

FINAL MINUTES

SECOND MEETING BPR SUBGROUP OF THE

FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

BPRS-2

22 JUNE 2017

Helsinki, Finland

Contents

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I. Summary record of the proceedings

The items reported in the minutes refer to the agenda of the BPRS-2 (Content IV, Annex I).

Item 1 – Welcome and introduction

1.1 Opening by the Chair of the BPRS

The Chair of the BPRS welcomed the participants and opened the meeting. He announced apologies and stated the proxies appointed. The Chair informed that the quorum requirement was met.

The Chair announced that the meeting was recorded for the purpose of writing the minutes. The recordings are going to be destroyed after the minutes are adopted.

1.2 Adoption of the agenda

The ECHA Forum Secretariat informed the plenary about the changes to the agenda (Content IV, Annex I) and indicated that there were three room documents:

- ECHA/BPRS-2/2017/4.3.2_room doc. – Revised best practice document for consultation with the Forum and the BPRS;
- ECHA/BPRS-2/2017/4.1.2 bis_room – Draft mandate WG Prioritisation of REF projects;
- ECHA/BPRS-2/2017/4.4.1_bis_room_doc - Draft mandate WG REACH-EN-FORCE-6 on Classification and Labelling.

The agenda was adopted.

1.3 Declarations of conflicts of interest with regard to agenda items

No conflicts of interest (according to Article 9(2) of the Forum Rules of Procedure - ROPs) were declared at the meeting.

1.4 State of play with regard to the action points from BPRS-1

The ECHA Forum Secretariat informed the plenary on the status of the action points from the BPRS-1 and highlighted the open actions (document ECHA/BPRS-2/2017/1.4). All actions were discharged and most were addressed in agenda items of the BPRS-2.

Item 1 bis – Election of the second BPR Subgroup Vice Chair

The Chair introduced the members to the procedural steps of the election process, which were then followed. The Second Vice Chair of the BPRS elected in the first round was Francesca RAVAIOLI (IT). The newly elected Second Vice Chair assumed her duties from agenda point 2 onwards.

Item 2 – Updates from the Forum Secretariat

2.1 Forum Multi-annual Work Programme (MAWP) 2017-2018

ECHA's Forum Secretariat updated the BPRS on the progress with the Forum Multi-annual Work Programme (MAWP) 2017-2018. The document was consulted with the BPRS members and the comments received by the ECHA Forum Secretariat during the last round of written comments were integrated in the document.

The ECHA Forum Secretariat introduced the concept of interinstitutional interlinks to the BPRS members together with some examples of interlinks currently in place in the Forum. ECHA stressed the importance and the efficacy of such collaborations among the ECHA's bodies working under the BPR and NEAs.

The BPRS might potentially start the investigation of interinstitutional interlinks at the end 2018, after collecting some experience. It will be important to set priorities and best practices among the different bodies working under the BPR.

The BPRS also expressed interest in having the first "Training for trainers" on the BPR in 2018. The members of the Forum WG "Training for Trainers 2018" are currently identifying the subjects and the agenda for the event concerning REACH and CLP. The mandate of the Forum WG "Training for enforcement trainers" was amended in order to add new BPRS members. It will be a joint effort to prepare the agendas and, if resources are available, jointly organise both events in 2018.

If ECHA secures the budget for the BPR training in 2018 such an event will be held back-to-back with the Forum Training for trainers on REACH and CLP.

The BPRS members were invited to submit to the ECHA Forum Secretariat proposals of three BPR training topics ranked in order of priority.

A last round of written consultation of the Forum Multi-annual Work Programme (MAWP) 2017-2018 will take place after the plenary.

2.1.1 Discussion on implementing selected elements of the MAWP, i.e. 'liaising with industry'

The Chair opened a discussion on one of the agreed tasks of the BPRS, namely 'liaising with industry', as described under Article 77(4)(g) of REACH.

Accredited Stakeholders (ASOs) are invited to an annual open session of the Forum, where they are informed about the Forum activities and where the Forum can also benefit from the information, input and perspective of the stakeholders. In addition, at the recent plenary meeting the Forum decided to launch a joint action with ASOs aimed at improvement of quality of the SDS. Forum also regularly publishes news items and press releases accompanying its plenary meetings and releases of project reports with the goal of providing to the public the information related to enforcement in their Member States.

The Chair opened a discussion in the BPRS on how the members would like BPRS's liaisons with the ASOs to be organised and whether the BPRS would also wish to have regular open sessions. These open sessions could be organised once per year as in the Forum or in longer intervals.

BPRS members were invited to send their comments to the ECHA Forum Secretariat on how the BPRS would like to organise the future cooperation with ASOs.

The mandate of the Forum WG "Joint initiative ECHA Forum – ECHA ASOs on improvement of the quality of SDSs" was amended adding new BPRS members.

2.2 Revised Forum Rules of Procedure

The ECHA Forum Secretariat updated the BPRS about the revised draft of the Rules of Procedures consulted with the BPRS (document ECHA/BPRS-2/2017/2.2). The written comments received by ECHA's Forum Secretariat were implemented in the relevant document that is considered adopted. The Forum members will be consulted for the adoption of the document via written procedure as well.

