Minutes of the 9th meeting of the HelpNet Steering Group - Helsinki 1 - 2 April 2014

1. Opening

The Chair of HelpNet, Andreas Herdina (ECHA), welcomed all REACH, CLP and BPR national helpdesks (NHDs), observers, and associated members from the European Commission (COM) to the 9th HelpNet Steering Group (SG) meeting. He announced that Doris Thiemann (ECHA) will no longer manage the HelpNet due to her internal move within the Agency and thanked her for her contribution over many years. The Chair regretted, likewise, the leave of Raili Moldov (EE) from HelpNet.

The agenda point 3.1.2 would be removed from the agenda due to the absence of the speaker. Without further changes the agenda was approved. The minutes from the 8th HelpNet meeting had been circulated and were approved.

As a follow-up from the previous meeting, a Member State (MS) asked for more detailed numbers on the statistics about withdrawn registration numbers. The Chair provided the requested information.

2. 1st session – The enlarged HelpNet

2.1. The value of HelpNet

The Chair provided an overview of the HelpNet principles, pointing out the advantages of the merge and the pilot project on the organisation of Steering Group (SG) meetings for this year. In 2014 only one SG Meeting would take place (HelpNet 9), followed by three workshops: one on REACH (3 April, Helsinki), one on CLP (17 September, Brussels) and one on BPR (25 September, Helsinki). He also highlighted the challenges of addressing downstream users and less experienced registrants, which could be handled via the network of NHD.

2.2. Our members: overview of national BPR, CLP and REACH helpdesks

Maia Sokolova (ECHA) presented the structure of the HelpNet, outlining a comparison between the NHD for REACH/CLP and those for BPR. Taking a look at the regular activities and collaboration projects of the helpdesks, she presented the opportunity to collaborate within HelpNet.

2.3. The way forward: proposal by the HelpNet Secretariat

Henna Piha (ECHA) introduced the following projects and actions: training sessions, working groups (WG), visiting programme, the three Frequently Asked Question (FAQ) updates (Annex II) and the reporting exercise. She reminded the SG that, not only the Chair, but also any member can propose the establishment of a WG. Regarding the visiting programme, she asked for volunteers and feedback on the experience of helpdesks as this would be much appreciated and useful for the Secretariat and the Unit in general. In relation to the reporting exercise, the HelpNet agreed that the data would be presented in a new format. The HelpNet Secretariat would ask the SG for their opinion about the changes in the exercise in Q3 of 2014 via written consultation.

2.4. Questions and answers

In the Q&A session, the Chair explained that ECHA had presented a paper at the meeting of the Biocides Competent Authorities on avoiding double work created by the use of both HelpEx and the e-consultation for the interpretation of questions on scope concerning biocides and other issues that are normally dealt with by the NHD. The CAs had agreed that questions of general scope will be discussed by national BPR helpdesks on HelpEx and that the BPR CAs can have read access to this tool. The CAs can request access to HelpEx via their NHD.

3. 2nd session – Giving advice and support – current topics

3.1. Updates from the Commission

Julien de Cruz (DG ENV) took the floor to present a workshop on mixture classification and forwarded COM's commitment to be more active in the discussions held in HelpEx.

Temenuzhka Popova (DG ENTR) presented the conclusions from the small and medium-sized enterprises (SMEs) workshop (WS) in December 2013 and announced a future WS on essential oils. Its objective would be to identify concrete problems faced by the sector when complying with REACH and to find ways to address them. She also provided an update on Annex XIV: the position of the Commission on the exemptions on authorisation regarding sector-specific legislation would be brought for discussion and information to CARACAL. She confirmed that four substances were in the pipeline for restriction and that COM still needed to decide on the next steps about nanomaterials.

3.2. Updates from ECHA

Nikoletta Marosvölgyi (ECHA) explained the legislative developments concerning the BPR, and reminded the audience to regularly check R4BP 3. She highlighted the changes in the terms and conditions of REACH-IT. Nikoletta concluded by introducing the necessary considerations regarding the requests for PPORD exemptions under Article 9(7) of REACH.

3.3. Relations with other pieces of legislation

Anja Menard Srpčič (SI) made a brief analysis, putting together the REACH and CLP Regulations with a series of other EU legislations, based on the actual competencies of the Slovenian CA. She pointed out how the different pieces of legislation cover different aspects of the management of the life-cycle of some substances and articles.

