



Forum-37/M/2021 – PUBLIC

Adopted on 30/07/2021

**Minutes of the
37th meeting of the Forum for Exchange of Information on Enforcement
Remote meeting
16-18 March 2021**

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Welcome and opening by the Forum Chair

The Forum Chair welcomed all the participants and opened the meeting. She announced that Forum members from 26 EU Member States with voting rights and the three EEA countries were attending and no proxies had been appointed for the meeting. The Chair 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 Chair indicated the changes in the agenda. Two additional AOB items were proposed. The agenda was adopted (Content V, [Annex 1](#)).

1.4 Declarations of conflicts of interest with regard to agenda items

The Forum 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.

1.5 State of play with action points from Forum-36

The Harmonised Enforcement team (HET) informed the plenary on the status of the action points from Forum-36.

1.6 Results of written procedures between Forum-36 and Forum-37

The Chair referred to the document with the results of the written procedures between Forum-36 and Forum-37.

Item 2 – Follow up from Management Board

2.1 Update to the Forum 2021 plans following Management Board 60 decision on ECHA Work Programme

Management Board 60 in December 2020 discussed and agreed the ECHA work programme 2021. That included a difficult prioritisation for ECHA implying reduction of some resources in different functions of ECHA. Those reductions have also affected the Harmonised enforcement team (HET) and consequently the support of the Forum.

The Forum Chair attended that meeting to highlight the importance of the resources in HET to allow the Forum to deliver some important outputs, such as the yearly training event. Management Board members, industry association and COM representatives appreciated the work of the Forum and its important role in the harmonisation of enforcement.

ECHA's Executive Director emphasised the difficult prioritisation exercise ECHA needed to undergo, having in mind the importance of ECHA's regulatory outputs,

COM's request for additional tasks and budget constraints. That led to changes in the allocation of staff, reduction of interim posts and the decision to decrease the number of physical meetings and missions. The Management Board agreed with ECHA's proposal which included reduction of resources in the HET, implying that the Forum's outputs would be also impacted.

ECHA's Executive Director added that COM's budgetary plans until 2027 did not foresee any further cuts, therefore it was expected stability of ECHA resources in the future and to support the Forum.

2.2 Update ECHA's work on REACH Review Action 3 and the related supply chain duties under REACH

ECHA Secretariat informed the Forum on the indefinite pause in ECHA's supply chain activities on ENES and REACH Review action 3, consequence of the adoption by the Management Board of ECHA's Strategic Programming Document, documenting ECHA's priorities for the next years based on the budget and resources available.

Support to the ENES network will also be paused but the work in ENES may continue, possibly with less intensity. Work on Chemical Safety Assessment and Chesar will continue.

Item 3 - Forum's enforcement activities - Ongoing projects

3.1 REACH-EN-FORCE-10

3.1.1 WG progress report

The WG REF-10 has prepared a progress report covering the final proposal for the scope of the REF-10 project and a proposal for tackling the Training on REF-10 project for a broader audience (national coordinators and inspectors).

3.1.2 Discussion on details of scope

The Chair of the WG presented the proposal for the basic and extended scope of REF-10. The WG prepared a proposal for the scope of the REF-10 project on "Integrated chemical control of products" based on the proposal selected at Forum-35, June 2020.

The basic scope of the project will cover a broad spectrum of REACH Annex XVII restriction entries, tackling a wide range of products including chemicals. Several POP substances were proposed for checks in products where these substances could potentially be found and candidate list substances of very high concern for authorisation (Candidate List (CL) substances).

The WG prepared a "product-chemical regulation matrix" for categorisation of products in scope of the project relating to the materials they were made of and the substances regulated potentially present in the materials. This matrix will be further developed in the project manual.

In the ensuing discussions, Forum members adopted the basic scope of the project.

A Forum member raised the question to understand to what extent there were products to be tackled by all members so that the project could ensure that the results could give a magnitude of the non-compliance at EEA level. The Chair of the

WG indicated that the issue was discussed in the WG. In principle, it was considered to prioritise some of them although this seemed challenging. The HET representative indicated that the project offered enough choices of products for a limited number of category of products. The idea of the project was to assess the compliance of the main relevant duties in scope of the project, which was the common harmonised ground of REF-10. In the end, it could be possible that countries tackle some categories of products but not all, depending on their national priorities and markets, and this should in any case be in line with the expected results of the project.

The Forum decided that Forum members will assess the products intended to be targeted by their countries for the REF-10 project and the WG will report back to the Forum at Forum-38.

3.1.3 Training on REF-10 – Expanding the training for national coordinators to enforcement trainers and inspectors

The WG discussed the possibility to prepare a Training programme on REF-10 dedicated to a broader audience to cover national coordinators and inspectors that will oversee REF-10 inspections.

3.1.4 Mandate amendment

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

3.2 Interlinks

3.2.1 WG progress report

The WG informed the Forum that it had addressed all Forum comments on the revised Interlinks Guide and completed its work on the document. The revised guide was to be sent for adoption. Given the significant changes in the processes and further clarification of roles among the focal points, the WG proposed to organise a short, online training event for the addressees of the Guide, in which the changes in some of the major Interlinks processes would be highlighted. The Forum agreed and extended the mandate of the WG until the end of June 2021 to prepare such training event.