The ECHA Forum Secretariat mentioned that after the adoption of the document by both bodies (BPRS and Forum) the ROPs will need to be endorsed by the ECHA Management Board.

2.3. Update on ECHA BPR Guidance

The ECHA Forum Secretariat updated the BPRS on the work from the Guidance Team mentioning the latest documents published on the ECHA website and the future plans regarding BPR Guidance. Some of the BPR guidance might be relevant for future enforcement projects, e.g. Article 95, Technical equivalence, Union Authorisation, etc. The BPRS welcomed the update.

Item 3 – Updates from REACH/CLP Forum

The Chair gave the floor to the Chair of the Forum, Katja VOM HOFE (DE), who briefly summarised the relevant subjects discussed at the Forum-27 meeting held at ECHA on 20-21 June 2017, namely:

- Ongoing Forum project REF-5 on Exposure Scenarios, extended SDS, Risk Management Measures, and Operating Conditions;
- Forum project REF-6 planned for 2018 on Classification and Labelling - BPR module included;
- Forum project REF-7 planned for 2019 on REACH registration for the small tonnage band, intermediates and cooperation with customs;
- New pilot project on REACH authorisation, focusing on Chromium VI and chromates;
- Planned pilot projects on Substances in Articles and PIC;
- Forum joint action with ASOs on the improvement of the quality of SDSs;
- Setting of a new WG on the Characterisation of Risk - Development of practical criteria for assessing risk;
- Working Group project on the cooperation with customs in the framework of REACH, CLP and PIC obligations;
- Forum cooperation with the BPRS - focus on the ROPs and the MAWP 2017-2018;
- Forum project on 'training for trainers 2019', focus on the BPR module to be added to REACH and CLP modules – two events organized at ECHA back-to-back;
- Revision of the methodology on Prioritisation of REFs (to be discussed and agreed also among the BPRS members)

Item 4 – BPRS enforcement activities (on-going projects)

4.1 - Prioritisation of BPR enforcement projects

4.1.1 WG progress report and discussion on project

The Chair of the BPRS WG "Prioritisation of the BPR enforcement projects" introduced the prioritisation work done by the WG since March 2017.

The WG presented a shortlist of project proposals to the BPRS.

The project proposals were identified considering the list of BPR fundamental obligations relevant for enforcement.

The BPRS discussed the proposals and prioritised two subjects, which are likely to have the best impact at protecting the health of citizens and the environment.

After the decision, the Chair of the BPRS asked the WG to further elaborate the pros and cons of the projects selected and to inform the BPRS members accordingly. The final decision on the first enforcement project will be taken at the BPRS-3 meeting in November.

The BPRS also agreed on the suggested timeline for the first enforcement project:

- 2018: Preparation of the project (develop manual, prepare and deliver training);
- 2019: Operational phase;
- 2020: Reporting phase.

The Chair of the WG informed the BPRS on a potential survey to be run among the BPRS members in order to gather information on national enforcement activities. Future BPRS enforcement projects could address existing gaps in national activities, e.g., issues never checked at national level, or issues enforced in the previous years under the biocides Directive.

The survey will be organised and managed by the WG on Prioritisation of BPR enforcement projects together with the ECHA Forum Secretariat. The WG will circulate to the BPRS members a draft of the questions to be included in the survey in order to collect feedbacks. That will happen before the actual run of the survey.

4.1.2 REACH-EN-FORCE project Methodology

The ECHA Forum Secretariat introduced to the BPRS members the concept of the REACH-EN-FORCE (REF) project Methodology used by the Forum. It is the Methodology for the selection, management and evaluation of Harmonised Enforcement Project coordinated by the Forum. REACH, CLP and PIC enforcement project proposals are evaluated and managed according to predetermined criteria by the Forum WG on 'Prioritisation of REF projects'.

The ECHA Forum Secretariat indicated that the process at hand could be easily adapted to use with BPRS projects, but first the methodology needs to be expanded with the list of essential requirements of BPR and amended by inclusion of the terminology of the BPR. These amendments could be developed by the Forum WG on 'Prioritisation of REF projects', if it were expanded with new BPRS members.

BPRS members were invited to examine the methodology and provide feedback on the potential use and adaptation to the BPR.

The feedback collected by the ECHA Forum-Secretariat will be provided to the BPRS WG on 'Prioritisation of BPR enforcement projects', which was tasked with preparing a recommendation on whether the Forum methodology is potentially applicable to the BPR. This recommendation will be presented at the BPRS-3 meeting.

In case of a positive decision taken by the BPRS, the mandate of the Forum WG on 'Prioritisation of REF projects' will be amended accordingly.

4.2 - Implementation of PD-NEA

4.2.1 WG progress report

The Chair of the BPRS informed the plenary about the ECHA management decision to put on hold the development of the PD-NEA for biocides. Future timelines for expanding PD-NEA will be communicated in 2018. Most probably, the expansion of the PD-NEA with BPR data will take place in 2019. Priority was given to the ECHA biocides dissemination project, which will be finalised in late 2018.

