



Forum-38/M/2021 – Public

Adopted on 3/11/2021

**Minutes of the
38th meeting of the Forum for Exchange of Information on Enforcement
Remote meeting
15-18 June 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 two EEA countries were attending and no proxies had been appointed for the meeting. The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda

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

1.3 Declarations of conflicts of interest with regard to agenda items

No conflicts of interest were declared at the meeting according to Article 9(2) of the Rules of Procedure.

1.4 State of play with action points from Forum-37

The Harmonised Enforcement team (HET) informed the plenary on the status of the action points from Forum-37.

1.5 Results of the written procedures and other issues between Forum-37 and Forum-38

The Chair referred to the document with the results of the written procedures between Forum-37 and Forum-38.

Item 2 – Engagement of Forum members in the legal tasks of the Forum

The Forum Chair noted the difficulty to find resources to conduct the statutory work of the Forum, whether to chair the WGs, to appoint experts with time allocated to actively participate in the WGs or to appoint rapporteurs for developing Forum advices on restriction proposals. HET members had to step in to ensure the continuation of the work but due to the cut of resources ECHA faced in 2020, that could no longer be sustained. The Forum members were invited to consider participating as chairs of the WGs running as task forces and to nominate themselves or their invited experts in the WG Restrictions to act as rapporteurs in the future.

Item 3 - Forum's enforcement activities - Ongoing projects

3.1 Enforceability of Restrictions

3.1.1 WG progress report

The HET member presented the work done by the WG and informed about the activities planned until Forum-39. He also invited the Forum members to take over the chairmanship of this WG and to appoint more invited experts and allocate time for them to perform their tasks.

3.1.2 Advice on Restriction update

The presenter shared the experiences gained from the latest finalised advices. He proposed to streamline the advisory process and shorten the mandate of the WG accordingly.

3.1.3 Discussion on compendium of Analytical methods

The presenter informed about the work done on this task between Forum-36 and Forum-38. The group finalised the second version of the compendium of Analytical methods and methodology for recommending analytical methods to check compliance with REACH Annex XVII restrictions. The Forum adopted the document and it will be published in Forum's webpage.

The Forum adopted the third version of the Forum methodology for recommending analytical methods to check compliance with REACH Annex XVII restrictions, which will be published in the Forum's webpage.

Based on Forum member's comments after Forum-37, the WG did not see the need to develop compendia for other duties and suggested to keep the current compendium as a living document. It could be revised every three years and a new WG should be established especially for that task. The group of members working on the compendia were encouraged to join the group working in the advice of restrictions, not to lose the expertise from the work.

3.1.4 Mandate amendment

The Forum adopted the updated WG mandate, which acknowledged the conclusion of the tasks on analytical methods ([Annex 2a](#)).

3.2 REF-9 on Authorisation

3.2.1 WG progress report

The Forum took note of the WG's progress report, focused on the WG activities supporting the operational phase of the project, which was ongoing until the end of 2021.

The WG was considering organising a Workshop with the REF-9 National Coordinators during the operational phase, however that was dependent on the feedback received from the survey to the National Coordinators that would be launched during the summer.

A Forum member suggested to ask the inspectors about the status of the inspections and whether it would be possible to finalise the inspections until the end of the operational phase or if a prolongation was needed, since there could be some delays related to COVID-19.

3.2.2 Examples of requests for review of Authorisation

ECHA representative summarised the activities related to the criteria for review of authorisations for situations such as a change in the tonnage band. Questions about this issue were still open, and COM's AfA Task Force in Authorisation (mandated to investigate these questions) will not be reactivated before the REACH review.

Hence, ECHA has been evaluating the requests for review of Authorisation on a case-by-case approach.

The presenter provided a few examples of the cases and how they were handled. A Q&A on the increase of tonnage band for holders of authorisation was being prepared for publication in ECHA's website. The Forum members were invited to submit comments to the draft Q&A text for further consideration of ECHA.

COM representative took note of the Forum's comments and the need of the AfA Task Force to provide clear instructions for both authorisation holders and NEAs.

3.2.3 Mandate amendment

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

3.3 REF-10 on Integrated control of products

3.3.1 WG progress report

The WG chair summarised the WG's activities, that consisted of the preparation of the project manual. The WG liaised with EURATEX and with the enforcement networks of RoHs and Toys to raise awareness of the project REF-10 and to invite participation of the networks concerned. The open issues were presented for discussion with the Forum members and the feedback collected will be taken into account for the completion of the manual.

3.3.2 Mandate amendment

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

3.4 REF-8 on Online sales

3.4.1 WG progress report

The WG chair informed that the WG was drafting the final report and the Forum/BPRS would be consulted after the summer.

3.4.2 Preliminary results of the project

The main preliminary results of the project were presented, however, the data was still being worked on and discussed within the WG.

3.4.3 Mandate amendment

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

3.5 Pilot project on recovered substances

3.5.1 Mandate amendment

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

3.6 Prioritisation of REF projects

3.6.1 WG progress report

The WG chair presented the result of the prioritisation exercise of this year, based on the analysis of 10 project proposals received from Forum members, ECHA and

ECHA Accredited Stakeholders. Similar proposals were combined and presented for the Forum to discuss.

3.6.2 Discussion on the proposals for REF-11 project

The WG proposed three topics as potential projects for the next REF-11 and one pilot project.

