



Forum-35/M/2020 – Public
Adopted on 28/10/2020

Minutes of the
35th meeting of the Forum for Exchange of Information on Enforcement
Remote meeting
22-25 June 2020

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Welcome and opening by the Head of Unit of ECHA Support and Enforcement

The Head of Unit of ECHA Support and Enforcement chaired the meeting before the election of the Forum Chair (Item 2) and welcomed all the participants to the first remote plenary meeting of the Forum. He announced that Lithuania was nominated as the proxy for Latvia.

He informed that the quorum requirement was met.

1.2 Practicalities of a remote meeting

The meeting participants were reminded of the main features of the tool used to run the remote meeting.

1.3 Adoption of the agenda

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

1.4 Declarations of conflicts of interest with regard to agenda items

The meeting 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 at the meeting.

1.4 State of play with action points from Forum-34

The Harmonised Enforcement team (HET) (previously denominated as ECHA Forum Secretariat) informed the plenary on the status of action points from Forum-34 and highlighted the open actions.

1.5 Results of written procedures between Forum-34 and Forum-35

The meeting chair referred to the document with the results of the written procedures between Forum-34 and Forum-35.

Item 2 – Election of the Chair and Vice-Chairs of the Forum

2.1 Presentation of the candidates

The Forum elected, from among the members, the new Chair and Vice-Chairs of the Forum.

2.2 Candidate's motivation speech

Before the election, all the candidates explained their motivations to the plenary.

2.3 Election procedure

The election took place remotely, in which the Forum Members, with the right to vote, were able to cast their vote by secret ballot via a dedicated online tool.

2.4 Counting of the votes and announcement of the elected Forum Chair and Vice-Chairs

Katja vom Hofe (DE) was elected as the Chair, and Sinead McMickan (IE) and Henrik Hedlund (SE) were elected as the Vice-Chairs. Their mandates will run from 22 June 2020 until 21 June 2023.

The elected Chair of the Forum took over the chairing of the meeting.

Item 3 – Forum’s transparency

3.1 Feedback collected on the “transparency document” from March 2020

HET reminded that the first document regarding transparency was delivered in March 2020 and the Forum was invited to provide input on the several proposals to increase Forum transparency and further improve stakeholders’ engagement. Additionally, the Forum also provided feedback on such issues during the Forum’s satisfaction survey 2019.

3.2 Results of the Forum members’ satisfaction survey 2019

The Forum took note of the results of the feedback from the satisfaction survey on the activities taken place during 2019.

3.3 Discussion

HET summarised the pros and cons of each proposal for discussion.

The Forum members shared their views on the various proposals and would provide written feedback. Afterwards, HET would revise the proposals and include an assessment of benefits and costs. The revised document would then be submitted for discussion and agreement at Forum-36.

Item 4 – Forum’s enforcement activities- Projects under finalisation

4.1 Cooperation with Customs 2

4.1.1 WG progress report

The WG chair summarised the work of the WG, which main task had been the analysis of the data collected from the participating countries and preparation of the project report.

4.1.2 Project results

The WG chair presented the main results of the project and the draft recommendations.

The presenter replied to the questions posed by some Forum members and informed the Forum would be consulted on the draft report during July 2020.

4.1.3 Mandate amendment

The WG requested for an extension of the reporting phase by September 2020. The Forum adopted the updated mandate ([Annex 2a](#)).

Item 5 - Forum’s enforcement activities- Ongoing projects

5.1 Member States reporting

5.1.1 WG progress report

The WG chair presented the status of the work of the WG and the issues for discussion with the Forum.

One pending task was related to the pilot phase of the REACH/CLP annual reporting (agenda item [5.1.2](#)).

A second ongoing task of the WG was to recommend a harmonised definition of “control”, for the purpose of reporting on REACH enforcement activities to COM and in the upcoming pilot on annual reporting. Both Forum and BPRS were surveyed on

this question and the WG was discussing the outcome. To complete this task, the WG requested for an extension of the timeline of the mandate (agenda item [5.1.3](#)). COM welcomed this initiative from the WG, and indicated that – if agreed by the Forum – it can be integrated in the next reporting exercise to COM.

5.1.2 Discussion on the timing of the pilot exercise on annual reporting

The WG proposed the timing for this pilot to take place between January 2021 - December 2022. It would be followed by the evaluation period until mid-2023. The Forum agreed on this timeline to run the pilot exercise on annual reporting.

The WG invited COM to share with the Forum the experiences from the Member States reporting exercise of 2020 in a future opportunity.

5.1.3 Mandate amendment

The WG mandate was extended so that the WG could recommend a definition of “controls”. The Forum adopted the updated WG mandate ([Annex 2b](#)).

5.2 Prioritisation of REF projects

5.2.1 WG progress report

The WG chair presented the outcome of the prioritisation exercise, where topics for projects were collected until 24 April 2020 from Forum members, COM, ECHA and ASOs. It included also a list of topics for potential pilot projects for discussion with the Forum (agenda item [5.2.2](#)).

The WG also reviewed the Registry of provisions tackled in the Forum projects and considered to add the BPRS projects as well. The Forum agreed for the WG to pose that question to the BPRS and invite a BPR expert to the WG for that specific task.

5.2.2 Discussion of the potential scope of REF-10 and pilot projects

The WG combined similar proposals and suggested a topic on the enforcement of REACH Annex XVII restrictions, substances in articles (SiA) duties and POPs restrictions. It would be an integrated check, based on a material approach, where different substances and duties could be checked.

Potentially all actors in the supply chain would be of interest for the project, and it would be possible to include cooperation with market surveillance authorities, customs and other relevant authorities.

The WG chair clarified that there was only one proposal for the Forum to select since it was a combination of various proposals. Some proposals were rejected for not fulfilling all the mandatory criteria or were repetitions from previous projects. Others that fulfil only some mandatory criteria were put forward as pilot project proposals.

Some Forum members expressed their support on the proposed topic “integrated control of products” and therefore the Forum agreed with this topic for the REF-10 project; the WG REF-10 (to be established at Forum-36) would further elaborate the scope of the project.

The Forum members were invited to submit comments in writing and express preference for one of the four proposed topics for pilot projects as well as a potential timeline.

5.2.3 Timeline of the future pilot project on bridging principles

The Forum looked at the timelines of the current and future projects and agreed to set-up the WG and initiate the preparatory phase of the pilot project on bridging principles in January 2021. However, the WG would be set up at the next Forum meeting (Forum-36).

5.2.4 Mandate amendment

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

5.3 REACH-EN-FORCE-7 on Registration

5.3.1 WG progress report

The WG chair summarised the activities of the WG, which were focused on the preparation of the project report.

5.3.2 Preliminary results

The WG chair presented the preliminary results of the project assessed by the WG so far. The WG would continue to work on the analysis of the data and prepare the recommendations from this project. The final report would be finalised in Q4 2020.

5.3.3 Mandate amendment

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

5.4 Interlinks

5.4.1 WG progress report

The WG chair summarised the work of the WG during the last months, which focused on the revision of the interlinks guide. A new interlink will be added addressing potential revocations of registrations belonging to non-existent companies (see agenda point [14.4](#)). The draft guide would be consulted with the Forum during the summer.

