



Forum-28/M/2017 – Public
Adopted on 15/02/2018

Minutes of the
28th meeting of the Forum for Exchange of Information on Enforcement
Helsinki, Finland
7-9 November 2017

Contents		
I.	Summary record of the proceedings	2
II.	Main conclusions and action points	24
III.	List of attendees	36
IV.	List of annexes	39

I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Opening by the Chair of the Forum

The Chair welcomed all the participants. She announced apologies from the Forum members not attending and stated there were no proxies appointed. The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda

The Chair indicated the changes in the agenda (Content IV, [Annex 1](#)). The agenda was adopted.

1.3 Declarations of conflicts of interest with regard to agenda items

The Chair requested all participants to declare any potential conflicts of interest for any of the agenda items, according to Article 9(2) of the Rules of Procedure. No conflict of interest was declared in the meeting.

The Chair informed that the Management Board adopted a technical amendment to the Rules of Procedures of the Management Board, the ECHA Committees and the Forum. The technical amendment aimed at moving toward an electronic handling of the declarations signed by Committee members. It concerned the removal of the declaration templates from the annexes and replacing them with hyperlink references to common ECHA declaration templates. In the future, only one annual declaration is to be signed by Forum members and once filled in, it should be sent to ECHA by email. The implementation of those changes was ongoing and Forum will be informed.

1.4 State of play with action points from Forum-27

The ECHA Forum Secretariat informed the plenary on the status of action points from Forum-27 and highlighted the open actions.

1.5 Report of the written procedures and other issues between Forum-27 and Forum-28

The Chair referred to the document with the results of the written procedures between Forum-27 and Forum-28. She encouraged the Forum members to participate in the written procedures. The Chair informed on other issues that the Chairs have been consulted without the involvement of Forum members.

She informed that the Chairs were consulted on the preparations for the ECHA-ASOs workshop in Brussels, that took place on 18 Oct 2017 where four Forum members attended (see AP [14.1](#)) and on the upcoming ChemicalWatch Workshop, on 14-15 Nov 2017, where 4-5 Forum members would participate.

Item 2 – Address by ECHA's Executive Director

The Executive Director thanked the invitation for the last time to address the Forum since the new Executive Director, Bjorn Hansen, will be taking office from 1 January 2018. He reminded the meeting of the many activities of the Forum in the last 10 years.

He highlighted the importance of the new WG to prepare the Forum Action programme 2019+ as it is through its work the Forum will be able to reflect on the direction that enforcement will take beyond 2018. ECHA has drafted its strategic

plan for the years 2019-2023 that identifies the strategic priorities of ECHA for the next five years. The first version of that strategic document will be for adoption by the Management Board in December 2018 and he encouraged the WG to examine that document and to align the priorities of the Forum with those of ECHA's overall priorities.

He encouraged the Forum to publish more information on its outputs and promote the activities of the Forum and the NEAs to help change the public perception that the "level playing field is not equal" and that there are differences in how NEAs enforce. This perception was visible at the recent ECHA workshop with ASOs. It would be beneficial to bring to the industry and the public at large the accurate picture of the strong harmonising efforts of the Forum, as well as the ongoing activities undertaken at the national level.

He welcomed the action with regard to enforcement of the duty to use animal testing only as the last resort. ECHA's Directorate on Evaluation have evaluated several Annex VII registrations where only in vitro studies were required but registrants nevertheless provided in vivo studies.

He showed interest in the new REF-7 focusing on registration obligations after the 2018 deadline and urged all Member States to partake in that project.

A number of Forum members and the Chair thanked the ED for the work done in ECHA and for support for the Forum.

Item 3 – Forum's enforcement activities- Projects under preparation

3.1 REF-7 project

3.1.1 Establishment of the REF-7 Mandate

The ECHA Forum Secretariat presented the proposed mandate for the new WG to manage the project REF-7 focusing on the "Enforcement of Registration obligations after the last registration deadline in cooperation with customs authorities including the verification of the strictly control conditions applicable to the substances registered as intermediates".

There was no chair found for the group, hence the project will run as a Task Force until Forum-29. The Forum adopted the mandate ([Annex 2a](#)).

3.2 Forum Action Programme 2019+

3.2.1 Establishment of the WG Mandate

The ECHA Forum Secretariat presented the proposed mandate for the new WG. The Forum adopted the updated mandate ([Annex 2b](#)).

Item 4 – Updates from the ECHA Forum Secretariat

4.1 Publication of Forum outputs

The ECHA Forum Secretariat and ECHA Communication prepared a number of infographics about the Forum's projects to convey the key data about them and to stress the practical impact the Forum has on the market and the safety of general public. The proposed infographics were prepared using the information from the publicly available reports of the projects and on the overview of all Forum projects and trainings. Moreover, it was proposed to have in ECHA's newsletter information about the national projects/campaigns running in the Member States.

The Forum members welcomed the initiative and they will comment in writing on the content of the proposed infographics before publication. It was noted that such infographics were very effective when used in social media.

When drafting the Newsletter, Forum members would be consulted and asked to assess whether they would like to contribute with information about their national projects.

4.2 Update on the Management Board decision on the Serbia's observer status

The Chair reminded that the Serbian expert made a presentation at Forum-26 followed by a written consultation before Forum-27 on the observer status of Serbia in the Forum, where the Forum voted positively. The final decision was to be made by the Management Board (MB), according to REACH Article 106. However, it was not addressed in the Management Board meeting in September and it was postponed for December 2017. In case of a positive decision by the MB, the Serbian representative would be invited for the Forum-29 meeting.

4.3 Revised Rules of procedure (ROP)

The ECHA Forum Secretariat informed that the document was revised in relation to the BPRS and, on the following Forum consultation, all responsive members agreed with the BPRS changes. The templates of the Annexes affecting all ECHA bodies will be changed (as informed in AP [1.3](#)) and will be implemented in late 2017.

ECHA Forum Secretariat proposed a change in Article 14 concerning the document deadline for the June meeting with the view to balance the needs of the Forum members preparing for plenaries and the Forum WGs and ECHA Forum Secretariat preparing the documents. In their written feedback, Forum members expressed divergent opinions about this change.

The Forum voted and agreed to change Article 14 of the Forums' ROP to feature the deadline for the meeting documents of 12 days before the June meeting.

The revised ROP will be sent firstly to the BPRS for consultation and adoption and after that to the Forum.

Item 5 – Cooperation with other networks

5.1 Updates from SLIC-CHEMEX

The SLIC CHEMEX WG chair informed the Forum on the ongoing activities of this network. The Forum members and invited experts welcomed all the work done by this body and highlighted the shared concerns of the Forum and SLIC.

The presenter agreed that collaboration with the Forum on some already identified cases would be beneficial for both.

5.2 Updates from CLEEN

The ECHA Secretariat shared the summary of the CLEEN meeting.

The invited expert, also part of the CLEEN Secretariat, added that the network would not have a Secretariat in the future but continued to have interest in the e-commerce project and was planning a workshop in 2018. Some small projects would continue with the countries interested. A last meeting of the network was planned for 2018.

5.3 LIFE+ Program on the Chemicals legislation enforcement in Greece and Cyprus

The Cyprus Forum member presented the programme in progress in Cyprus and Greece with the view to develop common good-practices, guidance, training and supporting inspections and duty holders needs in Greece and Cyprus. The program will last until March 2020. The Greek expert added that this project contributed to the harmonisation of enforcement practices.

Item 6 – Forum’s enforcement activities- Projects under finalisation

6.1 REACH-EN-FORCE-4 on Restrictions

6.1.1 WG progress report

The WG chair presented the provisional main results of the REF-4 project, where 5625 products were inspected and 1014 (18%) non-compliances were found with regard to the inspected restrictions. The report should be finalised by the end of 2017. The project generated an extensive amount of information that could be further analysed/mined in the future, in case such intelligence is needed.

The WG has elaborated the tips and hints for the inspectors, nominated “Practical Enforcement Guide on certain REACH restrictions”, and proposed to link the guide to the Forum’s Manual of Conclusions.

6.1.2 Mandate amendment/closure

Upon the adoption and publication of the report, the Forum agreed to close the mandate of the WG ([Annex 2c](#)).

6.2 Training for enforcement trainers 2017

6.2.1 WG progress report

The WG chair informed the Forum that the 2017 event trained 71 inspectors (in ECHA premises) and more than 200 remote connections were established. He presented the feedback from the trainees where 100% of satisfaction was achieved.

6.2.2 Mandate amendment/closure

The Forum adopted the final report of the WG and closed the mandate ([Annex 2d](#)).

6.3 Information and Communication System for Market Surveillance (ICSMS)

6.3.1 WG progress report

The WG chair informed that the WG finalised testing of the REACH DRPI (Directive related product information form). The comments were forwarded to COM and the final version was expected to be provided for the final approval in the near future. As agreed in Forum-27, the WG addressed the topic of what needs to be registered in ICSMS and whether ICSMS could be used for reporting purposes (REACH Art 117(1) and CLP Art 46).

COM representative informed that REACH DRPI was expected to be finalised in January 2018. The CLP and PIC DRPIs will follow soon after and were expected to be easily implemented.

6.3.2 Discussion and demo of ICSMS

The ECHA Secretariat gave a live demonstration of the current version of the tool.

6.3.3 Mandate amendment/closure

The WG will be closed after the DRPIs have been tested, currently estimated for Q1 2018. Therefore, the WG would remain open by Forum-29. The Forum adopted the updated mandate ([Annex 2e](#)).

6.4 Revision of the best practice documents

6.4.1 WG progress report

The WG chair gave an overview of the objectives and mandate of the WG and reported that all the tasks have been completed. The document will be adopted via written procedure after the Forum-28 and published in ECHA's website by the end of 2017.

6.4.2 Mandate amendment/closure

Upon the adoption and publication of the document, the Forum agreed to close the mandate of the WG ([Annex 2f](#)).

Item 7 - Forum's enforcement activities- Ongoing projects

7.1 Prioritisation of REF projects

7.1.1 WG progress report

The Chair summarised the activities of the WG that started the discussions regarding the inclusion of the Excel version of the registry of legal duties covered by Forum enforcement projects as an annex to the Word version of the document.

WG proposes to start the new cycle for the selection of REF projects and invited Forum members to submit proposals for REF projects according to the REF project methodology.

7.1.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2g](#)).

7.2 Categorisation of Risks for ICSMS

7.2.1 TF progress report

The Chair summarised the activities of this Task Force (TF) that had the task agreed in the last meeting to elaborate a guideline on categorizing risk for the use in ICSMS and its possible links to the RAPEX system. The WG discussed about the different levels to categorise risks and different proposals were under discussion.

7.2.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2h](#)).

7.3 Enforceability of restrictions

7.3.1 WG progress report

The Chair summarised the work of this WG and informed that the Forum finished the Forum advice on the restriction proposal regarding the use of Lead in shots over wetlands and the advice on the restriction proposal regarding CMRs 1A/1B in textiles and clothing was ongoing. The WG continued to support RAC and SEAC during the opinion development of the Annex XV restriction dossiers concerning Disocyanates, Lead in PVC and use of lead shots over wetlands. Other advices were being planned for the period until Forum-29.

7.3.2 Discussion on the role of NEAs in identifying and proposing substances for restriction

The ECHA Forum Secretariat presented the feedback received from Forum members after Forum-27 on this issue. The general conclusion from the feedback was that the NEAs should channel their proposals via the MSCAs that lead the chemicals' policy in the Member States.

The Forum discussed and agreed to liaise with their MSCA confirming their support for this way for identifying and proposing substances for restriction.

An additional complementary idea was for Forum to keep an ongoing register of concern to be reviewed periodically by the Forum to establish if any proposals have sufficient concern to be highlighted to ECHA/COM. Content of such register might also be made available to Dossier Submitters if there was relevant information on the substance proposed to restrict. Some countries shared that they have a priority list of cases of concern in their countries.

Some Forum members expressed their interest in having such register of concern that could be used as reference in case the Forum recommends the COM to revisit such restrictions. The Forum was invited to provide comments in writing and additionally, the Forum members were invited to comment on the issues raised by FI and CY on their cases of concern.

7.3.3 Mandate amendment

This WG has a system of rotating chair and a new chair was appointed.

Since it was noted that no feedback from Stakeholders on the Compendium of Analytical methods was received, the task to revise the Compendium was suggested to start only on 2019. The Forum adopted the updated mandate ([Annex 2i](#)).

7.4 Pilot project Substances in Articles

7.4.1 WG progress report

The Chair informed about the progress of the WG that was preparing the operational phase of the project. The training for National Coordinators was conducted and the manual, which was amended after training, was adopted. The operational phase, including the targeting of companies, articles, substances and cooperation with customs has started on October 2017 and it will run by June 2018.

The WG Chair participated in ECHA's Webinar for industry and all materials are available on ECHA Website.

7.4.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2j](#)).

7.5 REACH-EN-FORCE-6 on classification and labelling of mixtures

7.5.1 WG progress report

The Chair informed that the manual was adopted both by the Forum and the BPRS on 10 October 2017, with minor changes in the questionnaire. The training for the National Coordinators was provided on 5 October back-to-back with the Training for Trainers 2017.

7.5.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2k](#)).