4.2.2 ECHA plans for IT tools for BPR NEAs

The Head of Unit of the Biocides Assessment at ECHA explained that the decision to postpone the elaboration of the PD-NEA came as a result of a difficult assessment of the resources involved and the priorities given by the legislation and COM.

One BPRS member highlighted the need for national inspectors to have comprehensive information on biocidal products and active substances before planning enforcement projects. Without a proper tool, all the BPRS activities might encounter delays.

There was a discussion of the comparison between the PD-NEA and the future ECHA dissemination tool, which could also be used as an interim tool for inspectors. Further analysis will take place once the tool will be publicly available.

The Chair of the BPRS reiterated the request to the Head of Unit of the Biocides Assessment at ECHA that NEAs, in absence of PD-NEA with BPR data would appreciate at least the access to R4BP3 in order to perform their work. This request will be elaborated further to the ECHA management.

4.2.3 Presentation future dissemination tool

The Computational Assessment and Dissemination Unit at ECHA presented the dissemination portal on biocides that is currently publicly available on the ECHA website.

During the presentation, the speaker also introduced the features of the forthcoming dissemination tool to be released in late 2018 (to replace the current one).

The new dissemination tool will include:

- Extension of data published by ECHA on biocidal product authorisations;
- Access to historical data on active substance approvals and biocidal product authorisations;
- Extension of the search functionalities;
- Dynamic previewing of the SPC content;
- Biocidal product comparison tool.

4.3 - Revision of the Forum best practice documents – obligation requirements of the BPR

The BPRS members who joined the Forum Task Force developed the "BPR essential requirements for enforcement".

The strategies for enforcement of REACH and CLP and the Minimum criteria for REACH and CLP inspections are now integrated with the elements concerning the BPR enforcement.

The best practice documents were submitted to both bodies, Forum and BPRS, for written consultation. The Forum and BRPS members are now invited to comment on the final draft accordingly.

Item 4.4 REACH-EN-FORCE-6 on Classification and Labelling – BPR module

The draft manual of REF-6 is currently under revision in order to integrate the section describing the BPR module. The draft was expected to be ready in summer 2017.

The Chair of the Forum WG will follow up the WG activities at the BPRS-3.

Item 5 – Updates on relevant developments by the Commission

The COM representative (DG SANTE) gave the BPRS an update of the COM's activities that were relevant for the work of the Forum, in particular the plans for developing the template of Article 65(3) report and the progress of the fact-finding missions organised and managed by the DG SANTE (Directorate F - Health and food audits and analysis Unit, Pesticides and biocides, Grange, Ireland).

COM mentioned that they will circulate the draft template of Article 65(3) report to the BPRS members in order to gather written comments and suggestions. COM informed that a parallel consultation is taking place among the colleagues from the Competent Authority for Biocides. COM will integrate the comments and elaborate a final draft of the template to be presented at the BPRS-3. The goal is to endorse the final template at the Competent Authority meeting for Biocides in November 2017.

One member of the BPRS reminded to the COM representative that ideally the reporting template should have been made available at the beginning of the reporting period, because enforcement data and figures from past years often cannot be obtained retrospectively. Therefore the BPRS member indicated that the reporting templates should be developed and sent to the Member States as soon as possible.

The Italian BPR member updated the BPRS members about the presentation given at the Competent Authority meeting for Biocides in Brussels in May 2017. She mentioned that the CA colleagues positively considered the idea to include biocides poisoning data into the regular obligatory MS reports. Further discussion on the topic will take place at the next CA meetings.

COM updated the BPRS with a brief state-of-play of the fact-finding mission for biocides. The project is not an audit and no legal action against the Member States will be taken at the end of the missions. The goal is to provide the Member States with suggestions for a better implementation/enforcement of BPR. COM was asked to circulate the names of the Member States where the missions will take place and an indicative timing of the visits. This action point was given to Martinus NAGTZAAM from COM on behalf of the colleagues leading the fact-finding mission project.

COM representative will clarify whether it is possible to share with the BPRS members the results of the survey run in the framework of the preparatory phase of the fact-finding mission. A BPRS member asked COM whether the results of the fact-finding missions already conducted can be shared with the BPRS upon the completion of the data collected. COM representative will clarify if the countries hosting the fact-finding missions can get an early access to questionnaires that will be used during the missions.

Item 6– Updates from ECHA Biocides Assessment Unit

The ECHA Biocides Assessment Unit gave an update about the new list of 'Treated Articles and related active substances' published on the ECHA website.

The criteria establishing the list were discussed and the utility of the table for future BPR enforcement projects was analysed. In case the BPRS will choose to launch an enforcement project focussing on Treated Articles, a stronger collaboration with the Biocides Assessment Unit would be recommended.

Item 7 – Enforcement in Member States - Belgium

Two members from the Belgium NEA presented the enforcement activities in their member state.