The WG noted the ECHA Secretariat report on measures that NEAs can apply for breaches of dossier evaluation duties, based on responses from Forum members on the measures questionnaire that was sent out to them to implement Action 12 of the REACH Evaluation Joint Action Plan (REAP). The report delivered a positive conclusion that available measures were effective in enforcing DEV decisions except for few known cases, which needed to be addressed.

The Forum members were invited to comment, in their individual capacities, on the ECHA Secretariat's report on measures applicable for breaches of DEV decisions.

5.4.2 Mandate amendment

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

5.5 Implementation of Interact portal

5.5.1 WG progress report

The WG have tested the proper functioning of the tool after its updates and liaised with the WG Interlinks to discuss the plans for renewing the interlinks function in Interact Portal.

5.5.2 Update on ECHA IT tools for inspectors

HET informed that the consultation module in Interact portal was released in March 2020 and that a training was provided to Forum, BPRS and their WGs on 17 June 2020 via Webex. The presenter gave a demonstration of the consultation module.

The Forum was informed on other updates coming in the new release in October, which included the possibility for invited experts and observers to have access to specific agenda points of Forum/BPRS meeting without the need of a token. Moreover, the Forum members were invited to liaise with their BPRS member to discuss the possibility to use the current User Administrators for the Interact BPR as well.

The presenter also provided some updates concerning ICSMS and the PIC DRPI. COM representative thanked the Forum for providing feedback on the tool. Other users have been contacted and the collection of all replies and its assessment would be prepared and shared with the Forum.

5.5.3 Mandate amendment

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

5.6 REACH-EN-FORCE-9 on Authorisation

5.6.1 WG progress report

The WG continued preparing the draft REF-9 project manual, which will be consulted with the Forum during the summer. The date of the Training for REF-9 National Coordinators will be changed to align with the Training for Trainers event and it would be communicated to the Forum once scheduled.

The Forum members were invited to nominate National Coordinators for the REF-9 project, who would be also one of the trainees participating in the Forum Training for Trainers 2020 event.

5.6.2 Mandate amendment

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

5.7 Pilot project on recovered substances

5.7.1 WG progress report

The WG chair presented the status of the work developed by the WG. He addressed the proposal from IMPEL on the potential collaboration of this network with the WG (agenda item [9.1](#)), and proposed a change in the timeline of the project and review of the mandate's objectives (agenda item [5.7.2](#)).

He informed that the draft manual would be consulted with the Forum and the appointed National Coordinators during the summer.

As presented by the IMPEL representative, the Forum was invited to participate in the update of their Guidance "Making the Circular Economy work" to comment on the relevant REACH aspects of their guidance. The Forum members agreed to provide feedback to the IMPEL Guidance on the issues concerning REACH, in their individual capacities.

Considering the new proposed timeline of the project, the Forum Members were invited to re-assess their participation in the pilot project and nominate National Coordinators.

5.7.2 Mandate amendment

Because of the COVID-19 pandemic, Member States were still dealing with shortage of resources and uncertainties, having reservations in allocating resources to prepare for such projecting still in 2020. Therefore, WG suggested to postpone the start of the operational phase of this project to January 2021, with the duration of 12 months, to increase the possibility of having more participating countries.

The second objective of the mandate concerning the check of POPs was revised. It was clarified, but kept generic since it was an optional aspect of this project.

The Forum agreed with the proposed changes and adopted the revised mandate of the WG ([Annex 2h](#)).

5.8 REACH-EN-FORCE-8 on online sales

5.8.1 WG progress report

The Forum took note of the WG's progress report. Surveys to the National Coordinators were done to assess the status of the inspections and to identify any challenges faced by inspectors. In the survey in May, the National Coordinators were asked whether COVID-19 impacted the planned activities of REF-8 inspections. As expected, many reported challenges concerning allocation of resources as some of their tasks were diverted to other more urgent areas. Therefore, the WG proposed to monitor the situation with the last survey (in September 2020) and if the situation remains, the Forum would discuss in the plenary in October the need to extend the timeline of the operational phase. As some countries were badly affected by the pandemic, the Forum would be flexible and find a solution that would benefit all.

The WG held a Webex with the National Coordinators on 23 June 2020 to address all issues raised so far. The WG chair debriefed the Forum on the outcome of the meeting.

5.8.2 Mandate amendment

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

5.9 Enforceability of restrictions

5.9.1 WG progress report

The Forum Chair summarised the WG's activities related to the Forum advices, the revision of the compendium of analytical methods and the assessment of the new REACH Annex XVII restrictions.

On the compendium, the NEAs, laboratories and ASOs were invited to provide information on REACH Annex XVII restrictions, POPs and amendments to the current version of the compendium. In addition, the HET coordinated the input from the customs laboratories with DG TAXUD. After the collection of feedback, the WG would review the compendium.

The WG chair added that she participated in a meeting with the Custom's laboratories network (CLEN), where she presented the compendium. They welcomed the initiative of the Forum and could potentially send some feedback.

Replying to a question from COM, the WG chair noted that the working group on analytical methods was open to support other project preparations (e.g. REF-9 and Annex XIV substances). However, it was outside of the scope of the group and would require an update of its mandate. She suggested for the Forum to revise the mandate of the group in the future to accommodate any future work for all relevant

substances that might come under the ECHA's/Forum's remit. Nonetheless, it could be a good timing to invite the laboratories to submit information on analytical methods for Annex XIV substances covered by the REF-9 project, since the compendium was being revised and the laboratories were being contacted.

A Forum member shared that for the ADCO chairs IMP-MSG meeting, it was made a mapping of laboratory testing in the Member States, looking at the EU testing facilities. It was asked to identify product sectors and technical specifications the testing facilities could provide. The Forum could follow-up on this topic and learn from that.

5.9.2 Mandate amendment

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

5.10 Training for enforcement trainers 2020

5.10.1 WG progress report

The Forum took note of the activities of the WG. Due to the pandemic, the training in 2020 would take place remotely, on 25-26 November 2020. The WG would adapt the adopted training Agenda, without changing its content. Discussion on the practicalities of such remote training was taking place also with the BPRS Training WG to ensure the highest quality event possible to all trainees.

5.10.2 Mandate amendment

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

Item 6 – Conclusions from day 1

The conclusions and actions points collected during day 1 were discussed with the Chairs after the meeting and adopted at the end of day 2.

Item 7 – Enforcement and breaches related to COVID-19 epidemic

HET informed the Forum of the arrangements put in place by ECHA in several of its processes to facilitate the fulfilment of obligations by the industry during the COVID-19 pandemic, that affected the industry by interrupting supply chains, services and availability of resources. The duties which were directly subject to enforcement were related to REACH authorisation decisions (implementation of monitoring timelines may be affected) and inquiry and registration duties (companies may need to increase the volumes without having the required registration (or tonnage band) and find it challenging to address in time the incompleteness in dossiers).

Item 8 – Conclusions from day 2

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

Item 9 – Cooperation with other networks

9.1 Future cooperation with IMPEL

A representative from the IMPEL network presented the organisation and their current project on waste management and circular economy. Moreover, their experts were revising their guidance on the Circular Economy and were exploring

to have more practical examples on the interface between REACH and the Waste Framework Directive (WFD).

Considering the Forum's pilot project on Recovered Substances, he proposed some possibilities for cooperation between the Forum and IMPEL, mainly by joint inspections during the operational phase of the Forum's project and joint training (REACH and waste inspectors of the countries participating in the project), which would promote the exchange of knowledge, experiences, methodologies between the two inspectors.

