 4 years, or both.</p>

5. Short description of REACH sanctions and related issues in Cyprus

The Department of Labour Inspection is the only competent Cypriot authority capable of enforcing REACH and does so by means of an inspection system. This system was designed according to ILO principles and is also used for the enforcement of the Health and Safety legislation.

Breaches of legislation may result in legal proceedings, which may result upon conviction in the imposition of a fine of up to 80 000 EUR and/or two years imprisonment. In the case of multiple infringements the fines are cumulative. In the event of the repetition of infringements, the fine cannot exceed 80 000 EUR and the duration of imprisonment cannot exceed four years.

In parallel, a procedure for administrative sanctions has been adopted for the specific purpose of enforcing REACH. The national legislation provides for daily fines of up to 500 EUR per day of infringement and fines of up to 20 000 EUR. Administrative fines are calculated depending on the nature, the seriousness and the duration of infringement. If the infringement does not cease, the Minister may impose an administrative fine of between 100 EUR and 1 000 EUR per day, depending on the severity of the infringement.

These provisions can be seen as supplementing earlier chemicals legislation (the Dangerous substances laws and regulation of 1991 to 2004), which did not provide for any administrative fines. Administrative fines were thus introduced as a method of enforcement and provide a new tool for inspectors. Administrative fines apply to certain violations, but not all. The provisions for which administrative fines apply have resulted after a selection procedure. This procedure was not exhaustive and did not cover all possible violations but just identified the REACH provisions which could be covered with administrative fines. It is considered that administrative fines are a faster procedure for handling violations, because the procedure to impose criminal sanction is more complex and longer. The decision to apply either an administrative or a criminal sanction is at the discretion of the Ministry's auditors.