7.6 Implementation of PD-NEA

7.6.1 WG progress report

The Vice-Chair summarised the work of the WG that concluded that the performance has improved significantly, and thus this being the last item on the acceptance list, the WG gave the final acceptance to the tool. The WG gave an update on the plans for the releases scheduled for 2018.

7.6.2 Update on ECHA IT tools for inspectors

The ECHA Forum Secretariat informed on the latest news concerning ECHA's IT tools (PD-NEA and ePIC). The dossier evaluation information will be made in the next release (2.4.1) in January 2018. The Vice-Chair highlighted that with the revamping of ECHA's website, the page for contacting ECHA and providing comments was moved and has become difficult to find.

7.6.3 Mandate amendment

The Forum adopted the updated mandate ([Annex 2](#)).

7.7 Training for enforcement trainers 2018

7.7.1 WG progress report

The WG chair presented the collected proposals related to the content that should be covered in the next training event and the recommendation of the WG (see 7.7.2). Additionally, the WG proposed to split itself into two WGs with the same Chair but one group to cover the regulation under the remit of the Forum (REACH, CLP and PIC) and another on BPR issues. To manage the BPR WG, an expert from BPRS should be nominated as the Vice-chair of the WG. The reason for the division of the organisation and financial aspects of the WG and the event itself was due to the fact that ECHA budget is divided per regulation. The two groups would also focus on separate agendas and possibly have separate WebEx meetings and pre-meeting before the training event.

The Forum agreed with the proposal to separate into two WGs.

7.7.2 Discussion of the proposed topics for 2017 training

The majority of the Forum members indicated the preferred topic to be intermediates and Strictly Controlled Conditions as a priority topic for Training 2018, which was related to the REF-7 scope. Therefore, the WG recommended having this topic in the training. Additionally, the following issues could also be covered: 1) Recovered substances: registration exemption, recovered UVCB substances; 2) Registration (scope of REF-7) and 3) Low volume Registration.

Some Forum members and invited experts stressed that REF-7 is a project that focuses on registration after the 2018 deadline, that included intermediates and low tonnage registrations, hence it should be the main scope of the training. One participant proposed that the quality of the dossier – to some extent - could also be assessed under the scope of REF-7, and consequent training. A Forum member added that some restrictions issues could also be covered.

From the feedback of the meeting, the WG chair concluded that the main training topic should be on registration, in line with the scope of REF-7, but with subtopics under the main topic, such as intermediates, SCCs, low volume registration, monomers, etc.

7.7.3 Mandate amendment

The WG was separated into two WGs (Forum and BPRS). The Forum adopted the updated mandate ([Annex 2m](#)).

7.8 Pilot project on Control of internet sales of hazardous chemicals

7.8.1 WG progress report

The Chair informed that the operational phase finished on 31 August 2017 and the reporting phase for the NCs finished on 30 October 2017.

7.8.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2n](#)).

7.9 Cooperation with Customs 2

7.9.1 WG progress report

The WG chair presented the work of this WG that has been preparing for the discussion in the PARCS workshop, on 22 November 2017.

The WG developed a framework for involving the customs in REACH and CLP that includes six models of cooperation that would allow countries to pick the obligations and models of cooperation that best suit their existing organisational structures, legal provisions and experiences. The WG also proposed for that cooperation on enforcement to focus on five REACH/CLP obligations namely Registration, Restrictions, Authorisation, SiA notifications and labelling. The WG also proposed to test the cooperation in the form of a pilot project, to be checked at customs premises at EU borders. The proposed operational phase was for Q4 2018 until Q1 2019. The framework document and the proposed pilot would be discussed with the PARCs participants.

The Chair noted that this project proposal did not follow the standard prioritisation cycle of the Forum's projects in order to take advantage of the opportunity given to participate in the PARCS workshop.

The Forum members supported the proposed framework and pilot project proposal to be presented to the PARCs participants as a thought starter to initiate discussions between Customs and NEAs at national level. The members also agreed to liaise with the customs authorities at the national level to advocate the engagement in such project.

7.9.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2o](#)).

7.10 REACH-EN-FORCE-5 on Extended SDS, exposure scenarios, risk management measures and operational conditions

7.10.1 WG progress report

The Chair informed that the operational phase was still ongoing and that ECHA support team continued to extract information from IUCLID dossiers regarding the substances requested by the NCs when inspecting the registrants. ECHA organised a Workshop on 6-7 September 2017 on "Coordinated enforcement project REACH-EN-FORCE-5 on Exposure Scenarios, extended-SDS, RMM and OC" to collect experiences from the inspectors (chemicals, environment and labour) doing REF-5 inspections. The inspectors appreciated the possibility to exchange their views and concerns whilst the operational phase was running. A general conclusion of this workshop was that inspectors still find the topic of extended SDS complex. The

conclusions of the workshop will be used for the REF-5 report in 2018 and for ECHA to improve their processes.

7.10.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2p](#)).

7.11 Pilot project on control of PIC

7.11.1 WG progress report

The Chair informed that the draft manual was under consultation with the Forum. The adoption would be launched via written procedure in November. The countries participating were invited to appoint National Coordinators and their training on the project would take place in mid December.

7.11.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2q](#)).

Item 8 - Use of alternatives to testing in animals

ECHA Forum Secretariat summarised the Forum feedback received after Forum-27 indicating that NEAs in general support the approach proposed by ECHA. Forum members suggested for ECHA to identify the non-compliance with REACH Article 13(1). Moreover, enforcement of Article 13(1) and 25(1) was complex and inspectors may struggle to verify the claims of the registrants on why they have conducted the study.

In response to Forum feedback, ECHA analysed the Annex VII level registrations that require only in vitro methods where there should have not been any animal tests to generate these data. 96 cases were identified, which ECHA classed into four categories of increasing complexity. ECHA considered that in these cases there was a potential breaches of Articles 13(1), 25(1), Annex VI (step 4) and/or Annex VII ('technical' breach of REACH regulation), possibly also the Directive 2010/63/EU.

The Forum agreed that the cases indicated by ECHA will be followed-up individually by Member States as any interlinks cases triggered by ECHA. NEAs will consider if they will investigate the cases based on national priority and provide feedback. ECHA would provide scientific support when needed.

The Forum members were invited to examine the cases and signal to ECHA in early 2018 in which cases they could take action and the foreseen timeline of doing so. The Forum members would then send feedback information on those cases to ECHA Forum Secretariat via PD-NEA.

Item 10 - Preparation for the open session

The Forum discussed and agreed on the common approach concerning the topics for discussion in the open session.

Item 11 - Welcome and Introduction to the OPEN SESSION¹

The Chair welcomed the ECHA Accredited Stakeholders (ASOs) participating in the meeting and attending remotely. She welcomed the observers representing the Instrument for Pre-Accession Assistance (IPA) programme. The ECHA's Head of

¹ All presentations of the open session are available in Forum's website: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions-2017>

Unit of the Support, Forum and HelpNet Secretariat Unit welcomed the participants summarised the topics to discuss during the day.

Item 12 - Discussion topics proposed by ASOs

12.1 Aerospace and Defence Industries of Europe (ASD): Support for companies facing REACH-induced Supply Chain Disruption

The representative of ASD presented the challenges that companies face with complex multi-tier supply chains, where the communication between upstream chemical companies and the ultimate product manufacturers, dependent on those chemicals, were often ineffective. It was therefore rare that an upstream chemical producer fully understands the full range of market users of his products. That could lead to upstream commercial decisions not to register or apply for authorisation of chemicals (or specific uses of those chemicals) that were critical to downstream industry, resulting in trade disruption, despite recital 55 of the REACH regulation. He provided examples of scenarios that companies were forced upon and that the cooperation with the NEAs could be helpful. He would encourage concerned companies to contact their NEAs with the view to inform the authorities on the specificities of the situation and together work on a plan to maintain the trade and being compliant without fear of criminal sanctions or fines, in particular where there was clear intent to comply. The presenter invited the Forum to issue a non-binding "Enforcement Authority code of practice" to set clear expectations with industry.

The Chair highlighted that NEAs always assess the non-compliance for each case individually, which could result in a grace period where no sanctions are applied, until the situation was corrected. However, the NEAs may decide that other enforcement measures are more appropriate. Moreover, inspectors must refer to the objectives of REACH when applying enforcement measures for protection of health and environment since it is paramount and will carry higher weight than business continuity. Therefore, the Forum could not issue the suggested recommendation to the inspectors. The Forum recommended for the DUs to communicate with their suppliers and with the NEAs.

An invited expert summarised the authorisation process, that could take as much as five years, with many actors and consultations involved, giving enough time for industry to prepare. The presenter stressed that smaller companies in the supply chain may not be aware of the authorisation process.

A Forum member welcomed the cooperation of DUs with NEAs to achieve compliance and highlighted that the main concern was the safety of the workers. Other Forum members shared some experiences with such situations where there was good cooperation with the NEAs with the view to return to compliance.

12.2 European Chemical Industry Council (CEFIC)

12.2.1 Protecting European manufacturers of articles

The CEFIC representative provided a holistic view of the production of chemicals and the related market all over the world. It was predicted that in the future the Asian markets will be much more relevant compared to Europe. Therefore, there was need for Europe to make all efforts to ensure that the imported chemicals and articles from non-EU countries abide by the same rules as European industries. That would create a level playing field for EU manufacturing and will have a positive impact on human health and environment. He encouraged the Forum to continue working on the enforcement of articles and appreciated the work done so far.

The Chair informed that the latest Forum project (REF-4) on Restriction included many checks on imported articles, where it was found the non-compliance rate of imported articles were higher than the ones manufactured in the EU. Additionally,

the Forum was starting the operational phase of the pilot project on substances in articles targeting manufacturers and importers of articles.

Some Forum members and invited experts shared their national experiences with the enforcement of articles in their Member States. The ECHA Forum Secretariat invited industry to provide intelligence that could be useful for setting the scope of future projects. The COM representative stressed the interest of the COM in enforcement of duties on imported goods.

12.2.2 Enforcement of imported substances

The CEFIC representative informed that, based on ECHA's data, around 40% of registrations of substances or substances in mixtures were done by importers or ORs. He presented a website where it was possible to access a database displaying some companies that send their substance to different harbours in Europe, remaining below 100 tpa per harbour. However, adding all the tonnages from the different harbours, the sum comes above 100 tpa. He stated that some EU companies complain of a disadvantage for European companies that have to register and were confronted with free-riding companies. After the 2018 deadline it may be easier to identify those companies, although the situation may remain for mixtures. He invited the Forum to reflect on the best way to enforce such situations.

The Forum Chair indicated that the presented scenario did not necessarily indicate that there was non-compliance *e.g.* if shipments were intended for different importers. It would have to be further investigated. The Chair also highlighted the importance of customs in such scenario. She informed that the cooperation with customs have been address in some Forum's projects (REF-3 and REF-4) and that all participating Member States have in place their own agreement between the customs authorities and REACH NEAs. There was also a WG currently working with DG TAXUD and PARCS network preparing a framework to engage customs in the enforcement of REACH/CLP.

The Forum members shared experiences of how such situations were enforced in their Member States and their cooperation with customs. COM stressed the interest of COM/DG TAXUD to strengthen the cooperation between customs authorities and REACH/CLP enforcers. As a result, in the next CARACAL meeting, there will be a proposal from COM giving the legal basis for customs to check the REACH/CLP duties before release for free circulation, based on the Market Surveillance Regulation.

12.2.3 The analysis of silicones

The industry representative, also representing the major silicones manufacturers in Europe, informed about the new method developed by the Silicone industry for analysis of D4 and D5 in personal care products. D4/D5 were two upcoming restrictions that were expected in 2018. It was found that much variance was obtained in the results depending on the interference of the matrix, resulting in false positives or high results. Therefore, the silicones industry recommended a reliable and low cost method for accurate measurement of D4/D5 levels and encouraged the enforcement authorities to follow the sampling procedure and the analytical method recommended.

The Forum Chair informed the Forum has already provided advice in the enforcement of such restriction and did not recommend any specific method. She invited industry to be involved in the RAC/SEAC restriction process or to include such method in the compendium of methods developed by the Forum to use when enforcing REACH restrictions. Stakeholders were welcome to inform the Forum at any time of new methods that can be used to check compliance with REACH

restrictions by filling in Annex 3 to Forum "Methodology for recommending analytical methods to check compliance with REACH Annex XVII restrictions"².

COM representative informed that there were less methods included in the restrictions decision since it was seen that technology advanced quite faster than the speed of the decision making process in such policy issues.

12.3 EURATEX: Level playing field for consumer safety in textile products

The Euratex representative started by presenting his organisation and the textile and clothing industry. Evidences from reports and RAPEX over the years have indicated that textile-based products originated from non-EU countries show significant non-conformance with REACH requirements.

Non-compliant textile products put on the EU market might pose a serious environmental and health risk and a competitive disadvantage to business organisations sustaining the costs of complying with requirements.

The presenter stressed also the change in the consumer behaviour by the rise of e-commerce.

The Chair informed that the Forum project REF-4 targeted restricted substances on textiles and leather articles. Additionally, Forum was preparing a pilot project on Substances in articles that will target articles such as consumer clothes and footwear, home textiles and textile flooring articles. The Chair invited the organisation to submit any proposal for an enforcement project by 13 April 2018 in order to be assessed for the next project prioritisation cycle.