The Forum members were also invited to comment on the IMPEL Guidance "Making the Circular Economy work" to have a harmonised view on how to address issues such as exemptions from REACH registration and other borderline cases. After a question from a Forum member, the presenter clarified that the input for the current guidance was gathered from many experts, however, not from any REACH authority. At that time, the focus was to understand the challenges the companies faced when dealing with REACH regulation. Therefore, a review of the guidance was planned and IMPEL welcomed the input from the REACH experts from the Forum. The review was scheduled to be completed by March 2021, with the possibility to be extended until the end of that year.

Replying to a Forum member, the presenter clarified that the practical tool on the "end of waste practical assessment" was part of the Guidance and was public. It could be accessed/used by both regulators and companies.

COM noted that non-EEA countries were members of IMPEL. The presenter added that the network aimed at knowledge-sharing and welcomed countries that were still developing their legislation as observers. The suggested cooperation with the Forum's WG would involve only authorities from the EU/EEA countries participating in the project.

A Forum member welcomed the cooperation between IMPEL and the Forum's pilot project, which was discussed in agenda item [5.7](#).

9.2 Updates from SLIC-CHEMEX

The Forum took note of the information provided in a meeting document with the updates of the SLIC-CHEMEX's work since November 2019.

9.3 Updates from ADCO Chairs meeting

The last meeting of the ADCO Chairs took place on 19 June 2020 (remotely) and the proceedings of the meeting would be shared with the Forum in writing after Forum-35 by the AT Forum member.

Item 10 – Updates from the ECHA Forum Secretariat

10.1 ECHA's Internal Audit - Main recommendations for the Forum

The Forum was audited by ECHA's Internal Audit Capability (IAC) during autumn 2019. The auditor interviewed Forum members, Management Board members, COM and ECHA staff and ASOs. There were no non-compliances nor critical recommendations. The auditor made some observations that could help improve the efficiency and effectiveness of the Forum's activities.

HET presented a potential action plan which involved the Forum members and invited the Forum to discuss the actions and submit feedback in writing after the meeting.

It was noted that the practical enforcement guides (documents prepared after each project for inspectors), available in Interact Portal, do not seem to be frequently downloaded by users. The Forum members were invited to promote these documents among the NEAs at the national level.

The Forum Chair requested for the full audit report to be shared with all Forum members since the Forum is a body of ECHA.

10.2 Inventory of recommendations of the Forum's projects

HET presented the idea of a compilation/inventory of the recommendations from the last projects finalised by the Forum. It was one of the recommendations of the Forum's internal audit to make the Forum projects more impactful.

The purpose was to ensure that the recommendations addressed by the Forum in the projects were shared with the relevant recipients of the recommendations described in the project reports (ECHA, NEAs, ASOs, COM, etc.). It would also serve Forum and ECHA Secretariat to facilitate follow-up of recommendations adopted in the project reports. HET would monitor regularly the possible implementation of the recommendations and would keep the Forum updated on the progress.

The Forum members were invited to comment on the inventory proposed.

COM representative welcomed the initiative and suggested the separation of the recommendations per actor instead of per project.

10.3 Dates of Forum meetings 2020/2021

HET reminded the dates of the future plenary meetings. ECHA management decided that no physical meetings would take place by 30 March 2021 due to the Covid-19 pandemic, hence the next two plenary meetings will still take place remotely:

- Forum-36 week 26-30 October 2020 (remote)
- Forum-37 week 15-19 March 2021 (remote)
- Forum-38 week 14-18 June 2021
- Forum-39 week 8-12 November 2021

Item 11 – Update on relevant developments by the Commission

11.1 General updates by the European Commission

COM representative (DG ENV) presented updates regarding the European green deal and the COM's chemical strategy for sustainability. It is foreseen that it would be adopted in September 2020 followed by its implementation between 2021-2024.

The COM was still working on the Member States reports and there were no further updates.

A COM representative from DG GROW added that the interim report on the REACH-Customs study was being finalized.

He informed that CEN, the European Committee for Standardization, was working on regulated chemicals in products and its first outcome was on polycyclic aromatic hydrocarbons (PAH) in rubber and plastic. He recommended for the Forum members to keep contact with the CEN national contact point to highlight which restriction would be a priority for the Member States.

Due to the COVID-19, the workshop on authorisation (scheduled for the end of March 2020) was postponed for after the summer. For the same reason, the

exchange of inspectors' activities could also change its format and options were being explored.

Replying to a Forum member, the next exchange of inspectors' programme was being developed and application for this programme would run until March 2021. Most likely the deadline for application would not be extended.

Replying to a Forum member, the COM representative confirmed that the changes in Annex II of REACH will apply only in 2021.

11.2 Follow-up of Action 12 of REACH Review

Action 12 was related to the improvement of the interactions between REACH and OSH regulations. The NEAs were surveyed and a report with a compilation of the information was prepared and delivered to COM to assist in the completion of this action.

COM had also been working on the improvement of SDS by, for example, defining the minimum requirements, digitalisation of SDS and mandating ECHA to develop methodologies for SDS for mixtures.

COM was also working at aligning the methodologies between OSH-REACH. Cooperation between the expert groups of each regulation have been tried, for example, RAC has been developing OELs for OSH.

11.2.1 Update on the Forum's report 'Survey OSH-REACH enforcement interactions'

The Forum Vice-chair informed that the Forum's report 'Survey OSH-REACH enforcement interactions' sent for COM would be publicly available in the Forum's website.

Item 12 – Conclusions from day 3

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

Item 13 – Practical issues for enforcement of REACH, CLP, PIC and POPs

HET summarised the status of the pending practical issues. It reminded of the new issue posted in HelpEx for Forum members to comment.

Issue 21.1 - Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?

HET summarised the issue and the comments received from the Forum members. The conclusion of the practical issue was revised, and a new proposal was presented at the meeting.

The Forum discussed the proposed draft conclusions. The draft conclusion would be revised followed by a commenting round with the Forum.

Issue 35.1 – Does REACH, CLP or PIC prevent the export of used and discarded corrugated roofing sheets filled with asbestos fibres that were in use since before 1 January 2005?

HET presented the issue and the proposed draft conclusion.

The Forum discussed the proposed draft conclusions. The draft conclusion would be revised to add different scenarios, followed by a via written procedure.

Issue 35.2 - Labelling requirements for chemical anchors (glass capsules)

The submitter presented the issue, which was concerning chemical anchors (glass capsules) and the deviation from the labelling requirements for the packaging immediately containing the substance or mixture.

HET introduced the draft conclusion and some Forum members commented on the proposed text. The text was edited at the meeting and the conclusion of this practical issue was adopted.

Issue 35.3 - Can the data from the SDS of a plant protection product authorised in one Member State be used to produce a SDS for a rebranded version of that plant protection product in another Member State without a letter of access?

The submitter presented the issue that concerned the Plant Protection Products (PPP) Regulation, which was outside the Forum's remit. Therefore, the proposed conclusion did not include reflections on the applicability of the provisions of this regulation but only related to REACH and SDS provisions.

The HET introduced the draft conclusion and some Forum members commented on the proposed text. Further feedback from the submitter would be sent after the meeting, followed by a written consultation.

Issue 35.4 - Harmonised enforcement of exemptions of CLP Article 29 duties

The submitter presented the issue that was observed during the operational phase of the Forum's project REF-6.

