

**MAIN CONCLUSIONS & ACTION POINTS - Forum-36 (Remote meeting)**  
 (Adopted at the Forum-36 meeting)

<b>Agenda point</b>	<b>Conclusions / decisions / minority opinions</b>	<b>Action requested after the meeting</b>
<b>Item 1- Welcome and introduction</b>		
1.2 Adoption of the Agenda	Agenda was adopted.	
<b>Item 2 – Forum’s transparency</b>		
<b>Item 3 – Forum’s enforcement activities - Ongoing projects</b>		
<b>3.1 Prioritisation of REF projects</b>	The Forum agreed to undertake a pilot project on CLP Notifications to Poison Centres.	
3.1.1 WG progress report		
3.1.2 Discussion of the scope and timing of future pilot projects	The Forum agreed that the following tentative timeline: <ul style="list-style-type: none"> <li>- Preparatory: Jun 2021-Jun 2022</li> <li>- Operations: Jul 2022 – Jun 2023</li> <li>- Reporting: Jul 2023 -Mar 2024</li> <li>- Follow up: Apr 2024-Sept 2024</li> </ul>	
3.1.3 Mandate amendment	The Forum revised the mandate of the WG.	
<b>3.2 Implementation of Interact portal</b>		
3.2.1 WG progress report		
3.2.2 Update on ECHA IT tools		
3.2.3 Mandate amendment	The Forum revised the mandate of the WG.	
<b>3.3 Enforceability of Restrictions</b>		
3.3.1 WG progress report		
3.3.2 Mandate amendment	The Forum revised the mandate of the WG.	
<b>3.4 REF-8</b>		
3.4.1 WG progress report		
3.4.2 Mandate amendment	The Forum revised the mandate of the WG.	
<b>3.5 Interlinks</b>		WG Interlinks will send the Interlinks Guide for second consultation after Forum-36.

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3.5.1 WG progress report		
3.5.2 Mandate amendment	The Forum revised the mandate of the WG and agreed to conditionally close the mandate of the WG upon adoption of the interlinks guide.	
<b>3.6 REF-9</b>		
3.6.1 WG progress report		
3.6.2 Mandate amendment	The Forum revised the mandate of the WG.	
<b>3.7 Pilot project on recovered substances</b>		
3.7.1 WG progress report		
3.7.2 WG Mandate	The Forum revised the mandate of the WG.	
<b>3.8.1 WG progress reports for information only</b> - Customs 2 - REF-7 - Training for Trainers 2020		
3.8.2 WG Mandate	The Forum revised the mandates of the 3 WGs.	
<b>Item 5- Update on relevant developments by the Commission</b>		
5.1 General updates by the European Commission		<p><b>Forum members</b> and <b>HET</b> are invited to reply to COM the questions posed for NEAs, the Forum and ECHA by 18 December.</p> <p>HET will share the CARACAL document on aerosols by 6 November.</p> <p>Forum members are invited to consult their CARACAL members to relay any comments related to enforceability so that they can be addressed by CARACAL</p>
5.2 Update on the chemicals strategy for sustainability		COM is invited to come back to the Forum at one of the future meetings to indicate specific impact of the Chemicals Strategy on the Forum.
<b>Item 6 – Future REACH review</b>		
Potential contributions from		Forum members and HET will review their enforcement experience, the

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<p>the Forum to facilitate enforcement</p>		<p>previous projects and the MOC and identify areas where clarification of REACH may be needed to facilitate enforcement.</p> <p>Forum members and HET are invited to submit additional proposals for the future REACH review based on enforcement experience by 18 December 2020;</p> <p>HET to consult the list with the Forum and prepare a document for adoption at Forum-37 including the Forum's proposals for the potential changes intended to improve enforceability of the REACH regulation.</p>
<p><b>Item 7 – Forum's enforcement activities - Projects under finalisation</b></p>		
<p><b>7.1 Member States reporting</b> 7.1.1 Final progress report</p>		<p>COM is invited to consider whether it is willing to separate the questions asking for different, incomparable, units of controls: duties, products and duty holders already in reporting phase 2020-2024 by Forum-37</p> <p>Com is invited to indicate what are the plans for reporting enforcement actions under the Market Surveillance Regulation.</p> <p>HET will send a request for written feedback from the Forum on the following topics by 6 November</p> <p>Forum members are invited to send comments on Recommendation 1 by 30 November</p> <p>Forum members are invited to send comments on the proposed alternatives by 30 November</p> <p>WG MS Reporting will discuss the feedback and prepare discussion for next steps at F-37</p> <p><b>WG MS Reporting</b> will define a recommendation of the meaning of duty and product for the purposes of counting controls before forum-37</p> <p><b>Forum members</b> from countries not willing to take part in the pilot on annual reporting should inform HET by 31 December 2020</p>