The focus of the presentation was on the national legal framework, the competences of the national inspectors and the penal/administrative pursuits in place in Belgium. Some practical examples of recent enforcement campaigns were also mentioned, e.g. enforcement of CLP on authorised biocidal products.

In the ensuing discussion, one BPRS member asked about the competences of the national inspectors, whether different regulations are managed by different inspectors. The BE representatives clarified that national inspectors have specific competences and no overlapping tasks are foreseen. Another member asked about the relationship between the NEA and the Belgium customs. The speakers clarified that the Belgium authority does not have any formal interlink with the customs, although customs regularly provide the NEA with a comprehensive report on their activities.

Regarding the Product-Types (PT) that the Belgium authority has been mainly enforcing in these years of activity, the BE members replied that the focus has been given to products that might pose a risk to human health. In particular: PT 1 - Human hygiene, PT 2 - Disinfectants and algaecides not intended for direct application to humans or animals, and PT 19 - Repellents and attractants. The BE members also added that many products falling in these categories were found to be borderline cases with medical devices. As best practice, the BE authority regularly suggests companies to comply with the right piece of legislation and to modify the relevant products labels accordingly. When needed the products are withdrawn from the Belgium market.

At the end of the discussion, the Chair invited other BPRS members to present their national enforcement approaches at the next meetings.

Item 8 – Practical issues for enforcement

- Issue 3.1 - Article 3.3 decisions (horse rug as a biocidal product)

The ECHA Forum Secretariat presented the status of the issue.

The BPRS agreed to address the issue again at the next plenary.

- Issue BEG 3.2 - Article 95 enforcement

The ECHA Forum Secretariat presented the status of the issue and the BPRS discussed the way forward.

The BPRS did not agree on the BEG 3.2 draft conclusion. The issue will be commented in written after the plenary and addressed at the next BPRS meeting.

- Issue BPRS-2.1 – Treated Articles (for information only)

The ECHA Forum-Secretariat presented the new practical issue and stated that it is for information only. ECHA and COM suggested the owner of the issue to bring first the discussion at the Competent Authority for biocides in Brussels – the next CA meeting is to be held in September 2017. The submitter of the practical issue will present a follow-up of the discussion held at the CA meeting at the BPRS-3. BPRS members were invited to send comments on the practical issue to the submitter.

The Chair requested that members should submit new practical issues for enforcement for the next BPRS 50 days before the next meeting, namely by 21 September 2017. The new practical issues should be sent using the revised template of Annex II of the MoC.

Item 9 – Adoption of conclusions and action points

The BPRS adopted the conclusions and action points (see Chapter II).

The Chair thanked the participants, the COM representative and the ECHA Forum Secretariat for their contributions and support. With that, he closed the meeting.

II. MAIN CONCLUSIONS & ACTION POINTS - Adopted at the BPRS-2

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.1 Opening by the Chair of the BPRS		
1.2 Adoption of the Agenda	Agenda was adopted.	
1.3 Declarations of conflict of interest		
1.4 State of play with action points from BPRS-1		Forum-S will send draft minutes of the BPRS-1 by 30 June 2017.
Item 1 bis – Election of the second BPR Subgroup Vice Chair		
	Francesca Ravaioli (IT) was elected as BPRS Vice-Chair.	
Item 2 – Updates from the Forum Secretariat		
2.1 Forum Multi-annual Work Programme (MAWP) 17-18	<p>The BPRS decided to start the investigation of interinstitutional interlinks in 2018.</p> <p>The BPRS also started preparing the training for enforcement trainers on BPR for 2018.</p>	<p>BPRS members are invited to submit proposals of three topics for the Training 2018 by 31 August 2017. The members are invited to rank these topics in order of priority 1, 2 and 3.</p> <p>BPRS members are invited to confirm the names of experts in the WG Training for Trainers by 14 July</p> <p>BPRS members are invited to provide comments to the draft MAWP by 14 July</p>
2.1.1 Discussion on implementing selected elements of the MAWP, i.e. 'liaising with industry'		<p>BPRS members are invited to send their comments to the Forum-S on how the BPRS would like to organise the cooperation with ASOs by 15 September.</p> <p>Forum-S to send out a document on Forum the joint action with ASOs on the improvement of the quality of SDS by 30 June</p> <p>Forum-S to bring the discussion at the BPRS-3.</p>
2.2 Revised Forum Rules of Procedure		
2.3. Update on ECHA BPR Guidance		
Item 3 – Update from the REACH/CLP Forum		
3.1 Update from relevant discussions in the Forum		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 4 – BPRS enforcement activities (on-going projects)		
Item 4.1 - Prioritisation of BPR enforcement projects		
4.1.1 WG progress report and discussion on project		WG Prioritisation of BPR projects will further elaborate the pros and cons of the two selected projects, and will propose the order for the execution of these projects at the BPRS-3.
4.1.2 REACH-ENFORCE project Methodology		BPRS members are invited to examine the methodology and provide feedback about whether the methodology could be adapted to the BPR to the Forum-S 15 August. Forum-S will provide this feedback to the WG Prioritisation of BPR projects WG Prioritisation of BPR projects will prepare a recommendation on whether the Forum methodology is applicable to BPR for the BPRS-3 meeting.
4.1.3 Mandate amendment	BPRS revised the mandate of the WG.	
Item 4.2 - Implementation of PD-NEA		
4.2.1 WG progress report		
4.2.2 ECHA plans for IT tools for BPR NEAs		
4.2.3 Presentation future dissemination tool		
4.2.4 Mandate amendment	BPRS revised the mandate of the WG.	
Item 4.3 - Revision of the Forum best practise documents – obligation requirements of the BPR		
4.3.1 Forum TF progress report		BPRS members are invited to provide comments on the room document by 11 August including a special focus on national purposes.
4.3.2 Mandate amendment	BPRS Revised the mandate of the WG.	