HET presented the proposed draft conclusion that considered the recent interpretation of the COM's legal services, which was also presented and discussed at the last HelpNet-CLP meeting.

HET would collect additional input from the members after the meeting, followed by a written consultation.

Item 14 - Updates from the ECHA Secretariat

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

The expert from ECHA Secretariat presented the REACH communication on substances in articles (SiA) and the notification of SCIP (**S**ubstances of **C**oncern **I**n articles as such or in complex objects (**P**roducts)), which was established under the Waste Framework Directive (WFD). Moreover, the presenter informed on the status of the SCIP data base and reflected on the recommendations to ECHA on the Forum enforcement project on SiA.

Replying to the Forum's comments, ECHA was not considering updating the Guidance for Substances in Articles in the short term and all relevant information/recommendations would be provided under the SCIP data base communications activities (ECHA website, to the Member States, etc.).

14.2 Update on "REACH review action 3"

The ECHA expert summarised the document provided for the meeting, which included the information on the work done during 2020 to identify mechanisms that could address the poor quality of the information provided through the SDS, in context of the REACH REVIEW Action 3. The future work would involve Member States' authorities, with the aim to help clarify the needs of duty holders to ensure that such mechanisms were workable and enforceable.

The Forum mandated three experts (AT Forum member, NO Forum alternate and SE expert) to collaborate with the actors involved in the REACH Review action 3. An additional question on the preferred way to collect feedback from the NEAs (e.g. dedicated Webex) was posed to the Forum, via written consultation.

14.3 Feedback received on the enforcement of Art 11

HET informed about the feedback received from the Forum members after the Forum-34 meeting on ECHA's proposal for a process of involving NEAs in the Lead Role Verification process and enforcement of REACH Article 11.

14.4 Follow-up on the process for revocations for non-existing ORs and non-compliant dossiers

The Chair indicated that the discussion on revocations for non-existing companies (formally known as "ghost ORs") was taking place within the work of the WG Interlinks.

14.5 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.

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

15.1 Update on the coordination of the BPR enforcement

The BPRS Chair gave a summary of the issues to be discussed at BPRS-10 remote meeting¹, which would *inter alia* include the election of a Chair and Vice-chair for the next three years.

15.2 Common activities between Forum and BPRS

HET summarised a meeting document on the cooperation between Forum and BPRS on subjects related to interaction of BPR and other legislations under the remit of the Forum, for example, on discussions of practical issues concerning both BPR and

¹ Agenda and minutes of the BPRS meetings: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2020>

REACH. The Forum would follow-up on this issue after it was discussed amongst the BPRS members during the BPRS-10 meeting.

Item 16 – A.O.B.

16.1 Enforcement of the updated Annex VIII of CLP

The topic would be addressed at the Forum-36 meeting.

16.2 Proposals for topics for Training for enforcement trainers 2021

The Forum members were invited to send proposals for topics for the enforcement training event of 2021.

Item 17 – Conclusions from day 3 and 4

The Forum adopted the conclusions and actions points collected for the issues discussed during the days 3 and 4.

Item 18 – End of the meeting

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

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-35

22-25 June 2020

(Adopted at the Forum-35 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 – Election of the Forum Chair and Vice Chairs		
	The Forum elected Katja vom Hofe (DE) as Chair and Sinead McMickan (IE) and Henrik Hedlund (SE) as Vice Chairs. Their terms of office will run from 22 June 2020 until 21 June 2023.	
Item 3 – Forum’s transparency		
3.1 Feedback collected on the “transparency document” from March 2020		Forum members are invited to provide written feedback on the proposals in the document by 27 July.
3.2 Results of the Forum members’ satisfaction survey 2019		HET will produce a new version of the document considering the Forum feedback and further systematising the assessments of impact and cost of the proposals for discussion and agreement at Forum-36.
Item 4 – Forum’s enforcement activities- Projects under finalisation		
4.1 Cooperation with Customs 2		
4.1.1 WG progress report		
4.1.2 WG Mandate	The Forum revised the mandate of the WG.	
Item 5 – Forum’s enforcement activities - Ongoing projects		
5.1 MS reporting		COM is invited to come back with the experience on the 2020 reporting once available.
5.1.1 WG progress report	The Forum agreed to run the pilot annual reporting exercise starting collection of data in January 2021 and finishing in December 2022.	HET will request the Forum comments on pros and cons of the

		<p>different counting methods as per the progress report by 3 July.</p> <p>Forum members are invited to comment on the pros and cons of the different counting methods by 31 July 2020.</p> <p>WG MS Reporting is invited to propose a common convention for counting controls by F-36</p> <p>HET to turn the adopted annual reporting template into a practical reporting tool by end of 2020</p>
5.1.2 Mandate amendment	The Forum revised the mandate of the WG.	
<p>5.2 Prioritisation of REF projects</p> <p>5.2.1 WG progress report</p>	The Forum selected integrated control of products as the subject of REF-10 project.	<p>HET to send to the Forum members a template for the submission of comments on the preferences of the pilot projects and the preferred timelines by 3 July.</p> <p>Forum members are invited to send their preference on the pilot project(s) by 21 August</p> <p>WG Prioritisation is invited to assess the feedback received and present the outcomes at Forum-36</p> <p>WG Prioritisation is invited to revise the registry of provisions tackled in the Forum projects including BPR provisions, if the addition of BEF projects to the registry is agreed by the BPRS.</p>
5.2.2 WG Mandate amendment	The Forum revised the mandate of the WG.	
<p>5.3 REF-7 project</p> <p>5.3.1 WG progress report</p>		
5.3.2 Preliminary results		
5.3.3 Mandate amendment	The Forum revised the mandate of the WG.	
<p>5.4 Interlinks</p> <p>5.4.1 WG progress report</p>		Forum members willing to comment on the ECHA Secretariat's report on measures applicable for the enforcement dossier evaluation

		decisions are welcome do so by 31 July
5.4.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.5 Implementation of Interact portal 5.5.1 WG progress report		
5.5.2 Update on ECHA IT tools		<p>Forum members are invited to liaise with their BPRS Member to consider having the existing Interact User Administrators also for Interact BPR.</p> <p>Forum members are invited to inform HET about any changes in their ICSMS REACH, CLP contact points as well as appointment of PIC contact points by 10 July.</p> <p>HET to send the updated list of ICSMS contact points to FMs by 17 July.</p> <p>HET to send information of the go-live of PIC DRPI to the FMs once it is available.</p>
5.5.3 Interact Consultation module		
5.5.4 Mandate amendment	The Forum revised the mandate of the WG.	
5.6 REF-9 5.6.1 WG progress report		<p>Forum members are invited to nominate NCs for the REF-9 project by 30 June.</p> <p>HET to inform the REF-9 NCs on a new date of the Training for REF-9 NCs once it is agreed.</p>
5.6.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.7 Pilot project on recovered substances 5.7.1 WG progress report		<p>Forum members interested in participating in the project can nominate NCs so that they can participate in the consultation round of the draft manual. NCs should be nominated by 30 June.</p>