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7.1.2 Convention for counting controls		
7.1.3 Mandate amendment	The Forum revised the mandate of the WG.	
<b>Item 9 – Forum’s enforcement activities - Upcoming projects</b>		
<b>9.1 REF-10</b> 9.1.1 Mandate set-up	The Forum created and adopted the mandate of the new WG.	Forum members to consider becoming a Member of the WG and/or to propose experts by <b>20 November</b>
<b>9.2 Pilot project on classification of mixtures</b> 9.2.1 Mandate set-up	The Forum created and adopted the mandate of the new WG.	HET to update the agenda with new name of the pilot project by 30 Oct  Forum members to consider becoming a Member of the WG and/or to propose experts by <b>20 November</b>
<b>9.3 Train the enforcement trainers 2021</b> 9.3.1 Mandate set-up	The Forum decided that the training event in 2021 will focus on the REF-10 project focusing on controls of products, involving restrictions, POPs and duties for substances in articles.  The Forum created and adopted the mandate of the new WG.	Forum members to consider becoming a Member of the WG and/or to propose experts by <b>20 November</b>  Forum members are invited to check with their management and consider chairing this WG and respond by <b>20 November</b>
<b>Item 10 – Practical issues for enforcement of REACH, CLP, PIC and POPs</b>		
Practical issues		Forum members are invited to provide new practical issues by <b>19 January 2021</b>
21.2 Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?		Forum members are invited to submit comments by 20 November
35.4 Harmonised enforcement of exemptions of CLP Art 29 duties		Forum members are invited to submit written comments by 20 November
F-36.1 Enforcement of ECHA evaluation decisions		HET will revise the issue and send it for written consultation by 20 November

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F-36.2 How do enforcement authorities in different countries interpret and apply article 32-1?		Forum members are invited to submit written comments by 13 November
F-36.3 Where a professional user buys a chemical in a retailers, such as a hardware store, which provision of REACH applies regarding the requirement to supply the SDS Article 31(1) or Article 31(4)?		Forum members are invited to submit written comments by 20 November
F-36.4 In case of the import of a chemical product for which there is a requirement for SDS according to article 31(1), does the importer have the obligation of possessing a SDS during import controls by customs?		Form members are invited to provide written comments on this practical issue by 20 November
<b>Item 11 – Cooperation with other networks</b>		
11.1 Updates from SLIC-CHEMEX		
11.2 Updates from ADCO Chairs meeting	Forum mandated its Chair to represent it in the ADCO Chairs group as well as the Product Compliance Network under the MSR, with the Vice Chairs acting as back-ups. HU Forum member was mandated to also act as back-up representative in the ADCO chairs group.	COM will indicate the nominations for both groups and verify whether the BPRS is to be considered as a separate ADCO with separate representation.
11.3 Potential involvement of the Forum in a workshop with HelpNet		Volunteering Forum members wishing to take part in the workshop are invited to respond to HelpNet Sec by 30 October  Forum members are invited to send any borderline cases they wish discussed and for which the

