



Forum-32/M/2019 –PUBLIC

Adopted on 21/06/2019

**Minutes of the
32nd meeting of the Forum for Exchange of Information on Enforcement
Helsinki, Finland
19-21 March 2019**

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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 Liechtenstein, Iceland and Malta Forum members, which did not appoint a proxy. She stated that Croatia was nominated as the proxy for Slovenia. She expressed condolences on the passing of the Maltese Forum member.

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 conflicts of interest were declared in the meeting.

1.4 State of play with action points from Forum-31

The ECHA Forum Secretariat informed the plenary on the status of action points from Forum-31 and highlighted the open actions.

1.5 Report of the written procedures and other issues between Forum-31 and Forum-32

The Chair referred to the document with the results of the written procedures between Forum-31 and Forum-32.

Item 2 – Address by ECHA's Deputy Executive Director

The ECHA's Deputy Executive Director informed the Forum on ECHA's strategic priorities for 2019-2023¹, which reflected ECHA's new organisation since 01/01/2019.

He highlighted the work on Evaluation as a high priority to ECHA, considering the results of the European Commission's second report on the operation of REACH. With the involvement of COM, the "REACH Evaluation Joint Action Plan" (REAP) was created, aiming at concluding the identification of substances of concern and checking the compliance of registration dossiers with the information requirements by 2027.

He stressed that NEAs have been very successful in enforcing ECHA's Evaluation decisions. The number of compliance checks will increase and therefore also the number of decisions that will need to be enforced in the Member States. With the change of the addressee policy for the evaluation decisions, their enforcement will become more complex thus the NEA workload related to enforcement of ECHA evaluation decisions was expected to increase.

He called the NEAs to increase the priority of enforcement of ECHA DEV decisions, if necessary re-allocating enforcement resources from other areas that may need to be de-prioritised.

¹ https://echa.europa.eu/documents/10162/13609/echa_brief_strategic_plan_2019-2023_en.pdf/9d0f254d-def8-f77d-daa5-650732780eca

Replying to Forum members, he informed that ECHA was also cooperating with other EU agencies with common areas, namely with EFSA, EEA, EMA and EU-OSHA².

Item 3 – Practical implications of the UK withdrawal from the EU on the operation of the Forum

The ECHA Secretariat gave a summary on the state of play of the discussions at that moment concerning the UK withdrawal from the EU and the consequences of the different scenarios in the work of the Forum.

Following instructions from COM in February 2019, the UK representatives would not be able to attend Forum meetings nor contribute with experts for the WGs after 29 March 2019 and inspectors would not have access to ECHA's IT tools after that date if there was no agreement. However, if a transitional period or postponement would be granted, the access will be maintained (until the new withdrawal date)³.

The Chair thanked the UK Forum member and experts for the all the work done in the Forum and for contributing to the harmonisation of enforcement in the EU.

Item 4 – Debriefing of the meeting with ECHA Directors

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

Item 5 - Forum's enforcement activities- Ongoing projects

5.1 Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs

5.1.1 WG progress report

The WG completed the analysis of the main deficiencies found in the SDS collected from the participating countries. It was recorded in the "Report on Improvement of Quality of SDS", which included recommendations to ECHA ASOs, ECHA, COM and NEAS (5.1.2). The Forum members were invited to adopt the conclusions of the WG and provide comments to the report.

5.1.2 Presentation of the 'Improvement of quality of SDS' report

The WG chair presented the main deficiencies identified and the main sections of the SDS with most recurrent problems. They were mostly related to missing information, information not being clear or not specific enough, inconsistency between different sections of the SDS or inconsistent or missing information related to ingredients.

The WG planned to organise a workshop in Q2 2019 with the ASOs to present the recommendations and invite the ASOs to bring forward solutions. A second workshop in Q3 2019 was planned to discuss the solutions and its possible implementation. The outcome of the discussion will be presented at the 2019 Forum Open session (Forum-34).

² European Food Safety Authority (EFSA), European environment agency (EEA), European Medicines Agency (EMA) and European Agency for Safety and Health at Work (EU-OSHA)

³ *Post-meeting note*: Further Brexit negotiations took place after the Forum-32 and the initial deadline of 30 March 2019 for the withdrawal was postponed until 31 October 2019.

The WG noted that some of the recommendations for ECHA and the COM could be considered within the framework of the REACH Review Action 3. The members of the WG will be invited, in their individual capacities, to contribute to the actions of the REACH Review Action 3.

The Forum agreed to publish the report in ECHA's website once finalised.

5.1.3 Mandate amendment

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

5.2. REACH-EN-FORCE-6 on CLP

5.2.1 WG progress report

The data from the national coordinators was being collected by 31 March 2019 for further analysis by the WG, for the production of the project report by the end of 2019.

5.2.2 Update on the discussion on the scope of enforcement of Article 45

The WG was mandated to draft two requests to COM, on behalf of the Forum, based on the discussion on the enforcement of Article 45/Annex VIII of CLP. However, the previous written consultation with the Forum was inconclusive and the WG was not able to finalise this task.

The Forum discussed the open issues and agreed on the content of the requests to be sent to COM.

5.2.3 Mandate amendment

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

5.3 Implementation of PD-NEA

5.3.1 WG progress report

The WG tested the new searchable file type as well as the new search functionality of the tool.

PD-NEA will become part of the authority tool 'Interact Portal' in April 2019. The WG will perform user acceptance testing of the Interact release 1.1, planned for June 2019.

COM invited ECHA to draw statistics on the use of PD-NEA to be used by the WG and shared with the Forum.

5.3.2 Update on ECHA IT tools for inspectors

The ECHA Forum Secretariat informed on the updates that came with the new release of the PD-NEA tool. In April 2019, PD-NEA will be integrated into 'Interact Portal', which will be a single entry point for authorities to access all ECHA tools. The name 'PD-NEA' will disappear, but all functionalities will remain. A new login will be needed and training⁴ on it will be provided closer to the release date.

5.3.3 Mandate amendment

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

⁴ Post meeting-note: the training (via WebEx) took place on 17 April 2019, for all Interact users.

5.4 Enforceability of restrictions

5.4.1 WG progress report

The WG prepared the final draft advices on the enforceability of the restriction proposals regarding the polycyclic aromatic hydrocarbons (PAH) in rubber granules, the N,N-DMF and the Cobalt Salts and provided support to RAC and SEAC on two restriction proposals. The WG developed a detailed activity plan for 2019 taking into account the new proposals for restrictions submitted in the Registry of Intentions. At the current state, the WG did not have resources to cover all the planned restrictions proposals and welcomed the nomination of additional experts. Two experts agreed to cooperate and be co-rapporteurs for the Microplastics dossier.

5.4.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2d](#)). It was proposed to review and streamline the tasks of the mandate for the next Forum meeting.

5.5 Prioritisation of REF projects

5.5.1 WG progress report

The WG prepared the planning of the activities for the selection process of the REF-9 project. Project proposals should be submitted by 19 April 2019. Afterwards, the WG would meet to prioritise the proposals and address the relevant recommendations to the Forum.

5.5.2 Mandate amendment

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

5.6 Characterisation of risks in ICSMS

5.6.1 WG progress report

The WG discussed the different approaches to categorise risks related to the non-compliances with restriction's obligations, with the view to find a general approach for the categorisation of risks in ICSMS. The WG would develop the criteria for the different categories of risk and provide further recommendations for categorisation of other legal requirements in ICSMS.

5.6.2 Mandate amendment

The Forum adopted the revised mandate of the WG ([Annex 2f](#)).

5.7 Pilot project Substances in Articles (SiA)

5.7.1 WG progress report

The reporting phase of the project had finished and the WG started to prepare the draft report. The WG would draft a practical enforcement guide for substances in articles for inspectors. The preliminary results of the project would be presented at the next Forum meeting.

5.7.2 Mandate amendment

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

5.8 REACH-EN-FORCE-8 on online sales

5.8.1 WG progress report

The WG discussed the scope of the project and initiated the drafting of the manual. The training for the national coordinators would take place at the end of the training for the enforcement trainers event (3 October 2019), which would cover the same topic as of the project. To facilitate the group discussion during the event, the WG members were invited to be part of the WG Training for trainers 2019.

The Forum members were invited to nominate the REF-8 national coordinators as one of the trainees for the training event.

COM representative recommended for the REF-8 project to collect data that could be used when discussing with partners outside the EU, in order to support the need for better global cooperation.

5.8.2 UK experiences in control of internet sales

The UK Forum member shared some learnings gathered from national projects on the investigation of products sold on-line.

5.8.3 SE national project on internet sales

The SE Forum alternate presented the results of their national project aiming at articles sold online, while piloting a methodology for such kind of enforcement. A rate of approximately 40% non-compliances was found during the project. Most of the companies voluntarily withdrew the non-compliant products from the website. It was also highlighted that communication between Member States worked well; on the other hand, it was difficult to reach companies outside the EU and better global cooperation between enforcement authorities was needed to ensure more compliance with products sold on-line.

Replying to a Forum member, the presenter clarified that the project focused on webpages in Swedish, hence, for the Swedish consumers.