		<p>Forum members may also nominate NCs by 4 September however NCs appointed later than 30 June will not be able to comment on the draft manual.</p> <p>Forum members willing to provide comments on the IMPEL guidance are free to do so individually when the draft guidance is provided by IMPEL.</p> <p>HET to describe the proposed scope of cooperation with IMPEL and consult the Forum members on it by 3 July</p> <p>Forum members are invited to give feedback on proposed cooperation with IMPEL by 31 July.</p>
5.7.2 WG Mandate	The Forum revised the mandate of the WG.	
5.8 REF-8		
5.8.1 WG progress report		
5.8.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.9 Enforceability of Restrictions		
5.9.1 WG progress report		<p>Forum members are invited to send the questionnaires provided by laboratories with information on analytical methods and any proposals for amendment of the Compendium by 30 September.</p> <p>AT Forum member is invited to investigate with ADCO IMP-MSG whether it is possible to prepare a list of laboratories providing testing services relevant for Annex XIV and Annex XVII enforcement.</p> <p>HET will prepare a questionnaire to requests to the national laboratories for information on analytical methods for Annex XIV substances covered by the REF-9 projects.</p>

		Forum members are invited to distribute the questionnaire to the national laboratories.
5.9.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.10 Training for enforcement trainers 2020		Forum members are invited to nominate at least one participant per MS who will be the National Coordinator for REF-9 project as by 30 June.
5.10.1 WG progress report		HET will inform the Forum members about the additional participant(s) nomination per MSs by 18 September 2020.
5.10.2 Mandate amendment	The Forum revised the mandate of the WG.	
Item 7 – Enforcement and breaches related to COVID-19 epidemic		
		HET to send the statement for comments in writing by 3 July. Forum members are invited to comment on the statement and indicate whether this should be included in the public version of the Forum-35 minutes.
Item 9 – Updates from other networks		
9.1 Future cooperation with IMPEL		HET will convey to IMPEL representative the Forum's position on the potential collaboration with IMPEL.
9.2 Updates from SLIC-CHEMEX		
9.3 Updates from ADCO Chairs meeting		AT Forum member to send the summary of ADCO activities by email to the Forum by 10 July
Item 10 – Updates from the ECHA Forum Secretariat		
10.1 ECHA's Internal Audit - Main recommendations for the Forum		Forum members are invited to provide written feedback on the presentation and the questions therein by 31 July. HET will provide a response to comments received in writing by Forum-36.

		<p>HET discuss with IAC the sharing of the audit report with the Forum.</p> <p>Forum members are invited to promote the use of the practical enforcement guides among the NEA.</p>
10.2 Inventory of recommendations of the Forum's projects		The Forum members are invited to provide comments on the inventory by 31 July.
10.3 Dates of Forum meetings 2020/2021	<ul style="list-style-type: none"> • Forum-36 week 26-30 October 2020 (remote) • Forum-37 week 15-19 March 2021 (remote) • Forum-38 week 14-18 June 2021 • Forum-39 week 8-12 November 2021 	
Item 11– Update on relevant developments by the Commission		
11.1 General updates by the European Commission		
<p>11.2 Follow-up of Action 12 of REACH Review</p> <p>11.2.1 Update on the Forum's report 'Survey OSH-REACH enforcement interactions'</p>		HET will publish the report of the Forum's REACH-OSH survey.
Item 13 – Practical issues for enforcement of REACH, CLP, PIC and POPs		
Practical issues		Forum members are invited to provide new practical issues for Forum-36 by 4 September
21.1 Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?		<p>HET will send the issue for written consultation by 3 July.</p> <p>Forum members are invited to provide comments by 31 July.</p>
35.1 Does REACH, CLP or PIC prevent the export of used and discarded corrugated roofing sheets filled with asbestos fibres that were in use since		HET will revise the conclusion and send it for written consultation.

before 1 January 2005?		
35.2 Labelling requirements for chemical anchors (glass capsules)	The conclusion was adopted at the meeting	HET will turn the conclusion into "supplement of the MOC" and send it for editorial consultation by 3 July.
35.3 Can the data from the SDS of a plant protection product authorised in one Member State be used to produce an SDS for a rebranded version of that plant protection product in another Member State without a letter of access?		HET will send the issue for written consultation by 3 July. Forum members are invited to provide comments by 31 July.
35.4 Harmonised enforcement of exemptions of CLP Art 29 duties		HET will revise the conclusion and send it for written consultation.
Item 14 – Updates from the ECHA Secretariat		
14.1 Database on articles containing Candidate List substances under the Waste Framework Directive		HET will make the presentation available by 3 July. Forum members are invited to comment by 30 July
14.2 Update on "REACH review action 3"	The forum mandated the AT Forum member, NO alternate and SE invited expert to contribute to REACH Review action 3.	Forum members are invited to reply to question on preferred way of potential contribution to the Reach Review Action 3 (Q2 in the document) by 27 July
14.3 Feedback received on the enforcement of Art 11		
14.4 Follow-up on the process for revocations for non-existing ORs and non-compliant dossiers		HET will send a written request for feedback by Forum by 10 July. Forum members are invited to provide feedback in writing by end of August .
14.5 Follow-up of ECHA Decisions: updates from ECHA		

Item 15 – Updates on the cooperation between Forum and BPR Subgroup		
15.1 Update on the coordination of the BPR enforcement		
15.2 Common activities between Forum and BPRS		HET will bring the item for discussion in BPRS. Depending on result of discussion at BPRS-10 the subject may be brought for further discussion at Forum-36
Item 16 – AOB		
16.1 Enforcement of the updated Annex VIII of CLP		
Other		The Forum members are invited to submit proposals of three topics for the Training 2021 by 31 August 2020 .

III. List of Attendees

Forum members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	CUYPERS Paul
3	BG	ZIDAROVA Elena
4	CY	ORPHANOU Maria
5	CZ	JAROLÍM Oldřich
6	DE	VOM HOFE Katja
7	DK	SCHARFF Ida
8	EE	LINNO Annemari
9	EL	FOUFA Eleni
10	ES	TEBAR LUJAN Jorge
11	FI	MÄKI Markus
12	FR	RASOOLY Emilie
13	HR	PILETIĆ Kaća
14	HU	DEIM Szilvia
15	IE	MCMICKAN Sinead
16	IS	BRAGASON Ísak Sigurjón
17	IT	ALESSI Mariano
18	LI	RELLA-QUADERER Maria Rosaria
19	LT	SPŪRIENĖ Otilija
20	LU	ENGELS Kim
21	MT	GARG Ramandeep
22	NL	VAN DEN BERG Jos
23	NO	HAGEN Gro
24	PL	MOCZULAK Aleksandra
25	PT	CENTENICO Ana
26	RO	MIJA Maria
27	SE	HEDLUND Henrik
28	SI	HAJRLAHOVIC MEHIC Semira
29	SK	POČAROVSKÁ Miriam

Invited experts/Advisors

	Country	Name
1	BE	LEYNEN Michel
2	BG	TCHOBANOVA Elena
3	DE	WURSTHORN Sibylle
4	DE	FRENZEL Stefan
5	DK	MIKKELSEN Sonja
6	DK	NIELSEN SCHULEIT Linda
7	ES	ZAMORA NAVAS Laura

	Country	Name
8	FI	OLLIKKA Jussi
9	HR	SUVAK Zdenko
10	HU	BURAI Erika
11	HU	KOVÁCS Tamás
12	HU	MAROSVÖLGYI Nikoletta
13	IE	BURKE Margaret
14	IE	LOWE Majella
15	NL	VAN DEN MEER Mirjam
16	NO	SULEIMAN Abdulqadir
17	PL	WAŚIK Romualda
18	PT	VITORINO Filipe
19	SE	RUMAR Karin