The Forum agreed that REF-11 will focus on the enforcement of SDS and checking the conformity with the requirements of the new Annex II.

Regarding the pilot project, the Forum discussed the proposal presented and agreed to mandate the WG to revise the proposal, considering the comments of the Forum members and the timeline.

The duration of each phase of the pilot projects could be optimised and enforcement priorities re-assessed, and the Forum agreed that the Forum Chairs and HET would make a proposal for the planning of the future pilot projects.

3.6.3 Mandate amendment

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

Item 4 – Updates from BPR Subgroup

The BPRS Chair briefed the Forum on the issues to be discussed in the BPRS-13 plenary meeting¹.

He informed that the report of the BEF-1 was adopted and that a workshop with ASOs was held. The project BEF-2 will cover biocidal products with approved/non-approved active substances and the preparatory phase was ongoing. There will be a training event in 2021 which will combine the training for the BEF-2 National Coordinators and the BPR Training for Trainers event.

Item 6 – Update on relevant developments by the Commission

6.1 Notifying of measures taken against unsafe products posing chemical risks in Safety Gate/RAPEX

A COM representative from DG JUST informed about the legal framework and obligations regarding RAPEX notifications and other relevant information about this tool. Every year, enforcement activities are organised by Market Surveillance authorities, called CASP (Coordinated Activities on the Safety of Products). The result of such activities can be found online.

The CASP projects are founded and initiated by DG JUST, by firstly contacting the Member States on their priorities and subsequently proposing a project on the preferred issue. There are liaisons with other COM areas, including the EUPCN, to minimise the risk of overlapping projects.

Replying to the questions posed, the presenter clarified that the responsibility for enforcement lay on the Member States and that the safety gate is a supporting communication tool/network.

¹ BPRS-13 meeting agenda: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2021>

The satellite system receives alerts from non-EU countries, *e.g.* Canada and China. For products sold online, the major platforms of online sales signed the “product safety pledge”, committing to take down the offer identified as unsafe/non-compliant.

6.2 Enforcement indicators 2007-2019

The Forum took note of the results of the 12 EU level indicators, which will be published in COM’s webpage. A Forum member questioned what complaints were reported to COM by industry and whether those could be shared with the Forum. In general, the complaints received were evaluated for its validity and then communicated to the Member State.

6.3 Chemicals Strategy for Sustainability and general updates

COM representative presented the ambitions laid down in the Chemical Strategy for Sustainability (CSS) related to enforcement and subject areas currently discussed by the Commission related to revision of REACH and CLP. The COM set up a High Level Group (HLG) to discuss the preparation of the CSS implementation and the Forum Chairs could be contacted when the High Level Group is set to discuss enforcement issues.

The Forum took note of the status of the REACH and CLP revision.

Item 7 – Forum contribution to REACH Review

HET summarised the changes of the list containing suggestions to facilitate enforcement that were collected after Forum-37. The list was revised after the Forum members voted, in writing, on the proposals presented.

The submitters of the proposals were invited to revise the enforcement challenges to make it more acceptable by other Forum members. The proposals would undergo the needed consultation round(s) before adoption.

Item 8 – 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 31 May 2021. The topics discussed were the 1) CSS and potential role of the Forum and, 2) Advice on Restrictions and engagement level.

Item 10 – Forum’s enforcement activities- Projects under finalisation

10.1 Interlinks

10.1.1 WG progress report

The WG Chair informed that the Interlinks Guide was adopted by the Forum via written procedure. The WG was preparing an online training for the Member State focal points and other actors of the Interlinks Guide, in which the changes in some of the major Interlinks processes would be highlighted. The Forum members should confirm that there was at least one participant (focal point) attending the training from every Member State. The Interlinks Guide will be made available to members of the MSCAs and introduced through a presentation by the WG Chair at the 40th meeting of the CARACAL.

10.1.2 Mandate closure

The Forum conditionally closed the WG, upon the delivery of the training ([Annex 2g](#)).

10.2 Debriefing of the Workshop with ASOs on the results of the projects Customs 2 and REF-7

In order to inform and discuss the results of the projects Customs 2 (pilot) and REF-7, the WGs organised a workshop with the ECHA Accredited Stakeholders on 27 May 2021.

The project results and recommendations to industry were presented to the participating ASOs. The REF-7 WG chair highlighted that, inter alia, industry raised the issue of REACH Article 22 (obligation to update the registration dossier), on approaching NEAs on checking upstream and/or downstream actors in the supply chain in case of finding non-compliances and a proposal from one ASO to have, in the future, a Forum project on the endocrine disruptors.

In the session concerning the Customs 2 project, some ASOs reported they were asked to provide documents which were not required by REACH or CLP (referred to as REACH certificates) or provide registration numbers even for mixtures their members imported while being inspected by customs authorities. ASOs also referred to stringent/more detailed customs checks, depended on the importing Member State. The WG acknowledged the different enforcement practices in the different Member States. That was something that would improve in the coming years, since COM was working on integrating REACH checks in customs controls as well as working on the tasks in the CSS and REACH review.

The feedback from the participating ASOs on the Workshop was very positive.