3.4. Questions and answers

A MS asked if a notifier, in particular those under BPR, could choose the best ATP (Adaptations to Technical Progress) for their substance. Another MS pointed out that the changes announced by ECHA did not seem very SME-friendly. A third MS pointed out the impact on downstream legislation by changes in CLP (2014/27/EU from the European Framework Directive on Safety and Health at Work (OSH) and environmental legislation in 2008 impacting Seveso and Detergents, for example).

A number of MS and observers asked COM about the publication of a consolidated version of the CLP Regulation, as it was becoming more and more difficult to work with all the amendments.

An Industrial Association reminded COM of the importance of the "end-of-waste" criteria. A second

Industrial Association asked for a wide communications campaign regarding the changes on the terms and conditions of REACH-IT, especially targeting SME companies.

ECHA clarified that draft RAC (Committee for Risk Assessment) opinions and draft ATPs could be used for self-classification, while final ATPs need to be followed although they usually do not trigger an immediate update. Also, it was clarified that the expanded report on the FAQs covers the Q&A proposals that did not make it through. In reply to a question from an Industry Association, ECHA explained that following the restrictions for a given substance under other pieces of legislation is outside the scope of ECHA's mandate. However, ECHA can look into how to indicate what has happened to entries removed from Annex XVII, as for example the family of compounds of PFOS, which is now included in the Persistent Organic Pollutants (POPs) legislation.

COM explained that they were working on the interaction of several pieces of legislation, for example how authorisations under REACH apply to cosmetics, as well as to waste. Regarding the CLP 2015 deadline, they promised to provide material to ECHA to distribute it among the members of the HelpNet. They assured that they would upload in HelpEx the questions which received replies in the CARACAL meeting that was taking place on the same date.

3.5. Dissemination of data

Janne Kilpinen (ECHA) provided an overview of all data disseminated by ECHA under REACH, CLP, BPR and Prior Informed Consent Regulation (PIC). This included the internal process and examples for each one of the Regulations. He also provided information on the future developments in this area. The development of the info cards presented had started and is expected to produce results in Q1 of 2015. He pointed out that these plans include the translation of certain parts of the information but that the validation was very difficult to perform.

3.6. Updates of on-going ECHA activities (ECHA)

Peter Megaw (ECHA) took the floor to summarise the latest publications and outlined the revised consultation procedure for Guidance which will be used for Biocides and PIC, and which now also covers steps for obsoleting documents. He acknowledged the difficulty in finding REACH Fact sheets (as opposed to the Guidance fact sheets) on ECHA's website mentioned by industry during discussion of the presentation and noted it had already been identified as an issue. The presentation ended with a list of on-going consultations.

Mira Banerjee (ECHA) presented the key topics for Communications including the Roadmap to the 2018 Registration deadline, CLP 2015 campaign and the initiative to set up a Communicators' network to multiply the impact of their activities. She also pointed out that the Europe Enterprise Network (EEN) was happy to cooperate with the NHD and that ECHA will be developing a checklist for EEN advisers. The following dates were provided: Stakeholders' Day on 21/05, CLP event on 16/09, Biocides' Stakeholders' Day on 24/09.

Maciej Baranski (ECHA) informed the SG about the Forum's next projects, starting with REACH-EN-FORCE-3 project (REF-3) on registration obligations and cooperation with customs. A pilot project on authorisation was under preparation to be launched in 2015. He informed about the on-going process to ask permission from the Forum to share their Manual of Decisions with the HelpNet. Regarding Forum 19 (3-6 November, Brussels), the dates on which observers could participate had not yet been decided. His presentation ended with the good feedback received from the Interlinks project.

3.7. Questions and answers

A MS suggested developing a list of official languages to use in CLP labels and safety data sheets

(SDS) in the different MS. This list could be collected via the NHD report. Another MS inquired about the status of the update of the CLP Guidance. A number of MS praised the substance-centric approach of the dissemination project and asked for confirmation that the info cards, for example, would be accessible using different routes and searches on the website. Two MS pointed out the differences between the registration and authorisation processes under REACH and under BPR: since the HelpNet is now covering both Regulations, this distinction should be made in each intervention. One more MS asked for more pages of ECHA's website to be translated.

An Industrial association praised the Downstream Users (DU) Guidance as it now covered the exposure scenarios (ES) for mixtures and recognised the role of trade associations.

ECHA informed that the workshop for NHD on CLP would take place on 17 September. As regards the enforcement on CLP, it was considered by the Forum as a topic for their REF-4 project. In any case, ECHA was working on IT developments that would make the C&L inventory and its upgrades independent from the developments of REACH-IT, thus making the adaptation to the different ATPs swifter.