5.8.4 Mandate amendment

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

5.9 Cooperation with Customs 2

5.9.1 WG progress report

The WG finalised the project manual, which was adopted by the Forum on December 2018, and the translated questionnaires (reporting tool) were being finalised. The training for the national coordinators was delivered in January 2019.

The WG revised the draft document "Potential effects of the proposal for a new market surveillance regulation on the cooperation with customs defined in the Paper of the ECHA Forum". The final draft version would be consulted with the Forum.

COM representative stated that he presented the work of the WG in the PARCS and Market Surveillance meetings.

5.9.2 Mandate amendment

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

5.10 REACH-EN-FORCE-7 on Registration

5.10.1 WG progress report

The operational phase of the project started in January 2019 and it will run throughout the year. A news item was published in the ECHA website on 9 January 2019. The manual, translated reporting tool and training were delivered to the national coordinators.

COM representative welcomed the national dissemination of the information about the start of enforcement projects.

5.10.2 Mandate amendment

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

5.11 Survey on OSH-REACH enforcement interactions

5.11.1 WG progress report

The first version of the draft survey on REACH-OSH enforcement interactions was prepared. Both Forum and SLIC-CHEMEX WG members would participate in the consultation of the second version of the draft survey. The survey itself would be sent for completion in May 2019 only to the Forum members, who will be invited to coordinate their responses with the OSH colleagues at national level. This will ensure that the WG will receive coordinated answers per Member State. It was expected for the results of the survey to be compiled and analysed by the end of June 2019.

5.11.2 Mandate amendment

The Forum adopted the updated WG mandate, which included a representative from the SLIC-CHEMEX WG ([Annex 2k](#)).

5.12 Third pilot project on authorisation

5.12.1 WG progress report

The WG prepared a new draft of the project manual. As the timeline of the project was yet to be decided, further preparations of the manual were suspended.

5.12.2 Mandate amendment

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

5.13 Training for enforcement trainers 2019

5.13.1 WG progress report

The WG was preparing the agenda for the next Training for Trainers event (2-3 October 2019) based on the comments received from the Forum and started preparing the presentations and case studies. Training about the methodology for the control of internet sales (regardless of the regulation investigated) will be given also to the BPRS trainees.

The Forum members were invited to appoint additional experts for the WG to ensure enough trainers/moderators for the break-out group discussions. In case there would not be enough trainers, the HelpNet members would not be able to participate. However, they could remotely attend the plenary sessions.

5.13.2 Mandate amendment

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

Item 6 – Conclusions from day 1

The Forum adopted the conclusions and actions points collected for the issues discussed during the day.

Item 7 – Follow-up of the Forum's projects

7.1 Conclusion on the follow-up of the REF-5 project results

The WG Chair of the former WG REF-5 presented the status of the actions triggered by the recommendations to ECHA, COM, NEAs and Forum included in the project report. The open actions will be followed-up by the relevant actors and presented to the Forum in the future, if relevant. An enforcement guide for inspectors was developed by the WG and was under adoption by the Forum.

The follow-up on the recommendations to ECHA/COM regarding REACH review Action 3 was allocated to a group of COM-ECHA staff, mandated by CARACAL, to organise a workshop(s) to discuss with Industry, Competent Authorities and NEAs how the action can be implemented. The first workshop took place on 18 March 2019, where the WG REF-5 chair was invited and will follow-up the issue. He summarised the issues discussed in the Workshop and the plan proposed for those activities.

COM stressed that recommendations from Forum's project were taken into consideration by the COM services.

7.2 Conclusion on the follow-up of the PIC pilot project results

The WG Chair of the former WG of the pilot project on the control of PIC presented the status of the actions triggered by recommendations to ECHA, COM, NEAs, Customs and Forum included in the PIC report. All recommendations have been communicated to the appropriate actors and actions were being followed-up. Future updates would be reported to the Forum, if relevant. Additionally, the WG prepared an enforcement guide for inspectors, with practical information and best practices gathered from the project.

Item 8 – Update on relevant developments by the Commission

8.1 General updates by the European Commission

The DG GROW representative informed on several issues of interest for the Forum. He updated the Forum on the issues discussed at CARACAL, Enterprise Policy Group (EPG), REACH committee and the ECJ.

A room document was submitted for the meeting with the COM's position on the issue of authorisation when the volume of the substance dealt by the company increases. The ECHA Forum Secretariat added that the document partly addressed the practical issue 29.4. Some Forum members expressed concern with the practical implications of the role of the NEAs described in the document and how difficult it would be for NEAs to perform such tasks. The Forum was invited to send feedback to the document.

On the framework of the market surveillance, the presenter informed on his interactions, on behalf of the Forum, with ADCO and PARCS network and the planned milestones of the new regulation. A "wiki" on ICSMS was being developed for all users and it was suggested to use the Forum's ICSMS guidance on REACH/CLP. Moreover, new expert groups were put in place to deal with customs and market surveillance and the Forum was invited to consider participating.

On REACH review action 13, the Forum was invited to provide comments to the meeting document prepared by COM on the proposed actions to address the issue of enhancement of enforcement. The invitation was extended to the members of the WG Customs 2. On the proposed risk profiles for customs authorities, the presenter clarified that the main objective was for them to be used at EU level.

He presented the second exchange of inspector's programme, running during March 2019-2020. EEA countries could also benefit from this programme. A Forum member suggested, in the future, to include the exchange of laboratory staff.

The Chair encouraged early consultation with the Forum on any issues that implicate enforcement.

8.2 Project on "Technical assistance to review the existing Member States reporting questionnaire under Art. 117(1) of REACH and 46(2) of CLP"

The DG ENV presented the activities of the COM towards the next reporting exercise in 2020. For that, a contractor had initiated the work and would further contact the Forum and its members for more direct input. Some Forum members highlighted that the questionnaire should be available in due time to allow timely compilation of the data. Moreover, it was important not to include new questions for which the Member States have not been collecting data during the previous years.

Additionally, the presenter informed the Forum on the status of the recast of the POPs regulation, for which the adoption was imminent and where the role of Forum was not changed during the negotiations. He also informed that a report with consolidated statistical data related to animal testing in the Member States will be published in November 2019.

Item 9 – Annual reporting of national enforcement activities

9.1 Discussion on the addressing the Member State reporting

The ECHA Forum Secretariat referred to the Work Programme of the Forum 2019-2023, where the Forum committed to pilot annual reporting of national enforcement authorities. The annual report should be useful to both the Forum and Member States, as it could be used in the Forum's prioritisation exercise and would facilitate other reporting obligations under REACH, CLP, PIC and BPR in the Member States. The presenter showed some examples of the data that could be collected.

Once the template was prepared and agreed by the Forum, a piloting phase of two years is foreseen. After two reports, the Forum would assess the results of the exercise. The presenter clarified that the pilot phase was to test the usefulness of the template and that he would welcome the participation of all Member States. The Chair added that that would be the aim; however, the participation on this pilot exercise would be on a voluntary basis.

As per request of a Forum member, the WG would strive to finalise the report template by the end of 2019, in order to allow Member States to start collecting data right from the beginning of 2020. Another Forum member noted that the template would need to be available at even earlier deadline for her Member State; hence, the participation in the pilot exercise might not be possible.

The Forum was invited to establish a new WG to prepare the template for the annual reporting. Moreover, in light of the work being developed by the COM's contractor to review the existing templates of the Member States reports concerning Article 117(1) of REACH and Article 46(2) of CLP, this WG could be

mandated to liaise with the contractor to provide feedback and ensure alignment of both report templates.

The Forum agreed that the reporting obligation present in the draft recast of the POPs regulation (Article 13(1)a) should only be considered once the regulation was formally under the remit of the Forum.

9.2 Potential establishment of a WG

The Forum set-up a new WG and adopted its mandate ([Annex 2n](#)).

Item 10 – Follow up of ECHA’s Evaluation decisions

10.1 Update on ECHA’s evaluation processes

The ECHA Forum Secretariat presented a summary of the actions that took place after Forum-31 and summarised the Forum’s feedback. He informed that ECHA was finalising the templates in order to re-start sending the DEV cases to the NEAs using the new “failure to respond” (FTR) notification letters and the Article 41(2) decisions with no deadline, that stated that that the registrant failed to comply with the compliance check decision.

The Forum was also informed that ECHA and COM were preparing a joint action plan on evaluation aiming to ensure that all SVHC were identified and evaluated by 2027 (the REACH Evaluation Joint Action Plan (REAP)).

The Forum was invited to establish a new WG Interlinks to prepare the review of the interlinks process that takes account the new addressee policy and the experience from the last years.

10.2 Establishment of a WG on Interlinks

The Forum set-up a new WG and adopted its mandate ([Annex 2o](#)).

Item 11 – General process for cross-borders cooperation

11.1 Use of ICSMS for cross-border communication

The ECHA Forum Secretariat summarised the previous discussions on the issue and the previous agreement to use ICSMS as the tool for the exchange of information between Member States NEAs and refer cases to one another. The ICSMS tool was launched in June 2018 and some Forum members provided feedback on its use. As the inspectors also communicated via PD-NEA, there would need to be some guidelines to distinguish when to use one or the other tool. The WG Customs 2 have proposed in its manual some general rules for cross-border communication regarding both tools. The Forum discussed them and agreed with the main guidelines for the cross-border communication. The ECHA Forum Secretariat would assess the need to make any changes in the ICSMS manual.