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		<p>interpretation should harmonised to HelpNet Sec by 30 October</p> <p>Forum members taking part in the workshop are invited to report back verbally at Forum-37.</p>
<b>Item 12 – Updates on the cooperation between Forum and BPR Subgroup</b>		
12.1 Update on the coordination of the BPR enforcement		
<b>Item 13 – Preparation for the Joint Open session</b>		
13.2 Discussion of the lines to take		
<b>Item 15 - Debriefing of the Open session</b>		
		<p>Forum members to provide the feedback on the open session and indicate whether a virtual open session could be decoupled from the Forum plenary by 30 November</p> <p>HET and Chairs will implement the recommendations from the Forum when preparing the next open session.</p>
<b>Item 16 - Debriefing of the meeting with ECHA Directors</b>		
		<p>HET will distribute the minutes of the meeting with ECHA Directors when they have been finalised.</p> <p>Forum members are invited to coordinate with BPRS members in their countries and liaise with the Management Board member indicate what are the national priorities for support for the Forum needed from ECHA.</p> <p>HET will arrange an update on this matter at one of the future plenary meetings.</p>
<b>Item 17 – Updates from the ECHA Forum Secretariat</b>		
17.1 Developing ECHA policy on meetings of its statutory bodies		HET will share the draft ECHA document on the policy on meetings once it becomes available.
<b>Item 18 – Updates from the ECHA Secretariat</b>		
18.1 ECHA Programming 2021-24 – “Choosing our future”		

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18.2 UK withdrawal and implementation of the Northern Ireland protocol		
18.3 Implementation status of the Poison Centre Notifications		
18.4 Follow-up of ECHA Decisions: updates from ECHA		
18.5 Updated consultation procedure for Guidance		
18.6 Enforcement of registration of nano-forms		<p><b>HET</b> to investigate within ECHA whether ECHA can produce a list of specific cases where registrants are suspected of being in breach of the registration duty for nano-forms</p> <p><b>Forum members</b> are invited to provide feedback about practicalities and challenges of enforcing this duty, the information needed by the NEAs to enforce this duty and the preferred way of addressing such cases by 11 December 2020</p> <p>ECHA/HET to come back to Forum with results and information on possible next steps by Forum-37</p>
<b>Item 19 – AOB</b>		
19.1 Member States' use of ICSMS		
19.2 TARIC codes available for REACH inspectors		
19.3 Outputs and e-platform tools of LIFE CHEREE project supporting inspectors and duty holders		
19.4 German enforcement case - explicit duty to communicate information on hazardous by-product (such as PCB) through an SDS		<p>Forum members are invited to indicate if they support to include in the SDS guidance a clarification that SDS should contain information on formation of hazardous PCB during normal use and formation of hazardous decomposition reactions by 30 November</p>

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		HET will discuss the matter with the team responsible for the update of the SDS guidance.
19.5 NL point on Mercury Regulation		NL Forum member is invited send questions to the Forum on the Mercury Regulation by 6 November  Forum members are invited to provide comments and responses by 30 November



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## 2020 Forum OPEN SESSION (29 October 2020)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item OS 1 – Welcome and Introduction to the OPEN SESSION</b>		
<b>Item OS 2 – Updates from the Forum /BPRS</b>		
OS 2.1 Update on the scope of REF/BEF projects		<b>ASOs</b> are invited to submit proposals for REF enforcement projects by 15 April 2021  <b>HET</b> will send a reminder in January 2021.
OS 2.2 Forum's projects to be finalised during 2020 - REF-7 - Customs II - BEF-1		
<b>Item OS 3 – Discussion topics proposed by ASOs</b>		
OS 3.1 Industry alliance for a better compliance (BPR) - Cefic		
OS 3.2 Microplastics restriction: enforcement challenges and how to (help) solve them (REACH) - Cefic		
OS 3.3 Mixture classification and concentration ranges in safety data sheets (REACH/CLP) - (DUCC /A.I.S.E.)		
OS 3.4 Automotive Industry questions to the Forum (REACH, POPs)- ACEA		<b>ASOs</b> are invited to provide more examples of best practice SDS and indicate agreement for plausibility check by 30 November 2020  <b>HET</b> will liaise with ACEA to discuss plausibility check of further SDS.  <b>ASOs and Forum members</b> and experts involved in the joint action on the quality of SDS are invited to follow up the remaining actions agreed last year.

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<p>OS 3.5 Illegal consumer products sold on online marketplaces (REACH) - BEUC</p>		<p><b>SE Forum member</b> will share with HET the translated report on the government assignment concerning issues with online sales once it is ready.</p> <p><b>HET</b> will share it with participants of this open session.</p>
<p>OS 3.6 Concawe's approach to classification of petroleum UVCB substances</p>		<p><b>CONCAWE</b> is invited to share the updated report on classification of petroleum substances once the 2020 edition is available</p>
<p>OS 3.7 Upholding the principle of animal testing as a last resort under REACH (REACH) – HIS</p>		