3.2.2 Update on Court Case C-471/18 P

ECHA Secretariat informed the Forum about the judgment of the European Court of Justice (ECJ) in Case C-471/18 P – Germany v. Esso Raffinage. Germany appealed the ECJ judgement on the court case related to the SONC in the case ECHA vs. Esso Raffinage, where the court argued that ECHA should have taken a decision instead of a SONC and also that it was the task of ECHA to assess whether the information submitted in the registration complies with REACH.

The ECJ dismissed the appeal explaining in its judgement that REACH Art 42(1) required ECHA to examine any meaningful information submitted in response to dossier evaluation decision and issue a 42(1) decision in case the information is not compliant. The ruling confirms that it was the task for ECHA to assess whether submitted information was compliant with REACH requirements and that it was the responsibility of the NEAs to ensure that ECHA decisions were enforced.

3.2.3 Follow-up of ECHA Decisions: updates from ECHA

The HET prepared an update on interlinks cases sent to the Member States (MS) focal points, including a simplified report on the status of the dossier evaluation cases. HET also informed that it was preparing a list of cases where there was no enforcement or enforcement was not effective. COM requested to be informed of such cases for further policy considerations. The list was prepared based on feedback submitted by MS focal points to ECHA by February 2021. HET indicated that this list will be integrated in the interlinks table.

3.2.4 Mandate amendment

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

3.3 REACH-EN-FORCE-9 on Authorisation

3.3.1 WG progress report

The Forum took note of the WG's progress report, which focused on WG and ECHA activities that were supporting the operational phase of the project.

3.3.2 Mandate amendment

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

3.4 Remaining WG mandates

The Forum agreed with the proposed changes and adopted the revised mandate of the WGs:

- Cooperation with Customs 2 ([Annex 2d](#))
- Coordinated enforcement project REACH-EN-FORCE-7 ([Annex 2e](#))
- Coordinated enforcement project REACH-EN-FORCE-8 ([Annex 2f](#))
- Prioritisation of REF Projects ([Annex 2g](#))
- Enforceability of restrictions ([Annex 2h](#))
- Pilot project on recovered substances exempted from REACH registration ([Annex 2i](#))
- Pilot project on classification of mixtures including detergents and cleaning products ([Annex 2j](#)).

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

4.1 Training for trainers 2020

4.1.1 WG final report

The WG prepared and delivered the training remotely on 25-26 November 2020 on the topic of authorisation obligations. The WG Chair presented the summary of the training, which 97% of the core participants rated as "good" or "excellent". The WG also outlined some recommendations for future trainings.

The Forum adopted the WG report.

4.1.2 Mandate closure

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

4.2 MS reporting

4.2.1 Mandate closure

The Chair of the WG informed the Forum that following the Management Board decision on ECHA work programme 2021, that reduced ECHA resources for support of the Forum, the work of WG MS Reporting had to be discontinued or postponed. The WG's work on harmonising of the method for counting controls as presented at Forum-36 was suspended until further notice. The start of the pilot exercise in the annual reporting on enforcement was moved to 2022, meaning the first report would be produced in 2023. The pilot exercise would be coordinated by HET, based on the reporting template prepared by the WG and adopted by the Forum. The Forum may wish to reopen the WG in 2022 to restart the harmonisation of reporting, if resources are available.

The Forum agreed to close the WG MS Reporting until further notice.

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

4.3 Implementation of Interact Portal

4.3.1 WG final report

The WG members tested the EU-login functionality and Interact BPR and finalised the User manual, made available in Interact.

Due to budgetary constraints affecting IT developments, the planned features have been postponed, without a timeline. As the resources in HET was also reduced, some of the Forum activities needed to be reorganised, hence the Forum decided, in its *ad-hoc* meeting in December 2020 to close this WG.

4.3.2 Update on ECHA IT tools and plans for Interact

The access of Interact's Meeting module was extended to invited experts. If access to a particular meeting or agenda item needs to be granted to advisors, the Forum member must request it to HET. Small improvements in NEA ePIC were done and more were expected in the release in May.

The Forum members were encouraged to reply to the survey regarding the Collaboration module.

The Forum was informed that further developments of Interact for REACH/CLP NEAs and BPR were on hold. On the latter, the tool was not and will not be released in the near future and its timeline was unknown.

Forum members highlighted the importance of Interact-NEA for the work of enforcement authorities and encouraged ECHA to resume the development of the tool as soon as possible.

4.3.3 Mandate closure

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

Item 6 – Forum contribution to REACH Review

HET informed that a list, containing suggestions to facilitate enforcement, was collected from many Forum members. These included suggestions that have been raised across the years in Forum discussions.

Some Forum members argued that it contained individual issues raised by Member States and thus might not be a Forum list, supported by all members.

The Forum agreed to vote on the proposals in writing, after the meeting, to make a short-list acceptable to all. After reviewing the list based on the feedback, the shortened list would be then adopted by the Forum.

COM welcomed to have the adopted list by the Forum in Forum-38.

Item 7 – Updates from BPR Subgroup

The BPRS Chair briefed the Forum on the issues to be discussed in the BPRS-12 plenary meeting¹.

Item 8 – Update on relevant developments by the Commission

8.1 General updates by the European Commission

DG ENV representative briefed the Forum on the two actions related to enforcement mentioned in COM's Chemical Strategy for Sustainability (CSS): the establishment of an audit capacity and the involvement of the European Anti-Fraud Office (OLAF) to increase the effectiveness of enforcement.

A Forum member suggested the effective model used in SLIC for labor inspections to be considered for the proposed audit capacity for REACH enforcement. An invited expert raised concern that such audits would take resources from the Member States. Another Forum member added that fact-finding missions were already done for the Biocidal Product Regulation that could be used by COM.