European Commission representative

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

Representative from IMPEL Network

	Name
1	RUGGERI Romano

	ECHA	Unit
1	ANNYS Erwin	Support and Enforcement Unit
2	BARANSKI Maciej	Support and Enforcement Unit
3	CALVO TOLEDO Juan Pablo	Support and Enforcement Unit
4	CORNU Catherine	Data Availability Unit
5	MATEUS Tania	Support and Enforcement Unit
6	MURRAY Andrew	Exposure and Supply Chain Unit
7	NIKULA Terhi	Support and Enforcement Unit
8	PRAZERES Telmo	Exposure and Supply Chain Unit
9	TŁOCZEK Magdalena	Support and Enforcement Unit
10	TUOMAINEN Anita	Support and Enforcement Unit

IV. List of Annexes

ANNEX 1. Final agenda Forum-35

ANNEX 2. Revision of mandates of Forum WGs

ANNEX 2 a – “Customs 2”

ANNEX 2 b – “Member States Reporting”

ANNEX 2 c – “Prioritisation of REF projects”

ANNEX 2 d – “REF-7 on Registration”

ANNEX 2 e – “Interlinks”

ANNEX 2 f – “Implementation of PD-NEA”

ANNEX 2 g – “REF-9 on Authorisation”

ANNEX 2 h – “Pilot project on recovered substances”

ANNEX 2 i – “REF-8 on online sales”

ANNEX 2 j – “Enforceability of restrictions”

ANNEX 2 k – “Training for Enforcement Trainers 2020”

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-35



22 June 2020
ECHA/Forum-35.2/2020/A

Agenda

**Thirty fifth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-35)
22 - 25 June 2020
Remote meeting**

DAY 1 Monday 22 June 2020 (10:00-13:30)

Item 1 – Welcome and Introduction	<i>10:00-10:25</i>
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- 1.1 Welcome and opening by the Head of Unit of ECHA Support and Enforcement (S&E) unit
- 1.2 Practicalities of a remote meeting – *HoU of S&E*
- 1.3 Adoption of the Agenda – *HoU of S&E*
- 1.4 Declarations of conflict of interest with regard to agenda items and quorum – *HoU of S&E*
- 1.5 State of play with action points from Forum-34 – *ECHA Forum Secretariat*
- 1.6 Results of the written procedures between Forum-34 and Forum-35 - *ECHA Forum Secretariat*

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ECHA/Forum-35.2/2020/1.5
ECHA/Forum-35.2/2020/1.6*

**For adoption
For information**

Item 2 – Election of the Forum Chair and Vice Chairs	<i>10:25-11:00</i>
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- 2.1 Presentation of the candidates (5')
- 2.2 Candidates' motivation speeches (15')
- 2.3 Election procedure (10')
- 2.4 Counting of the votes and announcement of the elected Forum Chair and Vice-Chairs (5')

ECHA/Forum-35.2/2020/2

For adoption

Item 3 – Forum's transparency	<i>11:00-11:50</i>
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- 3.1 Feedback collected on the "transparency document" from March 2020
- 3.2 Results of the Forum members' satisfaction survey 2019
- 3.3 Discussion

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For discussion

Break 11:50-12:00

Item 4 – Forum's enforcement activities- Projects under finalisation	<i>12:00-12:30</i>
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4.1 Customs 2 (30')

- 4.1.1 WG progress report – WG Chair
- 4.1.2 Project results - WG Chair
- 4.1.3 Mandate closure - ECHA Forum Secretariat

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ECHA/Forum-35.2/2020/Draft_mandates

Item 5 – Forum’s enforcement activities - Ongoing projects	<i>12:30-13:15</i>
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5.1 Member States reporting (45')

- 5.1.1 Progress report – WG Chair
- 5.1.2 Discussion on the timing of the pilot exercise in annual reporting – WG Chair
- 5.1.3 Mandate amendment - ECHA Forum Secretariat

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For discussion
For adoption

Item 6 – Adoption of conclusions from day 1	<i>13:15-13:30</i>
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For adoption

DAY 2 Tuesday 23 June 2020 (10:00-13:00)

Item 5 – Forum’s enforcement activities - Ongoing projects (continuation)

10:00-12:30

- 5.2 *Prioritisation of REF projects (60’)*
 - 5.2.1 *WG progress report – WG Chair*
 - 5.2.2 *Discussion of the potential scope of REF-10 and pilot projects – WG Chair*
 - 5.2.3 *Timeline of the future Pilot project on bridging principles – ECHA Forum Secretariat*
 - 5.2.4 *Mandate amendment - ECHA Forum Secretariat*
- 5.3 *REACH-EN-FORCE-7 on Registration (30’)*
 - 5.3.1 *WG progress report - WG Chair*
 - 5.3.2 *Preliminary results – WG Chair*
 - 5.3.3 *Mandate amendment - ECHA Forum Secretariat*

Break 11:30-11:40

- 5.4 *Interlinks (20’)*
 - 5.4.1 *WG progress report – WG Chair*
 - 5.4.2 *Mandate amendment- ECHA Forum Secretariat*
- 5.5 *Implementation of Interact portal (20’)*
 - 5.5.1 *WG progress report – WG Chair*
 - 5.5.2 *Update on ECHA IT tools - ECHA Forum Secretariat*
 - 5.5.3 *Interact Consultation module – ECHA Forum Secretariat*
 - 5.5.4 *Mandate amendment - ECHA Forum Secretariat*
- 5.6 *REACH-EN-FORCE-9 on Authorisation (10’)*
 - 5.6.1 *WG progress report - WG Chair*
 - 5.6.2 *Mandate amendment - ECHA Forum Secretariat*

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ECHA/Forum-35.2/2020/5.3.1
ECHA/Forum-35.2/2020/5.4.1
ECHA/Forum-35.2/2020/5.5.1
ECHA/Forum-35.2/2020/5.6.1
ECHA/Forum-35.2/2020/Draft_mandates

For discussion
For adoption

Item 7 – Enforcement and breaches related to COVID-19 epidemic

12:30-12:50

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For discussion

Item 8 – Adoption of conclusions from day 2

12:50-13:00

DAY 3 Wednesday 24 June 2020 (10:00-13:30)

Item 9 – Cooperation with other networks 10:00-10:50

- 9.1 Future cooperation with IMPEL (30') – *IMPEL representative*
- 9.2 Updates from SLIC-CHEMEX (10') – *ECHA Forum Secretariat*
- 9.3 Updates from ADCO Chairs meeting (10') – *AT Forum member*

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For information

Item 5 – Forum's enforcement activities - Ongoing projects (cont.) 10:50-11:40

- 5.7 *Pilot project on recovered substances (25')*
 - 5.7.1 *WG progress report - WG Chair*
 - 5.7.2 *Mandate amendment - ECHA Forum Secretariat*

- 5.8 *REACH-EN-FORCE-8 on on-line sales (10')*
 - 5.8.1 *WG progress report - WG Chair*
 - 5.8.2 *Mandate amendment - ECHA Forum Secretariat*

- 5.9 *Enforceability of Restrictions (10')*
 - 5.9.1 *WG progress report - WG Chair*
 - 5.9.2 *Mandate amendment - ECHA Forum Secretariat*