When organising future Workshops with ASOs, it was suggested to avoid repetition of the same presentation on the project results to ASOs (plenary open session and the Workshop with ASOs), having in mind that in both events some different ASOs participated and some of the workshop participants were not aware of the project reports prior to receiving the invitation. A possible way to improve might be to send in advance the presentation from the Forum open session to the ASOs and ask them to propose specific issues for discussion and focus the workshop on discussing those issues and the project recommendations.

COM representative suggested to combine the yearly open session with the workshop, which will avoid the repetition and will be more efficient. The WG chairs noted that some resources from the WG were needed for the preparation of the workshop but it was worth it since there was good and open discussion.

The BPRS chair noted that a similar workshop on the BEF-1 report included a break-out-session, which worked well for the audience participating.

10.3 Customs 2

10.3.1 WG progress report

The Forum took note of the final tasks of the WG, which were completed.

10.3.2 Mandate closure

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

10.4 REF-7 on Registration

10.4.1 WG progress report

The Forum took note of the final tasks of the WG, which were completed.

10.4.2 Mandate closure

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

Item 11 – Enforcement in the Member States

11.1 Swedish project on PFOA and PFOS

The Forum took note of the results of the Swedish national project, focused on the enforcement of the restriction on Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS). It was also investigated whether the existing methods for PFAS-analysis could be used in the enforcement of the PFOA restriction. Consequently, the companies were informed about the restrictions on PFOA and PFOS.

11.2 Ireland's national enforcement activities for Annex XVII entry 59 (restriction of dichloromethane in paint strippers)

The Irish alternate shared the national actions towards the enforcement of the restriction on paint strippers containing Dichloromethane (DCM) in a concentration higher than 0.1% w/w. The issue was raised by the OSH inspectors in Ireland and there was cooperation between the inspectors with responsibility for placing on the market (market surveillance) and the inspectors with expertise on use (OSH) to tackle all the actors in the supply chain.

11.3 Project for Enforcement of REACH Registration Duties for Charcoal in Bulgaria

The Forum took note of the Bulgarian enforcement project focused on the registration of Charcoal. More than investigating the supply chain and registration of that substance, the project also aimed at raising the awareness about REACH obligations and enhance the collaboration between the different regions of the country.

11.4 Registrations required in the production chain of medical products and medical devices

The presenter shared the practical experiences of an ECHA-NEA-registrant cooperation, which could be of interest for Forum members, as the implementation approach could be seen as a kind of model for any similar registration issue.

Item 12 – Practical issues for enforcement of REACH, CLP, PIC and POPs

Forum discussed one practical issue relevant to enforcement. Members were invited to submit new practical issues by 17 September 2021.

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?

The Forum members were consulted in writing previously to the meeting and HET presented the draft conclusion with the latest comments received. The document was edited at the meeting and the draft conclusion was adopted.

Item 14 – Updates from the ECHA Secretariat

14.1 Enforcement implications of UK withdrawal

The Forum took note of the information provided in respect to the potential implications of UK withdrawal for inspectors of REACH, CLP and PIC. The Forum discussed the enforcement practices towards the EU companies affected by the withdrawal.

14.2 ECHA Strategic Programming Document (SPD) and the Forum work programme

The Forum took note of the process for preparing the ECHA Programming Document and the planned involvement of the Forum Chair in reviewing the Forum chapter of the ECHA Programming Document. HET presented the preliminary list of Forum's outputs for 2022, considering the resources in HET. If there were no further changes, it would be possible to restart in 2022 the postponed activities.

Some Forum members suggested for the Workshop with ASOs to be more visible and as a stand-alone item, rather than coupled with the project.

The presenter clarified that it was allocated resources for a regular 'Training for enforcement trainers' event in 2022. In light of the SDP and the Forum's contribution, HET and the Forum Chairs would assess by Forum-39 the need to create a separate document with the future Forum's work programme.

14.3 ECHA screening of registrations to verify update duties

The Forum took note of the information provided concerning the new plans for screening for the fulfilment of the update duty, according to the new Implementing Regulation and the potential involvement of NEAs, when follow-up from ECHA does not produce results. The Forum members expressed their willingness to follow-up on the cases ECHA signalled.

Item 15 – Updates from the ECHA Harmonised Enforcement team

15.1 Reporting tool of Forum's projects

The presenter informed the Forum on the potential use of EU Survey as the tool to substitute iPDF when collecting the findings of the inspections in Forum's projects. The process and main differences were presented as well as the foreseen benefits of transitioning to this tool.

Some Forum members raised their concern about the use of this tool, namely related to the ownership of the data collected by the inspectors and the process for the data collection.

The Forum members were invited to identify their issues with the new tool. HET would then analyse how to best use the tool to address the members' concerns.

COM representative added that the tool is owned by COM and it is used for several collaborations with Member States and other COM stakeholders.

15.2 Dates of Forum meetings in 2022

The Forum took note of the information provided:

- Forum-40: 14 – 18 – March 2022
- Forum-41: 13 – 17 June 2022
- Forum-42: 07-11 November 2022

It was foreseen one physical meeting in Helsinki during 2022 (still to be confirmed) depending on the evolution of the pandemic, national recommendations and border controls. In the same way, the possibility to have physical WG meetings in Helsinki in 2022 was also under discussion by ECHA management.