Item 12 - Updates from the ECHA Secretariat

12.1 Database on articles containing Candidate List substances under the Waste Framework Directive

The ECHA Secretariat presented the new tasks ECHA received under the Waste Framework Directive (WFD). He informed about the roadmap for the creation of ECHA’s database under the revised WFD, which aimed at establishing the data base by 5 January 2020. There were workshops and consultation with different experts

in 2018 and future work was on hold due to limited resources. The presenter invited the Forum members to be individually involved in the project and to provide enforceability expertise.

He informed that, even though WFD was not in Forum's remit, nationally the Member States were responsible for ensuring that duty holders send data to ECHA (according to WFD Art 9(1)) that could trigger enforcement actions. As article 9(1) of the WFD needed to be transposed into national law, ECHA enquired whether the Forum members would need to be involved in the national work for having an "harmonised" legal text to bring enforcement perspective in the preparation of the national transposition.

Replying to the Forum's comments, the presenter clarified that the waste authorities were involved in the process from the early stages. However, ECHA proposed to have a coordinated response from the Member States, where the NEAs could provide input on the enforceability of the WFD.

Some questions regarding the legal text were already pointed out by industry on particular duties. Hence, COM and ECHA were discussing how to interpret the duties, which could be documented later in a type of guidance. Moreover, ECHA was discussing the interpretation from the legal text on which elements could be considered mandatory to be notified (*e.g.* "information on safe use of the articles" could mean information on concentration ranges). The link with Article 7(2) of REACH was clear and ECHA was doing all the efforts to ensure all information would be notified.

12.2 ORs representing several non-EU manufacturers and ORs with combined roles

The item was taken off the agenda as the messages to be provided were aligned with the conclusions from the Forum REF-3 project. Replying to a Forum member, ECHA Forum Secretariat informed that the agenda item was triggered by a couple of incidents related to ORs from ECHA Helpdesk but that did not mean that it was a recurrent issue.

12.3 New task of ECHA to provide recommendations for occupational exposure limits (OELs)

The ECHA Secretariat informed about the new task of ECHA to provide recommendations for Occupational Exposure Limits (OELs). This new task was the result of an agreement between ECHA and DG EMPL, in which ECHA will provide scientific opinions on a regular basis for OELs (also in line with REACH revision action 2 on the "interface between REACH and OSH legislation"). It was foreseen to publish guidance on the matter by June/July 2019.

12.4 Follow-up of ECHA Decisions: updates from ECHA

The Forum took note of the meeting document that included a summary of the cases sent to the Member States Focal points.

12.5 Update on ECHA Guidance activities

The ECHA Forum Secretariat informed that the internal process concerning the preparations for the ECHA Guidance changed due to ECHA's reorganisation. Therefore, any news on future guidance and consultations will be only available in ECHA's website and this recurrent agenda item "Update on ECHA activities" will be discontinued from future Forum meetings. The same approach will be taken on BPRS and CARACAL meetings. The Chair requested for the Forum to be informed beforehand of any consultation where its input was needed.

12.6 Update in the Conflict of interest policy

The Forum took note of the revised Conflict of Interest policy, adopted by the Management Board on 25 February 2019.

Item 13 – Updates from the ECHA Forum Secretariat

13.1 ECHA's reorganisation

The Forum took note of the ECHA's new organisation.

13.2 Access to documents (AtD) requests

The ECHA Forum Secretariat reminded the Forum of the process laid down in the Regulation (EC) No 1049/2001, regarding public access to European Parliament, Council and Commission documents, outlining the criteria used to assess whether the documents could be disclosed or not.

Item 14 – Practical issues for enforcement of REACH and CLP

The ECHA Forum Secretariat informed that ECHA intended to share the examples of the objects used in the practical issue 31.1, with the intention to illustrate the application of the guidance workflow. The Forum agreed to share these examples.

The ECHA Forum Secretariat summarised the issues posted in HelpEx and reminded the submitters to close the questions that have been answered and indicate how the case was solved.

Issue 26.4 - Can NEAs accept test results on a multi-constituent substance containing a constituent with a harmonised classification in Annex VI where the test result contradicts the classification of the multi-constituent substance based on its constituents?

The ECHA Forum Secretariat summarised the issue, which was generated from the Forum's pilot project on CMRs and skin sensitisers. The draft conclusion included the outcome of the consultation with HelpNet, to ensure harmonisation of interpretation between authorities in the Member States.

A participant proposed a new consultation after the meeting to examine further the new additions to the text.

Issue 32.1 – SDS and label of a mixture of different essential oils

The submitter presented the issue and the proposed draft conclusion based on the guidance and available expertise.

The Forum discussed the proposed draft conclusions. As there were different approaches, the draft conclusion would be revised followed by a commenting round with the Forum.

Issue 32.2 - Is it obliged to notify benzene in fuels according Article 8 of the PIC-regulation?

The ECHA Forum Secretariat prepared a draft conclusion based on the discussions at the PIC Designated National Authorities (DNA) meetings in 2011 and 2016.

Article 8 does not apply to constituents of exported UVCB substances, even if these constituents are themselves listed in Annex 1 of PIC. To change this approach, it would be necessary for the DNAs to request COM to amend the legal text.

The Forum agreed and adopted the draft conclusion. The issue would be added to the Manual of Conclusions of the Forum.

Item 15 – Updates on the cooperation between Forum and BPR Subgroup

The BPRS chair gave a summary of the issues to be discussed at BPRS-7 meeting⁵.

Item 16 – Conclusions from day 2

The Forum adopted the conclusions and actions points collected for the issues discussed during the day.

Item 17 – Updates from other networks

17.1 LIFE CHEREE e-Inspection tool

The representatives from the Technical University of Crete presented the progress and main outputs of LIFE CHEREE project. The close collaboration with the project beneficiaries (the General Chemical State Laboratory of Greece and DLI/Cyprus) resulted in an e-tool for inspection, that have been found useful for the REACH inspectors in Greece and Cyprus.

The Forum members were invited to explore the tool and assess its potential to standardise inspections as well as to make them more efficient. Moreover, it could be used as an information platform for inspectors in the Member State. The Forum could also assess the pre-made questions as basis for the questionnaires in future Forum projects.

17.2 Updates from the SLIC CHEMEX WG

The Forum took note of the meeting document with the relevant news from SLIC-CHEMEX. Under the work of the WG ‘Survey on OSH-REACH enforcement interactions’, the organisation suggested to invite DG EMPL to the Forum, to facilitate the joining-up of supply-side and workplace regulation, to better serve the users of workplace chemicals.

Item 18 – Enforcement projects in Member States

18.1 Enforcement project on the levels of PAHs in playground tiles

The Cypriot Forum member presented the results of the enforcement project focused on checking the tiles used in outdoor playgrounds, as usually they are made of “end-of-life” tyres that can contain polycyclic aromatic hydrocarbons (PAH), which can pose a risk to health by ingestion, dermal absorption and, in some cases, by inhalation.

The project found that five out of the seven samples were non-compliant for at least two PAHs. The companies were contacted to stop selling the non-compliant tiles and several communications campaigns (to the media and other public

⁵ Agenda and minutes of the BPRS meetings: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2019>

authorities) were organised by the NEA. Although the use of recycled tyres was promoting the circular economy objectives, some attention needs to be put on the use of such recycled materials.

Replying to questions from Forum participants, the presenter would share the name of the non-compliant companies. It was noted that a report from the institute of public health and environment from The Netherlands concluded the risk of exposure to PAHs in the playgrounds was negligible. However, the levels of PAHs in granules or in tiles differ as well as the weather conditions influence the level of exposure. It was not possible to make a RAPEX notification since there was no identification elements for the products.

18.2 Inspector exchange experience

The UK Forum member presented the content of the programme and the activities carried out during the visit of Finnish inspectors to the UK. The experience was seen as very beneficial for both Member States.

18.3 Inspections of suppliers of solvents that can form unstable organic peroxides

The Czech Forum member presented an investigation carried out by the NEA, where an unstable product of the slow decomposition of triacetone triperoxide (TATP) caused explosions in two laboratories. The inspectors checked the suppliers of the solvents and raised awareness among the laboratories. The suppliers recommended the use of supplemental hazard information on the label and in the SDS. Based on the experience, the generation of the unstable product was not frequent and there was no cause for alarm.

The presenter clarified some technical aspects of the investigation and confirmed the possibility to disseminate this presentation in other Member States. A Forum alternate suggested bringing this issue to the attention of the regulators, based on the 'safe guard clause' of CLP and consider a proposal for CLH.

18.4 Miracle Mineral Solution (MMS) – miracle of balancing on the fine line between different regulations

The presenter gave some background information on the product in question and the coordinated enforcement actions that took place, with the view to preventing this product to be sold without more clarity on the safety report. Moreover, it was not clear which regulation had the remit for the product (REACH, cosmetic, water). With the help of the scientific evidence and information from the supplier, the authorities were able to prove non-compliance with CLP and banned the marketing of the product.