COM was still discussing the actions to put in place to attain the objectives described in the CSS. No timeframe was decided, and COM indicated that the Forum will be informed about the plan when available.

The presenter informed that the European Court of Justice ruled against the COM on the case regarding a decision to authorise lead chromates in paints used in road markings, for which there were alternatives (C-389/19 P). The court decided to maintain the current authorisation in place during the time COM would prepare a new authorization decision.

8.2 Member State reports (Art 117.1 REACH and 46.2 CLP)

A representative from the consultant Milieu, working with DG ENV in the elaboration of the 2020 Member States report, presented the main results.

Replying to a Forum member, she clarified that the result "20-30% of CLP/REACH controls do not lead to any enforcement measure" refers to the total number of controls reported, not related to the non-compliances.

¹ BPRS-12 meeting agenda: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2021>

It was noted a high number of inspectors trained, but it was not possible to assess if the training activities of the Forum were the reason for this increment.

The presenter shared that the results from this report and the previous one could not be compared since the questions were not made in the same way, and that could have triggered different results.

The data on imports might be misrepresented and it was an issue raised during the preparation of the questionnaire. At the time, some Member States informed that information on imports was difficult to obtain. The question would stay in the questionnaire for Member States to try to collect better data on it in the future.

The presenter highlighted that the report was just a collection of results and conclusions based on the data submitted by the Member States. The Chair noted that, for example, the term "control" did not have a definition used in the same way by all Member States which could potentially lead to misinterpretations of the questions and consequently wrongful results submitted.

COM representative acknowledged that there were many factors influencing the data that might not be visible in the report, such as the type of approach towards inspections (i.e. more risk-based) in the different Member States, which could lead to incorrect interpretations when compared.

The Chair supported the COM's suggestion to involve closely the Forum, Member States and its experts when designing the questionnaire of the future reports.

The report was expected to be published soon and the Forum would discuss its findings in a future plenary meeting.

8.3 Proposal to establish regular COM-Forum Chairs meetings

The DG GROW representative proposed to establish a regular COM-Forum Chairs meetings, two times a year, to have a line of communication to discuss the matter of importance to COM and Member States' enforcement authorities.

A Forum member noted that COM representatives were present in all Forum meetings and that would be the proper fora to discuss enforcement issues brought by COM that concerned NEAs.

The Chair highlighted that in those meetings decisions could not be made and the discussions would be communicated to the Forum. Forum members were invited to submit comments on this proposal.

Item 9 – Update on enforcement of registration of nano-forms

ECHA Secretariat informed that feedback was received from a few countries after the presentation of the issue in Forum-36. ECHA proposed to engage bilaterally with these countries to discuss the actions to take. Any learnings and experiences from this exercise could be shared with the Forum at a later stage.

The presenter added that there was an increase of registered nano-forms since the presentation in October 2020 and there was still a long way to achieve the 300 expected registrations. There was no particular industry sector failing to register but just a slow pace registration activity.

Item 10 – Debriefing of the meeting with ECHA Directors

The Chairs informed the Forum about the discussions that took place during the remote meeting with the ECHA Directors, on Wednesday 3 March 2021. The topics

discussed were the 1) CSS and potential role of the Forum and, 2) the potential for closer Forum involvement in ECHA programming.

Item 11 – Practical issues for enforcement of REACH, CLP, PIC and POPs

Forum discussed four “practical issues” relevant to enforcement. Members were invited to submit new practical issues by 26 April 2021.

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

The Forum discussed the application of CLP Article 29 exemptions from full labelling requirements for small packages as defined by the Commission’s interpretation that options under Art 29(1) must first be applied before information on the label is reduced further in line with Art 29(2). Members agreed to expand the examples included in the practical issue to demonstrate compliant and non-compliant use of these exemptions. Forum adopted the conclusion of this practical issue and was invited to comment on draft Question and Answer related to CLP Art 29(2) prepared by ECHA Secretariat.

Issue 36.1 - Should inspectors enforce an ECHA evaluation decision if the registrant has ceased manufacture or downgraded the tonnage after receiving the final evaluation decision?

Forum discussed enforcement of ECHA’s evaluation decisions where a registrant notified cease manufacture or downgraded tonnage after the receipt of a final decision and decided to organise another written consultation.

Issue 36.2 - How do enforcement authorities in different countries interpret and apply article 32(1)?

The Forum discussed interpretation of REACH Art 32(1) and the rare situations where substances subject to restrictions or authorisation may not be bound by the duty to provide a safety data sheet, thus triggering the duty to provide information under Article 32(1). The Forum agreed that the duty under Art 32(1) continues to be relevant in these situations. The Forum adopted the conclusion of this practical issue.

Issue 36.3 – Where a professional user buys a chemical in a retailer, such as a hardware store, which provision of REACH applies regarding the requirement to supply the SDS Article 31(1) or Article 31(4)?

The Forum discussed the obligation of retailers to provide the SDS in situations where hazardous mixtures are placed on the market both for the public and the professional users, as defined under REACH Article 31(4).

Item 12 – Enforcement in the Member States

12.1 DE experience with enforcement of the PFOA restriction from the POP Regulation

The German invited expert shared the perspective of the enforcement authority regarding this restriction and some of the questions that the national inspectors raised.

Some participants shared that there was not yet much experience and that they had faced similar questions in their countries.