- 5.10 *Training for enforcement trainers 2020 (5')*
 - 5.10.1 *WG progress report - WG Chair*
 - 5.10.2 *Mandate amendment - ECHA Forum Secretariat*

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ECHA/Forum-35.2/2020/5.9.1
ECHA/Forum-35.2/2020/5.10.1
ECHA/Forum-35.2/2020/Draft_mandates

For information
For adoption

Break 11:40-11:50

Item 10 – Updates from the ECHA Forum Secretariat 11:50-12:35

- 10.1 *ECHA's Internal Audit - Main recommendations for the Forum (30')*
- 10.2 *Inventory of recommendations of the Forum's projects (10')*
- 10.3 *Dates of Forum meetings 2020/2021 (5')*

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For discussion
For information

Item 11 – Update on relevant developments by the Commission

12:35-13:20

- 11.1 General updates by the European Commission
- 11.2 Follow-up of Action 12 of REACH Review
 - 11.2.1 Update on the Forum's report 'Survey OSH-REACH enforcement interactions'

ECHA/Forum-35.2/2020/11.1

For information

Item 12 – Adoption of conclusions from day 3

13:20-13:30

For adoption

DAY 4 Thursday 25 June 2020 (10:00-13:00)

Item 13 – Practical issues for enforcement of REACH/CLP/PIC/POPs	<i>10:00-11:00</i>
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Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)

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For discussion

Item 14 – Updates from the ECHA Secretariat	<i>11:00-12:05</i>
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- 14.1 Database on articles containing Candidate List substances under the Waste Framework Directive (20')
- 14.2 Update on "REACH Review Action 3" (5')
- 14.3 Feedback received on the enforcement of Art 11 (5')
- 14.4 Follow-up on the process for revocations for non-existing ORs and non-compliant dossiers (30')
- 14.5 Follow-up of ECHA Decisions: updates from ECHA (5')

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***For information
For discussion***

Item 15 – Updates on the cooperation between Forum and BPR Subgroup	<i>12:05-12:30</i>
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- 15.1 Update on the coordination of the BPR enforcement (10') – *BPRS Chair*
- 15.2 Common activities between Forum and BPRS (15') – *ECHA Forum Secretariat*

ECHA/Forum-35.2/2020/15.2

For information

Item 16 – AOB	<i>12:30-12:45</i>
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- 16.1 Enforcement of the updated Annex VIII of CLP – *RO Forum member*

For information

Item 17 – Adoption of conclusions from day 4	<i>12:45-13:00</i>
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For adoption

Item 18 – End of the meeting	<i>13:00</i>
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Annex 2 a “Customs 2”

Forum Working Group “Cooperation with Customs 2” (mandate adopted at Forum 35)

Composition

Chair: Maria ORPHANOU (CY)

Forum Members/Alternates

- Eleni FOUFA (EL)
- Annemari LINNO (EE) (NEA)

Invited Experts

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

COM

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

ECHA

- Maciej BARAŃSKI
- Aleš FRONTINI
- Tania MATEUS
- Magdalena TŁOCZEK

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.
3. Prepare the practical enforcement guidance for cooperation with Customs

Timeline:

- Task 1:
 - Preparatory phase April 2018 – February 2019
 - Operational phase: March 2019 – November 2019
 - Reporting phase: December 2019 – September 2020
 - Draft report: 31 August 2020
 - Adoption and publication of the report: 30 September 2020
- Task 2: Q4 2018-Q1 2019
- Task 3: Adoption of the practical enforcement guidance for cooperation with Customs (tips and hints for inspectors): 30 June 2021

Annex 2 b “MS report”

Forum and BPRS Working Group “Member States reporting” (mandate adopted at Forum-35/BPRS-10)

Composition

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

Forum Members/Alternates

- Katja VOM HOFE (DE)
- Markus MAKI (FI)
- Elena ZIDAROVA (BG)
- Emilie RASOOLY (FR)

BPRS Members/Alternates

- Francesca RAVAIOLI (IT)
- Annemari LINNO (EE)
- Helmut DE VOS (BE)

Invited Experts

- Katja TRAWNY (DE)
- Monika AVIZIENE (LT)

COM: Ligia NEGULICI (DG SANTE)

ECHA: Maciej BARAŃSKI; Aleš 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 under REACH and CLP
- D. 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
- F. Examine MS Report template under Art 65(3) and use it to draft a template for annually reporting the Member States Enforcement activities under BPR, for further consideration by the BPRS in November 2019
- G. Prepare the template for the report to the European Commission required under Article 13(1)(a) of the POPs Regulation
- H. Attempt to find a harmonised method of counting controls for the purposes of reporting by Forum and BPRS.

Timeline: Forum-36 (October 2020)

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Annex 2 c “Prioritisation of REF Projects”

Forum Working Group Work Package A.1 **“Prioritisation of REF Projects”** (mandate adopted at Forum-35)

Composition

Chair: Oldrich JAROLIM (CZ) – rotating Chair

Vice Chair(s):

Forum Members/Alternates

- Maria Letizia POLCI (IT)
- Paul CUYPERS (BE)
- Abdulqadir SULEIMAN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)

Invited Experts

- Tamas KOVACS (HU)
- Laura WILMS (DE)
- Rui CABRITA (PT)

Ad-hoc invited experts from BPRS (cooperating in the elaboration of the Registry of legal obligations subject to previous enforcement projects).

- xxx
- yyy

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 in the following regulatory areas: REACH, CLP, PIC, POP, BPR.
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

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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-10 by Forum-36.

Annex 2 d "REF-7"

Forum Working Group

Work Package A.1

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

(mandate adopted at Forum 35)

Composition

Chair: Paul CUYPERS (BE)

Forum Members and Alternates

- 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 TŁOCZEK
- Aleš FRONTINI
- Catherine CORNU (A4)
- Augusto DI BASTIANO (D3)
- Istvan MAK (A4)

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

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29 October 2020
Public

- Tips and hints for inspectors: Q2 2021

Annex 2 e “Interlinks”

Forum Working Group “Interlinks” (mandate adopted at Forum 35)

Composition

Chair: Katja VOM HOFE (DE)

Forum Members/Alternates

- Otilija SPURIENE (LT)

Invited Experts

- Stefanie WITZKE (DE)
- Linnea KANNING (SE)
- Louise CONWAY (IE)

ECHA

- Maciej BARAŃSKI
- Aleš FRONTINI

Objectives:

- Review the interlinks processes and adapt them to expected challenges

Tasks:

1. 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
2. Liaise with ECHA Secretariat on interlinks and consider the enforcement related actions in the Joint Evaluation Action Plan 2027
3. Liaise with other WGs to consider reporting needs related to interlinks process, if the WG considers it appropriate
4. Comment on Interact portal requirements related to the functionalities for interlinks
5. Look into cases of revocations of registrations for non-existent companies and, potentially, due to non-compliances on request of the NEAs

Timeline: Forum-36 (October 2020)

Annex 2 f “Interact Portal”

Forum Working Group “Implementation of Interact NEA” (mandate adopted at Forum-35)

Composition

Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Eleni FOUFA (EL)
- Elena ZIDAROVA (BG)
- Jussi OLLIKKA (FI)

Invited Experts

- Juergen SCHMID (DE)
- Maria Jose FALCAO (PT)
- Robert GERHAT (HU)

ECHA

- Aleš FRONTINI
- Anita TUOMAINEN

Objective:

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

Mandate:

1. Provide input during further development and implementation of Interact NEA
2. Verify that the UAT conditions are implemented with and follow up the implementation of the WG improvement requests
3. Collaborate with the WG Interlinks about the interlinks functionalities in the Interact Portal

Timeline:

- Forum-38 (Q1 2021)

Annex 2 g "REF-9"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-9"
(mandate adopted at Forum 35)

Composition

Chair: Jos VAN DEN BERG (NL)

Forum Members and Alternates

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

Invited Experts

- Elvera BREEDLAND (NL)
- Lisa EKSTIG (SE)
- Maria José FALCÃO (PT)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)
- Jarmo OSMO (FI) (OSH)

SLIC CHEMEX

- Monique WAEGEMAEKERS (NL)

ECHA

- Magdalena TŁOCZEK
- Aleš FRONTINI
- Markus BERGES
- Andrew MURRAY
- Fesil MUSHTAQ
- Thierry NICOT

Objective:

- Conceive and manage the ninth major Forum enforcement project REF-9 on authorisation.