15.3 Follow-up of ECHA Decisions: updates from ECHA

The Forum took note of the information provided in the meeting document that contained the summary and status of enforcement cases sent from ECHA to NEAs.

15.4 Process to update Interact Enforcement Admins and SPOCs

The Forum took note of the yearly exercise launched by ECHA via Interact portal for Forum members to update the contact details of the NEAs Administrators and NEA End-User Support Single Point of Contact (SPOC).

Item 16 – Cooperation with other networks

16.1 The work of European Anti-Fraud Office (OLAF)

The OLAF representative presented the organisation to the Forum, OLAF's mission and mandate and shared some examples of investigations performed.

In the COM's Chemicals Strategy for Sustainability, OLAF's mandate was mentioned to be extended to coordinate and investigate the circulation of illicit chemicals products in the EU, hence it could potentially be a good ally of the Forum to improve the enforcement actions and strategies in the Member States.

The Forum members were invited to consider the presentation and provide feedback regarding future opportunities for cooperation with OLAF. The Chairs would then discuss the comments received and assess the need for further discussion in future Forum meetings.

16.2 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 March 2021.

16.3 Forum's contribution to the Product Compliance Network (EUPCN)

The Chair informed about the participation in EUPCN network, a new body under the Market Surveillance Regulation. The Chairs participated in two meetings since March 2021 and shared the documents with the Forum.

The Chairs did not have a clear view on the expected work related to the EUPCN, hence a discussion on the best way for the Forum to contribute to the work of this network was postponed for a future meeting.

Item 17 – A.O.B.

17.1 Harmonised approach to aerosol classification controls following amendment of Q&A 1456

The presenter reminded the issue of FAQ 1456 “How should mixtures in aerosols dispensers be classified for health and environmental effect” and its amendment adopted by CARACAL.

According to the document from CARACAL, the COM would also approach enforcement authorities via ECHA's Forum to recommend a harmonised approach of implementing this conclusion and to apply them as of 18 months after the CARACAL endorsement.

The Forum members were invited to reply to the questions posed by the presenter. Depending on the feedback, the Chair would consider further discussion at future Forum meetings.

17.2 Topics for Training for Enforcement Trainers event 2022

HET invited Forum members to submit proposals of three topics for the ‘Training for enforcement trainers 2022’ to be organised in Q4 2022 and to rank the topics in order of priority 1, 2 and 3. It will allow the preparation of the priority topics for discussion and decision at Forum-39.

17.3 Communication with WGs and Forum members

A Forum member noted that due to higher security measures set by ECHA, the contact details of Forum members were no longer available and requested an alternative to be put in place to facilitate the communication between members.

HET informed that a list of the contact details of the Forum members and alternates was available in Interact Portal.

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-38**15-18 June 2021**

(Adopted at the Forum-38 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda	The agenda was adopted.	
		<p>HET will liaise with NL colleagues with relation to information needed on enforcement of nanoform Registrations.</p> <p>COM is invited to provide the latest version of the paper on interpretation of POP Article 4(2) shared with POP CAs on 8 June with estimation when it can be finalised. COM is invited to share the paper by 25 June</p>
Engagement of Forum members in the legal tasks of the Forum		
Item 3 – Forum’s enforcement activities - Ongoing projects		
3.1 Enforceability of Restrictions 3.1.1 WG progress report		
3.1.2 Advice on Restriction update		
3.1.3 Discussion on compendium of Analytical methods	<p>The Forum adopted the 2nd edition of the Compendium of Analytical methods recommended to check compliance of REACH Annex XVII restrictions and agreed to publish it.</p> <p>The Forum adopted the 3rd version of the Forum methodology for recommending analytical methods to check compliance with REACH Annex XVII restrictions and agreed to publish it.</p>	

3.1.4 Mandate amendment	The Forum revised the mandate.	<p>Forum members are invited to nominate new members to the WG (including Forum members, alternates or invited experts).</p> <p>Forum members appointing invited experts are invited to confirm their participation by 9 July.</p> <p>Forum members who appointed experts in analytical methods are invited to confirm whether these members will stay in the WG 9 July.</p>
3.2 REF-9 3.2.1 WG progress report		WG REF-9 will query the national coordinators on the need for prolongation of the operational phase of REF-9.
3.2.2 Examples of requests for review of Authorisation		ECHA Secretariat will take forward the feedback from the Forum in further work on the Q&A on the dealing with tonnage change for granted authorisation decisions.
3.2.3 Mandate amendment	The Forum revised the mandate.	
3.3 REF-10 3.3.1 WG progress report		WG REF-10 will consider feedback from the Forum in further preparation of REF-10 manual.
3.3.2 Mandate amendment	The Forum revised the mandate.	
3.4 REF-8 3.4.1 Mandate amendment		
3.4.2 Preliminary results of the project		
3.4.3 Mandate amendment	The Forum revised the mandate.	
3.5 Pilot project on recovered substances	The Forum revised the mandate.	