Forum members and invited experts shared their national experiences in the enforcement of textile articles where low non-compliance was found. The presenter raised the question whether the same articles have been checked and if the right samples, methods, etc. have been used. He also mentioned that there was indication that the SVHC substances entering the recycling cycle will eventually be washed out of the textile but will remain in the environment.

12.4 PETA International Science Consortium Ltd (PISC): Lack of information on enforcement measures pertaining to Articles 13(1) and 25(1) of REACH

The PISC representative raised the concern of the enforcement of the last resort requirement not being appropriate in the Member States. In the ECHA report from Member State investigations concerning the obligation to submit testing proposals for vertebrate animal tests under REACH, published in ECHA's website³, it was found low feedback rate from the Member States and few actions. A 2009 report showed non-consistent enforcement of REACH Articles 13(1) and 25(1) throughout the Member States, although it was the responsibility of the Member States to investigate and sanction non-compliance with the provision of REACH.

The Forum replied to the questions raised by PISC: if the duty of using animal tests as last resort was enforced and in which Member States, whether the information the competent authorities received was enough to ensure enforcement and which articles under title III of REACH were a priority in the Member States in the future.

The Vice-Chair of the Forum, on behalf of the Forum, presented an overview of the cases sent from ECHA to the Member States as well as the findings from NEAs concerning those cases. The Vice-Chair confirmed that NEAs have investigated cases where animal testing has been conducted. As regards companies refusing to

² https://echa.europa.eu/documents/10162/13577/questions_available_methods_compl_xvii_restr_en.xlsx

³ https://echa.europa.eu/documents/10162/13628/ms_investigations_testing_proposals_en.pdf/4d083086-006d-a8b4-0814-fd483fc22cb0

share animal test data or making unreasonable charges for data, it was ECHA that handled the cases concerning data sharing disputes. The results of data sharing disputes were passed to NEAs, however, no cases suitable for enforcement under Art 30(6) were yet identified. The Member States, in general, enforce the last resort requirement in a reactive manner, once informed of cases of suspected non-compliance raised by ECHA, other companies or ASOs. The information received so far was enough for NEAs to investigate the cases but they can be complex and difficult to enforce (*e.g.* test conducted outside EU) and would need further cooperation with ECHA on the needed information. Moreover, ECHA approached the Forum in the last Forum meetings and it was agreed that ECHA will examine if it can find more cases of suspected non-compliances with Article 13(1). These cases were now identified and will be forwarded to NEAs, who will examine them and consider potential actions.

When making their national plans, taking into account the resources available and national priorities, NEAs/Member States would consider investigating Articles under Title III of REACH reactively, also when investing registration duties (Articles 26(1) and 28) and continuing responding to ECHA's request to check potential non-compliances of Article 13(1).

Some Forum members shared that their national legislations did not allow for the enforcement of REACH Articles 13 and 25 but could potentially be handled under the Animal Welfare legislation/Animal protection act. By contrast, one Forum member stated his national legislation foreseen sanctions for breach of the abovementioned articles.

The PISC representative highlighted the perceived lack of harmonisation in the enforcement of this duty and raised the question to Forum on how it could be overcome. On the fact that NEAs were only reacting, she suggested for the Forum to discuss how such cases could be prevented and deterred (*e.g.* with penalties).

She added that COM prepared a Guidance under Directive 2010/63, Legislation for the protection of animals used for scientific purposes, that stated that under this legislation, the use of animals was prohibited if the results sought by the procedure can be achieved through non-animal means and by a method recognised by the EU legislation. Therefore, conducting animal test for non-EU regulatory purposes cannot be used as an excuse for testing on animals where validated non-animal methods are available and are accepted by EU regulators.

She referred to ECHA's pilot study under the compliance check investigating whether non-animals test have been used and welcomed the Forum initiative to investigate cases referring to test done under REACH Annex VII and VIII.

12.5 European Consensus Platform for 3R Alternatives to Animal Experimentation (ECOPA): Role of CROs (Contract Research Organisations) and NAMs (New Approach Methodologies) in the REACH registration process

The presenter informed about the concern of her organisation on the shortage of CROs that were contacted for support by companies that do not have internal facilities to make the necessary tests to fulfil their REACH obligations. NAMs could be an option to speed up the testing process and allow companies to comply with the REACH obligations without sacrificing the protection of the human and environmental health. However, there was not enough laboratories able to provide such in vitro tests and/or suitable read across approach. The solution may only arrive from a shared effort. She invited the Forum to support activities at national level, such as organising symposiums/workshops to foster the discussion. She also proposed to create a data base with the CROs offering NAMs.

The Forum took note of the potential use of NAMs when preparing registrations and the challenges with the availability of the CROs. The Chair highlighted that issue would be more relevant to lead registrants. As regards the dissemination of information on specific CROs that use such non-animal testing, that could only be possible if countries have their own lists of laboratories. In general, NEAs would not recommend specific CROs or specify a list of CROs, as this could generate a conflict of interest when enforcing or it could be considered as unfair competition with other organisations.

Forum members and invited experts shared their practices/activities on recommending list of laboratories/CROs. Some suggested for ECOPA to contact MSCAs and Helpdesks as way to spread the information to companies.

Item 13 - Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs

13.1 WG progress report

The WG chair of the Forum WG “Joint initiative ECHA Forum – ECHA ASOs on improvement of the quality of SDSs” presented the work developed by the WG so far. The project proposal was sent to the ASOs for comments and they were invited to indicate interest in participating in this work. The proposal consisted of identifying issues of concern based on SDSs submitted by the different Member States. The ASOs will then work with the WG to propose solutions for the problems identified followed by an awareness-raising campaign among the members of the ASOs.

The participating ASOs (also attending remotely) indicated interest in participating in the project. Some suggested to submit to the WG their guidance and position papers on data quality for assessment by the WG as well as inform on the IT tools that industry have been developing to deal with SDS. An ASO representative with many years of experience offered to give a presentation on the organisation’s views on the root cause of the problems with SDS and potential solutions.

COM representative invited ASOs also to submit example of deficient SDSs.

13.2 Mandate amendment

The Forum adopted the mandate with the participating ASOs interested in participating in the assessment and Members States that would submit deficient SDSs. ([Annex 2r](#)).

Item 14 - Feedback from the ECHA’s ASOs Workshop

14.1 Debriefing on the Forum’s discussion at ECHA’s Workshop with ASOs (Brussels, 18 Oct 2017)

The ECHA Forum Secretariat summarised the outcome of the event in Brussels which was attended by 31 ASOs representatives. The agenda included a topic on the Forum about the improvement of Forum-ASO cooperation. From the discussion, the current format of cooperation was generally welcomed by the ASOs. However, more discussion and national perspectives (in addition to Forum position) was expected by the ASOs. The ASOs’ perception was that there were significant differences in enforcement between Member States and that Forum and NEAs should do more to highlight and communicate on enforcement activities, at the Forum and at national level. The outcome of the workshop and possible follow up actions will be further discussed with the Forum in March 2018.

14.2 Discussion on the improvement of the communication of enforcement activities

From the public consultations, COM has received similar feedback from the ASOs about enforcement as reported in agenda item 14.1 More communication was the main issue raised.

Item 15 - Updates from the Forum

15.1 Forum's finalised projects during 2017

The Chair presented a summary of the results of the projects finalised during 2017 and published in ECHA's website. The preliminary results of the coordinated enforcement project REF-4, investigating restrictions, was presented by the chair of the WG managing this project. The project report will be finalised by the end of 2017.

15.2 Update on the scope of REF projects

The chair of the WG Prioritisation of REF projects presented the project proposals discussed in the WG during 2017 and the final recommendations for the Forum as future REF ([REF-7](#)) and pilot projects. She summarised the prioritisation process and the criteria assessed by the WG. She informed that one proposal was received from one of the ASOs (ETRA – European Tyre Recycling Association). It was assessed but was not considered as it was not a suitable subject for an enforcement project. However one of the Member States will submit a restriction proposal that will address this subject.

The ASOs were invited to submit project proposals by 13 April 2018 to be included in the next year's cycle of project selection.

Item 16 - 10 years of Forum and enforcement activities in the Member States

16.1 Enforcement efforts and the evolution of enforcement in Cyprus in relation to the FORUM's activities

The Forum member of Cyprus presented the organisation of her national enforcement authorities and their activities. She informed on various targeted campaigns and the evolution of the non-compliances found throughout the years. She also summarised the participation of Cyprus in the various Forum's projects and working groups.

16.2 Implementation of the REACH and CLP Regulations in the last ten years

The Portuguese Forum member and invited expert presented the enforcement structure in Portugal as well as the participation of the country in the Forum's WGs and projects throughout the years. The projects and other collaborations with ECHA were seen as opportunities to train, organise workshops and guides for inspectors to learn more about particular issues.

Item 17 - Enforcement projects in Member States

17.1 Activating SME's: SDS check for Occupational Health and Safety obligations

The Dutch invited expert presented a project initiated by the labour inspectorate on the usability of the SDS for the SMEs and their workers. He showed examples of commonly used terms in the SDS (and CSR) that were not useful for the users. From the findings at companies, problems were identified (e.g. workers do not read the SDS or it contained insufficient information) and a simple web-based tool (also as a mobile app) was created that would help the companies assessing the SDS. The tool is available from www.vib-check.nl, requires no registration and can be accessed using a mobile phone. He presented one example of success with the paint and painters manufacturers on the usability of the SDS where the communication with the suppliers was crucial to the improvement of the SDS.

Some Forum members and experts expressed appreciation for the tool developed and shared some experiences when inspecting SDS. Replying to the some of the member's questions, the presenter clarified that no registration was required to use of the tool and an English version will be available. There were circa 10 questions on the tool and more when it was related to a mixture. The authority monitored only the number of users and it was discussing internally what to do with the results provided by the tool. The NL authority planned for follow-up actions to check whether there was an improvement on the quality/usability of the SDS.

17.2 UK Enforcement Project on Restrictions

The UK invited expert presented the market surveillance project by the Health and Safety Executive in collaboration with local authorities in the UK in checking leather goods for Azo dyes and Chrome VI and jewellery for Cadmium, Lead and Nickel. The report of this project was made available in the Forum's Website⁴. The non-compliant products were removed from the market and are in the process of being reported in RAPEX.

17.3 Italian enforcement project

The invited expert presented the duties of the REACH and CLP enforcement authorities and the incorporation of the Forum's projects in their annual planning since 2011. Following the methodology of the Forum's second pilot project on authorisation, Italian authorities launched a project in the island of Murano where high level of Arsenic in the air could be observed. The substance was used in the manufacture of artistic glass, characteristic of the island (Murano glass). During the project, the air of the island was monitored and after the ban of Arsenic was enforced it was noticeable the decline of the concentration of the substance in the air.

Some Forum members appreciated the results of the project with so high impact in people's health and for the cooperation with the environmental authorities. Inspectors from other Member State had a chance to be involved in the project and it was seen as a very positive learning experience. An ASO representative encouraged the continuation of such projects and reminded that the Italian government, for around 10 years, have been funding research projects for substitution of SVHC that are used in small amounts, which are not interesting for industry to invest in research.

⁴ https://echa.europa.eu/documents/10162/23563002/chromium_vi_azo_report_en.pdf/5798a8b5-af84-36e3-0503-7c3223c080ba

17.4 Enforcement activities of the Greek Competent Authority (GCSL) for REACH & CLP

The invited expert presented the organisation of the Greek authorities for the enforcement of REACH, CLP and PIC. The presenter summarised the plan, activities, trainings, guidance and other initiatives concerning the enforcement of the regulations.

An invited expert requested for the presenter to share the planned activities with the environmental inspectors concerning the SEVESO directive.

17.5 Romania experience trainings & inspections

Information about the trainings and inspections in Romania was presented to the participants in the conference area.

Item 19 – Closing of the open session

The Chair summarised the discussions of the day and thanked the attending ASOs and IPA participants, closing the open session.

Item 20 - Debriefing of the open session

The Chair appreciated the good discussions with the ASOs and Forum members. It was perceived by the Chairs that the ASOs also appreciated the session. Some Forum members expressed the same opinion.

There should have been more time for discussion of the ASOs topics and that the agenda was long. It was however an extraordinary session since it was the Forum's anniversary, there was high attendance from the ASOs and there was quite a focus on the enforcement on the Member States.

The Chair highlighted the high number of participating ASOs in the joint WG on the improvement of SDS.

A Forum member welcomed the initiative of some ASOs that approached the Forum with a concern and a potential solution.

Item 21 – Debriefing of the meeting with ECHA Directors

The Chair summarised the discussions held with ECHA's directors.

The Chair invited the Forum members to propose topics for the next meeting with the Directors.

Item 22 – Practical issues for enforcement of REACH and CLP

The ECHA Forum Secretariat informed that issue 26.4 "*Can inspectors accept test of multi-constituent substances to override CLH?*" was pending as it will be sent to HelpNet for consultation, it will be discussed in HelpNet and addressed at Forum-29.