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 4.4 REACH-EN-FORCE-6 on Classification and Labelling – BPR module		
4.4.1 Forum WG progress report		
4.4.2 Mandate amendment	BPRS Revised the mandate of the WG.	
Item 5 – Updates from the European Commission		
5.1 General updates on the BPR provisions by the European Commission		
5.2 Preparation of the report in accordance with Article 65(3) of the BPR		<p>DG SANTE representative will provide the draft template of the Article 65(3) report to Forum-s by 20 July</p> <p>Forum-S will distribute the template for consultation of the BPRS by 25 July</p> <p>BPRS members will provide comments on the template by 31 August</p> <p>DG SANTE representative will present a revised template at BPRS-3.</p>
5.2.1 Project update on poison data collection		ForumS will distribute the IT presentation delivered at the CAS meeting by 30 June.
5.3 Update by the European Commission on the fact-finding missions		<p>DG SANTE representative will clarify whether it is possible to share the results of the survey with the BPRS members by 14 July.</p> <p>DG SANTE representative will clarify if countries hosting the fact-finding missions can get an early access to questionnaires for the fact-finding missions by 14 July.</p> <p>DG SANTE representative will clarify when the results of the fact-finding mission in HU can be shared with the BPRS by 14 July.</p>
Item 6– Updates from ECHA Biocides Assessment Unit		
6.1 Update from ECHA D1 on Treated Articles		
Item 7 – Enforcement in the Member States		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
7.1 National policy for the enforcement of BPR in BE		
Item 8 – Practical issues for enforcement		
8.1 Items raised by the BPRS/ECHA/COM		<p>BPRS members are invited to submit new practical issues for enforcement for the next plenary meeting should be submitted to Forum-S by 21 September 2017.</p> <p>BPRS members are invited to send to the SE member comments to the PI BPRS-2.1 by 7 July 17</p> <p>CY, EL and ES BPRS members are invited to indicate to Forum-S whether they can accept the conclusion on practical issue BEG 3.2 as agreed at BPRS-1 by 7 July</p> <p>If CY, EL and ES members can accept the conclusion, Forum-S will re-launch the adoption via written procedure.</p> <p>If CY, EL and ES members cannot accept the conclusion as agreed at BPRS-1, Forum-S will further elaborate the conclusion to outline the considerations for the flexible approach for enforcement by 31 July.</p>

III. List of attendees of the BPRS-2

BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	BG	HRISTOVA Viktoriya
4	CH	BUERGY Heribert
5	CY	GAVRIEL Alexandros
6	CZ	JAROLIM Oldřich
7	DE	VOM HOFE Katja
8	DK	SKALS Dorrit
9	EE	LINNO Annemari
10	EL	MITSOPOULOU Kornilia
11	ES	SANCHEZ PEÑA Pablo
12	FI	KARNANI Paivi
13	FR	CROIZE-POURCELET Gilles
14	HU	NÉMET Balázs
15	IE	MEDLYCOTT Tom
16	IT	RAVAIOLI Francesca
17	LT	VZESNIAUSKAITE Evelina
18	LU	ENGELS Kim
19	LV	KAZEROVSKA Kristine
20	MT	FARRUGIA Bernice
21	NL	BRAAM Marianne
22	NO	SKJAERGAARD Cathrine
23	PL	PISAREK Dominik
24	PT	MARTINS DE ALMEIDA Inês
25	RO	CIRLAN Cristiana
26	SE	BERGSTROM Emma
27	SI	NOVAK Vesna
28	SK	POCAROVSKA Miriam
29	UK	POTTS Mike

Advisors

	Country	Name
1	BE	QADARI Ali
2	DE	WURSTHORN Sibylle
3	DE	FRENZEL Stefan
4	DK	MADSEN Betina
5	ES	GOMEZ GALLEGO Prado
6	FI	OLLIKKA Jussi
7	NL	DE BOER Jabik
8	NL	DE VRIES-HLAVACOVA Mariana
9	UK	CARTER Paul