Mandate:

1. Make a recommendation to Forum about the substances to be included in the scope of the project by Forum-35
2. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
3. Liaise with the WG 'Training for trainers 2020'
4. Define the specific duties to be covered in the project;
5. Prepare and deliver the training for project national coordinators
6. Management of the Operational phase
7. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 2021
- Reporting phase (National Coordinators): Q1 2022
- Evaluation phase: Q3 2022
- Draft report: Q4 2022
- Adoption of the report: Q4 2022
- Tips and hints for inspectors: Q2 2023

Annex 2 h “Pilot Recovered Substances”

Forum Working Group

“Pilot project on recovered substances exempted from REACH registration”

(mandate adopted at Forum-35)

Composition

Chair: Oldrich JAROLIM (CZ)

Forum Members and Alternates

- Paul Cuypers (BE)
- Ida SCHARFF (DK)
- Almudena OVEJAS ZAPATA (ES)

Invited Experts

- Maria Thestrup JENSEN (DK)
- Peter HELLEMA (NL)
- Frank PEEN (NL)
- Antonio LEITAO (PT)

COM: Gert ROEBBEN (DG GROW)

ECHA

- Tania MATEUS
- Ales FRONTINI
- Rossella DEMI
- Ronan NICOLAS
- Telmo VIEIRA PRAZERES
- Ignacio GONZALES RODRIGUEZ
- Ulrich KREMSER

Objective:

- Conceive and manage the pilot project on recovered substances, with particular attention for the exemption from REACH registration obligation, according to REACH Art 2(7) d in the waste recycling sector.
- Optionally, include enforcement of the relevant obligations of the POPs regulation.

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 inspectors (tips and hints for inspectors)

Timeline:

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 1 January 2021 – 30 December 2021
- Reporting phase (National Coordinators): 28 February 2022
- Draft report: 31 May 2022
- Adoption and publication of the report: 30 June 2022
- Adoption of the practical enforcement guidance for substances in articles

Forum-35 Minutes
29 October 2020
Public

for inspectors (tips and hints for inspectors): 31 December 2022

Annex 2 i "REF-8"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-8"

(mandate adopted at Forum-35/BPRS-10)

Composition

Chair: Karin RUMAR (SE)

Forum Members and Alternates

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

Invited Experts

- Kevin BUCKLEY (IE)
- Sara YASSINE (DK)
- Timea TARNOCZAI (HU)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)

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)
- Anne HORN (DE) (BPR expert)

ECHA

- Tania MATEUS
- Aleš 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 j “Restrictions”

Forum Working Group Work Package B12 **“Enforceability of restrictions”** (mandate adopted at Forum-35)

Composition

Chair: Maria Letizia POLCI (IT) – 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)
- Charlotte RAHM (SE)
- Caroline NILSSON (SE)

Invited Experts ad-hoc (advisory process):

- Karin RUMAR (SE)
- Tara HORIGAN (IE)
- Zilvinas UZOMECKAS (LT)
- Emilie RASOOLY (FR)
- Annemari LINNO (EE)

Invited experts (analytical methods)

- Nadja GOETZ (DE)
- Carolina FERRANTI (IT)
- Julia GONZALEZ GUTIERREZ (ES)
- Durk SCHAKEL (NL)
- Aristotelis PAPAGEORGIOU (EL)
- Andromachi KATSONOURI (CY)

COM

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

ECHA

- Juan Pablo CALVO TOLEDO
- Augusto DI BASTIANO

Mandate:

Advisory process

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.
2. Consider to provide an advice to the Commission on restriction proposals prepared by the Commission regarding Article 68 (2) when invited to do so by the Commission.

Analytical methods

3. Review in 2020 the information on analytical methods provided by the stakeholders, Commission and by the Member States during 2016/2017/2018/2019/2020 and revise if needed the methodology and the compendium of analytical methods recommended for the enforcement of REACH Annex XVII restrictions by F-36 (Q4 2020).
4. Elaborate in consultation with Forum members a list of analytical methods commonly used to enforce substances under Annex I (POPs for which manufacture, placing on the market or use are prohibited) and Annex IV (POPs subject to specific waste management measures) of the POPs Regulation.
5. Provide advice to the Commission on the development of standard methods when invited to do so by the Commission.

Other

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 for solutions.
7. Assess the enforceability of newly adopted Annex XVII restrictions.
8. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- Review Compendium of analytical methods: F-36
- List of analytical methods for POPs: F-36
- First proposal of the "Registry of concerns": F-36
- Assessment of the enforceability of relevant new Annex XVII restrictions: F-36
- 30 November 2020, reporting at each plenary meeting

Annex 2 k "Training the trainers 2020"

Forum Working Group

Work Package C.2.

"Training for enforcement trainers 2020"

(mandate adopted at Forum 35)

Composition

Chair: Henrik HEDLUND (SE)

Forum Members/Alternates

- Gro HAGEN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Ida Lundstein SCHARFF (DK)
- Otilija ŠPURIENĖ (LT)

Invited Experts

- Teresa ALMEIDA (PT)²
- Ana CRISTINA CORREIA (PT)
- Lisa EKSTIG (SE)
- Uwe LICHT-KLAGGE (DE)

SLIC CHEMEX

- Monique WAEGEMAEKERS (NL)

ECHA

- Magdalena TŁOCZEK
- Markus BERGES
- Andrew MURRAY
- Fesil MUSHTAQ
- Thierry NICOT

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH CLP and PIC in the fourth quarter of 2020.

Mandate:

1. Specify as early as possible the envisaged level of the content of the training
2. Prepare materials necessary for the training such as presentations or documents
3. Liaise with the WG REF-9
4. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Final report - Q1 2021

² Teresa Almeida will leave the WG on 31 July 2020

Annex 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
ASO: ECHA's Accredited Stakeholder Organisations
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
DEV: Dossier Evaluation
DG: Directorate General at Commission
DRPI: Directive Related Product Information
DU: Downstream Users
ECHA: European Chemicals Agency
EU: European Union
ICSMS: Information and Communication System on Market Surveillance (ICSMS)
- IT platform to facilitate communication between market surveillance bodies in the EU and in EFTA countries
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
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
PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
ROHS: Restriction of Hazardous Substances Directive
SEAC: Committee for Socio-economic Analysis
SVHC: Substance of very high concern
WG: Working Group of the Forum