There were four new issues raised in Helpex using the new fast track procedure in October. ECHA Forum Secretariat recommend for the members to check and activate the notification setting in Helpex. Since the requests were submitted shortly before the meeting, the submitters were asked to extend the deadlines (3 weeks or more) and provide a draft conclusion/response to the issue raised.

Issue 27.3 – Verification of a company’s decision to benefit from the registration exemption under Article 2(7)(d) and not to register a recovered substance

The feedback from the Forum received after Forum-27 indicated that members support the idea to prepare a guide for inspectors on enforcing the exemption for recovered substances under Article 2(7)(d).

The ECHA Secretariat presented the abovementioned guide for inspectors and invited Forum for further consideration, questions and written feedback.

The Forum welcomed the document and it will be shared with the experts dealing with substance ID.

Replying to some Forum member’s question, the ECHA Secretariat clarified that the definition of UVCB could not be changed by ECHA. However, in the next review of the guidance on waste and recovered substances it could be seen the possibility to add a potential operational definition of UVCB. The draft guide was kept rather flexible and provided options.

Issue 28.1 – What is the correct way to label a product in a coaxial cartridge?

The ECHA Forum Secretariat summarised the issue that originated from a discussion in HelpNet, which was resolved as proposed in the conclusion. In order to ensure alignment between helpdesks and enforcement authorities, ECHA brought the issue to the Forum.

The ECHA Forum Secretariat presented the draft conclusion. The Forum agreed to revisit the conclusion and clarify the issues raised in the discussion.

Item 23 – Potential involvement of the Forum in ENES’ work

A Forum member summarised the work of the ENES network, with the publication of the CSR/ES roadmap and their work programme.

He highlighted that the general feedback from the inspectors dealing with Forum’s project REF-5 on ES was that there was still very little experience with the ENES tools and solutions for the supply chain communication. The common subjects between the two bodies merit cooperation. With the help of the inspectors and their practical views, the tools could be further improved.

A Forum member shared that they have been involved with ENES and favoured the Forum’s involvement since the experiences from REF-5 indicated that some work needed to be done on Exposure Scenarios and standard phrases. Others doubted the value of the involvement since not much work on enforcement has been done in ENES so far and that other actions could be more effective (e.g. more controls and help the companies related to SDS).

An invited expert highlighted that it was not suggested to have full involvement of the Forum in ENES but only as part of preparatory work for inspectors in dealing with situations where ENES tools are taken into practice. The aim should be to provide the inspectors the knowledge about the tools so that they are aware of it in the future. The ECHA Secretariat expert working with ENES invited the Forum to indicate the best way to keep the Forum members informed and welcomed their views or participation in areas of their interest. He added that the implementation of the tools was coming shortly and it was of the best interest of companies and authorities to be confident on what the tools could bring.

The Forum would provide in writing suggestions for the cooperation between the two bodies that will be assessed and further discussed at Forum-29, if needed.

Item 24 – Update on relevant developments by the Commission

24.1 General updates by the European Commission

The COM representative (DG GROW) gave the Forum an update of the COM's activities that were relevant for the work of the Forum. He informed on the deadlines related with the exchange of inspectors: Forum member should apply until 31.01.2018. The actual exchange should be done until 31.05.2018.

Some Forum members raised concern that the Member States had previously requested COM for guidance regarding the NMP restriction. COM proposed that such guidance can be prepared by the Forum in cooperation with SLIC. However, this means that the task of preparing the guidance on enforcement of that restriction being shifted back to the Forum leads to the situation, where Member States authorities who need guidance on a restriction also need to prepare it. COM representative clarified that the NMP task was still under consideration.

The members welcomed the discussion with PARCS and the Forum but it would require a more formal position from COM on customs in order to have improvements at national level in countries where the cooperation was not so good. COM stressed the COM's opinion with exactly that conclusion was already available. The joint Forum-PARCS workshop would be the event where it will be first presented as a first step in the further collaboration with PARCS, DG TAXUD and Member States.

24.2 Forum representative for the ADCO Chairs' meeting

The Chair informed that previously appointed Forum representative (UK Forum member) to attend the ADCO Chairs meeting will no longer be available for that task. Therefore, it was suggested for the AT Forum member (and BRPS Chair) to take over this task in the future since also biocide issues were subject to market surveillance regulation and were a (sub-) sector relevant for sector specific coordination.

The Forum mandated the AT Forum member as the Forum representative in the ADCO Chairs meetings.

24.3 Reporting of REACH and CLP enforcement for the purposes of the market surveillance regulation (EC) 765/2008

A Forum member questioned the COM about the relationship of the reporting requests relating to the market surveillance regulation and REACH/CLP. The Commission has sent a very detailed enquiry about all product related market surveillance activities in the Member States – including REACH, CLP and Biocides Regulations. On the other hand, Member States were requested to provide information about REACH and CLP enforcement in connection with the 5 years report of REACH/CLP implementation.

COM representative pointed out to the annex 2 in footnote number 32 of the questionnaire sent to the Member States regarding market surveillance regulation, where it was stated that substances under REACH and CLP were not included since they were subject to more detailed reporting. Member States could refer to that footnote clarifying the reason for not reporting REACH/CLP substances and avoiding reporting duplication.

Item 25 – Enforcement projects in Member States

25.1 UK Enforcement Project on Restrictions

The invited expert and Forum member presented the issues raised by the market surveillance project by the Health and Safety Executive, in collaboration with local authorities in the UK, in checking leather goods for Azo dyes and Chrome VI and jewellery for Cadmium, Lead and Nickel.

25.2 Challenging intermediate registration status – an example from a Substance Evaluation case

The Forum member presented the case of the evaluation of intermediate substance and the challenges faced.

Item 26 - Updates from the ECHA Secretariat

26.1 Follow-up of ECHA Decisions: updates from ECHA

The Chair informed that a document was submitted with the summary of the cases sent to the Focal points by 2 October 2017.

26.2 Update on ECHA guidance activities

ECHA Secretariat presented the developments of the ECHA Guidance documents.

Item 27 - Coordination between Forum and BPR Subgroup

27.1 Updates from the BPRS discussions

The Chair of the BPRS informed the Forum on the topics to be discussed at BPRS-3⁵ plenary meeting. He informed that BPRS would select the scope of its first enforcement project, possibly on treated articles and after that, the project on biocidal product containing non-approved active substances. It was expected the adoption of the REF methodology and a discussion on the frequency of the BPR projects. The members would also discuss the topic for the first BPR Training for trainers 2018. The involvement of BPRS in the planning of Action Programme 2019+ and the discussion of the illegal use of fipronil (poisoned eggs incident) and the need for harmonized alerts approach were also part of the agenda for BPRS-3.

27.2 Potential Joint Session of Forum/BPRS

The Chair presented the idea to have a joint session at the end of the last day of the Forum, meaning that Forum members who do not attend the BPRS could leave the meeting in the afternoon coffee break whilst the BPRS members continue with the BPR-only session through the rest of the afternoon.

The advantage of this was that issues for discussion in both bodies would only be dealt once, using the time more efficiently. Items that could be included in such joint sessions were points of interest for both bodies. These could be (based on the example of this meeting): updates on the cooperation between Forum and BPR Subgroup; debriefing from the meeting with ECHA Directors; updates from ECHA and Forum Secretariat; rules of procedure; update on ECHA Guidance; reports from WGs that have both Forum and BPRS representatives as well as other issues relevant for both, *e.g.* REF Project prioritisation methodology applicability for BPRS. The Forum and BPRS Chairs suggested to try it in March 2019 and assess at that time if there was a need to have a joint session in future meetings.

⁵ <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2017>

Some Forum members supported the initiative and others expressed their concerns due to the different representations in the two bodies and the potential challenge with the decision making in the joint sessions. The Forum members were invited to submit written feedback on the issue.

Item 28 – A.O.B.

28.1 Handling of referrals in reference to non-compliances between Member States

The Chair invited the Forum members to submit their views on how referrals were handled across Member States. For example, whether there was an harmonised approach in dealing with referrals, if it was treated as priority, if Member States refer relevant non-compliances or deal with them by other means. ICSMS system should help in harmonising the approach to referrals in the future.

Some Forum members expressed that they use PD-NEA for such communications. The Forum agreed that, upon receiving the cases from other Member States via PD-NEA, the Focal Points would acknowledge receipt. COM was invited to discuss with ECHA on how it could submit cases or information to specific NEAs.

28.2 Strategy to promote substitution to safer chemicals through innovation

The ECHA Secretariat summarised ECHA's draft strategy to promote substitution and asked the Forum whether NEAS could act as multipliers of the relevant substitution-related materials produced by ECHA.

28.3 Reminder of dates of Forum for 2018

The Chair reminded of the dates for the Forum meetings on 2018:

- 12-16 March
- 18-21 June
- 13-16 November⁶ (Brussels)

28.4 Update on Dutch enforcement projects

The Forum member informed about the status of several enforcement projects running in his country.

28.4.2 Registration of fireworks

The Forum member informed that the inspector was made aware of the existence of a guidance prepared by experts on fireworks under the umbrella of European Committee for Standardization (CEN). The document would be shared with the Forum.

28.4.3 Enforcement case on blasting grit with asbestos

The Forum member shared that the product imported from Ukraine contained asbestos. The NEAs was dealing with the case based on the waste legislation but were considering also to enforce REACH. A RAPEX notification was prepared for that product.

⁶ *Post meeting note:* This date was changed after the meeting (originally announced dates were 5-9 November). After the meeting, COM indicated that meeting rooms were available in COM premises only on 13-16 November 2018. It is included here for the sake of correct reference.

Item 30 – Closing of the meeting

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

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-28 7-9 November 2017

(Adopted at the Forum-28 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda	Agenda was adopted.	
1.3 Results of written procedures		Forum-S will upload inquiries to and responses from the Forum Chair on SCIRCA BC.
Item 2 – Address by ECHA's Executive Director		
Item 3 – Forum's enforcement activities- Projects under preparation		
3.1 REF-7 project	Forum Established a Task Force	MT Forum member is invited to discuss the possibilities of volunteering for chairing of this WG
3.1.1 Establishment of the REF-7 Mandate		
3.2 Forum Action Programme 2019+	Forum Established a WG	
3.2.1 Establishment of the WG Mandate		
Item 4 – Updates from the ECHA Forum Secretariat		
4.1 Publication of Forum outputs	Forum-S will invite the Forum members for the Newsletter input after every plenary.	<p>Forum members are invited to send suggestions to existing infographics by 1 December</p> <p>Forum-S will update them accordingly and publish on ECHA website</p> <p>Forum-S will produce some more infographics for F-29, including the one on the 10 years of the Forum and submit them for consultation of the Forum.</p> <p>Forum members willing to promote their national activities – either via the newsletter article or an infographic are invited to contact the Forum-S</p> <p>Forum-S will share the manuscript of the ED's opening speech by 10 November.</p>

		UK Forum member is invited to share the results of the research about the publication of information on the social media.
4.2 Update on the Management Board decision on the Serbia's observer status		
4.3 Revised Rules of procedure	Forum agreed to alter Article 14 of the Rules of Procedure to allow for a 12 day document deadline for the June plenary meeting.	Forum-S will implement changes agreed by Forum, alter the Annexes and send the revised version back for re-adoption by BPRS and then to the Forum.
Item 5 – Cooperation with other networks		
5.1 Updates from SLIC-CHEMEX		
5.2 Updates from CLEEN		
5.3 LIFE+ Program on the Chemicals legislation enforcement in Greece and Cyprus		
Item 6 – Forum's enforcement activities- Projects under finalisation		
6.1 REF-4 6.1.1 WG progress report	Forum agreed to the publication of the report.	WG REF-4 will send the Practical Enforcement Guide for consultation of the Forum members when it is ready.
6.1.2 Mandate amendment/closure	The Forum revised the mandate of the WG.	
6.2 Train the trainers 2017 6.2.1 WG progress report		
6.2.2 Mandate amendment/closure	The Forum revised the mandate of the WG.	
6.3 Information and Communication System for Market Surveillance (ICSMS) 6.3.1 WG progress report	The Forum noted the recommendations for the type of cases to be included in ICSMS, as described in the guide prepared by the ICSMS WG.	