The Chair thanked for the awareness raised by the Estonian authorities, as this product was possibly sold in other EU countries. Some Forum members shared experiences with similar cases.

18.5 Guidelines for Enforcement of REACH and CLP in Bulgaria

The Bulgarian Forum member presented the organisation of enforcement authorities for REACH and CLP in her Member State as well as the cooperation agreements with other authorities, *e.g.* Customs. This Member State updated their guidelines, which describe the tasks, responsibilities and competences of all enforcement authorities, taking into account the interaction between authorities developed in the last 10 years as well as the Forum's strategic documents, Member

States reports to COM and other relevant information on enforcement. A dedicated group was mandated to set priorities and coordinate enforcement activities.

The Chair welcomed the work done by the Member State. The Forum member was invited to prepare a summary of the Guidelines in English, to be shared with the Forum.

18.6 DE enforcement project on tactile warnings of danger

The German alternate member presented the project focusing on the enforcement of tactile warnings of danger (TWD), where the technical specifications in EN ISO standard 11683 were controlled. 21 out of the 28 products tested showed deviations from the ISO standard regarding the size and location of the TWD. The project was designed mainly as an exercise to pilot the enforcement of TWD and use of the standard.

18.7 NL project on REACH registration obligations

The Forum members were alerted about the use of diesel fuel in onshore salt-mining activities and the potential non-compliance with the registration obligation of REACH.

Item 19 – A.O.B.

19.1 COM's decision on the guidance on the nickel restriction

A Forum member highlighted that COM/ECHA had discontinued the preparation of the guide about prolonged contact with the skin for the nickel restriction due to divergent views submitted by the stakeholders.

At the CARACAL meeting in March 2019, COM had asked whether any Member State would consider to start preparing an Annex XV restriction dossier amending the restriction entry on nickel. If no volunteers are found, the Commission may request ECHA to prepare such dossier (request possibly coming in 2020).

19.2 Forum's representative in ADCO meetings

The AT Forum member was nominated in 2017 (Forum-28) to represent the Forum and BPRS in the meetings of the ADCO Chair group dealing with Market Surveillance and would continue to do so.

Item 20 – Conclusions from day 3

The Forum adopted the conclusions and actions points collected for the issues discussed during these days.

Item 21 – 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-32

19-21 March 2019

(Adopted at the Forum-32 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. | |
| Item 2 – Address by ECHA's Deputy Executive Director | | |
| Item 3 – Practical implications of the UK withdrawal from the EU on the operation of the Forum | | |
| Item 4 – Debriefing of the meeting with ECHA Directors | | |
| | | Forum-S will investigate the impact of the Mercury Regulation on the Forum and inform the Forum |
| Item 5 – Forum's enforcement activities- Ongoing projects | | |
| 5.1 Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs | | |
| 5.1.1 WG progress report | | |
| 5.1.2 Presentation of the 'Improvement of quality of SDS' report | The Forum adopted the WG progress report including the main issues found with SDSs and agreed to publish the "Report on Improvement of Quality of SDS" once it is ready. | ECHA Secretariat will inform the Forum on the progress of the REACH Review Action 3 at Forum-34 Forum members are invited to send the comments to "Report on Improvement of Quality of SDS" by 5 April. |
| 5.1.3 WG Mandate amendment | The Forum revised the mandate. | |
| 5.2 REF-6 | | |
| 5.2.1 WG progress report | | |

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| 5.2.2 Update on the discussion on the scope of enforcement of Article 45 | | The WG REF-6 will draft the request to the COM expressing the decision reached by the Forum and providing justifications for routine and principal access level (providing examples how data is needed for enforcement, where possible) by 5 April. |
| 5.2.3 Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.3 Implementation of PD-NEA 5.3.1 WG progress report | | Forum-S will provide the statistics on the use of PD-NEA to the Forum. |
| 5.3.2 Update on ECHA IT tools | | |
| 5.3.3 Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.4 Enforceability of Restrictions 5.4.1 WG progress report | | |
| 5.4.2 Mandate amendment | The Forum revised the mandate of the WG. | Forum-S will investigate whether the mandate should be further streamlined by Forum-33 |
| 5.5 Prioritisation of REF projects 5.5.1 WG progress report | | Forum members are invited to submit proposals for REF projects by 19 April 2019 |
| 5.5.2 Prioritisation WG Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.6 Characterisation of risks 5.6.1 WG progress report | | |
| 5.6.2 Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.7 Pilot project Substances in Articles 5.7.1 WG progress report | | WG SIA pilot project will prepare and present the preliminary results of the project at Forum-33 |

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| 5.7.2 WG Mandate | The Forum revised the mandate of the WG. | |
| 5.8 REACH-EN-FORCE-8 | The Forum agreed on the scope of the REF-8 project. | Forum members are invited to nominate National Coordinators for REF-8 project by 14 June 2019 |
| 5.8.1 WG progress report | | |
| 5.8.2 UK experiences in control of internet sales | | |
| 5.8.3 SE national project on internet sales | | Forum members are invited to present their national experiences of enforcement of online sales of chemicals at Forum-33. |
| 5.8.4 Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.9 Cooperation with Customs 2 | | |
| 5.9.1 WG progress report | | |
| 5.9.2 WG Mandate | The Forum revised the mandate of the WG. | |
| 5.10 REF-7 project | | FR Forum member will distribute the link to the news release about the REF-7 project to the Forum. |
| 5.10.1 WG progress report | | |
| 5.10.2 Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.11 Survey on OSH-REACH enforcement interactions | | Forum members are invited to comment on the draft survey during the consultation round that will start at the end of March 2019 |
| 5.11.1 WG progress report | | |
| 5.11.2 Mandate amendment | The Forum revised the mandate of the WG. | |
| 5.12 Third pilot project on authorisation | | |
| 5.12.1 WG progress report | | |
| 5.12.2 Mandate amendment | The Forum revised the mandate of the WG. | |

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| <p>5.13 Training for enforcement trainers 2019</p> <p>5.13.1 WG progress report</p> | <p>Forum agreed to have a joint session on methodology with BPRS trainees.</p> <p>The Forum agreed that HelpNet members will be invited to participate in the training in Helsinki, if additional trainers can be found to take care of the break-out groups.</p> | <p>Forum members are invited to nominate more trainers to facilitate the training by 5 April.</p> <p>Forum members are invited to nominate two participants per MSs by 14 June 2019 for the training event envisaged for 2-3 October 2019.</p> |
| <p>5.13.2 Mandate amendment</p> | <p>The Forum revised the mandate of the WG.</p> | |
| <p>Item 7– Follow-up of the Forum’s projects</p> | | |
| <p>7.1 Conclusion on the follow-up of the REF-5 project results</p> | | |
| <p>7.2 Conclusion on the follow-up of the PIC pilot project results</p> | | |
| <p>Item 8– Update on relevant developments by the Commission</p> | | |
| <p>8.1 General updates by the European Commission</p> | | <p>Forum members are invited to comment on the COM document on changes in authorisations by 19 April 2019.</p> <p>Forum members are invited to provide comments on the COM room document on REACH Review action 13 by 19 April.</p> <p>WG Cooperation with Customs is invited to comment on the proposed changes in TARIC related to Annex XIV and XVII by 19 April.</p> |
| <p>8.2 Project on “Technical assistance to review the existing Member States reporting questionnaire under Art. 117(1) of REACH and 46(2) of CLP”</p> | | <p>COM will instruct the contractor preparing the MS reports template to liaise with the Forum WG MS Reporting.</p> |

| Item 9 – Annual reporting of national enforcement activities | | |
|--|--|---|
| 9.1 Discussion on the addressing the Member State reporting | | |
| 9.2 Potential establishment of a WG | Forum established a WG "MS Reporting". | Forum members are invited to nominate members to the WG by 12 April |
| Item 10 – Follow up of ECHA's Evaluation decisions | | |
| 10.1 Update on ECHA's evaluation processes | | |
| 10.2 Establishment of a WG on Interlinks | The Forum established the WG Interlinks. | Forum members are invited to nominate members to the WG by 12 April |
| Item 11 – General process for cross-borders cooperation | | |
| Use of ICSMS for cross-border communication | | Forum-s will propose the amendments on the manual ICSMS for consideration of the Forum. |
| Item 12 – Updates from the ECHA Secretariat | | |
| 12.1 Database on articles containing Candidate List substances under the Waste Framework Directive | | <p>Forum members are invited to send comments to the presentation and the questions raised there by 19 April</p> <p>Forum members are invited to inform the Forum-s in case they wish to individually provide enforcement expertise in defining the reporting format by 19 April.</p> <p>Forum-s will schedule another information point on WFD in one of the future plenary meetings.</p> |
| 12.2 ORs representing several non-EU manufacturers and ORs with combined roles | | |
| 12.3 New task of ECHA to provide recommendations for occupational exposure limits | | |