European Commission representative

	DG	Name
1	SANTE	NAGTZAAM Mario

ECHA's Forum Secretariat Staff

	ECHA	Unit
1	BARANSKI Maciej	Support, Forum and HelpNet Secretariat
2	TECCE Nicola	Support, Forum and HelpNet Secretariat
3	CLIFFE Brendan	Support, Forum and HelpNet Secretariat
4	KURONEN Terhi	Support, Forum and HelpNet Secretariat
5	TUOMAINEN Anita	Support, Forum and HelpNet Secretariat
6	NOUWEN Johan	Support, Forum and HelpNet Secretariat

IV. List of Annexes

- Annex 1. Final agenda of BPRS-2
- Annex 2. List of mandates of BPRS WGs/Forum WGs/Forum Task Forces:
- ANNEX 2 a –“Implementation of PD BPR”
 - ANNEX 2 b –“Prioritisation of BPR enforcement projects”
 - ANNEX 2 c –“Coordinated enforcement project REACH-EN-FORCE-6”
 - ANNEX 2 d –“Revision of the best practice documents”
 - ANNEX 2 e - “Training for enforcement trainers”
 - ANNEX 2 f - “Joint initiative ECHA Forum – ECHA ASOs on improvement of the quality of SDSs”
- Annex 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda of BPRS-2

Agenda of the 2nd BPR Subgroup Forum meeting (BPRS-2)

European Chemicals Agency
Helsinki, Finland
22 June: starts at 08:30; ends at 16:00

Item 1 – Welcome and Introduction	8:30-09:00
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- 1.1 Opening by the Chair of the BPRS – *Chair*
 - 1.2 Adoption of the Agenda – *Chair*
 - 1.3 Declarations of conflict of interest with regard to agenda items – *Chair*
 - 1.4 State of play with action points from BPRS-1 – *ECHA Forum Secretariat*
- For information/adoption**

ECHA/BPRS-2/2017/1.4

Item 1 bis – election of the second Vice Chair	09:00-09:30
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- Election procedure resulting from the changes in the RoP proposed by the BPRS since BPRS-1
- For discussion**

Item 2 – Updates from the Forum Secretariat	09:30-10:15
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- 2.1 Forum Multi-annual Work Programme (MAWP) 2017-2018 (20')
 - 2.1.1 Discussion on implementing selected elements of the MAWP, i.e. 'liaising with industry' (10')
- 2.2 Revised Forum Rules of Procedure (10')
- 2.3. Update on ECHA BPR Guidance (5')

For information/discussion

ECHA/BPRS-2/2017/2.1
ECHA/BPRS-2/2017/2.2
ECHA/BPRS-2/2017/2.3

Item 3 – Updates from REACH/CLP Forum	10:15-10:35
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- 3.1 Update from relevant discussions in the Forum – *Forum Chair* (20')

For information/discussion

Item 4 – BPRS enforcement activities On-going projects	11:05-13:10
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- 4.1 Prioritisation of BPR enforcement projects (65')
 - 4.1.1 WG progress report and discussion on project - *WG Chair*
 - 4.1.2 REACH-EN-FORCE project Methodology - *ECHA Forum Secretariat*
 - 4.1.3 Mandate amendment - *ECHA Forum Secretariat*

- 4.2 Implementation of PD-NEA – *WG Chair (40')*
 - 4.2.1 WG progress report - *WG Chair*
 - 4.2.2 ECHA plans for IT tools for BPR NEAs – *ECHA Biocides Assessment Unit*
 - 4.2.3 Presentation future dissemination tool – *ECHA Secretariat*
 - 4.2.4 Mandate amendment - *ECHA Forum Secretariat*

- 4.3 Revision of the Forum best practise documents – obligation requirements of the BPR (10')
 - 4.3.1 Forum TF progress report – *BPRS Chair*
 - 4.3.2 Mandate amendment - *ECHA Forum Secretariat*

- 4.4 REACH-EN-FORCE-6 on Classification and Labelling – BPR module (10')
 - 4.4.1 Forum WG progress report - *BPRS Chair*
 - 4.4.2 Mandate amendment - *ECHA Forum Secretariat*

For information/discussion

ECHA/BPRS-2/2017/4.1.1
ECHA/BPRS-2/2017/4.1.2
ECHA/BPRS-2/2017/4.2.1
ECHA/BPRS-2/2017/4.3.1
ECHA/BPRS-2/2017/4.3.2_room doc
ECHA/BPRS-2/2017/4.4.1

Item 5 – Updates on relevant developments by the Commission	<i>14:00-14:30</i>
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- 5.1 General updates on the BPR provisions by the European Commission
- 5.2 Preparation of the report in accordance with Article 65(3) of the BPR
 - 5.2.1 Project update on poison data collection – *IT BPRS member*
- 5.3 Update by the European Commission on the fact-finding missions – COM representative (DG SANTE, IE)

For information/discussion

Item 6 – Updates from ECHA Biocides Assessment Unit	<i>14:30-14:45</i>
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- 6.1 Update from ECHA expert about the new list of active substances relevant for Treated Articles – discussion on the relevance for NEAs

For information/discussion

Item 7 – Enforcement in Member States	<i>14:45-15:15</i>
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- 7.1 National policy for the enforcement of BPR in BE – *BPRS members*