6.3.2 Discussion and demo of ICSMS		
6.3.3 Mandate amendment/closure	The Forum revised the mandate of the WG.	
6.4 Revision of the best practice documents		
6.4.1 WG progress report		
6.4.2 Mandate amendment/closure	The Forum revised the mandate of the WG.	
Item 7 – Forum’s enforcement activities- Ongoing projects		
7.1 Prioritisation of REF projects		Forum members are invited to submit proposals for REF projects by 13 April 2018
7.1.1 WG progress report		
7.1.2 Prioritisation WG Mandate amendment	The Forum revised the mandate of the WG.	
7.2 Characterisation of risks		
7.2.1 TF progress report		
7.2.2 Mandate amendment	The Forum revised the mandate of the WG.	
7.3 Enforceability of Restrictions		
7.3.1 WG progress report		
7.3.2 Discussion on the role of NEAs in identifying and proposing substances for restriction		<p>Forum members are invited to liaise with their MSCAs to consider whether the NEA suggestions for new restrictions should be channelled via their MSCA by 31 January 2018</p> <p>Forum members are invited to submit written feedback on a the establishment of a potential registry for recording issues with existing restrictions that may be shared with COM/ECHA/MSCAs by 31 January 2018</p> <p>Forum members are invited to submit other issues of concern and comment on the points</p>

		<p>raised by FI and CY by 31 January 2018</p> <p>Forum-S will schedule a further discussion on the matter at Forum-29.</p>
7.3.3 Mandate amendment	The Forum revised the mandate of the WG.	
<p>7.4 Pilot project Substances in Articles</p> <p>7.4.1 WG progress report</p>		<p>Forum-S will provide to the Forum members the link to the Webinar for industry after by 17 November.</p>
7.4.2 WG Mandate	The Forum revised the mandate of the WG.	
<p>7.5 REF-6</p> <p>7.5.1 WG progress report</p>		
7.5.2 Mandate amendment	The Forum revised the mandate of the WG.	
<p>7.6 Implementation of PD-NEA</p> <p>7.6.1 WG progress report</p>		
7.6.2 Update on ECHA IT tools for inspectors		
7.6.3 Mandate amendment	The Forum revised the mandate of the WG.	
<p>7.7 Training for enforcement trainers 2018</p> <p>7.7.1 WG progress report</p>	<p>The Forum decided that the focus of the 2018 training will be on the subject area of REF-7 project - registration, including the control of strictly controlled conditions for the registrations of intermediates.</p>	<p>Forum members are invited to propose specific content of the agreed priority topic by the Forum by 30 November 2017</p> <p>Forum members are invited to propose additional experts who could contribute to the success of the training by 30 November 2017.</p> <p>Forum members are invited to suggest possible training material suitable for the adopted topic by 16 February 2018</p> <p>SLIC-CHEMEX WG is invited to consider taking part in the WG by 30 November</p>

7.7.2 Discussion of the proposed topics for 2017 training		
7.7.3 Mandate amendment	The Forum revised the mandate of the WG.	
7.8 Pilot project on Control of internet sales of hazardous chemical 7.8.1 WG progress report		
7.8.2 Mandate amendment	The Forum revised the mandate of the WG.	
7.9 Cooperation with Customs 2 7.9.1 WG progress report	The Forum adopted the proposal for the framework for cooperation with customs.	WG Cooperation with Customs 2 will present the framework proposal at the Forum-PARCS workshop on 22 November 2017. Forum members are invited to start liaising with the customs authorities on the national level and discuss the scope, timing and their potential involvement in a pilot project on customs by 1 December. Forum members are invited to report back to WG Cooperation with customs about the results of their liaisons with customs authorities by 19 January 2019.
7.9.2 WG Mandate	The Forum revised the mandate of the WG.	
7.10 REACH-EN-FORCE-5 7.10.1 WG progress report		
7.10.2 Mandate amendment	The Forum revised the mandate of the WG.	
7.11 PIC pilot project 7.11.1 WG progress report		Forum members are invited to comment on the draft manual by 17 November. Forum members of the participating countries are invited to appoint National Coordinators by 17 November. Forum members of the participating countries are invited to share the draft

		manual with the appointed NCs for them to provide comments by 17 November
7.11.2 Mandate amendment	The Forum revised the mandate of the WG.	
Item 8 – Use of alternatives to testing in animals		
	Forum agreed that these cases will be handled individually by the Member States as a general interlink cases.	<p>ECHA will to the send cases to Focal Points via PD-NEA by 31 December 2017</p> <p>Forum members are invited to indicate to Forum-S whether they would be willing to take action on any of the cases, if possible by mid February 2018 so that it can be discussed at Forum-29.</p> <p>Forum members are invited to examine the cases, consider which ones of they can follow up, and if so decided take appropriate action.</p> <p>Forum members from MS following up the cases are invited to provide feedback on what action they undertook and report on their findings to Forum-S via PD-NEA.</p> <p>Forum members from MS following up the cases points are invited to contact ECHA bilaterally about potential support from ECHA needed for following up these cases.</p>
Item 10 – Preparation for the open session		

OPEN SESSION		
Item 11 – Welcome and Introduction to the OPEN SESSION		
Item 12 – Discussion topics proposed by ASOs		
12.1 Support for companies facing REACH-induced Supply Chain Disruption		Forum members are invited to distribute the ASD presentation to the NEAs to indicate the complexity of supply chains.
12.2.1 Protecting European manufacturers of articles		
12.2.2 Enforcement of imported substances		
12.2.3 The analysis of silicones		CWFIC DOW representative is invited to propose the inclusion of the D4/D5 analysis methods in the Forum Compendium of Analytical Methods after these restriction entries are added to Annex XVII.
12.3 Level playing field for consumer safety in textile products		Euratex is invited to submit the proposal for an enforcement project related to compliance of textile articles with REACH in 2018.
12.4 Lack of information on enforcement measures pertaining to Articles 13(1) and 25(1) of REACH		
12.5 Role of CROs (Contract Research Organisations) and NAMs (New Approach Methodologies) in the REACH registration process		<p>Forum members are invited to consider what action the NEAs or inspectors can take to actively promote the use of alternative methods to animal tests, such as raising awareness among the potential registrants. Feedback to Forum Secretariat is invited by 20 January 2018.</p> <p>Forum Secretariat will collate the information and share it with the Forum members.</p>

Item 13 – Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs		
13.1 WG progress report		<p>ASOs interested in joining and contributing to the initiative are invited to express their interest by 30 November 2017</p> <p>Forum-S will verify with CONCAWE whether they are willing to contribute to the initiative.</p> <p>Euratex is invited to confirm whether they will be contributing to the initiative by 30 November</p>
13.2 WG Mandate amendment		
Item 14 – Feedback from the ECHA’s ASOs Workshop		
14.1 Debriefing on the Forum’s discussion at ECHA’s Workshop with ASOs (Brussels, 18 Oct 2017)		<p>Forum members are invited to send further feedback on the open session by 30 November</p> <p>Forum-S will ask the ASO representatives for the feedback on the open session.</p>
14.2 Discussion on the improvement of the communication of enforcement activities		
Item 15 – Updates from the Forum		
15.1 Forum’s finalised projects during 2017		
15.2 Update on the scope of REF projects		Forum-S will send the invitation to ASOs by 30 November 2017 to submit new proposal for Forum projects by 13 April 2018.
Item 16 – 10 years of Forum and enforcement activities in the Member States		
16.1 Enforcement efforts and the evolution of enforcement in Cyprus in relation to the FORUM’s activities		
16.2 Implementation of the REACH and CLP Regulations in the last ten years		

Item 17 – Enforcement projects in Member States		
17.1	Activating SME's: SDS check for Occupational Health and Safety obligations	
17.2	UK Enforcement Project on Restrictions	
17.3	Italian enforcement projects	
17.4	Enforcement activities of the Greek Competent Authority (GCSL) for REACH & CLP	
17.5	Romania Experience Trainings & Inspections	

Item 20 – Debriefing of the open session		
Debriefing of the open session		Forum members are invited to submit feedback on the open session by 30 November.
Item 21 – Debriefing of the meeting with ECHA Directors		
		Forum-S will incorporate the minutes of the meeting in the minutes of Forum-28
Item 22– Practical issues for enforcement of REACH and CLP		
Practical issues	Forum members are invited to give at least 3 week deadlines for HelpEx issues and propose draft conclusions when raising them.	Forum members are invited to submit new practical issues by the 19 January 2018 Forum-S will extend the deadlines of the HelpEx issues from Norway and Romania.
Issue 27.3 How can inspectors verify a company's decision to benefit from the registration exemption under Article 2(7)(d) and		Forum-S will send the issue for written consultation by 17 November.

not to register a recovered substance?		
Issue 28.1 What is the correct way to label a product in a coaxial cartridge?		Forum-S will revise the conclusion and other elements of the issue and send a revise version for written consultation by 24 November.
Item 23 – Potential involvement of the Forum in ENES’ work		
		<p>Forum-S will distribute the presentation to the Forum members by 17 November</p> <p>Forum members are invited to consider the proposals for involvement in ENES work including whether Forum should get involved in it. Members are invited to provide feedback on these matters to Forum-S by 19 January.</p> <p>AT Forum member and NO Alternate will consider the feedback from the Forum and – if so indicated by the Forum feedback - are invited to prepare a meeting document with proposals for Forum involvement in ENES work by 21 February 2018</p> <p>Forum-S will include this point on the agenda of Forum-29 and confirm it after the document is submitted.</p>
Item 24 – Update on relevant developments by the Commission		
24.1 General updates by the European Commission		
24.2 Forum representative for the ADCO Chairs’ meeting	The Forum mandated the AT Forum member/BPRS Chair to represent the Forum in future ADCO chairs meetings.	
24.3 Reporting of REACH and CLP enforcement for the purposes of the market surveillance regulation (EC) 765/2008	Forum took note of the information from the COM that reporting requirements for the market surveillance regulation (EC) 765/2008 excludes the information on REACH and CLP (as indicated in footnote 32 of Annex 2 of the MSR report questionnaire), as this information is already included in the MS reports under Art 117 of REACH and Art 46.2 of CLP.	

Item 25 – Enforcement projects in Member States		
25.1 UK Enforcement Project on Restrictions		
25.2 Challenging intermediate registration status – an example from a Substance Evaluation case		
Item 26 – Updates from the ECHA Secretariat		
26.1 Follow-up of ECHA Decisions: updates from ECHA		
26.2 Update on ECHA Guidance activities		
Item 27 – Updates on the cooperation between Forum and BPR Subgroup		
27.1 Update on the coordination of the BPR enforcement		
27.2 Potential Joint Session of Forum/BPRS		<p>Forum-S will invite the Forum to provide feedback about joint BPRS-Forum sessions, including the summary of initial reactions of the BPRS.</p> <p>Forum members are invited to send written feedback their preference and timing for the joint sessions with BPRS by 23 December</p>
Item 28 – AOB		
28.1 Handling of referrals in reference to non-compliances between Member States	Forum agreed that upon receiving the cases from other Member States, the Focal Points will acknowledge receipt.	<p>Forum members are invited to submit feedback on how they handle referrals of cases from other Member States by 31 January 2018</p> <p>COM is invited to discuss with ECHA on how it can submit cases or information to specific NEAs.</p>
28.2 Strategy to promote substitution to safer chemicals through innovation		Forum members are invited to indicate if inspectors could act as multipliers of substitution related materials produced by ECHA by 31 December.
28.3 NL action on blended oils		NL Forum member will submit an EN version of the report of the project on blended oils when it is

		available and present the results of the project at Forum-29
28.4 NL case on registration of fireworks		NL forum member will send materials about the case to Forum-S, who will then distribute it to the Forum members.
28.5 NL case on blasting grit		

III. List of Attendees

Forum members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	CUYPERS Paul
3	BG	ZIDAROVA Elena
4	CY	KYPRIANIDOU-LEONTIDOU Tasoula
5	CZ	JAROLÍM Oldřich
6	DE	VOM HOFE Katja
7	DK	BØRGLUM Birte
8	EE	HONGA Aljona
9	EL	FOUFA Eleni
10	ES	SÁNCHEZ-PEÑA Pablo
11	FI	ASSMANN Mervi
12	HR	KREKOVIĆ Dubravka
13	HU	DEIM Szilvia
14	IE	MCMICKAN Sinead
15	IS	BRAGASON Isak
16	IT	ALESSI Mariano
17	LT	PIPIRAITE-VALISKIENE Donata
18	LU	ENGELS Kim
19	LV	KAZEROVSKA Kristine
20	MT	FARRUGIA Bernice
21	NL	VAN DEN BERG Jos
22	NO	HAGEN Gro
23	PL	KITAJEWSKA Katarzyna
24	PT	BRAVO Graça
25	RO	Maria MIJA
26	SE	HEDLUND Henrik
27	SK	POČAROVSKÁ Miriam
28	UK	POTTS Mike

Invited experts

	Country	Name
1	BG	DIMITROVA Rada
2	CZ	MUSIL Petr
3	DK	RAVN BHARATHAN Anette
4	EE	KANAMÄE Haidi
5	EL	NAKOPOULOU Chrysanthi
6	ES	ZAMORA NAVAS Laura
7	FI	MÄKI Markus
8	HR	PILETIĆ Kaća
9	LT	GRINCEVIČIŪTĖ Otilija
10	LV	DIMPERE Inna
11	NL	KUPER Nathan
12	NO	SULEIMAN Abdulqadir

	Country	Name
13	PT	BARATA Sofia
14	SE	RUMAR Karin
15	UK	CARTER Paul

Advisers

	Country	Name
1	BE	LEYNEN Michel
2	DE	FRENZEL Stefan
3	DE	WURSTHORN Sibylle
4	DK	FAGERLUND Michael
5	FI	ANTTILA Marilla
6	IT	FORMENTON Gianni

SLIC-CHEMEX

	Name
1	SNAITH Christine

European Commission representative

	DG	Name
1	GROW	AGUADO-MONSONET Miguel
2	ENV	MAURER Helmet

Accredited Stakeholders Organisation representatives

	Organisation	Name
1	ASD	GEORGE Steve
2	CEFIC	ANNYS Erwin
3	Dow Industry	EVANS Rachel
4	ECOPA	ROVIDA Costanza
5	EURATEX	SCALIA Mauro
6	EURATEX	DRMAČ Dunja
7	Foreign Trade Association	DUHAUT Malik
8	Orgalime	TONTERI Hannele
9	PETA	BAINES Julia
10	UEAPME	ZIMMER Malte-Matthias