3.5.1 Mandate amendment		
3.6 Prioritisation of REF projects		
3.6.1 WG progress report		
3.6.2 Discussion on the proposals for REF-11 project	Forum agreed that the subject of the REF-11 project will be control of requirements for Safety Data Sheets.	WG Prioritisation will review the proposal for a pilot project considering the feedback from the Forum. HET and Chairs will present a holistic proposal for planning of the pilot projects for Forum-39
3.6.3 Mandate amendment	The Forum revised the mandate.	
Item 4 – Updates from BPR Subgroup		
Item 6 – Update on relevant developments by the Commission		
6.1 Notifying of measures taken against unsafe products posing chemical risks in Safety Gate/RAPEX		
6.2 Enforcement indicators 2007-2019		COM is invited to bring further discussion on the indicators including information on the complaints brought to the COM in one of the future Forum meetings. COM is invited to inform the Forum when the EU indicators report is published
6.3 Chemicals Strategy for Sustainability and general updates		
Item 7 – Forum contribution to REACH Review		
		Members are invited to comment the proposals by 31 July

		HET will revise the list and depending on the extent of the feedback received and will send it for another consultation or for adoption in written procedure.
Item 8 – Debriefing of the meeting with ECHA Directors		
Item 10– Forum’s enforcement activities – projects under finalisation		
10.1 Interlinks		Forum members are invited to ensure that there is a participant attending the Interlinks training from every Member State.
10.1.1 WG progress report		
10.1.2 Mandate closure	The WG conditionally closed the mandate of the WG.	
10.2 Debriefing of the Workshop with ASOs on the results of the projects Customs 2 and REF-7		
10.3 Customs 2		
10.3.1 WG progress report		
10.3.2 Mandate closure	The Forum closed the mandate of the WG.	
10.4 REF-7		
10.4.1 WG progress report		
10.4.2 Mandate closure	The Forum closed the mandate of the WG.	
Item 11 – Enforcement in the Member States		
	Forum members are invited to arrange invited experts to join Forum meetings remotely to present national projects – also at future physical meetings.	
11.1 Swedish project on PFOA and PFOS		SE Forum member is invited to share the final report with the Forum from the project when it is ready.

11.2 Ireland's national enforcement activities for Annex XVII entry 59		Forum members are invited to comment and respond to questions raised in the presentation by 30 July.
11.3 Project for Enforcement of REACH Registration Duties for Charcoal in Bulgaria		
11.4 Registrations required in the production chain of medical products and medical devices		
Item 12 – Practical issues for enforcement of REACH/CLP/PIC/POPs		
Issue 36.1 – Cease of manufacture	The Forum adopted the conclusion of the issue on enforcement of DEV decisions after cease of manufacture.	HET will send the adopted issue for editorial consultation by 30 June HET will send the draft summary of the conclusion that can be included in the interlinks guide for Forum consultation by 30 June.
		Forum members are invited to submit new practical issues by 17 September.
Item 14 – Updates from the ECHA Secretariat		
14.1 Enforcement implications of UK withdrawal		
14.2 ECHA Strategic Programming Document (SPD) and the Forum work programme		Forum members, in consultation with the BPRS members, are invited to comment on the presentation by 31 July Chairs are invited to inform the Forum about the result of the Chairs consultation of the draft Forum chapter of the PD at Forum-39
14.3 ECHA screening of registrations to verify update duties		Forum members are invited to provide feedback on the presentation by 9 July HET will inform the Forum of the number of cases sent to MS focal points at Forum-39

Item 15 - Updates from the ECHA Harmonised Enforcement team (HET)		
15.1 Reporting tool of Forum's projects		<p>HET to provide RCOM to Forum feedback on use of EU Surveys by 25 June</p> <p>Forum members are invited to comment further on the responses and provide new feedback by 30 July</p> <p>HET will check to what extent change requests may be submitted to EU Survey and report back to F-39</p>
15.2 Dates of Forum meetings in 2022	<p>Forum meetings in 2022 will be in the following weeks:</p> <ul style="list-style-type: none"> - Forum-40: 14 – 18 - March - Forum-41: 13 – 17 June - Forum-42: 07-11 November 	
15.3 Follow-up of ECHA Decisions: updates from ECHA		
15.4 Process to update Interact Enforcement Admins and SPOCs		<p>Forum members are invited to facilitate renewal or appointment of NEA Administrators and, if change of NEA Administrator or SPOC is needed, send new appointment by 6 August</p>
Item 16 – Cooperation with other networks		
16.1 The work of European Anti-Fraud Office (OLAF)		<p>Forum members are invited to provide feedback on the presentation and opportunities for cooperation with OLAF by 30 July.</p> <p>Chairs and HET will consider the feedback and decide on the necessity for further discussion at Forum-39.</p>
16.2 Updates from SLIC-CHEMEX		
16.3 Forum's contribution to the Product Compliance Network (EUPCN)		<p>Forum member to provide the ideas on the partner group of ICSMS before the 25 June if possible, but also later by end of July.</p> <p>HET to schedule time for discussion in Forum-39 on how to contribute to the EUPCN.</p>

Item 17 – AOB		
17.1 Harmonised approach to aerosol classification controls following amendment of Q&A 1456		<p>Forum members and ECHA Secretariat are invited to respond to the questions in the presentation in writing by 30 July</p> <p>Chairs and HET will discuss whether further discussion is needed at Forum-39</p>
17.2 Topics for Training for Enforcement Trainers event 2022		<p>Forum members are invited to submit proposals of three topics for the Training 2022 by 30 September 2021.</p> <p>Forum members are asked to rank the topics in order of priority 1, 2 and 3.</p>
17.3 Communication in the WG and the Forum		