HET noted that many of the questions raised could be potentially clarified in the new version of the COM paper being produced for the POP CA meeting regarding Article 4(2). ECHA Secretariat added that a WG of Helpnet members will discuss the definition of "article" related to borderline cases and the questions raised by Germany could be discussed there, too. The outcome of the discussions would be relayed to the Forum.

Item 13 – Cooperation with other networks

13.1 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 2020.

13.2 Updates from ADCO Chairs meeting and the Product Compliance Network (EUPCN) and involvement of Forum in these networks

The Chair introduced the recent experience with cooperation with EU PCN, a new body under the Market Surveillance Regulation. Two meetings were organised in 2021, where the chairs of the 36 ADCO groups (including the Forum and BPRS) and the single liaisons officers of the Member States participated.

The members agreed to receive the agendas and minutes of the meeting, by default, and other documents if the issue was of relevance for the Forum's work.

13.3 Reflections after HelpNet workshop on borderlines

HelpNet Secretariat informed that the workshop involving REACH National Helpdesks and NEAs organised on 10 November 2020 discussed specific difficult borderline cases, whether an object is an article, or a mixture integrated in an article (e.g. cold compress, fireworks, adhesive tapes).

As an outcome of the workshop, HelpNet would create a catalogue with borderline cases between substances/mixtures and articles. Such catalogue would be maintained to describe national approaches to resolving such borderlines and maintained by HelpNet WG "Borderlines" mandated to work from March-October 2021.

The Forum members were invited to participate in the HelpNet WG and in future workshops.

Item 14 - Requests for urgent registrations of substances needed to address the COVID-19 pandemic

ECHA Secretariat received requests to facilitate urgently registration of substances needed in COVID diagnostics and vaccines. In certain cases, ingredients of the vaccines or intermediates to make these vaccines were passing the one ton per year threshold requiring a REACH registration. The implementation of the registration process required involvement of NEA. In essence, the companies contacted ECHA and received an extended technical completeness check (TCC) deadline, under the supervision of the NEA, who would monitor that the requirements were fulfilled in due time.

The "fast-track" process required a triologue meeting between ECHA, the potential registrant and the Forum member at the beginning of the process. HET thanked for the work done so far and invited the Forum members to cooperate in such situations in the future.

Item 15 – A.O.B.

15.1 Upcoming Guidance on registration

The Forum was informed that the Guidance on registration was being revised and the Partner expert group (PEG) consultation had taken place. The revised draft would be sent to the Forum for comments related to enforcement for the period of 4 weeks. Forum members would also receive a package of comments addressed by the PEG with responses.

15.2 Status of the 2020 Article 22 report under PIC

The COM representative informed that the Article 22(2) PIC reporting exercise started in April 2021 and would be finished by February 2022.

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-37**16-18 March 2021**

(Adopted at the Forum-37 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.3 Adoption of the Agenda	The agenda was adopted.	
Item 2 – Follow up from Management Board-60		
2.1 Update to the Forum 2021 plans following Management Board 60 decision on ECHA Work Programme		
2.2 Update ECHA's work on REACH Review Action 3 and the related supply chain duties under REACH		
Item 3 – Forum's enforcement activities - Ongoing projects		
3.1 REF-10		
3.1.1 WG progress report		
3.1.2 Discussion on details of the scope	The Forum agreed to include REACH and POPs Restrictions and REACH SiA duties in the basic scope of the REF-10 project.	<p>Forum members are invited to comment on the basic scope of the project and indicate which categories of products they plan to prioritise at national level in the REF-10 project by 15 April</p> <p>Based on the feedback, the WG will amend the scope of the project and will present to the Forum the common products prioritised by the Member States by Forum-38</p> <p>Forum members to nominate the national coordinators for the REF-10 project by 30 April.</p>
3.1.3 Training on REF-10 – Expanding the training for national coordinators to enforcement		Forum members are invited to appoint additional members to the WG for supporting the preparation of the training by 15 April

trainers and inspectors		
3.1.4 Mandate amendment	The Forum revised the mandate.	
3.2 Interlinks 3.2.1 WG progress report	The Forum agreed to extend the mandate of the WG to prepare a training for MS focal points on new interlinks processes.	
3.2.2 Update on Court Case C-471/18 P		
3.2.3 Follow-up of ECHA decisions: updates from ECHA		
3.2.4 Mandate amendment	The Forum revised the mandate.	
3.3 REF-9 3.3.1 WG progress report		
3.3.2 Mandate amendment	The Forum revised the mandates.	
3.4 Remaining WG mandates 3.4.1 Mandate amendment for other WGs	The Forum revised the remaining mandates.	Forum members are invited volunteer or nominate their alternates as Chair for the Task Force "Restrictions" by 16 April
Item 4– Forum’s enforcement activities – projects under finalisation		
4.1 Training for trainers 2020		
4.1.1 WG final report		
4.1.2 Mandate closure	The WG closed the mandate of the WG.	
4.2 MS Reporting 4.2.1 Mandate closure	The WG closed the mandate of the WG.	
4.3 Implementation of Interact Portal 4.3.1 WG final report		

4.3.2 Update in ECHA IT tools and plans for Interact		
4.3.3 Mandate closure	The Forum closed the mandate of the WG.	
Item 6 – Forum contribution to REACH Review		
List of Forum suggestions to facilitate enforcement		<p>NL Forum member will submit further feedback on their proposal.</p> <p>HET will further clean the list and organise an indicative vote using an online tool by 9 April at the latest.</p> <p>Forum members, including members from non-EU EEA countries, will provide vote on the list.</p> <p>Based on the indicative vote, HET will prepare a list of agreed proposals based on the vote and send it for consultation of the Forum.</p> <p>Forum members will provide further background on the agreed proposals, previous Forum discussions and elaborate on the proposed change.</p> <p>HET will submit the list for adoption at Forum-38</p>
Item 7 – Updates from BPR Subgroup		
Update on the coordination of the BPR enforcement		
Item 8 – Update on relevant developments by the Commission		
8.1 General updates by the European Commission		
8.2 Member State reports (Art 117.1 REACH and 46.2 CLP)		HET will schedule discussion on the results of the MS report at one of the future Forum plenaries.