Instrument for Pre-Accession Assistance (IPA) representatives

	Country	Name
1	Kosovo	LAJQI MAKOLLI Violeta
2	Montenegro	VUKOVIĆ Slavena
3	Bosnia and Herzegovina	OBRADOVIĆ POPOVIĆ Renata
4	fyROM	BAJRAMI Rabi
5	Albania	TAF AJ Lindita

	ECHA	Unit
1	BARANSKI Maciej	Support, Forum and HelpNet Secretariat
2	CALVO TOLEDO Juan Pablo	Support, Forum and HelpNet Secretariat
3	CARTLIDGE George	Evaluation Unit
4	CLIFFE Brendan	Support, Forum and HelpNet Secretariat
5	DANCET Geert	ECHA Executive Director
6	DEMI Rossella	Substance ID and data sharing
7	FELICIANO Tania	Support, Forum and HelpNet Secretariat
8	FRONTINI Ales	Support, Forum and HelpNet Secretariat
9	MOTTET Denis	Risk Management Implementation Unit
10	NIKULA Terhi	Support, Forum and HelpNet Secretariat
11	NOUWEN Johan	Support, Forum and HelpNet Secretariat
12	TŁOCZEK Magdalena	Support, Forum and HelpNet Secretariat
13	TUNELLA Outi	Support, Forum and HelpNet Secretariat
14	TUOMAINEN Anita	Support, Forum and HelpNet Secretariat

IV. List of Annexes

ANNEX 1. Final agenda Forum-28

ANNEX 2. Revision of mandates of Forum WGs/Task Forces

ANNEX 2 a – “Coordinated enforcement project REACH-EN-FORCE-7”

ANNEX 2 b – “Forum Action Programme 2019+”

ANNEX 2 c – “Coordinated enforcement project REACH-EN-FORCE-4 on Restrictions”

ANNEX 2 d – “Training for Enforcement Trainers 2017”

ANNEX 2 e – “Information and Communication System for Market Surveillance (ICSMS)”

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

ANNEX 2 g – “Prioritisation of REF Projects”

ANNEX 2 h – “Categorisation of risks”

ANNEX 2 i – “Enforceability of restrictions”

ANNEX 2 j – “Pilot project Substances in Articles”

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

ANNEX 2 l – “Implementation of PD-NEA”

ANNEX 2 m – “Training for Enforcement Trainers 2018”

ANNEX 2 n – “Forum Pilot Project on CLP focusing on control of internet sales”

ANNEX 2 o – “Cooperation with Customs 2

ANNEX 2 p – “Coordinated enforcement project REACH-EN-FORCE-5 on Exposure Scenarios, extended SDS, RMM and OC”

ANNEX 2 q – “Forum Pilot project control on PIC”

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

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-28

7 November 2017
ECHA/Forum-28/2017/dA

**Agenda
Twenty eighth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-28)
7-9 November 2017**

**European Chemicals Agency
Helsinki, Finland
Tuesday, 7 November: starts at 09:00
Thursday, 9 November: ends at 14:00**

DAY 1 Tuesday 7 November 2017

CLOSED SESSION

Item 1 – Welcome and Introduction 09:00-09:20

- 1.1 Opening by the Chair of the Forum – *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 Forum-27 – *ECHA Forum
Secretariat*
- 1.5 Report of the written procedures and other issues between Forum-
27 and Forum-28 - *Chair*

*ECHA/Forum-28/2017/dA
ECHA/Forum-28/2017/1.4
ECHA/Forum-28/2017/1.5*

***For adoption
For information***

Item 2 – Address by ECHA's Executive Director 09:20-09:30

For information

**Item 3 – Forum's enforcement activities- Projects
under preparation** 09:30-09:50

- 3.1 *REF-7 project (10')*
 - 3.1.1 Establishment of the REF-7 Mandate - *ECHA Forum Secretariat*
- 3.2 *Forum Action Programme 2019+ (10')*
 - 3.2.1 Establishment of the WG Mandate - *ECHA Forum Secretariat*

ECHA/Forum-28/2017/Draft_mandates

For adoption

Item 4 – Updates from the ECHA Forum Secretariat 09:50-10:30

- 4.1 Publication of Forum outputs (20')
- 4.2 Update on the Management Board decision on the Serbia's observer status (10')
- 4.3 Revised Rules of procedure (10')

ECHA/Forum-28/2017/4.1_room_doc
 ECHA/Forum-28/2017/4.3.
 ECHA/Forum-28/2017/4.3_Annex1

**For discussion
 For information**

Coffee break 10:30-11:00

Item 5 – Cooperation with other networks 11:00-11:30

- 5.1 Updates from SLIC-CHEMEX (15') – *CHEMEX WG Chair*
- 5.2 Updates from CLEEN (5') – *ECHA Forum Secretariat*
- 5.3 LIFE+ Program on the Chemicals legislation enforcement in Greece and Cyprus (10') – *CY Forum member*

ECHA/Forum-28/2017/5.2
For information

Item 6 – Forum's enforcement activities- Projects under finalisation 11:30-13:00

- 6.1 REACH-EN-FORCE-4 on Restrictions (20')
 - 6.1.1 WG progress report – *WG Chair*
 - 6.1.2 Mandate amendment/Closure- *ECHA Forum Secretariat*
- 6.2 Training for enforcement trainers 2017 (20')
 - 6.2.1 WG progress report - *WG Chair*
 - 6.2.2 Mandate amendment/Closure - *ECHA Forum Secretariat*
- 6.3 Information and Communication System for Market Surveillance (ICSMS) (30')
 - 6.3.1 WG progress report - *WG Chair*
 - 6.3.2 Discussion and demo of ICSMS - *ECHA Forum Secretariat*
 - 6.3.3 Mandate amendment/Closure - *ECHA Forum Secretariat*
- 6.4 Revision of the best practice documents (20')
 - 6.4.1 WG progress report – *WG Chair*
 - 6.4.2 Mandate amendment/Closure - *ECHA Forum Secretariat*

ECHA/Forum-28/2017/6.1.1
 ECHA/Forum-28/2017/6.1.1_room_doc
 ECHA/Forum-28/2017/6.2.1
 ECHA/Forum-28/2017/6.2.1_Annex1
 ECHA/Forum-28/2017/6.3.1
 ECHA/Forum-28/2017/6.4.1
 ECHA/Forum-28/2017/Draft_mandates

**For information
 For discussion
 For adoption**

Lunch break 13:00-14:00**Item 7 – Forum’s enforcement activities- Ongoing projects**

14:00-17:20

- 7.1 *Prioritisation of REF projects (10')*
 - 7.1.1 WG progress report - *WG Chair*
 - 7.1.2 Mandate amendment- *ECHA Forum Secretariat*
- 7.2 *Categorisation of Risks (10')*
 - 7.2.1 TF progress report - *ECHA Forum Secretariat*
 - 7.2.2 Mandate amendment - *ECHA Forum Secretariat*
- 7.3 *Enforceability of Restrictions (30')*
 - 7.3.1. WG progress report - *WG Chair*
 - 7.3.2 Discussion on the role of NEAs in identifying and proposing substances for restriction - *WG Chair*
 - 7.3.3 Mandate amendment - *ECHA Forum Secretariat*
- 7.4 *Pilot project on substances in articles (10')*
 - 7.4.1 WG progress report- *WG Chair*
 - 7.4.2 Mandate amendment - *ECHA Forum Secretariat*
- 7.5 *REACH-EN-FORCE-6 on CLP (10')*
 - 7.5.1 WG progress report - *WG Chair*
 - 7.5.2 Mandate amendment - *ECHA Forum Secretariat*
- 7.6 *Implementation of PD-NEA (15')*
 - 7.6.1 WG progress report – *WG Chair*
 - 7.6.2 PD-NEA project progress report - *ECHA Forum Secretariat*
 - 7.6.3 Mandate amendment - *ECHA Forum Secretariat*
- 7.7 *Training for enforcement trainers 2018 (20')*
 - 7.7.1 WG progress report - *WG Chair*
 - 7.7.2 Discussion of the proposed topics for 2017 training – *WG Chair*
 - 7.7.3 Mandate amendment - *ECHA Forum Secretariat*
- 7.8 *Pilot project on CLP focusing on control of internet sales (10')*
 - 7.8.1 WG progress report – *WG Chair*
 - 7.8.2 Mandate amendment- *ECHA Forum Secretariat*

Coffee break 16:00-16:30

- 7.9 *Customs 2 (30')*
 - 7.9.1 WG progress report – *Chair*
 - 7.9.2 Mandate amendment- *ECHA Forum Secretariat*
- 7.10 *REACH-EN-FORCE-5 on Extended SDS, exposure scenarios, risk management measures and operational conditions (10')*
 - 7.10.1 WG progress report – *WG Chair*
 - 7.10.2 Mandate amendment- *ECHA Forum Secretariat*

7.11 *Pilot project on Control of PIC (10')*

7.11.1 WG progress report – *WG Chair*

7.11.2 Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-28/2017/7.1.1_room_doc
ECHA/Forum-28/2017/7.2.1_room_doc
ECHA/Forum-28/2017/7.3.1
ECHA/Forum-28/2017/7.3.1_Addendum
ECHA/Forum-28/2017/7.3.1_Addendum_Annex
ECHA/Forum-28/2017/7.4.1_room_doc
ECHA/Forum-28/2017/7.5.1
ECHA/Forum-28/2017/7.6.1_room_doc
ECHA/Forum-28/2017/7.6.2
ECHA/Forum-28/2017/7.7.1
ECHA/Forum-28/2017/7.8.1
ECHA/Forum-28/2017/7.9.1
ECHA/Forum-28/2017/7.9.1_Appendix1
ECHA/Forum-28/2017/7.10.1
ECHA/Forum-28/2017/7.11.1
ECHA/Forum-28/2017/7.11.1_room_doc
ECHA/Forum-28/2017/Draft_mandates

For information

For discussion

For adoption

Item 8 – Use of alternatives to testing in animals 17:20-17:50

Use of alternatives to testing in animals – possible enforcement considerations (20')

ECHA/Forum-28/2017/8

For discussion

Item 9 – Adoption of conclusions and action points from day 1 17:50-18:00

For adoption

Regular meeting with ECHA Directors and Forum Chairs 18:15-19:00

DAY 2 Wednesday 8 November 2017
CLOSED SESSION

Item 10 – Preparation for the open session 08:30-09:30

ECHA/Forum-28/2017/10

For discussion

Coffee break 09:30-10:00

OPEN SESSION 10:00-18:30

Item 11 – Welcome and Introduction to the OPEN SESSION 10:00-10:15

- 11.1 Welcome to the participants – *Chair*
- 11.2 Practicalities – *Chair*

For information

Item 12 – Discussion topics proposed by ASOs 10:15-13:00

- 12.1 *Aerospace and Defence Industries of Europe (ASD)*
Support for companies facing REACH-induced Supply Chain Disruption (30') – *Steve George*
- 12.2 *European Chemical Industry Council (CEFIC)*
 - 12.2.1 Protecting European manufacturers of articles (15') - *Erwin Annys*
 - 12.2.2 Enforcement of imported substances (15') - *Erwin Annys*
 - 12.2.3 The analysis of silicones (15') – *Rachel Evans*
- 12.3 *EURATEX*
Level playing field for consumer safety in textile products (30') - *Mauro Scalia*
- 12.4 *PETA International Science Consortium Ltd (PISC)*
Lack of information on enforcement measures pertaining to Articles 13(1) and 25(1) of REACH (30') – *Julia Baines*
- 12.5 *European Consensus Platform for 3R Alternatives to Animal Experimentation (ECOPA)*
Role of CROs (Contract Research Organisations) and NAMs (New Approach Methodologies) in the REACH registration process (30') - *Costanza Rovida*

ECHA/Forum-28/2017/12.1

For discussion

Lunch break 13:00-14:00

Item 13 – Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs 14:00-14:30

- 13.1 WG progress report - *WG Chair*
- 13.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-28/2017/13.1_room_doc
ECHA/Forum-28/2017/Draft_mandates

For information
For adoption

Item 14 – Feedback from the ECHA’s ASOs Workshop 14:30-15:00

- 14.1 Debriefing on the Forum’s discussion at ECHA’s Workshop with ASOs (Brussels, 18 Oct 2017)
- 14.2 Discussion on the improvement of the communication of enforcement activities

For discussion

Item 15 – Updates from the Forum 15:00-15:30

- 15.1 Forum’s finalised projects during 2017 (20’) – *Forum Chair*
- 15.2 Update on the scope of REF projects (10’)– *Chair of WG Prioritisation*

For information

Item 16 – 10 years of Forum and enforcement activities in the Member States 15:30-16:10

- 16.1 Enforcement efforts and the evolution of enforcement in Cyprus in relation to the FORUM’s activities (20’) – *CY Forum member*
- 16.2 Implementation of the REACH and CLP Regulations in the last ten years (20’) – *PT Forum member and invited expert*