4. 3rd session – Sharing best practices

4.1. Presentation of HelpNet members on how to provide high quality helpdesk support

4.1.1. German Helpdesk activities 2014-2015: Focus on REACH and CLP support to SMEs

Suzanne Wiandt (DE) introduced ideas for providing support to SMEs, explaining why the DE NHD had focused on them and which were the challenges for 2014-2015. One of the first outputs had been the quick info brochure "What am I and how can I prove it?" to help companies identify their size and prove it, already translated into English and French. Further efforts are now intensifying the cooperation with the Chambers of Commerce with whom the DE NHD had strong bonds in the past. Generally, the SME support activities of the DE NHD are a follow-up of the German REACH Review project carried out in 2012-2013.

4.1.2. The Danish Helpdesk

Anders Skou (DK) explained how the Biocides NHD had been set up from scratch. The range of the topics of the questions received was very wide and he forwarded some examples of questions on scope, articles and fees; both for the MS and for ECHA.

4.1.3. New approach to information provision

Martin Ball (UK) set the scene for the changes taking place in the UK BPR NHD, building on the UK helpdesk's many years' experience of handling pesticides/biocides enquiries. Their objective was to move to a single-entry-point system, with the enquiry either being handled by administrative support staff pointing the enquirer to information on the UK helpdesk's website which addresses

their question, or where necessary routed to regulatory specialists to provide a more tailored response. In making these changes customer would easily get the right answer, regardless of who had prepared it and, thus, enhance the helpdesk's productivity and value for money.

4.2. Essencia SME projects to improve REACH & CLP implementation: VLARIP & WALRIP

Tine Cattoor (Essencia) described the structure of Essencia's membership: largely SMEs. The initial idea for the SME projects was to make the REACH Implementation Projects (RIP) become local. The basis was a mentorship, with 3-4 mentors per small group of SME, firstly grouping the actors and then using the supply chain to share the knowledge. They were also facilitating the search for service providers. The projects were split in two due to the language regions in Belgium. She highlighted the decreasing resources made available due to a decline in funding. She suggested that SME should make wise use of consultants: learning from the consultant while doing the work.

4.3. Questions and answers

A MS highlighted the risk of mixing up a consultant with a trainer since a good consultant would not allow the customer to learn too much from it. In response to a question from a MS on the approach of the UK helpdesk to consultants, the UK indicated that provision of information in response to an enquiry by a consultant can multiply the UK stakeholders that receive this information, hence potentially reducing the workload on the helpdesk. However, the UK helpdesk is aware that consultants are commercial entities who seek to make money from this information, and hence there is a trade-off between the helpdesk seeking to ensure that a consultant is aware of the correct information to provide, but not doing their job for them since it is that personal service for which their clients are paying.

DK clarified that questions are replied to on a personal basis, and the target for replies follow the official general policy for the Danish Environment Protection Agency (EPA) of replying within four weeks to correspondence from the general public. However, an internal target is set at ten working days.

5. 4th session – Break-out groups on current topics

5.1. SMEs: hot topics from the December SME workshop in Brussels and appropriate actions of helpdesks

Andreas Herdina (ECHA) presented the main conclusions drawn by the group. In the first place the Directors Contact Group (DCG) issues required an analysis on how they had been dealt with, as the solutions proposed by this group were not mandatory and there was a clear decrease of solutions in 2013 due to the reduction of cases that had arrived. Aspects on how to select and then how to work with a consultant were also discussed. The final conclusion was that experiences, projects and documents produced by the NHD, or which they have been involved, should be shared: the key to the success of this idea was accessibility.

5.2. Classification and labelling – challenges under BPR and CLP

Outi Tunnela (ECHA) explained how the discussion on the technical cases had developed. The cases were: skin sensitisation of isothiazole biocides, e-liquids, substance names to be included in the label, internationally recognised standards for physical hazards and classification of structural analogues of CMR mixtures. A question regarding environmental hazards was proposed to be

discussed in HelpEx.

5.3. Data sharing in BPR and REACH – the differences and similarities

Maia Sokolova (ECHA) described the differences and similarities between BPR and REACH. The discussion focused on practical aspects and the main differences regarding data sharing in particular for Article 95. Additionally, the discussion covered the scope of the questions discussed via e-consultation and in HelpEx, as well as intellectual property rights. The group agreed on the need for the NHD to become more active in HelpEx and in the preparation of the FAQ for BPR.

A MS pointed out the issue of data ownership under other legislations. ECHA clarified that the BPR did not allow the Agency to use information produced under REACH, and that they could not check if companies were sharing data via other means, in case this was happening.