		COM is invited to inform the Forum when the reports will be published by 26 March.
8.3 Proposal to establish regular COM-Forum Chairs meetings		Forum members are invited to provide comments on COM proposal by 16 April. COM to consider the Forum feedback and come back in writing or at Forum-38.
Item 9 – Update on enforcement of registration of nano-forms		
		ECHA and FR and NL Forum members will follow up on the cases and report their experience at one of the future plenary meetings.
Item 10 – Debriefing of the meeting with ECHA Directors		
Item 11 – Practical issues for enforcement of REACH/CLP/PIC/POPs		
Issue 35.4 – application of exemptions under Art 29(1) and 29(2)	The Forum adopted the conclusion of practical issue.	HET will send it for editorial consultation by 2 April. Forum members are invited to provide comments on the draft Q&A on Art 29(2) by 2 April
Issue 36.1 – Cease of manufacture		HET will revise the conclusion and launch the written consultation by 7 April.
Issue 36.2 – Art 32(1)(b and c)	The Forum adopted the conclusion of practical issue.	HET will send it for editorial consultation by 2 April
Issue 36.3 – applicability of Art 31(1) and Art 31(4) at retailers		AT Forum member will elaborate in writing the position and proposal raised during the plenary by 26 March.
		Forum members are invited to submit new practical issues by 26 April
Item 12 – Enforcement in the Member States		

12.1 DE experience with enforcement of the PFOA restriction from the POP Regulation		Forum members are invited to send responses to DE NEA expert questions by 16 April COM colleagues will share the COM paper on POP Art 4(2) interpretation when it is ready.
Item 13 – Cooperation with other networks		
13.1 Updates from SLIC-CHEMEX		
13.2 Updates from ADCO Chairs meeting and the Product Compliance Network (EUPCN) and involvement of Forum in these networks		HET will share the Forum “sector response” to the EUTF survey sent to the COM in February 2021 as well as the COM’s response by 19 March. HET will schedule discussion on contributing to EUPCN at Forum-38
13.3 Reflections after HelpNet workshop on borderlines		Forum members interested to contribute to the HelpNet WG Borderlines are invited to express interest preferably by 26 March and at the latest by 30 April.
Item 14 – Requests for urgent registrations of substances needed to address the COVID-19 pandemic		
Item 15 – AOB		
15.1 Upcoming Guidance on registration		Forum members are invited to provide enforcement-related comments in the upcoming consultation of the revised guidance on registration.

III. List of Attendees**Forum members**

	Country	Name
1	AT	ANWANDER Eugen
2	BG	ZIDAROVA Elena
3	CY	ORPHANOU Maria
4	CZ	JAROLÍM Oldřich
5	DE	VOM HOFE Katja
6	DK	SCHARFF Ida
7	EE	LINNO Annemari
8	EL	FOUFA Eleni
9	ES	TEBAR LUJAN Jorge
10	FI	MÄKI Markus
11	FR	RASOOLY Emilie
12	HR	PILETIĆ Kaća
13	HU	DEIM Szilvia
14	IE	MCMICKAN Sinead
15	IS	BRAGASON Ísak Sigurjón
16	IT	ALESSI Mariano
17	LI	RELLA-QUADERER Maria Rosaria
18	LT	SPURIENĖ Otilija
19	LU	ENGELS Kim
20	LV	NEIMANE Jana
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	VAN DEN HOLE Chris
2	BG	TCHOBANOVA Elena
3	CY	PALEOMILITOU Maria
4	CZ	MARKO Martin
5	DE	WURSTHORN Sibylle
6	DE	FRENZEL Stefan
7	DK	MIKKELSEN Sonja
8	DK	NIELSEN SCHULEIT Linda

	Country	Name
9	EL	CHATZIANTONIOU Dimitris
10	ES	ZAMORA NAVAS Laura
11	FI	TALASNIEMI Petteri
12	FR	TCHANAKIAN Fiona
13	FR	JULIEN Fabre
14	FR	ELISA Le
15	HU	KOVÁCS Tamás
16	HU	MAROSVÖLGYI Nikoletta
17	IE	COLLINS Karen
18	LT	ŠULGA Marius
19	NL	KLINGENBERG Albert
20	NO	SULEIMAN Abdulqadir
21	PL	WAŚIK Romualda
22	PT	VITORINO Filipe
23	PT	GATO Ida
24	SE	RUMAR Karin
25	SE	AXEN Annkristin

European Commission representative

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

	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	FRONTINI Ales	Support and Enforcement Unit
5	NAGHY Viorica	Support and Enforcement Unit
6	NIKULA Terhi	Support and Enforcement Unit
7	RODRIGUEZ-RUIZ Amaia	Hazard II
8	TŁOCZEK Magdalena	Support and Enforcement Unit
9	TUOMAINEN Anita	Support and Enforcement Unit