For information

Coffee break 16:10-16:30

Item 17 – Enforcement projects in Member States 16:30-18:20

- 17.1 Activating SME’s: SDS check for Occupational Health and Safety obligations (30’) – *NL invited expert*
- 17.2 UK Enforcement Project on Restrictions (20’) – *UK invited expert*
- 17.3 Italian enforcement projects (15’) – *IT invited expert*
- 17.4 Enforcement activities of the Greek Competent Authority (GCSL) for REACH & CLP (20’) – *EL invited expert*
- 17.5 Romania Experience Trainings & Inspections (15’) – *RO Forum member*

For information

Item 18 – Conclusions and actions points	<i>18:20-18:30</i>
---	--------------------

For adoption

Item 19 – End of the open session	<i>18:30</i>
--	--------------

RECEPTION AND CELEBRATION OF THE FORUM'S 10TH ANNIVERSARY

POSTER EXIHBITION IN THE CONFERENCE CENTER

DAY 3 Thursday 9 November 2017
CLOSED SESSION

Item 20 – Debriefing of the open session 09:00-09:30

For discussion

Item 21 – Debriefing of the meeting with ECHA Directors 09:30-09:50

For information

Item 22 – Practical issues for enforcement of REACH and CLP 09:50-10:50

Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)

ECHA/Forum-28/2017/22
ECHA/Forum-28/2017/22_room_doc

For discussion

Coffee break 10:50-11:20

Item 23– Potential involvement of the Forum in ENES' work 11:20-11:35

For discussion

Item 24 – Update on relevant developments by the Commission 11:35-12:05

- 24.1 General updates by the European Commission
- 24.2 Forum representative for the ADCO Chairs' meeting

For information

- 24.3 Reporting of REACH and CLP enforcement for the purposes of the market surveillance regulation (EC) 765/2008

For discussion

Item 25 – Enforcement projects in Member States 12:05-12:45

- 25.1 UK Enforcement Project on Restrictions – *UK invited expert* (20')
- 25.2 Challenging intermediate registration status – an example from a Substance Evaluation case (20') – *DE invited expert*

For information

Item 26 – Updates from the ECHA Secretariat 12:45-12:55

- 26.1 Follow-up of ECHA Decisions: updates from ECHA (5')
- 26.2 Update on ECHA Guidance activities (5')

ECHA/Forum-28/2017/26.1
ECHA/Forum-28/2017/26.1_Annex1
ECHA/Forum-28/2017/26.2

For information

Item 27 – Updates on the cooperation between Forum and BPR Subgroup 12:55-13:30

- 27.1 Updates from the BPRS discussions – *BPRS Chair*
- 27.2 Potential Join Session of Forum/BPRS - *Chair*

For discussion

Item 28 – A.O.B. 13:30-13:45

- 28.1 Handling of referrals in reference to non-compliances between Member States (5') – *IE Forum member*
- 28.2 Strategy to promote substitution to safer chemicals through innovation (5') - *ECHA Secretariat*
- 28.3 Reminder of dates of Forum for 2018 - *ECHA Forum Secretariat*

For information

Item 29 – Adoption of conclusions from days 1 (PM), 2 and 3 13:45-14:00

For adoption

Item 30 – End of the meeting 14:00

Sandwiches available

[BPRS-3 meeting starting at 15:00]

Annex 2 a "REF-7"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-7"

(Mandate established at Forum-28)

Composition:

- **Chair:** ...

Forum Members and Alternates

- Jos VAN DEN BERG (NL)
- Abdulqadir SULEIMAN (NO)
- Clotilde PIONNEAU (FR)

Invited Experts

- Barbro SILLREN (SE)
- Rui CABRITA (PT)
- DE
- IE
- Tamas KOVACS (HU)?
- NO?
- Michael FAGERLUND (DK)

ECHA

- Magdalena TLOCZEK (ECHA)

Objective:

- conceive and manage the seventh major Forum enforcement project REF-7

Mandate:

- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
- Consider the inclusion of an optional module on the registration of monomers in polymers within the project
- *Discuss with ECHA Secretariat possibilities for preliminary screening and identification of some cases where there is concern about the uses indicated in the registration dossiers*
- 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

Timeline:

- Project manual: Q4 2018
- Prepare and deliver the training for project national coordinators: Q4 2018
- Operational phase: 2019
- Reporting phase (National Coordinators): Q1 2020
- Evaluation phase: Q3 2020
- Draft report: Q4 2020
- Adoption of the report: Q4 2020
- Tips and hints for inspectors: Q4 2020

Annex 2 b "Forum Action Programme 2019+"

Forum Working Group "Preparation of the Forum Action Programme 2019+" (Mandate established at Forum-28)

Composition:

Chair: Sinead McMICKAN (IE)

Forum/BPRS Members/Alternates

- Katja VOM HOFE (DE)
- Graça BRAVO (PT)

Invited Experts

- DE

Commission

- DG GROW Representative

ECHA

- Maciej BARANSKI (ECHA)

Objectives:

Prepare a Forum Action Programme 2019+ outlining the work of the Forum and BPRS for the years starting 2019 onward.

Mandate:

- Develop Forum Action Programme 2019+ describing the activities of the Forum and BPRS with accompanying high level planning
- Define the time scope of the Action Programme
- Comment on the ECHA strategic document 2019-2023
- Ensure that the Forum Action Programme 2019+ is consistent , where applicable, with the strategic priorities and objectives defined in the ECHA strategic document 2019-2023

Tentative Timeline:

- Forum-31 – final Forum Action Programme 2019+

Annex 2 c "REF-4"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-4 on Restrictions"

(Mandate adopted at Forum-28)

Composition:

- **Chair:** Marilla ANTTILA (FI)

Forum Members and Alternates

- Maria ORPHANOU (CY Alternate)
- Eugen ANWANDER (AT)
- Pablo SANCHEZ-PEÑA (ES)

Invited Experts

- Ingviold KVIEN (NO) – remote participant
- Matthias ZIERHUT (DE)
- Rachael ALLEN (UK)
- Gonçalo BAPTISTA (PT)

Commission

ECHA

- Juan Pablo CALVO TOLEDO

Objective:

- conceive and manage the fourth major Forum enforcement project

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 and best practices on the enforcement of the restrictions covered in the REF-4 project

Timeline:

- Approve the scope: 2015
- Project manual: Q4 2015
- Prepare and deliver the training for project national coordinators: Q1 2016
- Operational phase: 2016
- Reporting phase (National Coordinators): Q1 2017
- Evaluation phase: Q3 2017
- Draft report: Q4 2017
- Adoption of the report: Q4 2017
- Tips and hints for inspectors and best practices on the enforcement of the restrictions covered in the REF-4 project: Q4 2017

Annex 2 d "Train the trainers 2017"

Forum Working Group

Work Package C.2.

"Training for enforcement trainers 2017"

(Mandate adopted at Forum-28)

Composition:

Chair: Mike POTTS (UK)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Otilija GRINCEVICIUTE (LT Alternate)
- Henrik HEDLUND (SE)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)
- Clotilde PIONNEAU (FR)
- Kristīne KAZEROVSKA (LV)

Invited Experts

- Erika BURAI (HU)
- Paul CARTER (UK)
- Hannah DOHERTY (UK)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Irena Zorica JEŽIĆ VIDOVIĆ (HR)
- Uwe LICHT-KLAGGE (DE)
- Chrysanthi NAKOPOULOU (EL)
- Dominik PISAREK (PL)
- Caroline WALSH (IE)

SLIC-Chemex

- Nathan KUPER

ECHA

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in the fourth quarter of 2017

Mandate:

- Examine the training subjects relevant for enforcement in the fourth quarter of 2017 and prepare the priority topics for agreement before Forum-25
- 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-25: conclude on list of subjects and prioritisation
- Forum-28: final report

Annex 2 e “ICSMS”

Forum Working Group “Information and Communication System for Market Surveillance (ICSMS)”

(Mandate adopted at Forum-28)

Composition:

Chair: Birte BØRGLUM (DK)

Forum Members/Alternates

- Pablo SÁNCHEZ PEÑA (ES)
- Elena ZIDAROVA (BG)

Invited Experts

- Tone Line FOSSNES (NO)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)
- Axel DORENBECK (DE)
- Michael FAGERLUND (DK)

Commission

- Peter BARICIC

Objectives:

- Support the European Commission in expanding the tool and contribute to promoting best practices in its use among REACH/CLP/PIC inspectors after it is released

Mandate:

- Cooperate with the Commission to provide any necessary feedback about WG ICSMS requests or specification that are needed for implementing the agreed changes
- Test the new version of ICSMS before it is released, ensuring that all agreed changes are in place

Timeline:

- Forum-29 (Q1 2018)

Annex 2 f “Best practices”

Forum Working Group “Revision of the best practice documents”

(Mandate adopted at Forum-28)

Composition:

Chair: Sinead McMICKAN (IE)

Forum Members/Alternates

- Katja VOM HOFE (DE) (also BPR)
- Marilla ANTTILA (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 g “Prioritisation of REF Projects”
Forum Working Group
Work Package A.1
“Prioritisation of REF Projects”
(Mandate adopted at Forum-28)

Composition:

Chair: Tasoula KYPRIANIDOU LEONTIDOU (CY) – rotating Chair

Vice Chair(s):

-

Forum Members/Alternates

- Maria Letizia POLCI (IT alternate)
- Paul CUYPERS (BE)
- Oldrich JAROLIM (CZ)
- Dubravka KREKOVIC (HR)
- Abdulqadir SULEIMAN (NO Alternate)
- Sofia BARATA (PT)

Invited Experts

-)
- Semira MEHIC (SI)
- Hannah DOHERTY (UK)
- Andrea MAYER-FIGGE (DE)
- Tamas KOVACS (HU)

ECHA

- Juan Pablo CALVO TOLEDO

Objective:

- Propose annually the subject for the next harmonised enforcement project coordinated by the Forum (REF Projects)

Mandate:

According to the working procedure for the prioritisation and selection of REF projects, the WG shall:

- Review annually a list of proposals for REF projects submitted by Forum members, ECHA Secretariat, the Commission and the Stakeholder Organisations accredited by ECHA (ASOs);
- Prioritise the subjects by applying Forum’s methodology for the prioritisation, selection and management of REF projects
- Draft a recommendation proposing the subject for the next REF project
- Elaborate and update a registry of legal obligations subject to previous enforcement projects.

Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.

In addition, the WG will revise the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum. The WG will propose the adjustments of the methodology with regard to the inclusion of the BPR terminology and the Annex I with the essential requirements of BPR. The WG shall signal if any more significant changes will be needed to use the REF project methodology for the BPR projects so that BPR projects can be prioritised and managed according to this methodology (subject to the agreement in the BPR Subgroup to be decided at the BPRS-2).

The WG will operate from Forum-16 (October 2013) until the end of 2018 (end of the Forum WP 2014 – 2018). The mandate of the WG can be renewed to operate after this period.

Timelines:

- The basic timeframes are regulated by the Forum Methodology on Prioritisation and Selection of Project Proposals and the working procedure for the prioritisation and selection of harmonised enforcement projects coordinated by the Forum
- Propose the revised methodology including the BPR terminology by Forum-31 (to be adopted by the BPR-S and by the Forum)
- Shortlist of subjects for REF-8 by Forum-31.

Annex 2 h "Categorisation of Risks"

Forum Task Force Work Packages B.1 and C.1 **"Categorisation of Risks"** (Mandate adopted at Forum-28)

Composition:

Chair

Forum Members/Alternates

- Kristine KAZEROVSKA (LV)
- Eugen ANWANDER (AT)
- Paul CUYBERS (BE)
- Stefan FRENZEL (DE)
- Sofia BARATA (PT)
- Clotilde PIONNEAU (FR)

Invited Experts

- Margareta DAHO (SE)
- Andrea MAYER FIGGE (DE)
- Shima DOBEL (DK)
- Roberto VALADARES (PT)

ECHA

- Juan Pablo CALVO TOLEDO
- Celia TANARRO (Unit A.2, Support, Forum & HelpNet Secretariat)

COM

- Miguel AGUADO (DG GROW)
- Ana BLASS (DG GROW)

Objective:

Develop the guidelines enabling the inspectors and NEAs to categorise the risks from non-compliance when using ICSMS.

Mandate:

The Task Force shall:

- Develop an example(s) enabling the Forum members to make a choice on the methodology to follow to elaborate the guidelines for inspectors and NEAs to categorise the risks
- Elaborate the methodology to be validated by the Forum.
- provide input to the COM projects undergoing developing guidelines to tackle serious risk (e.g. PROSAFE project) and assess the results of these projects.