III. List of Attendees**Forum members**

	Country	Name
1	AT	ANWANDER Eugen
2	BE	VAN DEN HOLE Chris
3	BG	ZIDAROVA Elena
4	CY	ORPHANOU Maria
5	CZ	JAROLÍM Oldrich
6	DE	VOM HOFE Katja
7	DK	SCHARFF Ida
8	EE	HONGA Aljona
9	EL	FOUFA Eleni
10	ES	TEBAR LUJAN Jorge
11	FI	MÄKI Markus
12	FR	RASOOLY Emilie
13	HR	PILETIC Kaća
14	IE	McMICKAN Sinead
15	IT	ALESSI Mariano
16	LI	RELLA-QUADERER Maria Rosaria
17	LT	ŠPURIENĖ Otilija
18	LU	ENGELS Kim
19	LV	NEIMANE Jana
20	MT	GARG Ramandeep
21	NL	KLINGENBERG Albert
22	NO	HAGEN Gro
23	PL	MOCZULAK Aleksandra
24	PT	CENTENICO Ana
25	RO	MIJA Maria
26	SE	HEDLUND Henrik
27	SI	HAJRLAHOVIC MEHIC Semira
28	SK	POCAROVSKA Miriam

Invited experts/Advisors

	Country	Name
1	BE	TANGHE Philip
2	BG	TCHOBANOVA Elena
3	CY	PALEOMILITOU Maria
4	CZ	MARKO Martin
5	DE	FRENZEL Stefan
6	DE	WURSTHORN Sibylle
7	DK	NIELSEN SCHULEIT Linda
8	DK	MIKKELSEN Sonja
9	EE	LINNO Annemari

	Country	Name
10	ES	ZAMORA NAVAS Laura
11	FI	TALASNIEMI Petteri
12	FR	TCHANAKIAN Fiona
13	FR	DE SAINT-JORES Jeremy
14	HU	MAROSVÖLGYI Nikoletta
15	IE	COLLINS Karen
16	LT	UŽOMECKAS Žilvinas
17	LV	DAUGELE Santa
18	NL	VAN DEN BERG Jos
19	NO	SULEIMAN Abdulqadir Mohamad
20	NO	SKJAERGARD Cathrine
21	PT	SANTOS Andrea
22	PT	GATO Ilda
23	SE	RUMAR Karin
24	SE	ASHJA Maryan
25	SE	ROSNEN Amanda

European Commission representative

	DG	Name
1	ENV	MAURER Helmut
2	GROW	AGUADO-MONSONET Miguel
3	JUST	BERENDS André

OLAF representative

CASTILLO GONZALEZ Marta

	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	LEHTO Anastasia	Support and Enforcement Unit
5	MAK Istvan	Data Availability Unit
6	NIKULA Terhi	Support and Enforcement Unit
7	TŁOCZEK Magdalena	Support and Enforcement Unit

IV. List of Annexes

ANNEX 1. Final agenda Forum-38

ANNEX 2. Revision of mandates of Forum WGs

ANNEX 2 a – “Enforceability of restrictions”

ANNEX 2 b – “REF-9 on Authorisation”

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

ANNEX 2 d – “REF-8 on online sales”

ANNEX 2 e – “Pilot project on recovered substances”

ANNEX 2 f – “Prioritisation of REF projects”

ANNEX 2 g - “Interlinks”

ANNEX 2 h – “Cooperation with Customs 2”

ANNEX 2 i - “REF-7 on Registration”

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

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-38

ECHA/Forum-38/2020/dA

**Thirty eighth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-38)
15-18 June 2021**

Remote meeting

DAY 1 Tuesday 15 June 2021 (10:30 - 15:30 EET)

Item 1 – Welcome and Introduction *10:30-10:50*

- 1.1 Welcome and opening by the Forum Chair
- 1.2 Adoption of the Agenda
- 1.3 Declarations of conflict of interest with regard to agenda items and quorum
- 1.4 State of play with action points from Forum-37 – *ECHA HET*
- 1.5 Results of the written procedures and other issues between Forum-37 and Forum-38 - *ECHA HET*

*ECHA/Forum-38/2021/dA
ECHA/Forum-38/2021/1.4
ECHA/Forum-38/2021/1.5*

***For adoption
For information***

Item 2 – Engagement of Forum members in the legal tasks of the Forum *10:50 – 11:10*

For discussion

Item 3 – Forum’s enforcement activities - Ongoing projects *11:10 – 15:20*

- 3.1 *Enforceability of Restrictions (75’)*
 - 3.1.1 WG progress report – *ECHA HET*
 - 3.1.2 Advice on Restriction update – *ECHA HET*

Break 11:40-11:50

- 3.1.3 Discussion on compendium of Analytical methods – *ECHA HET*
- 3.1.4 Mandate amendment - *ECHA HET*