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| 12.4 Follow-up of ECHA Decisions: updates from ECHA | | |
| 12.5 Update on ECHA Guidance activities | | |
| 12.6 Update in the Conflict of interest policy | | |
| Item 13 –Updates from the ECHA Forum Secretariat | | |
| 13.1 ECHA’s reorganisation | | |
| 13.2 Access to documents (AtD) requests | | |
| Item 14 – Practical issues for enforcement of REACH and CLP | | |
| Practical issues | | <p>Forum members are invited to submit new practical issues by 23 April 2019</p> <p>Forum members are invited to close questions raised in HelpEx and indicate the solution they have applied in their case.</p> |
| 26.4 Can NEAs accept test results on a multi-constituent substance containing a constituent with a harmonised classification in Annex VI where the test result contradicts the classification of the multi-constituent substance based on its constituents? | | <p>Forum-S will send the issue for written consultation by 29 March</p> <p>Forum members are invited to provide comments by 12 April</p> |
| 32.1 Issue with essential oils | | Forum-s will revise the issue in light of the received comments and send the new version for consultation by 12 April |
| 32.2 Is it obliged to notify benzene in fuels according Article 8 of the PIC-regulation? | The Forum adopted the conclusion as presented. | Forum-s will send the issue in form of a supplement of the MOC for editorial consultation by 5 April |

| Item 15 – Updates on the cooperation between Forum and BPR Subgroup | | |
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| Item 17 – Updates from other networks | | |
| 17.1 LIFE CHEREE e-Inspection tool | | <p>Forum members are invited to indicate interest in the use of the e-Inspection tool directly to the Che.re.e project members by 12 April</p> <p>Forum members are invited to explore the tool and give feedback whether they consider that it could be used for the Forum activities by 5 May</p> |
| 17.2 Updates from the SLIC CHEMEX WG | | |
| Item 18 – Enforcement projects in Member States | | |
| 18.1 Enforcement project on the levels of PAHs in playground tiles | | CY Forum member will share the names of the manufacturers of the non-compliant rubber tiles with the Forum members by 30 March. |
| 18.2 Inspector exchange experience | | <p>COM is invited to investigate whether the EEA countries could be the part of the inspector exchange programme by 1 April.</p> <p>FI member alternate will provide an English summary of the mission report to the COM.</p> |
| 18.3 Inspections of suppliers of solvents that can form unstable organic peroxides | | |
| 18.4 Miracle Mineral Solution (MMS) – miracle of balancing on the fine line between different regulations | | |
| 18.5 Guidelines for Enforcement of REACH and CLP in Bulgaria | | BG Forum member is invited to prepare an English summary of the strategy and share it with the Forum members by 26 April. |

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| 18.6 DE enforcement project on tactile warnings of danger | | |
| 18.7 NL project on REACH registration obligations | | |
| Item 19 – AOB | | |
| 19.1 Guidance on nickel restriction | | |
| 19.2 ADCO representation | | COM will provide information on the ad hoc groups dealing with market surveillance and the frequency of their meetings by 1 April. |

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 Nielsen |
| 8 | EE | LINNO Annemari |
| 9 | EL | CHATZIANTONIOU Dimitri |
| 10 | ES | SÁNCHEZ-PEÑA Pablo |
| 11 | FI | MÄKI Markus |
| 12 | FR | RASOOLY Emilie |
| 13 | HR | KREKOVIC Dubravka |
| 14 | HU | DEIM Szilvia |
| 15 | IE | MCMICKAN Sinead |
| 16 | IT | POLCI Maria Letizia |
| 17 | LT | SPŪRIENĖ Otilija |
| 18 | LU | ENGELS Kim |
| 19 | LV | NEIMANE Jana |
| 20 | NL | VAN DEN BERG Jos |
| 21 | NO | HAGEN Gro |
| 22 | PL | MOCZULAK Aleksandra |
| 23 | PT | BRAVO Graça |
| 24 | RO | CERVICESCU Catalin |
| 25 | SE | HEDLUND Henrik |
| 26 | SK | POČAROVSKÁ Miriam |
| 27 | UK | POTTS Mike |

Invited experts

| | Country | Name |
|----|---------|-----------------------|
| 1 | AT | WURM Gernot |
| 2 | BG | TCHOBANOVA Elena |
| 3 | DE | FRENZEL Stefan |
| 4 | DK | MIKKELSEN Sonja |
| 5 | EE | LUTSOJA Marilin |
| 6 | EL | NAKOPOULOU Chrysanthi |
| 7 | ES | ZAMORA NAVAS Laura |
| 8 | FR | TCHANAKIAN Fiona |
| 9 | LT | UŽOMECKAS Žilvinas |
| 10 | LV | SUSE Ieva |
| 11 | NO | SULEIMAN Abdulqadir |

| | Country | Name |
|----|---------|-----------------|
| 12 | PL | PISAREK Dominik |
| 13 | PT | BARATA Sofia |
| 14 | SE | RUMAR Karin |
| 15 | SK | HAJNALA Róbert |
| 16 | UK | CARTER Paul |

Advisers

| | Country | Name |
|---|---------|-------------------|
| 1 | BE | LEYNEN Michel |
| 2 | DE | SCHROETER Meike |
| 3 | DE | WURSTHORN Sibylle |
| 4 | DK | FAGERLUND Michael |
| 5 | DK | SCHARFF Ida |
| 6 | FI | OLLIKKA Jussi |
| 7 | FR | LEMAITRE Cecile |

European Commission representative

| | DG | Name |
|---|------|------------------------|
| 1 | ENV | MAURER Helmut |
| 2 | GROW | AGUADO-MONSONET Miguel |

Representatives from Technical University of Crete

| | Name |
|---|-------------------|
| 1 | PAPADAKIS George |
| 2 | DASKALAKIS Markos |

| | ECHA | Unit |
|----|-------------------------|---|
| 1 | BALDUYCK Bo | Governance, Strategy and Relations unit |
| 2 | BARANSKI Maciej | Support and Enforcement Unit |
| 3 | CALVO TOLEDO Juan Pablo | Support and Enforcement Unit |
| 4 | KRIMIANIOTIS Georgios | Support and Enforcement Unit |
| 5 | MALM Jukka | ECHA Deputy Executive Director |
| 6 | MATEUS Tania | Support and Enforcement Unit |
| 7 | NIKULA Terhi | Support and Enforcement Unit |
| 8 | NOUWEN Johan | Support and Enforcement Unit |
| 9 | TŁOCZEK Magdalena | Support and Enforcement Unit |
| 10 | TUOMAINEN Anita | Support and Enforcement Unit |
| 11 | VALENTINI Marco | Hazard assessment Directorate |

IV. List of Annexes

ANNEX 1. Final agenda Forum-32

ANNEX 2. Revision of mandates of Forum WGs

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

ANNEX 2 b – “REF-6 on CLP”

ANNEX 2 c – “Implementation of PD-NEA”

ANNEX 2 d – “Enforceability of restrictions”

ANNEX 2 e – “Prioritisation of REF projects”

ANNEX 2 f – “Characterisation of risks”

ANNEX 2 g – “Pilot project on substances in article”

ANNEX 2 h – “REF-8 on online sales”

ANNEX 2 i – “Customs 2”

ANNEX 2 j – “REF-7 on Registration”

ANNEX 2 k – “OSH Survey”

ANNEX 2 l – “Third pilot on authorisation”

ANNEX 2 m – “Training for Enforcement Trainers 2019”

ANNEX 2 n – “Member States Reporting”

ANNEX 2 o – “Interlinks”

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-32

19 March 2019
ECHA/Forum-32/2018/dA

Agenda
Thirty second meeting of the
Forum for Exchange of Information on Enforcement
(Forum-32)
19-21 March 2019

European Chemicals Agency
Helsinki, Finland
Tuesday, 19 March: starts at 09:00
Thursday, 21 March: ends at 13:00

DAY 1 CLOSED SESSION Tuesday 19 March 2019

| | |
|--|--------------------|
| Item 1 – Welcome and Introduction | <i>09:00-09:15</i> |
|--|--------------------|

- 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-31 – *ECHA Forum*
Secretariat
- 1.5 Report of the written procedures and other issues between Forum-
31 and Forum-32 - *Chair*

ECHA/Forum-32/2019/dA
ECHA/Forum-32/2019/1.4
ECHA/Forum-32/2019/1.5

For adoption
For information

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| Item 2 – Address by ECHA's Deputy Executive Director | <i>09:15-09:30</i> |
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For information

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| Item 3 – Practical implications of the UK withdrawal from the EU on the operation of the Forum | <i>09:30-10:30</i> |
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For information

Coffee break 10:30-11:00

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| Item 4 – Debriefing of the meeting with ECHA Directors | <i>11:00-11:15</i> |
|---|--------------------|