Timelines:

- F-29: Example(s) to be presented for the Forum for validation of the methodology utilised
- F-32: Guidelines for the inspectors for the use of ICSMS

Annex 2 i “Restrictions”

Forum Working Group “Enforceability of restrictions” Work Package B12

(Mandate adopted at Forum-28)

Composition:

Chair: Maria Letizia POLCI (IT Alternate)– rotating Chair

Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Aljona HONGA (EE)
- Jos VAN DEN BERG (NL)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)
- Karin RUMAR (SE)

Invited Experts (advisory process)

- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Gernot WURM (AT)
- Katarina WAGNER (DE)
- Rachael ALLEN (UK) ? (Remote participation)

Invited experts (analytical methods)

- Werner ALTKOFER (DE)
- Kevin PITCHFORD (UK)
- Carolina FERRANTI (IT)
- Julia GONZALEZ GUTIERREZ (ES)
- Durk SCHAKEL (NL)
- Aristotelis PAPAGEORGIOU (EL)
- Andromachi KATSONOURI (CY)

European Commission

- Patricia HUALDE GRASA (DG GROW)
- Giuseppina LUVARÀ (DG ENV)

ECHA

- Juan Pablo CALVO TOLEDO (ECHA)

Objective:

- Facilitate the enforceability of restrictions

Mandate:

- According to the working procedure for developing the Forum advice on enforceability of the Annex XV proposals for restrictions adopted by the Forum, the WG shall:
 - Prepare a draft Forum advice on the enforceability of Annex XV proposals for restrictions that are in conformity with the REACH requirements, taking into account the comments of the Forum members. This draft Forum advice will be submitted to the Forum for adoption.
 - Provide support when possible on enforcement related issues to RAC and SEAC during the process of the elaborating the RAC and SEAC opinions.
- In the execution of this mandate, the members of the WG shall follow the rules and principles established in the mandate given by the Chair of the Forum to the individual members and invited experts of the WG.
- The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries
- Review in 2019 the information provided by the stakeholders during 2016/2017/2018 and revise if needed the methodology and the compendium by F-34 (Q4 2019).
- Provide opinion to the Commission on the development of standard methods when invited to do so by the Commission, in line with the proposal from the Forum to the Commission on this matter.
- Consider to provide an advice to the Commission on the restriction proposal prepared by the COM regarding Article 68 (2) CMR in textile articles.
- Provide ad-hoc support to the WG managing the pilot project on Substances in Articles
- Elaborate a discussion paper exploring ways for enforcement authorities and the Forum to identify and to propose substances for restriction to be discussed at Forum-29

Timeline:

- 30 November 2019, reporting at each plenary meeting

Annex 2 j “Substances in Articles”
Forum Working Group
“Pilot project Substances in Articles”
(Mandate adopted at Forum-28)

Composition:

Chair: Karin RUMAR (SE Alternate)

Forum Members/Alternates

- Mervi ASSMAN (FI)
- Maria Letizia POLCI (IT Alternate)
- Eugen ANWANDER (AT)

Invited Experts

- Ingvild KVIEN (NO)
- Sibylle WURSTHORN (DE)
- Juergen SCHMID (DE)
- Susana BARBOSA ANDRADE (PT)
- Haidi KANAMAE (EE)
- Nikoletta MAROSVÖLGYI (HU)

Commission

-

ECHA

- Telmo VIEIRA PRAZERES
- Rémi LEFEVRE
- Juan Pablo CALVO TOLEDO
-

Objectives:

- conceive and manage the pilot project on substances in articles

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

Timeline:

- Project manual: Q32017
- Prepare and deliver the training for project national coordinators:Q3 2017
- Operational phase: October 2017 – June 2018
- Reporting phase (National Coordinators): Q32018
- Evaluation phase: Q Q3 2018
- Draft report: Q4 2018
- Adoption of the report: Q4 2018

Annex 2 k "REF-6"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-6"
(Mandate adopted at Forum-28 and BPRS-3)

Composition:

- **Chair:** Henrik HEDLUND (SE)

Forum Members and Alternates

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIAN TINOU (EL Alternate)
- Graca BRAVO (PT)
- Pablo SANCHEZ-PEÑA (ES)

Invited Experts

- Petra SCHLAG (DE)
- Markus MAKI (FI)
- Mariana DE VRIES-HLAVACOVA (NL)
- 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:

- 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 I "PD-NEA"

Forum Working Group "Implementation of PD-NEA" (Mandate adopted at Forum-28)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Maria Jose Falcao (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 m "Training the trainers 2018"

Forum Working Group
Work Package C.2.
"Training for enforcement trainers 2018"
(Mandate adopted at Forum-28)

Composition:

Chair: Mike POTTS (UK)

Forum Members/Alternates

- Bernice FARRUGIA (MT)
- Krisitīne KAZEROVSKA (LV)?
- Donata PIPIRAITĒ-VALIŠKIENĒ (LT)

Forum Invited Experts

- Paul CARTER (UK)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Uwe LICHT-KLAGGE (DE)

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
- Cooperate with the WG REF-7
- 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 n “Internet sales”

Forum Working Group “Forum Pilot Project on CLP focusing on control of internet sales” (Mandate adopted at Forum-28)

Composition:

Chair: Gro HAGEN (NO)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Eleni FOUFA (EL)
- Stefan FRENZEL (DE Alternate)
- Martin MARKO (CZ Alternate)

Invited Experts

- Sabine HAMACHER (DE)
- Jorun HOLME (NO)
- Blaž OMAHEN (SI)
- Maria PALEOMILITOU (CY)

COM

- Miguel AGUADO MONSONET DG GROW

CLEEN (cooperation – preparatory phase)

- Heribert BÜRGY
- Lutz ERDMANN

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum pilot project on control of the internet sales

Mandate:

- Develop the project manual and other materials needed for the execution of the project
- Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
- Collect and compile results from the national coordinators
- Prepare final project report and present it to the Forum plenary
- Cooperate with CLEEN network

Timeline:

- Preparatory phase – January 2016 – November 2016
- Operational phase – December 2016 – August 2017
- Reporting phase – September 2017 – February 2018
- After Forum-30 (Q3 2018) - final report

Annex 2 o "Customs 2"

Forum Working Group "Cooperation with Customs 2" (Mandate adopted at Forum-28)

Composition:

Chair: Tasoula Kyrianidou-Leontidou (CY)

Forum Members/Alternates

- Eleni FOUFA (EL)

Invited Experts

- Paivi SIMPANEN (FI) (Customs)
- Efstathios THEOCHAROUS (CY) (NEA)
- Sibylle WURSTHORN (DE) (NEA)
- Ricardo FERREIRA MARMELO (PT) (Customs)
- Annemari LINNO (EE) (NEA)
- Alfred EBNET (DE) (Customs)

Commission

- Miguel AGUADO (COM)

Objectives:

- Prepare proposals for the discussion with the European Commission DG TAXUD and the Customs Authorities on the possible involvement of Customs in control of REACH and CLP (and possibly aspects of PIC)

Mandate:

1. Collect and list the experience of countries where Customs was involved in checking of REACH and CLP and on that basis prepara a list of specific REACH and CLP checks that could potentially be done customs authorities.
2. Examine the outputs of Forum WG "Cooperation with Customs" and examine if the proposals made therein are still actual.
3. Once it becomes available in 2017, examine the COM position on the exact extent of the role of Customs on the application of REACH, and see whether any of the proposals identified in tasks 1 and 2 fall within the scope of Customs responsibilities identified by the COM.
4. Prepare the Forum position for the discussion with DG TAXUD and the Customs Authorities at the workshop planned by the COM in 2017.
5. Propose to test in practice the proposal developped in Task 1 and if agreed with Customs and Forum, prepre, oversee and report from it.
6. Subject to the results of the Forum-PARCS workshop in November 2017, cooperate with the PARCS network to further develop the document describing the framework for involving customs authorities in enforcement of REACH and CLP and to prepare a pilot project with customs authorities prepared in Task 5.

Timeline:

- Forum 29 (Q1 2018) – Tasks 1-4 and 6.
- Timing of Task 5 can be determined after the workshop with PARCS
- Task 6: Q2 2018

Annex 2 p "REF-5"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-5 on Exposure Scenarios, extended SDS, RMM and OC"
(Mandate adopted at Forum-28)

Composition:

Chair: Abdulqadir SULEIMAN (NO Alternate)

Forum Members

- Dimitrios CHATZIANTONIOU (EL Alternate)
- Eugen ANWANDER (AT)
- Henrik HEDLUND (SE)
- Maria ORPHANOU (CY Alternate)
- Otilija GRINCEVICIUTE (LT)
- Paul CUYPERS (BE)
- Sofia BARATA (PT Alternate)

Invited Experts

- Jan WESTERNLAKEN (NL)
- Marie CARDFELT (SE)
- Annette KRÜGER (DE)
- Jouni RÄISÄNEN (FI)
- Ida SCHARFF (DK)
- Gediminas VALENTĖLIS (LT)
- Janka MORÁVKOVÁ (CZ)

ECHA

- Andrew MURRAY (Risk Management Implementation Unit)

Objective:

- Conceive and manage the fifth major Forum enforcement project

Mandate:

- Identify the difficulties for conducting the project and propose the actions to facilitate the project in 2017
- Narrow down and propose a specific scope of the project and recommend it to Forum for adoption
- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
- Prepare and deliver, if needed, 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
- Cooperate with WG Train the trainers 2016 during the preparation and delivery of the content of the training
- Elaborate tips and hints for inspectors based on the relevant outcomes from the project
- WG REF-5 to provide the data concerning exposure scenarios that the WG REF-5 has identified being needed for NEAs. Provide this information to the WG PD-NEA that will use it as the starting point for drafting the requirements for ES data in PD-NEA.

Timeline:

- Assessment of needs and proposals to facilitate the project: Q4 2015
- Approve the scope by the Forum: Q4 2015
- Project manual: Q4 2016
- Prepare and deliver the training for project national coordinators:Q4 2016
- Operational phase: 2017
- Reporting phase: Q1 2018
- Evaluation phase: Q3 2018
- Draft report: Q3 2018
- Adoption of the report: Q4 2018
- Tips and hints for inspectors: Q4 2018

Annex 2 q “Pilot Project on PIC”

Forum Working Group “Forum Pilot Project on PIC”

(Mandate adopted at Forum-28)

Composition:

Chair: Jos VAN DEN BERG (NL)

Forum Members/Alternates

- Eugen ANWANDER (AT)

Invited Experts

- Panagiota SKAFIDA (EL)
- Andrea ENGELHARDT (DE)
- Isabel COSTA (PT)

COM

-

ECHA

- Chiara MACCHI (Unit C1, Dossier submission and PIC)

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum pilot project on PIC.

Mandate:

- Develop the project manual and other materials needed for the execution of the project
- Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
- Collect and compile results from the national coordinators
- Prepare final project report and present it to the Forum plenary

Timeline:

- Preparatory phase: July – December 2017
- Operational phase: January - June 2018
- Reporting phase: July - December 2018

Annex 2 r “Joint initiative 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-28)

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

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

Commission

- Miguel AGUADO MONSONET (DG GROW)

ECHA

- Fesil MUSHTAQ (ECHA)
- Juan Pablo CALVO TOLEDO

ECHA Accredited Stakeholder Organisations

- CEFIC
- ACEA
- Fertilizers Europe
- ECPA
- FECC
- EUROMETAUX?
- CONCAWE?
- ASD
- EURATEX?
- ECOPA
- Orgalime

MS volunteering to share deficiencies experiences with SDSs

- HU, CY, IT, IE, DK, CZ, DE, NO, SE, UK, NL, MT, PT, AT, FI, EE

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 2018/2019

Tentative Timeline:

- Draft scope and action plan: October 2017
- Adoption of the action plan: December 2017)
- Implementation of the action plan:
 - o Data collection : January 2018 – 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

ADCO: Administrative Cooperation Groups
 ASO: ECHA's Accredited Stakeholder Organisations
 BEG: Biocidal enforcement group (chaired by DG SANTE)
 BPR: Biocidal Product Regulation
 BPRS: BPR Subgroup - Forum's coordination of BPR enforcement
 BPRS-x: Meeting x of the BPRS
 CARACAL: MSCA Committee for REACH and CLP
 CCH: Compliance checks
 CLH: Harmonised classification and labelling
 CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
 C&L: Classification and Labelling
 CMR: Carcinogenic, mutagenic or toxic to reproduction
 COM: European Commission
 CSR: Chemical Safety Report
 DG: Directorate General at Commission
 DRPI: Directive related product information
 DU: Downstream Users
 ECHA: European Chemicals Agency
 ES: Exposure Scenario
 ENES: REACH Exchange Network on Exposure Scenarios
 ENV: Environment
 EU: European Union
 GPSD: General Product Safety Directive
 GROW(TH): DG for Internal Market, Industry, Entrepreneurship and SMEs
 ICSMS: Information and Communication System for Market Surveillance
 LLDC: Liquid laundry detergent capsules
 MAWP: Multi Annual Work Programme
 MSCA: Member State Competent Authority
 NEAs: National Enforcement Authorities
 NGO: Non-governmental organisation
 POP: persistent organic pollutants
 RAC: Committee for Risk Assessment
 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
 RMM: Risk Management Measure
 PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
 SCC: Strictly controlled condition
 SDS: Safety Data Sheet
 SEAC: Committee for Socio-economic Analysis
 SME: Small and Medium Sized Enterprises
 SONC: Statement of Non-Compliance
 SVHC: Substance of very high concern
 TCC: Technical completeness check
 TF: Task Force of the Forum
 TPA: tonnes per annum
 UVCB: Substance of Unknown or Variable composition, Complex reaction products or Biological materials
 WG: Working Group of the Forum