*ECHA/Forum-38/2021/3.1.1
ECHA/Forum-38/2021/Draft_mandates*

***For discussion
For adoption***

3.2 REF-9 on Authorisation (45')

3.2.1 WG Progress report – WG member

3.2.2 Examples of requests for review of Authorisation – ECHA Secretariat

3.2.3 Mandate amendment - ECHA HET

ECHA/Forum-38/2021/3.2.1
ECHA/Forum-38/2021/Draft_mandates

**For information
For adoption**

Lunch break 13:20 – 14:05

3.3 REF-10 on Integrated control of products (40')

3.3.1 WG Progress report – WG Chair

3.3.2 Mandate amendment - ECHA HET

ECHA/Forum-38/2021/3.3.1
ECHA/Forum-38/2021/Draft_mandates

**For discussion
For adoption**

3.4 REF-8 on online sales (30')

3.4.1 WG Progress report – WG Chair

3.4.2 Preliminary results of the project – WG Chair

3.4.3 Mandate amendment - ECHA HET

ECHA/Forum-38/2021/3.4.1
ECHA/Forum-38/2021/Draft_mandates

**For information
For adoption**

3.5 Pilot project on recovered substances (5')

3.5.1 Mandate amendment - ECHA HET

ECHA/Forum-38/2021/Draft_mandates

For adoption

Item 4 – Updates from BPR Subgroup

15:20-15:30

Update on the coordination of the BPR enforcement – BPRS Chair

For information

End of day 1

15:30

15:30-16:00 Virtual social gathering

DAY 2 Wednesday 16 June 2021 (10:30-15:50 EET)

Item 5 - Adoption of conclusions from day 1 10:30-10:40

For adoption

Item 3 – Forum’s enforcement activities - Ongoing projects (cont.) 10:40 – 11:45

3.6 Prioritisation of REF projects (65')

3.6.1 WG progress report – *WG Chair*

3.6.2 Discussion on the proposals for REF-11 project - *WG Chair*

3.6.3 Mandate amendment - *ECHA HET*

ECHA/Forum-38/2021/3.6.1
ECHA/Forum-38/2021/Draft_mandates

For discussion

For adoption

Break 11:45-11:55

Item 6 – Update on relevant developments by the Commission 11:55-15:00

6.1 Notifying of measures taken against unsafe products posing chemical risks in Safety Gate/RAPEX (30') – *DG JUST*

6.2 Enforcement indicators 2007-2019

Lunch break 13:00-13:45

6.3 Chemicals Strategy for Sustainability and general updates

For information

For discussion

Break 15:00 - 15:10

Item 7 – Forum contribution to REACH Review 15:10-15:40

7.1 List of Forum suggestions to facilitate enforcement

ECHA/Forum-38/2021/7.1

For adoption

Item 8 – Debriefing of the meeting with ECHA Directors 15:40-15:50

For information

End of day 2 15:50

DAY 3 Thursday 17 June 2021 (10:30-15:55 EET)

Item 9- Adoption of conclusions from day 2

10:30-10:40

For adoption

Item 10 – Forum’s enforcement activities – projects under finalisation

10:40–11:30

10.1 Interlinks WG (20')

10.1.1 WG progress report – *WG Chair*

10.1.2 Mandate closure - *ECHA HET*

ECHA/Forum-38/2021/10.1.1
ECHA/Forum-38/2021/Draft_mandates

10.2 Debriefing of the Workshop with ASOs on the results of the projects Customs 2 and REF-7 (20') – *WG Chairs*

10.3 Customs 2 (5')

10.3.1 WG Progress report – *WG Chair*

10.3.2 Mandate closure- *ECHA HET*

ECHA/Forum-38/2021/10.3.1
ECHA/Forum-38/2021/Draft_mandates

10.4 REF-7 (5')

10.4.1 WG Progress report – *WG Chair*

10.4.2 Mandate closure - *ECHA HET*

ECHA/Forum-38/2021/10.4.1
ECHA/Forum-38/2021/Draft_mandates

For information
For adoption

Break 11:30-11:40

Item 11 – Enforcement in the Member States

11:40-13:55

11.1 Swedish project on PFOA and PFOS (20') – *SE Invited experts*

11.2 Ireland’s national enforcement activities for Annex XVII entry 59 (restriction of dichloromethane in paint strippers) (20') – *IE Alternate member*

11.3 Project for Enforcement of REACH Registration Duties for Charcoal in Bulgaria (20') – *BG Forum member*

Lunch break 12:40 - 13:25

11.4 Registrations required in the production chain of medical products and medical devices (30') – *AT Forum member*

For information

Item 12 – Practical issues for enforcement of REACH/CLP/PIC/POPs	<i>13:55-15:35</i>
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Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)

Including Break 10'

*ECHA/Forum-38/2021/12
ECHA/Forum-38/2021/12_room_doc*

**For discussion
For adoption**

End of day 3	<i>15:35</i>
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DAY 4 Friday 18 June 2021 (10:30-15:30 EET)

Item 13- Adoption of conclusions from day 3	<i>10:30-10:40</i>
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For adoption

Item 14 – Updates from the ECHA Secretariat	<i>10:40-12:20</i>
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14.1 Enforcement implications of UK withdrawal (50')

Break 11:30 - 11:40

14.2 ECHA Strategic Programming Document (SPD) and the Forum work programme (20')

14.3 ECHA screening of registrations to verify update duties (20')

ECHA/Forum-38/2021/14.1

For information

Item 15 – Updates from the ECHA Harmonised Enforcement team (HET)	<i>12:20-12:45</i>
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15.1 Reporting tool of Forum's projects