For information

Item 5 – Forum’s enforcement activities- Ongoing projects

11:15-18:00

*5.1 Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs (60')**5.1.1 WG progress report - WG Chair**5.1.2 Presentation of the 'Improvement of quality of SDS' report - WG Chair**5.1.3 Mandate amendment - ECHA Forum Secretariat**5.2 REACH-EN-FORCE-6 on CLP (30')**5.2.1 WG progress report - WG Chair**5.2.2 Update on the discussion on the scope of enforcement of Article 45 – WG Chair**5.2.3 Mandate amendment - ECHA Forum Secretariat**5.3 Implementation of PD-NEA (15')**5.3.1 WG progress report – WG Chair**5.3.2 Update on ECHA IT tools - ECHA Forum Secretariat**5.3.3 Mandate amendment - ECHA Forum Secretariat***Lunch break 13:00-14:00***5.4 Enforceability of Restrictions (25')**5.4.1 WG progress report - WG Chair**5.4.2 Mandate amendment - ECHA Forum Secretariat**5.5 Prioritisation of REF projects (10')**5.5.1 WG progress report - WG Chair**5.5.2 Mandate amendment - ECHA Forum Secretariat**5.6 Categorisation of risks (20')**5.6.1 WG progress report – WG Chair**5.6.2 Mandate amendment - ECHA Forum Secretariat**5.7 Pilot project on substances in articles (10')**5.7.1 WG progress report - WG Chair**5.7.2 Mandate amendment - ECHA Forum Secretariat**5.8 REACH-EN-FORCE-8 on internet sales (55')**5.8.1 WG progress report – WG Chair**5.8.2 UK experiences in control of internet sales – UK Forum member**5.8.3 SE national project on internet sales – SE Forum Alternate**5.8.4 Mandate amendment - ECHA Forum Secretariat***Coffee break 16:00-16:30**

5.9 Customs 2 (20')

5.9.1 WG progress report – *WG Chair*

5.9.2 Mandate amendment- *ECHA Forum Secretariat*

5.10 REACH-EN-FORCE-7 on Registration (10')

5.10.1 WG progress report - *WG Chair*

5.10.2 Mandate amendment - *ECHA Forum Secretariat*

5.11 Survey on OSH-REACH enforcement interactions (40')

5.11.1 WG progress report – *WG Chair*

5.11.2 Mandate amendment- *ECHA Forum Secretariat*

5.12 Third pilot project on authorisation (10')

5.12.1 WG progress report - *WG Chair*

5.12.2 Mandate amendment - *ECHA Forum Secretariat*

5.13 Training for enforcement trainers 2019 (10')

5.13.1 WG progress report - *WG Chair*

5.13.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-32/2019/Draft_mandates

ECHA/Forum-32/2019/5.1.1

ECHA/Forum-32/2019/5.1.2_room_doc

ECHA/Forum-32/2019/5.2.1

ECHA/Forum-32/2019/5.2.2_room_doc

ECHA/Forum-32/2019/5.3.1

ECHA/Forum-32/2019/5.4.1

ECHA/Forum-32/2019/5.5.1

ECHA/Forum-32/2019/5.6.1

ECHA/Forum-32/2019/5.7.1

ECHA/Forum-32/2019/5.8.1

ECHA/Forum-32/2019/5.8.3

ECHA/Forum-32/2019/5.9.1

ECHA/Forum-32/2019/5.10.1

ECHA/Forum-32/2019/5.11.1

ECHA/Forum-32/2019/5.12.1

ECHA/Forum-32/2019/5.13.1

For information

For discussion

For adoption

Item 6– Adoption of conclusions from day 1

18:00-18:15

For adoption

DAY 2 CLOSED SESSION Wednesday 20 March 2019

Item 7 – Follow-up of the Forum’s projects 09:00-09:40

7.1 Conclusion on the follow-up of the REF-5 project results (20’) – *WG Chair*

7.2 Conclusion on the follow-up of the PIC pilot project results (20’) -
WG Chair

ECHA/Forum-32/2019/7.1_room_doc1
ECHA/Forum-32/2019/7.1_room_doc2

For discussion

Item 8 – Update on relevant developments by the Commission 09:40-10:40

8.1 General updates by the European Commission

8.2 Project on “Technical assistance to review the existing Member States reporting questionnaire under Art. 117(1) of REACH and 46(2) of CLP”

ECHA/Forum-32/2019/8.1
ECHA/Forum-32/2019/8.1_room_doc1
ECHA/Forum-32/2019/8.1_room_doc2

For information

Item 9 – Annual reporting of national enforcement activities 10:40-11:10

9.1 Discussion on the addressing the Member State reporting

9.2 Potential establishment of a WG

ECHA/Forum-32/2019/9.1_room_doc

For discussion

Coffee break 11:10-11:40

Item 10 –Follow up of ECHA’s Evaluation decisions 11:40-12:25

10.1 Update on ECHA’s evaluation processes

10.2 Establishment of a WG on Interlinks

ECHA/Forum-32/2019/10.1
ECHA/Forum-32/2019/10.1_Annex1
ECHA/Forum-32/2019/10.1_Annex2.1
ECHA/Forum-32/2019/10.1_Annex2.2
ECHA/Forum-32/2019/Draft_mandates

For discussion

Item 11 – General process for cross-borders cooperation 12:25-13:10

Use of ICSMS for cross-border communication

ECHA/Forum-32/2019/11

For discussion

Lunch break 13:10–14:10

Item 12 – Updates from the ECHA Secretariat 14:10-15:20

- 12.1 Database on articles containing Candidate List substances under the Waste Framework Directive (20')
- 12.2 ORs representing several non-EU manufacturers and ORs with combined roles (25')
- 12.3 New task of ECHA to provide recommendations for occupational exposure limits (OELs) (5')
- 12.4 Follow-up of ECHA Decisions: updates from ECHA (5')
- 12.5 Update on ECHA guidance activities (5')
- 12.6 Update in the Conflict of interest policy (10')

ECHA/Forum-32/2019/12.3
ECHA/Forum-32/2019/12.4
ECHA/Forum-32/2019/12.6_room_doc
ECHA/Forum-32/2019/12.4_Annex1

For information

Item 13 – Updates from the ECHA Forum Secretariat 15:20-15:40

- 13.1 ECHA's reorganisation (5')
- 13.2 Access to documents (AtD) requests (15')

For information

Coffee break 15:40-16:10

Item 14 – Practical issues for enforcement of REACH and CLP 16:10-17:15

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

ECHA/Forum-32/2019/14

For discussion

Item 15 – Updates on the cooperation between Forum and BPR Subgroup 17:15-17:30

For information

Item 16 – Adoption of conclusions from day 2 17:30-17:45

For adoption

18:00 RECEPTION - Conference Centre

DAY 3 CLOSED SESSION Thursday 21 March 2019

Item 17 – Updates from other networks 09:00-09:40

- 17.1 LIFE CHEREE e-Inspection tool – *George Papadakis/Daskalakis Markos (TUC)*
- 17.2 Updates from the SLIC CHEMEX WG

ECHA/Forum-32/2019/17.2_room_doc

For information

Item 18 – Enforcement projects in Member States 09:40-12:30

- 18.1 Enforcement project on the levels of PAHs in playground tiles (20') – *CY NEA*
- 18.2 Inspector exchange experience (20') - *UK Forum member*

Coffee break 10:20-10:50

- 18.3 Inspections of suppliers of solvents that can form unstable organic peroxides (20') – *CZ Forum member*
- 18.4 Miracle Mineral Solution (MMS) – miracle of balancing on the fine line between different regulations (30') - *EE Forum Alternate*
- 18.5 Guidelines for Enforcement of REACH and CLP in Bulgaria (30') - *BG Forum member*
- 18.6 DE enforcement project on tactile warnings of danger (15') – *DE Alternate*
- 18.7 NL project on REACH registration obligations (5') – *NL Forum member*

For information

Item 19 – A.O.B. 12:30-12:45

For information

Item 20– Adoption of conclusions from day 3 12:45-13:00

For adoption

Item 21 – End of the Forum meeting 13:00

Sandwiches available

Lunch for Forum participants attending BPRS-7

Annex 2 a “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 revised at Forum-32)

Composition:

Chair: Henrik HEDLUND (SE)

Forum Members/Alternates

-
- Sinead MCMICKAN (IE)
- Oldrich JAROLIM (CZ)
- Bernice FARRUGIA (MT Alternate)
- Abdulqadir SULEIMAN (NO Alternate)
- UZOMECKAS Zilvinas (LT)

Invited Experts

- Fatima ARMAGAN (DK)
- Tarja KARLEMO (FI)
- Filipe VITORINO (PT)
- Laura ABEL (DE)
- Angelo TRAVAGLIA (IT)
- Mirjam VAN DER MEER (NL)

Commission

- Miguel AGUADO MONSONET (DG GROW)
- Gert ROEBBEN (DG GROW)

ECHA

- Juan Pablo CALVO TOLEDO
- Fesil MUSHTAQ
- Ales FRONTINI

ECHA Accredited Stakeholder Organisations

- ACEA
- ASD
- CEEMET
- CEFIC
- CEM BUREAU
- Cerame-Unie
- CONCAWE
- ECEAE
- DUCC
- ECOPA
- ECPA
- EEB
- ETUC
- EURATEX
- EUROFER
- EUROMETAUX
- FECC
- Fertilizers Europe
- Orgalime
- ORO

MS volunteering to share deficiencies experiences with SDSs

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

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:

1. Define the detailed scope of the joint action
2. Prepare an action plan including such actions as:
 - a. The collection of data on deficient SDSs
 - b. Identify the topics that require priority actions
 - c. The analysis of the data and the identification of reasons for the deficiencies
 - d. The identification of potential solutions
 - e. The implementation by the ECHA ASOs of the solutions
 - f. The monitoring of the progress with the improvements
3. Oversee the implementation of the joint action
Oversee the reporting from the joint action and identification of solutions 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 : May 2018 – September 2018
 - o Analysis of the data and identification of potential solutions– September 2018 – February 2019
 - o Presentation of the preliminary outcomes in the open session of Forum-31 (November 2018)
 - o Presentation of the final outcomes of the main deficiencies with SDS at Forum-32
 - o Presentation of the final outcomes to the ECHA Accredited Stakeholders and elaboration of list of actions to improve SDS (F-32 – F-34)
 - o Presentation of the list of actions to improve SDS (open session Forum-34)
- Monitoring of results during open sessions
 - 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
- Closure of the mandate (F-34: November 2019)

Annex 2 b "REF-6"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-6"
(Mandate adopted at Forum-32 and BPRS-7)

Composition:

Chair: Henrik HEDLUND (SE)

Forum Members and Alternates

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIANТИNOU (EL Alternate)
- Graca BRAVO (PT)
- Pablo SANCHEZ-PEÑA (ES)
- Žilvinas UŽOMECKAS (LT)
- Markus MAKI (FI)

Invited Experts

- Petra SCHLAG (DE)
- Panagiota SKAFIDA (EL)
- Adhemar ROG (NL)
- Harm VOERMAN (NL)

BPRS Members and Experts

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

ECHA

- Outi TUNNELA
- Ales FRONTINI
- Anita TUOMAINEN

Objective:

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

Mandate:

1. Management of the Operational phase
2. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
3. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
4. Include biocides in the scope of the project in collaboration with the appointed BPR experts
5. Define the scope of enforcement activities under Art 45 and Annex VIII of CLP
6. 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 c “PD-NEA”

**Forum Working Group
“Implementation of PD-NEA”
(Mandate adopted at Forum-32)**

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Eleni FOUFA (EL)

Invited Experts

- Juergen SCHMID (DE)
- Maria Jose Falcao (PT)

ECHA

- Ales FRONTINI
- Anita TUOMAINEN

Objective:

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

Mandate:

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

Timeline:

- Forum-35 (Q1 2020)

Annex 2 d “Restrictions”

Forum Working Group
Work Package B12
“Enforceability of restrictions”
(Mandate adopted at Forum-32)

Composition:

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

Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)
-

Invited Experts (advisory process)

- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Gernot WURM (AT)
- Katarina WAGNER (DE)
- Michael LAMBERT (UK)
- Charlotte RAHM (SE)

Invited Experts ad-hoc (advisory process):

- Karin RUMAR (SE)
- Kevin BUCKLEY (IE)
- Tara HORIGAN (IE)
- Zilvinas UZOMECKAS (LT)

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
- Stephen HOLLINS

Objective:

- Facilitate the enforceability of restrictions

Mandate:

1. 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:
 - a) 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.
 - b) Provide support when possible on enforcement related issues to RAC and SEAC during the process of the elaboration of 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.

2. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries
3. 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).
4. Provide advice 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.
5. Consider to provide an advice to the Commission on the restriction proposal prepared by the COM regarding Article 68 (2).
6. Propose to the Forum, in cooperation with ECHA Secretariat, a "Registry of concerns on restrictions" highlighting the potential issues identified by National Enforcement Authorities during the enforcement of REACH Annex XVII restrictions and a proposal to handle the resolution of these issues
7. Assess the enforceability of relevant new Annex XVII restrictions

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- Review Compendium of analytical methods: F-37
- First proposal of the "Registry of concerns": F-37
- Assessment of the enforceability of relevant new Annex XVII restrictions: F-37
- 30 November 2020, reporting at each plenary meeting

Annex 2 e “Prioritisation of REF Projects”

Forum Working Group Work Package A.1 “Prioritisation of REF Projects”

(Mandate adopted at Forum-32)

Composition:

Chair: Oldrich JAROLIM (CZ) – rotating Chair

Vice Chair(s):

Forum Members/Alternates

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

Invited Experts

- Semira MEHIC (SI)
- Tamas KOVACS (HU)
- Laura WILMS (DE)
- Marilin LUTSOJA (EE)

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:

1. 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);
2. Prioritise the subjects by applying Forum’s methodology for the prioritisation, selection and management of REF projects
3. Draft a recommendation proposing the subject for the next REF project
4. Elaborate and update a registry of legal obligations subject to previous enforcement projects.
5. Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.
6. In addition, the WG will revise, when needed, 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 operate from Forum-31 (November 2018) until the end of 2023 (end of the Forum MAWP 2019 – 2023). 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
- Shortlist of subjects for REF-9 by Forum-34.

Annex 2 f “Categorisation of Risks”

Forum Task Force
Work Packages B.1 and C.1
“Categorisation of Risks”
(Mandate adopted at Forum-32)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Stefan FRENZEL (DE)
- Sofia BARATA (PT)

Invited Experts

- Margareta DAHO (SE)
- Andrea MAYER FIGGE (DE)
- Sehbar KHALAF (DK)
- Roberto VALADARES (PT)
- Olivier COUTURAUD (FR)

ECHA

- Juan Pablo CALVO TOLEDO
- Celia TANARRO

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 Working Group shall:

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

Timeline:

- F-29: Example(s) to be presented for the Forum for validation of the methodology utilised
- F-33: Guidelines for the inspectors for the use of ICSMS.

Annex 2 g “Substances in Articles”

Forum Working Group “Pilot project Substances in Articles” (Mandate adopted at Forum-32)

Composition:

Chair: Karin RUMAR (SE Alternate)

Forum Members/Alternates

- Maria Letizia POLCI (IT Alternate)
- Eugen ANWANDER (AT)

Invited Experts

- Ingvild KVIEN (NO)
- Sibylle WURSTHORN (DE)
- Juergen SCHMID (DE)
- Susana BARBOSA ANDRADE (PT)
- Nikoletta MAROSVÖLGYI (HU)
- Mervi ASSMAN (FI)

Commission

-

ECHA

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

Objectives:

- conceive and manage the pilot project on substances in articles

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Prepare and deliver the training for project national coordinators
3. Management of the Operational phase
4. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
5. Draft practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors)

Timeline:

- Project manual: Q3 2017
- Prepare and deliver the training for project national coordinators: Q3 2017
- Operational phase: 1 October 2017 – 31 December 2018
- Reporting phase (National Coordinators): 28 February 2019
- Draft report: 31 May 2019
- Adoption and publication of the report: 30 September 2019
- Adoption of the practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors): Forum-34

Annex 2 h "REF-8"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-8"
(Mandate adopted at Forum-32 and BPRS-7)

Composition:

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Eugen ANWANDER (AT)
- Martin MARKO (CZ)
- Maria Leticia POLCI (IT)

Invited Experts

- Kevin BUCKLEY (IE)
- Sara YASSINE (DK)
- Timea TARNOCZAI (HU)
- Maria PALEOMILITOU (CY)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)
- Lotta KAILA (FI)
- Olivier COUTURAUD (FR)
- Marilin LUTSOJA (EE)

BPRS Members and Experts

- Cathrine SKJÆRGÅRD (NO) (BPRS member)
- Francesca RAVAIOLI (IT) (BPRS member)
- Jenny KARLSSON (SE) (BPRS alternate)
- Brian MURPHY (IE) (BPRS alternate)
- Jabik DE BOER (NL) (BPRS alternate)
- Fiona TCHANAKIAN (FR) (BPR expert)
- Anne HORN (DE) (BPR expert)

COM

- Miguel AGUADO (DG GROW)

ECHA

- Tania MATEUS
- Ales FRONTINI
- Nicola TECCE

Objective:

- conceive and manage the eighth major Forum enforcement project REF-8 'Enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold on-line'.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project, taking into account the learnings from previous Forum projects "control of internet sales" and "REF-4" and others at EU level;
2. Define the specific duties to be covered in the project;
3. Prepare and deliver the training for project national coordinators

4. Management of the Operational phase
5. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Project manual: Q4 2019
- Prepare and deliver the training for project national coordinators: Q4 2019
- Operational phase: 2020
- Reporting phase (National Coordinators): Q1 2021
- Evaluation phase: Q3 2021
- Draft report: Q4 2021
- Adoption of the report: Q4 2021
- Tips and hints for inspectors: Q4 2021

Annex 2 i “Customs 2”

Forum Working Group “Cooperation with Customs 2” (Mandate adopted at Forum-32)

Composition:

Chair: Maria ORPHANOU (CY)

Forum Members/Alternates

- Eleni FOUFA (EL)
- Annemari LINNO (EE) (NEA)
- Pablo SANCHEZ-PENA (ES)
-

Invited Experts

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

Commission

- Miguel AGUADO (DG GROW)
- Christophe ROELAND (DG GROW)

ECHA

- Maciej BARANSKI
- Ales FRONTINI
- Magdalena TLOCZEK

Objectives:

- Prepare, execute and report from joint pilot project with the Customs related to enforcement of REACH and CLP.

Mandate:

1. Prepare, oversee and report from a pilot project testing the cooperation with customs authorities, in cooperation with the PARCS network. The WG will test the questionnaire by inviting the three members of the WG to test the questionnaire with their National Coordinators.
2. Examine the draft market surveillance regulation to see whether it affects the cooperation with customs as defined by the Working Group.