For information

Item 8 – Practical issues for enforcement

15:15-15:45

8.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda) - *ECHA Forum Secretariat*

For discussion/adoption

ECHA/BPRS-2/2017/8.1

Item 9 – Adoption of conclusions and action points

15:45-16:00

For adoption

End of the meeting

16:00

Annex 2. List of mandates of BPRS WGs/Forum WGs/Forum Task Forces

ANNEX 2 a –“Implementation of PD BPR”

Forum Working Group “Implementation of PD-NEA” (Mandate adopted at Forum-27)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Sofia BARATA (PT)
- Eleni FOUFA (EL)

Invited Experts

- Juergen SCHMID (DE)

Objective:

- Support the implementation of the PD-NEA allowing inspectors access to data submitted to ECHA

Mandate:

- Provide input during further development and implementation of PD-NEA
- Verify that the UAT conditions are implemented with and follow up the implementation of the WG improvement requests

Timeline:

- Forum-29 (Q1 2018)

ANNEX 2 b –“Prioritisation of BPR enforcement projects”

BPRS Working Group “Prioritisation of BPR enforcement projects” (Mandate adopted at BPRS-2)

Composition:

Chair: Emma BERGSTRÖM (SE)

Forum Members/Alternates:

- Jabik DE BOER (NL)
- Francesca RAVAIOLI (IT)
- Marios ADAMIDES (CY)

Experts

- Marianne BRAAM (NL)
- Karin PFAFF (DE)
- FR (to be nominated)
- AT (to be nominated)

Objective:

- Define the priorities for the BPR Subgroup enforcement project

Mandate:

- Elaborate further the first two projects on treated articles and Biocidal products with approved or non-approved active substances. Pros and cons at the BPRS-3 where the final vote will take place aiming at consensus for the first choice
- Elaborate a questionnaire on gathering information on national enforcement activities for the BPRS members to submit feedback. Questionnaire to be run after the BPRS-3
- Propose a subject of the first BPR-related enforcement project to the BPRS;
- Examine the Forum process and methodology for selecting and running enforcement projects and report to BPRS on its applicability for BPRS
- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
- Prepare and deliver the training for the project for the national coordinators;
- Management of the operational phase;
- Management the reporting phase: Follow-up the operational phase, collect the results and draft the project evaluation.

Timeline:

- BPRS-2 – proposal for the project and tentative planning
- BPRS-3 - Elaboration on priority topics and a recommendation on the applicability on the Forum methodology for selection of projects for the BPR
- BPRS-4 – Survey on national enforcement activities

ANNEX 2 c –“Coordinated enforcement project REACH-EN-FORCE-6”

Forum Working Group

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-6”

(Mandate adopted at Forum-27 and BPRS-2)

Composition:

Chair: Henrik HEDLUND (SE)

Forum Members and Alternates

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIANtinou (EL Alternate)
- Sofia BARATA (PT Alternate)
- Pablo SANCHEZ-PEÑA (ES)

Invited Experts

- Petra SCHLAG (DE)
- Markus MAKI (FI)
- Mariana DE VRIES-HLAVACOVA (NL) (also biocides?)
- Žilvinas UŽOMECKAS (LT)
- Zsuzsanna KISS (HU)
- Panagiota SKAFIDA (EL)

BPRS Members and Experts

- Viktoriya HRISTOVA (BG)
- Emma BERGSTROM (SE)
- Gilles CROIZÉ-POURCELET (FR)
- Anna MASLARSKA (BG)

Objective:

- conceive and manage the sixth major Forum enforcement project REF-6

Mandate:

- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
- Prepare and deliver the training for project national coordinators
- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
- Elaborate tips and hints for inspectors based on the relevant outcomes from the project
- Include biocides in the scope of the project in collaboration with the appointed BPR experts
- Define the scope of enforcement activities under Art 45 and Annex VIII of CLP
- Address in the manual the issue of mechanical compression strength of the LLDCs

Timeline:

- Project manual: Q4 2017
- Prepare and deliver the training for project national coordinators: Q4 2017
- Define the scope of enforcement activities under Art 45 and Annex VIII of CLP: Q2 2018
- Operational phase: 2018
- Reporting phase (National Coordinators): Q1 2019
- Evaluation phase: Q3 2019
- Draft report: Q4 2019
- Adoption of the report: Q4 2019
- Tips and hints for inspectors: Q4 2019

ANNEX 2 d –“Revision of the best practice documents”

Forum Working Group “Revision of the best practice documents” (Mandate adopted at Forum-27)

Composition:

Chair: Sinead McMICKAN (IE)

Forum Members/Alternates

- Katja VOM HOFE (DE) (also BPR)
- Marilla LAHTINEN (FI Alternate)
- Eugen ANWANDER (AT) (also BPR)

Forum BPR Subgroup members

- Emma BERGSTRÖM (SE)

Commission

- Miguel AGUADO

Objectives:

- Review and amend the Forum’s best practice documents “Strategies for the enforcement of REACH and CLP” and “Minimum Criteria for REACH and CLP Inspections” according to the MWAP 2014-2018.