IV. List of Annexes

ANNEX 1. Final agenda Forum-37

ANNEX 2. Revision of mandates of Forum WGs

ANNEX 2 a – “REF-10 on Integrated chemical control of products”

ANNEX 2 b – “Interlinks”

ANNEX 2 c – “REF-9 on Authorisation”

ANNEX 2 d – “Cooperation with Customs 2”

ANNEX 2 e – “REF-7 on Registration”

ANNEX 2 f – “REF-8 on online sales”

ANNEX 2 g - “Prioritisation of REF projects”

ANNEX 2 h – “Enforceability of restrictions”

ANNEX 2 i - “Pilot project on recovered substances”

ANNEX 2 j – “Pilot project on classification of mixtures including detergents and cleaning products”

ANNEX 2 k – “Forum Train the trainers 2020”

ANNEX 2 l – “MS reporting”

ANNEX 2 m – “Interact portal”

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-37

ECHA/Forum-37/2020/dA_room_doc

Agenda
Thirty seventh meeting of the
Forum for Exchange of Information on Enforcement
(Forum-37)
16-18 March 2021
Remote meeting

DAY 1 Tuesday 16 March 2021 **(10:00-15:20 EET)**

Item 1 – Welcome and Introduction	20'	<i>10:00-10:20</i>
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- 1.1 Welcome and opening by the Forum Chair
- 1.2 *Practicalities of a remote meeting (tbc)*
- 1.3 Adoption of the Agenda
- 1.4 Declarations of conflict of interest with regard to agenda items and quorum
- 1.5 State of play with action points from Forum-36 – *ECHA HET*
- 1.6 Results of the written procedures and other issues between Forum-36 and Forum-37 - *ECHA HET*

ECHA/Forum-37/2021/dA_room_doc
ECHA/Forum-37/2021/1.5
ECHA/Forum-37/2021/1.6

For adoption
For information

Item 2 – Follow up from Management Board-60 40'		<i>10:20-11:00</i>
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- 2.1 Update to the Forum 2021 plans following Management Board 60 decision on ECHA Work Programme – *ECHA Executive Director*
- 2.2 Update ECHA's work on REACH Review Action 3 and the related supply chain duties under REACH

ECHA/Forum-37/2021/2.2

Break 11:00-11:10 (10')

Item 3 – Forum's enforcement activities - Ongoing projects 125'		<i>11:10-14:55</i>
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- 3.1 *REF-10 (75')*
 - 3.1.1 *WG progress report – WG Chair*
 - 3.1.2 *Discussion on details of scope – WG Chair*
 - 3.1.3 *Training on REF-10 – Expanding the training for national coordinators to enforcement trainers and inspectors*
 - 3.1.4 *Mandate amendment - ECHA HET*

For adoption

Break 12:35-12:40 (5')

3.2 Interlinks WG (35')

3.2.1 WG progress report – *WG Chair*

3.2.2 Update on Court Case C-471/18 P

3.2.3 Follow-up of ECHA Decisions: updates from ECHA (5')

3.2.4 Mandate amendment - ECHA HET

For discussion

Lunch Break 13:15-14:15

3.3 REF-9 (30')

3.3.1 WG Progress report – *WG Chair*

3.3.2 Mandate amendment - ECHA HET

For discussion

3.4 Remaining WG mandates (10')

3.4.1 Mandate amendment for other WGs- ECHA HET

For adoption

ECHA/Forum-37/2021/3.1.1

ECHA/Forum-37/2021/3.2.1

ECHA/Forum-37/2021/3.3.1

ECHA/Forum-37/2021/Draft_mandates

Item 4 – Forum’s enforcement activities – projects under finalisation 20'	<i>14:55-15:25</i>
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4.1 Training for trainers 2020 (20')

4.1.1 WG final report – *WG Chair*

4.1.2 Mandate closure - *ECHA HET*

For adoption

4.2 MS Reporting (10')

4.2.1 Mandate closure – *WG Chair and ECHA HET*

For information

ECHA/Forum-37/2021/4.1.1

ECHA/Forum-36/2020/Draft_mandates

End of day 1	<i>15:25</i>
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DAY 2 Wednesday 17 March 2021 (10:00-15:30 EET)

Item 5 Adoption of conclusions from day 1 10:00-10:10

For adoption

Item 4 ctd. – Forum’s enforcement activities – projects under finalisation 35’ 10:10-10:45

4.3 Implementation of Interact Portal (35’)

4.3.1 WG final report – *WG Chair*

4.3.2 Update on ECHA IT tools and plans for Interact - *ECHA HET*

4.3.3 Mandate closure - *ECHA HET*

For information

*ECHA/Forum-37/2021/4.3.1
ECHA/Forum-36/2020/Draft_mandates*

Break 10:45-10:50 5’

Item 6 – Forum contribution to REACH Review 40’ 10:50-11:30

List of Forum suggestions to facilitate enforcement.