5.4. Safety Data Sheets

Fesil Mushtaq (ECHA) introduced the main concern: SDSs are still of poor quality despite existing support. The questions received by the different HD are relatively easily replied to by pointing to the available Guidance document. ES, however, are a new item which is still under development and is, therefore, understandably a hot topic. The conclusion was that customers were not demanding good SDS, and HelpNet should encourage end users to do so, eventually creating pressure on the compilers of SDS to produce better ones.

6. Closing

The Chair thanked all participants, particularly the presenters, for the success of the meeting. He introduced the REACH workshop that would take place the following day. The pilot project on the organisation of the SG meetings would, therefore, be as follows: one SG meeting per year and three dedicated workshops; one for REACH, one for CLP and one for BPR. Furthermore, the HelpNet report contents and format would be reviewed, as mentioned in the beginning of the 1st session. The Chair invited the participants to come back again to Helsinki for the 2015 HelpNet SG meeting.

7. Annex I – List of participants

Members of HelpNet

Austria: SCHINDLER Peter
Belgium: CLAES Kristof, FAYAERTS Jean-Pierre
Bulgaria: ZIDAROVA Elena, GAIGUROVA Margarita
Croatia: LOVRIĆ Zdravko, KAJIC Silva, VRHOVAC FILIPOVIĆ Ivana
Cyprus: PALEOMILITOU Maria, HADJIGEORGIOU Andreas, ORPHANOU Maria
Czech Republic: KOLESNIKOVA Tatjana, KOLAR Jan, HRUSKOVA Katerina
Denmark: ANDERSEN Trine Thorup, DYEKJAER Sidsel
Estonia: LAHE Aigi, LAHNE Riina, MOLODOV Raili
Finland: TOLSA Leeni, TUHKUNEN Sari, MATTILA Hannu, PRIHA Maarit
France: COPIN-VIVIER Stephanie, HAYAUD Nathalie
Germany: FLEISCHER Andreas, DARSCHNIK Sabine, WEINHEIMER Viola, WIANDT Suzanne
Greece: VAGIAS Vasileios
Hungary: BURAI Erika, NYITRAI Viktor, NEMET Balazs
Ireland: WALSH Caroline, MCGUIRE Patricia
Italy: IZZO Paolo, GIANNOTTI Francesca, D'ILIO Sonia, PERRONE Raffaella
Latvia: RUBENE Līga, BROVKINA Julija
Lithuania: VOLUJEVIC Beata, PETUKAUSKIENĖ Dovile, GRINCEVICIUTE Otilija
Luxembourg: CHOCHOIS Laurene,
Malta: ANASTASI Audrey-Anne
Netherlands: ANDRIESSEN Wilhelmus, Gunnarsdottir Sjofn, WOUTERS Margaret
Norway: LARSEN Ann Kristin, GORDON Suzanne, HOLMEN Marianne
Poland: DOMANSKI Krzysztof, WASIAK-GROMEK Monika, PASTUSZKO Karolina
Portugal: LAGINHA Isabel
Romania: CAROLE Nicoleta,
Slovak Republic: CEPCEK Jan, SKULTETYOVA MAria
Slovenia: MENARD SRPČIČ Anja, HUMAR-JURIČ Tatjana, PAVLIČ ČUK Marta
Spain: ZAMORA NAVAS Laura, MARTÍN ARRIBAS Judit, SANCHEZ DIAZ Elena,
Sweden: FALCK Jonas, BENGTSSON Leif, NORRTHON RISBERG Susanna, WESTÖÖ Cecilia
United Kingdom: PEPPIN Lindsay, BALL Martin

Representatives of the European Commission

DG ENV: POPOVA Temenuzhka, DE CRUZ Julian

Candidate country observers

Serbia: GRUJIC Jelena, ROGLIC Sonja
Turkey: OZGUN Pinar, TIRYAKI Ozlem Ilknur

Observers

EUPC: CLAES Walter
CEPE: TURKENBURG Luc
CEFIC: ANNYS Erwin

IMA: LANNE Claire
CATTOR Tine

ECHA staff

Representing the Units: A0, A1, A2, A3, B2, C0, C2, C3, D1, D2, D3 and D4.

8. Annex II – FAQ updates

REACH

Proposals by 14/02
First step by 15/05
Second step by 13/06
Publication by 20/06

BPR

Proposals by 28/03
First step by 16/07
Second step by 19/08
Publication by 28/08

CLP

Proposals by 01/07
First step by 05/11
Second step by 16/12
Publication by 20/12