Timeline:

- Task 1:
 - Preparatory phase April 2018 – February 2019,
 - Operational phase: March 2019 – December 2019
 - Reporting phase: January 2020 – October 2020
- Task 2: Q4 2018-Q1 2019

Annex 2 j "REF-7"

Forum Working Group

Work Package A.1

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

(Mandate adopted at Forum-32)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members and Alternates

- Michael FAGERLUND (DK)
- Emilie RASOOLY (FR)
- Abdulqadir SULEIMAN (NO)
- Jos VAN DEN BERG (NL)

Invited Experts

- Rui CABRITA (PT)
- Angelika HOOPS (DE)
- Tamas KOVACS (HU)
- Barbro SILLREN (SE)

ECHA

- Magdalena TLOCZEK
- Ales FRONTINI
- Catherine CORNU
- Augusto DI BASTIANO
- Istvan MAK

Objective:

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

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Consider the inclusion of an optional module on the registration of monomers in polymers within the project
3. Discuss with ECHA Secretariat possibilities for preliminary screening of the registration dossiers and identification of some cases where there is concern
4. Prepare and deliver the training for project national coordinators
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. 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 k “OSH survey”

Forum Working Group “Survey on OSH-REACH enforcement interactions” (Mandate adopted at Forum-32)

Composition:

Chair: Sinead McMICKAN (IE)

Forum/BPRS Members/Alternates

- Katja VOM HOFE (DE)
- Abdulqadir SULEIMAN (NO)

Invited Experts

- Teresa ALMEIDA (PT) – OSH
- Elvera BREEDLAND (NL)
- DE
- Nikoletta MAROSVOLGYI (HU)
- Tom O’SULLIVAN (IE) – OSH
- Tuija VÄHÄNEN (FI)
- Monique WAEGEMAEKERS (NL)

Commission

- Miriam GUTIERREZ-MEDINA (DG GROW)
- Miguel Aguado (DG GROW)

SLIC-CHEMEX

- Monique WAEGEMAEKERS

ECHA

- Maciej BARANSKI
- Magdalena TLOCZEK
- Ales FRONTINI
- Andreas AHRENS
- Andrew MURRAY
- Fesil MUSHTAQ

Objectives:

Prepare and process a survey on interactions in OHS and REACH enforcement

Mandate:

1. Prepare, send and process the results of a survey to Forum members on existing interactions in OHS and REACH enforcement to allow the Forum to support and respond to Action 12(2) recommended in the REACH Review 2017

Tentative Timeline:

- Forum-34

Annex 2 I “3rd Authorisation”

Forum Working Group Work Package A.1 **“Third Forum Pilot Project on Authorisation”** (Mandate adopted at Forum-32)

Composition:

Chair: Jos VAN DEN BERG (NL)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Paul CUYPERS (BE)
- Majella LOWE (IE)
- Emilie RASOOLY (FR)
- Žilvinas UŽOMECKAS (LT)

Invited Experts

- Lina DUNAUSKIENĖ (LT)
- Lisa EKSTIG (SE)
- Nicole NOWKA-ROSSMANN (DE)
- Elvera BREEDLAND (NL)?
- Pirjo KORHONEN (FI)
- Monique WAEGEMAEKERS (NL)
- DE
-

SLIC-CHEMEX

- Monique WAEGEMAEKERS

ECHA

- Magdalena TLOCZEK
- Ales FRONTINI

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum third pilot project on authorisation aimed at building enforcement experience and practices involved in controlling authorization related obligations.

Mandate:

1. Develop the project manual and necessary materials for the execution of the Forum third pilot project on authorisation related to the presence of chromium VI compounds and other substances subject to authorisation on the market
2. Prepare and deliver the training for the national coordinators
3. Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
4. Supply the national coordinators with up-to-date versions of project documents
5. Collect and compile results from the national coordinators
6. Prepare final project report and present it to the Forum plenary

7. prepare proposal to the Forum about the feasibility of timelines and substances to be included in scope taking into account the authorisation decisions issued by the end 2018

Timeline:

- Preparatory phase – March 2018 – December 2019
- Operational phase January – June 2020
- Reporting phase – July – December 2020

Annex 2 m “Training the trainers 2019”

Forum Working Group

Work Package C.2.

“Training for enforcement trainers 2019”

(Mandate adopted at Forum-32)

Composition:

Chair: Henrik HEDLUND (SE)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Gro HAGEN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Martin MARKO (CZ)
- Aleksandra MOCZULAK (PL)
- Mike POTTS (UK)
- Otilija SPURIENE (LT)
- Maria Letizia POLCI (IT)

Invited Experts

- Shelley COLLINS (UK)
- Uwe LICHT-KLAGGE (DE)
- Hayley KEATING (UK)
- Maria PALEOMILITOU (CY)
- Frida RAMSTROM (SE)
- Cathrine SKJÆRGÅRD (NO)

Commission

- TBC

ECHA

- Magdalena TLOCZEK

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH CLP and PIC in the fourth quarter of 2019.

Mandate:

1. Examine the training subjects relevant for enforcement in the fourth quarter of 2019 and prepare the priority topics for agreement before Forum-31
2. Specify as early as possible the envisaged level of the content of the training
3. Cooperate with the WG REF-8
4. Cooperate with BPRS Training 2019 on the methodology part of the training
5. Prepare materials necessary for the training such as presentations or documents
6. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
7. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Before Forum-31: conclude on list of subjects and prioritisation
- Forum-34/Forum-35: final report

Annex 2 n “MS report”

**Forum Working Group
“Member States reporting”
(Mandate created at Forum-32 and BPRS-7)**

Composition:

- **Chair:** Sinead McMickan (IE)

Forum Members/Alternates

- Katja VOM HOFE (DE)
- Michael Fagerlund (DK)
- Markus Maki (FI)
- Elenza Zidarova (BG)
- Emily Rasooly ? (FR)

BPRS Members/Alternates

- Francesca RAVAIOLI (IT)
- Annemari LINNO (EE)
- Dominik PISAREK (PL)

Invited Experts

- Andrea MAYER-FIGGE (DE)
- Monika AVIZIENE (LT)

Commission

- Ligia NEGULICI (DG SANTE)

ECHA

- Maciej BARANSKI
- Ales FRONTINI

Objectives:

- Prepare the pilot for the Member States annual reports on enforcement as defined in Forum WP 2019-2023 and comment on the templates of the the Reports prepared by the Commission

Tasks:

- A. Review the templates for the reports to the European Commission required under Article 117(1) of REACH and Article 46(2) of CLP, Art 22(1) of PIC and art 65(3) of the BPR
- B. Liaise with COM consultant preparing the review reporting templates under the Art 117 of REACH, Art 46 of CLP and art 65(3) of BPR
- C. Draft the reporting template for annually reporting the Member States Enforcement activities
- D. *CONDITIONAL: Liaise with WG Interlinks regarding any data on interlinks to be included in the reports*
- E. Start the pilot phase of the annual reporting exercise

Timeline: Forum-35 (March 2020)

Annex 2 o “Interlinks”

Forum Working Group “Interlinks” (Mandate created at Forum-32)

Composition:

Chair: Katja VOM HOFE (DE)

Forum Members/Alternates

- Otilija SPURIENE (LT)

-

Invited Experts

- Stefanie WITZKE (DE)

- Linnea KANNING (SE)

- Louise CONWAY (IE)

Commission

ECHA

- Maciej BARANSKI

- Ales FRONTINI

Objectives:

- Review the interlinks processes and adapt them to expected challenges

Tasks:

- Review and revise the interlinks guide adapting the processes described there to the current needs, considering the experience from past years and expected changes in policy and practice
- Liaise with ECHA Secretariat on interlinks and consider contributing to the enforcement related actions in the Joint Evaluation Action Plan 2027
- Liaise with other WGs to consider reporting needs related to interlinks process, if the WG considers it appropriate.

Timeline: Forum-35 (March 2020)

Annex 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
AMS: Accreditation and Market Surveillance regulation
ASO: ECHA's Accredited Stakeholder Organisations
BoA: Board of Appeal
BPR: Biocidal Product Regulation
CARACAL: MSCA Committee for REACH and CLP
CCH: Compliance checks
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
C&L: Classification and Labelling
COM: European Commission
CSR: Chemical Safety Report
DCG: Directors Coordination Group
DEV: Dossier Evaluation
DG: Directorate General at Commission
DONC: Decision On Non-Compliance
DU: Downstream Users
ECHA: European Chemicals Agency
ECJ: European Court of Justice
EPG: Enterprise Policy Group
ES: Exposure Scenario
EU: European Union
FTR: Failure to respond
GPSD: General Product Safety Directive
ICSMS: Information and Communication System for Market Surveillance
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
OC: Operational conditions
OEL: occupational exposure limits
OR: Only representative
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
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RMM: Risk Management Measure
PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
SCC: strictly controlled conditions
SDS: Safety Data Sheet
SEAC: Committee for Socio-economic Analysis
SEV: Substance Evaluation
SONC: Statement of Non-Compliance
SVHC: Substance of very high concern
UVCB: unknown or variable composition, complex reaction products or biological materials
WG: Working Group of the Forum