15.2 Dates of Forum meetings in 2022

15.3 Follow-up of ECHA Decisions: updates from ECHA

15.4 Process to update Interact Enforcement Admins and SPOCs

ECHA/Forum-38/2021/15.3

For information

Lucnh break 12:45 - 13:30

Item 16 – Cooperation with other networks *13:30-14:50*

16.1 The work of European Anti-Fraud Office (OLAF) (45')

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

ECHA/Forum-38/2021/16.2

For information

16.3 Forum's contribution to the Product Compliance Network (EUPCN)
(30') – *Forum Chairs*

ECHA/Forum-38/2021/16.3_1

ECHA/Forum-38/2021/16.3_2

ECHA/Forum-38/2021/16.3_3

For discussion

Item 17 – AOB *14:50-15:15*

17.1 Harmonised approach to aerosol classification controls following
amendment of Q&A 1456 (10') – *FR Forum member*

17.2 Topics for Training for Enforcement Trainers event 2022 - *ECHA HET*

17.3 Communication in the WG and the Forum – *AT Forum member*

For information

Item 18 – Adoption of conclusions from day 4 *15:15-15:30*

For adoption

End of the meeting *15:30*

Annex 2 a “Enforceability of restrictions”

Forum Working Group Work Package B12 “Enforceability of restrictions” (mandate adopted at Forum-38)

Composition

Chair: rotating Chair (needs to be nominated)

Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Mariano ALESSI (IT)
-
- Albert KLINGENGERG (NL)
- Jorge TÉBAR LUJÁN (ES)

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) [only under specific circumstances]:

- Tara HORIGAN (IE)

Invited experts (analytical methods) (TBC)

- Nadja GOETZ (DE)
- Carolina FERRANTI (IT)
- Julia GONZÁLEZ GUTIÉRREZ (ES)
- Durk SCHAKEL (NL)
- Timokleia TOGKALIDOU (EL)
- Andromachi KATSONOURI (CY)

COM

- Miguel AGUADO MONSONET (DG GROW)
- Karen KILIAN (DG ENV)

ECHA

- Juan Pablo CALVO TOLEDO
- Augusto DI BASTIANO

Mandate:

Advisory process (only task of the WG)

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.

Analytical methods

[the task can be discussed on an ad-hoc basis depending on the needs]

Other

2. (only until November 2021)
3. Assess the enforceability of newly adopted Annex XVII restrictions and list the issues identified during the assessment process (Only until November 2021)
4. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.
5. Review Working Procedure of the Forum for developing Forum advice and support to RAC and SEAC rapporteurs (for 2022) [horizontal task]

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- Assessment of the enforceability of relevant new Annex XVII restrictions and list of issues identified: F-39
- 30 November 2021, reporting at each plenary meeting

Annex 2 b “REF-9”

Forum Working Group

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-9”

(mandate adopted at Forum 38)

Composition

- **Chair:** Eugen ANWANDER (AT)

Forum Members and Alternates

- 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
- 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 c “REF-10”

Forum Working Group

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-10”

(mandate adopted at Forum 38)

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 a guideline and training to tackle the question related to the verification of the notification to the SCIP database and liaise if necessary with IMPEL to assist on this task
 9. 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 d "REF-8"

Forum Working Group

Work Package A.1

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

(mandate adopted at Forum-38/BPRS-13)

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)
- Jenny KARLSSON (SE) (BPRS alternate)
- Brian MURPHY (IE) (BPRS alternate)
- Jabik DE BOER (NL) (BPRS alternate)
- Anne HORN (DE) (BPRS expert)

ECHA

- Tania MATEUS
- 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 e “Recovered Substances”

Forum Working Group

“Pilot project on recovered substances exempted from REACH registration”

(mandate adopted at Forum-38)

Composition

Chair: Oldrich JAROLIM (CZ)

Forum Members and Alternates

- Ida SCHARFF (DK)
- Almudena OVEJAS ZAPATA (ES)

Invited Experts

- Maria Thestrup JENSEN (DK)
- Peter HELLEMA (NL)
- Frank PEEN (NL)
- Neide LOURENÇO (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. Recommend cooperation with IMPEL/waste authorities at national level of the participating countries
3. Prepare and deliver the training for project national coordinators
4. If WG resources are available, consider volunteer WG members to participate in the IMPEL training on ‘REACH and recovered materials’
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. 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 f “Prioritisation of REFs”

Forum Working Group

Work Package A.1

“Prioritisation of REF Projects”

(Mandate adopted at Forum-38 and BPRS-13)

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 g “Interlinks”

Forum Working Group “Interlinks” (mandate closed at Forum 38)

Composition

Chair: Katja VOM HOFE (DE)

Forum Members/Alternates

- Otilija SPURIENE (LT)

Invited Experts

- Stefanie WITZKE (DE)²
- 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: 21 June 2021, training for MS focal points

² Invited Expert until May 2021

Annex 2 h “Customs 2”

Forum Working Group “Cooperation with Customs 2” (mandate closed at Forum 38)

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 i "REF-7"

Forum Working Group

Work Package A.1

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

(mandate closed at Forum 38)

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 j “Pilot on Classification of mixtures”

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)
- Karen COLLINS (IE)

Invited Experts

- Kristina KARLSSON (SE)
- Sibylle WURSTHORN (DE)
- DE
-)
- 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 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
AfA: Application for authorisation
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