For adoption

ECHA/Forum-37/2021/6

Item 7 – Updates from BPR Subgroup 35’ 11:30-12:05

Update on the coordination of the BPR enforcement – *BPRS Chair*

For discussion

ECHA/Forum-37/2021/7

Break 12:05-12:15 10'

Item 8 – Update on relevant developments by the Commission 100' *12:15-13:55*

- 8.1 General updates by the European Commission
- 8.2 Member State reports (Art 117.1 REACH and 46.2 CLP)
- 8.3 Proposal to establish regular COM-Forum Chairs meetings

ECHA/Forum-37/2021/8.2.1

ECHA/Forum-37/2021/8.2.2

ECHA/Forum-37/2021/8.3

***For information
For discussion***

Lunch Break 13:55-14:55

Item 9 – Update on enforcement of registration of nano-forms 15' *14:55-15:10*

ECHA/Forum-37/2021/9

For discussion

Item 10 – Debriefing of the meeting with ECHA Directors 10' *15:10-15:20*

For information

Item 5 Adoption of conclusions from day 2 *15:20-15:30*

For adoption

DAY 3 Thursday 18 March 2021 (10:00-15:25 EET)

Item 11 – Practical issues for enforcement of REACH/CLP/PIC/POPs 130' inc. break 10:00-12:10

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

Including Break 11:00-11:10

ECHA/Forum-37/2021/11
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For discussion
For adoption

Break 12:10-12:20

Item 12 – Enforcement in the Member States 35' 12:20 -12:55

12.1 DE experience with enforcement of the PFOA restriction from the POP Regulation

Item 13 – Cooperation with other networks (50' excluding break) 12:55 -14:45

13.1 Updates from SLIC-CHEMEX (5') – *Forum Chair (tbc)*

For information

Lunch Break 13:00-14:00

13.2 Updates from ADCO Chairs meeting and the Product Compliance Network (EUPCN) and involvement of Forum in these networks (35') – *Forum Chairs*

For discussion

13.3 Reflections after Helpnet workshop on bordelines (10') – *Forum members*

For information

ECHA/Forum-37/2021/13.1_room_doc
ECHA/Forum-37/2021/13.2_room_doc

Item 14 – Requests for urgent registrations of substances needed to address the COVID-19 pandemic 14:45-15:00

For information

ECHA/Forum-37/2021/14_room_doc

Item 15 – AOB 15' 15:00-15:15

For information

Item 5 – Adoption of conclusions from day 3	<i>15:15-15:25</i>
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End of the meeting	<i>15:25</i>
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Placeholder for a short connection with Paul Cuypers

Annex 2 a "REF-10"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-10"

(mandate adopted at Forum 37)

Composition

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Kaca PILETIC (HR)
- Mariano ALESSI (IT)
- Eugen ANWANDER (AT)
- Michel LEYNEN (BE)

Invited Experts

- Eric BARSEGHIAN (NL)
- Mieke CONICKX (BE)
- Anneli PÄRNÄNEN (FI)
- Emilie ROGERS (NO)
- Sharon McNULTY (IE)

Invited experts (training experts)

- Uwe LICHT-KLAGGE (DE)
- Mariana PILENVIK (SE)
- Mirjam VAN DER MEER (NL)

ECHA

- Juan Pablo CALVO TOLEDO
- Ignacio GONZALEZ RODRIGUEZ
- Telmo VIEIRA PRAZERES
- Augusto DI BASTIANO

Objective:

- Conceive, manage and evaluate the tenth major Forum enforcement project REF-10 'Integrated chemical control of products'.
- Present the relevant project recommendations to ECHA ASOs to promote compliance
- develop practical enforcement guidance for enforcement authorities based on the lessons learnt from the project
-

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. The WG will consider whether it needs to cooperate with other public enforcement networks and authorities such as customs, RoHs, Market Surveillance, environment and if so, liaise with them to facilitate this cooperation and coordinate the project accordingly
3. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it

4. Prepare and deliver the extended training for project national coordinators and inspectors (conditional on the availability of sufficient number of experts to prepare it)
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline

- Project manual: Q4 2021
- Prepare and deliver the extended training for project national coordinators and inspectors: Q4 2021
- Operational phase: 2022
- Reporting phase (National Coordinators): Q1 2023
- Evaluation phase: Q3 2023
- Draft report: Q4 2023
- Adoption of the report: Q4 2023
- Workshop with ECHA ASOs: Q2 2024
- Tips and hints for inspectors: Q2 2024

Annex 2 b “Interlinks”

Forum Working Group “Interlinks” (mandate adopted at Forum 37)

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

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
6. Prepare and conduct a short training for MS focal points

Timeline: Forum-38 (June 2021)

Annex 2 c “REF-9”

Forum Working Group
Work Package A.1
“Coordinated enforcement project REACH-EN-FORCE-9”
(mandate adopted at Forum 37)

Composition

Chair: Jos VAN DEN BERG (NL)

Forum Members and Alternates

- Eugen ANWANDER (AT)
- 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)
- Majella LOWE (IE)

SLIC CHEMEX

- Monique WAEGEMAEKERS (NL)

ECHA

- Magdalena TŁOCZEK
- 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. Organisation of a workshop for REF-9 NCs in 2021, subject to availability of resources in the WG
8. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
9. 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 d “Customs 2”

Forum Working Group “Cooperation with Customs 2” (mandate adopted at Forum 37)

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)
- Efstathios THEOCHAROUS (CY) (NEA)
- Sibylle WURSTHORN (DE) (NEA)

COM

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

ECHA

- Maciej BARAŃSKI
- 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
4. Conduct WebEx workshop with ASOs

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
- Task 4: Workshop with ASOs: 30 June 2021

Annex 2 e "REF-7"

Forum Working Group

Work Package A.1

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

(mandate adopted at Forum 37)