Mandate:

- Revise the best practice documents taking into account the information in the MAWP 2014-2018 and the experience from the Member States in the application and implementation of these documents.
- Consider the REACH review and the experience obtained with the Forum’s projects to cover new issues and any changes that affect the implementation of the Chemicals legislation.
- Include enforcement activities related to the PIC Regulation and BPR.
- Cooperate with the Forum’s BPR Subgroup and revise the documents to include enforcement activities related to BPR.

Timeline:

- Q4 2017: Adoption of the revised best practice documents by the Forum.

ANNEX 2 e –“Training for enforcement trainers 2018”

Forum Working Group

Work Package C.2.

“Training for enforcement trainers 2018”

(Mandate established at Forum-27)

Composition:

Chair: Mike POTTS (UK)

Forum Members/Alternates

Krisitīne Kazerovska (LV)?

Donata PIPIRAITĖ-VALIŠKIENĖ (LT)

Aljona HONGA (ET)

Bernice FARRUGIA (MT)

Dominik PISAREK (PL) (BPRS)

Anne Marie LINNO (EE) (BPRS)

Invited Experts

- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- UK
- Alexandros GAVRIEL (CY) (BPRS)
- Jenny KARLSSON (SE) (BPRS)
- DE (BPRS)
- UK (BPRS)
- NL? (BPRS)

Commission

ECHA

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH, CLP and PIC in the fourth quarter of 2018 (additional option to cover enforcement of BPR back to back with Training 2018)

Mandate:

- Examine the training subjects relevant for enforcement in the fourth quarter of 2018 and prepare the priority topics for agreement before Forum-28
- Specify as early as possible the envisaged level of the content of the training
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect, summarise and evaluate the recommendations and reactions of participants
- Consider inviting input from the Accredited Stakeholders Organisations

Timeline:

- Before Forum-28: conclude on list of subjects and prioritisation
- Forum-31/Forum-32: final report

ANNEX 2 f –“Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs”

Forum Working Group
“Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs”
(Mandate established at Forum-27)

Composition:

Chair: Henrik HEDLUND (SE)

Forum Members/Alternates

- Chiel BOVENKERK (NL Alternate)
- Sinead MCMICKAN (IE)
- Oldrich JAROLIM (CZ)
- Bernice FARRUGIA (MT Alternate)
- Abdulqadir SULEIMAN (NO Alternate)

Invited Experts

- Annette RAVN BHARATHAN (DK)
- Tarja KARLEMO (FI)
- HU?
- Filipe VITORINO (PT)
- Laura ABEL (DE)
- Paul CARTER (UK)
- IT (BPR)
-

Commission

- Miguel AGUADO MONSONET (DG GROW)

ECHA

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ECHA Accredited Stakeholder Organisations

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Objectives:

Identify the common deficiencies found in the SDSs and propose solutions for improvement and encourage ECHA ASOs to implement the solutions and monitoring the progress.

Mandate:

- Define the detailed scope of the joint action (including potentially BPR)
- Prepare an action plan including such actions as:
 - o The collection of data on deficient SDSs
 - o Identify the topics that require priority actions
 - o The analysis of the data and the identification of reasons for the deficiencies
 - o The identification of potential solutions
 - o The implementation by the ECHA ASOs of the solutions
 - o The monitoring of the progress with the improvements
- Oversee the implementation of the joint action

Oversee the reporting from the joint action and from follow-up of the solutions identified by it during the open sessions in 20

Tentative Timeline:

- Draft scope and action plan: October 2017
- Adoption of the action plan: Open session Forum-28 (November 2017)
- Implementation of the action plan:
 - o Data collection : December 2017 – April 2018
 - o Analysis of the data and identification of potential solutions– May 2018 – October 2018
 - o Presentation of the outcomes in the open session of Forum-31 (November 2018)
- Monitoring of results
 - o 2019 onwards: Implementation of the solutions proposed in the action plan by ASOs
 - o 2019 onwards: ASOs report on actions taken during annual open sessions of the Forum meetings

Annex 3. Glossary of acronyms and abbreviations

AOB: Any Other Business

BEG: Biocidal Enforcement Group (chaired by DG SANTE)

BPRS: BPR Subgroup, a Subgroup of the Forum which coordinates the BPR enforcement

CLEEN: Chemicals Legislation European Enforcement Network

CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures

COM: European Commission

DG: Directorate General at Commission

DG SANTE: Directorate General on Health and Food Safety/European Commission

EU: European Union

FORUM: The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP and PIC regulations in the EU, Norway, Iceland and Liechtenstein

MAWP: Multiannual Work Programme

MOC: Manual of Conclusions

MS: Member State

NEAs: National Enforcement Authorities

REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals

REF: REACH-EN-FORCE, Coordinated Enforcement Project of the Forum

ROPs: Rules of Procedure

PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE

TF: Task Force of the Forum/BPRS

WG: Working Group of the Forum/BPRS

WIN PPIE: ECHA Work Instruction - Processing Practical Issues for Enforcement