Composition

Chair: Abdulqadir SULEIMAN (NO)

Forum Members and Alternates

- Emilie RASOOLY (FR)
- Jos VAN DEN BERG (NL)

Invited Experts

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

ECHA

- Magdalena TŁOCZEK
- 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
8. Conduct WebEx workshop with ASOs

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: Q2 2021
- Workshop with ASOs: Q2 2021

Annex 2 f “REF-8”**Forum Working Group**Work Package A.1**“Coordinated enforcement project REACH-EN-FORCE-8”**

(mandate adopted at Forum-37/BPRS-12)

Composition**Chair:** Karin RUMAR (SE)**Forum Members and Alternates**

- Eugen ANWANDER (AT)
- Martin MARKO (CZ)
- 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) (BPRS expert)

ECHA

- Tania MATEUS
- Magdalena TŁOCZEK
- 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
7. Prepare and organize a short WebEx workshop for ECHA ASOs to present the results and recommendations from this 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: Q2 2022
- Workshop with ASOs: Q2 2022

Annex 2 g “Prioritisation of REF projects”

Forum Working Group
Work Package A.1
“Prioritisation of REF Projects”
(Mandate adopted at Forum-37 and BPRS-12)

Composition

Chair: Oldrich JAROLIM (CZ) – rotating Chair

Forum Members/Alternates

- Maria ORPHANOU (CY) – from June 2021
- Abdulqadir SULEIMAN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Markus MAKI (FI)

Invited Experts

- Tamas KOVACS (HU)
- Laura WILMS (DE)
- Andrea SANTOS (PT)

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

- Jenny Karlsson (SE)

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 an inventory of project recommendations and 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 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-11 by Forum-39.

Annex 2 h “Enforceability of restrictions”

Forum Working Group Work Package B12 **“Enforceability of restrictions”** (mandate adopted at Forum-37)

Composition

Chair: 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):

- 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

- Miguel AGUADO MONSONET (DG GROW)
- (DG ENV)
- JRC?

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-38
- List of analytical methods for POPs: F-38
- First proposal of the "Registry of concerns": F-38
- Assessment of the enforceability of relevant new Annex XVII restrictions: F-38
- 30 November 2021, reporting at each plenary meeting

Annex 2 i “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
- 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 for inspectors (tips and hints for inspectors): 31 December 2022

Annex 2 j “Pilot project on classification of mixtures including detergents and cleaning products”

Forum Working Group “Pilot project on classification of mixtures including detergents and cleaning products” (mandate adopted on Forum-37)

- **Chair:** Jorge TEBAR LUJAN (ES)
- Vice-Chair: Elena ZIDAROVA (BG)

Forum Members and Alternates

- Eugen ANWANDER (AT)
- Dimitrios CHATZIANTONIOU (EL)

Invited Experts

- Kristina KARLSSON (SE)
- Sibylle WURSTHORN (DE)
- DE
- Karen COLLINS (IE)
- Erik Barseghian (NL)
- Debora ROMOLI (IT)

ECHA

- Anita TUOMAINEN

Objective:

- Conceive and manage the Pilot project on classification of mixtures including detergents and cleaning products

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
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. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
7. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

To be discussed in 2021

Annex 2 k “Forum Train the trainers 2020”

Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2020”
(mandate closed at Forum 37)

Composition

Chair: Henrik HEDLUND (SE)

Forum Members/Alternates

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

Invited Experts

- Ana CRISTINA CORREIA (PT)
- Karin STAAF (SE)
- 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

Annex 2 I “MS reporting”

Forum Working Group “Member States reporting” (mandate adopted at Forum-36/BPRS-11)

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)

COM: Ligia NEGULICI (DG SANTE)

ECHA: Maciej BARAŃSKI;

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 (Start postponed to 2021)
- 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. (Postponed until further notice, following MB60 decision ECHA work plan)

Timeline: Forum-37 (March 2021)

Annex 2 m “Interact portal”

Forum Working Group “Implementation of Interact NEA” (mandate closed at Forum-37)

Composition

Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Dimitrios CHATZIANTONIOU (EL)
- Elena ZIDAROVA (BG)
- Jussi OLLIKKA (FI)

Invited Experts

- Maria Jose FALCAO (PT)
- Robert GERHAT (HU)
- Martin TRAUTNITZ (DE)

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-37 (Q1 2021)

Annex 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
ASO: ECHA's Accredited Stakeholder Organisations
BPR: Biocidal Product Regulation
BPRS: Biocidal Product Regulation Subgroup
CA: Competent Authority
CARACAL: MSCA Committee for REACH and CLP
CCH: Compliance checks
CL: Candidate List
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
CSS: Chemicals Strategy for Sustainability
DG: Directorate General at Commission
DG ENV: European Commission Directorate-General for Environment
DG GROW: European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
ECHA: European Chemicals Agency
EU: European Union
EUPCN: EU Product Compliance Network
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
PEG: Partner Expert Group
POP: Persistent Organic Pollutants
RAC: Risk Assessment Committee
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
ROHS: Restriction of Hazardous Substances Directive
SCIP: Substances of Concern In articles as such or in complex objects (Products)
SEAC: Committee for Socio-economic Analysis
SLIC:
SVHC: Substance of very high concern
TCC: technical completeness check - The completeness check that ECHA performs on the technical dossier to verify that all the required elements have been provided. Performed on all incoming REACH registration and PPORD dossiers, as per Article 20(2).
WG: Working Group of the Forum