



**Forum-41/M/2022 – PUBLIC**  
**Adopted on 09/11/2022**

**Minutes of the**  
**41<sup>st</sup> meeting of the Forum for Exchange of Information on Enforcement**  
**15-17 June 2022**

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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 the Forum members from the 27 EU Member States with voting rights and the three EEA countries were attending, physically and remotely. The Chair informed that the quorum requirement was met.

#### **1.2 Adoption of the agenda**

The Chair indicated the changes in the agenda. 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.

The Chair mentioned that the annual collection of declarations of interest of members of all ECHA bodies has changed and it will now be done using an IT tool. All members have received an automated email including a personal link to an ECHA portal and members were encouraged to submit their declarations by the deadline.

#### **1.4 State of play with action points from Forum-40**

The Harmonised Enforcement team (HET) informed the plenary on the status of the action points from Forum-40. A document with the latest status was provided at the meeting.

#### **1.5 Results of the written procedures and other issues between Forum-40 and Forum-41**

The Chair referred to the document with the results of the written procedures between Forum-40 and Forum-41.

### **Item 2 - Forum's enforcement activities - Ongoing projects**

#### **2.1 Prioritisation of REF projects**

##### ***2.1.1 WG progress report***

The WG chair presented the outcome of the prioritisation of the proposals for Forum projects received by the WG.

The Forum agreed with the WG to revise the projects proposals' template by the next plenary meeting.

##### ***2.1.2 Discussion of the scope of the next REF project***

The WG concluded on the shortlist of two project proposals for REF-12. The Forum members discussed the options presented and agreed that the topic for REF-12 will be decided and adopted during Forum-42.

##### ***2.1.3 Mandate amendment***

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

## **2.2 Enforceability of Restrictions**

### ***2.2.1 WG progress report***

The WG chair presented the work done by the experts in the WG and the advice developed. He highlighted the need for the appointment of a rapporteur for one of the new restriction proposals.

The Forum raised concern about the time a rapporteur would need. To help the nomination, HET would provide an estimate of the workload and tasks of a rapporteur for this WG.

These time estimations would be provided by HET and previous rapporteurs would be inquired about their experiences.

The WG was working on the revision of the Forum process for advising on the enforceability of the restriction proposals and would present its findings in the Forum's next plenary meeting.

### ***2.2.2 Transparency of the Forum advice on the enforceability of restrictions***

The WG chair summarised the WG discussions on the implications of the (partial) publication of Forum advices through its integration in the public opinions issued by RAC and SEAC, and the receipt of "access to document" (ATD) requests for Forum advices, which needed to be assessed against the ATD Regulation.

The Forum discussed the advantages and disadvantages of the issues presented and took note of the input of ECHA legal affairs unit.

The Forum Chair debriefed the Forum on the exchange of views between the Forum and BPRS chairs with ECHA Directors. The issue of transparency was addressed, and it was proposed to organise a remote workshop for the WG Restrictions and interested Forum members.

### ***2.2.3 Mandate amendment***

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

## **2.3 Pilot project on classification of mixtures focusing on detergents and cleaning products**

### ***2.3.1 WG progress report***

The WG chair summarised the activities of the WG and the collaboration with the ECHA Secretariat.

### ***2.3.2 Mandate amendment***

As this project, for the time being, would be a collection and analysis of practical cases, the WG mandated was modified accordingly. The Forum adopted the updated mandate ([Annex 2c](#)).

## **2.4 Member State reporting**

### ***2.4.1 WG progress report***

The WG developed a questionnaire to survey the volunteering Member States on their reporting practices, which the Forum members will be invited to fill in.

Additionally, the WG discussed the Forum's recommendation on the use of ICSMS for cases where non-compliance was found and there was a need to coordinate on

the case with other NEAs. The COM in the EUPCN and some authorities working on the Market Surveillance Regulation had considered broader reporting to ICSMS related to the duty of Article 34 of Market Surveillance Regulation. Considering that the matter was raised at the EUPCN and its potential usefulness for the COM analysis of ICSMS data, the WG was mandated to examine if the existing Forum recommendation on the scope of use of ICSMS should be reviewed.

#### ***2.4.2 Mandate amendment***

The mandate of the WG was expanded to consider whether the existing Forum recommendation on the use of ICSMS should be reviewed. The Forum adopted the mandate of the WG ([Annex 2d](#)).

### **2.5 REF-10 on Integrated control of products**

#### ***2.5.1 WG progress report***

The Forum took note that the operational phase of the project was running since January 2022 and the WG was supporting the national coordinators with any queries.

#### ***2.5.2 Mandate amendment***

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

### **2.6 REF-11 on SDS**

#### ***2.6.1 WG progress report***

The WG chair summarised the activities of the WG in preparing this project, which aims at assessing whether duty holders have updated and provided the SDS according to the new requirements of Annex II of REACH Regulation amended by Regulation (EU) 2020/878. The project focuses on the substances and mixtures placed on the market in EU/EEA, primarily on SDS sections that have been changed by Regulation (EU) 2020/878.

The Forum endorsed the scope proposed by the WG and Forum members were invited to appoint national coordinators.

#### ***2.6.2 Mandate amendment***

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

### **2.7 Train the enforcement trainers 2022**

#### ***2.7.1 WG progress report***

The WG chair reported that the preparations for the training were ongoing. Forum members were invited to send examples of SDS in the new format and to appoint the trainees. The training event will take place on 24-25 November 2022.

#### ***2.7.2 Mandate amendment***

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

## **2.8 REF-9 on Authorisation**

### ***2.8.1 WG progress report***

The WG chair informed that the WG was drafting the project report and presented the preliminary project results.

### ***2.8.2 Project's preliminary results***

The Forum took note of the results the WG had analysed so far, with the caveat that the data was still being assessed and potentially there could be changes in the results.

### ***2.8.3 Mandate amendment***

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

## **2.9 Pilot project on recovered substances**

### ***2.9.1 WG progress report***

The WG chair informed that the WG was drafting the project report and presented the preliminary project results. The workshop with ASOs would be organised closer to the Forum's open session but it was not possible to say if it could be included in the open session.

### ***2.9.2 Project's preliminary results***

The Forum took note of the results the WG had analysed so far, with the caveat that the data was still being assessed and potentially there could be changes in the results.

Some Forum members identified some deficiencies in REACH related to the waste issues as it was difficult for REACH inspectors to know when the product ceases to be waste and whether it was in the remit of the chemical legislations. COM was encouraged to investigate and clarify those issues in the upcoming REACH review.

### ***2.9.3 Mandate amendment***

The WG requested an extension for the completion of the project report. The Forum adopted the updated WG mandate with the timeline proposed by the WG to extend the finalisation of the project report by Forum-42 ([Annex 2i](#)).

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

### **4.1 REF-8 on Online sales**

#### ***4.1.1 WG progress report***

The Forum was informed on the last activities of the WG's mandate: the finalisation of the Enforcement Guide for inspectors and the workshop with the Stakeholders to present and discuss the project's report, which took place remotely on 17 May 2022.

The WG chair summarised the discussions held in the workshop and requested the Forum to agree on the publication of the proceedings of this workshop. The Forum agreed and the proceedings were published in the Forum's website.<sup>1</sup>

#### ***4.1.2 Mandate closure***

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

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<sup>1</sup> [Forum enforcement projects - ECHA \(europa.eu\)](#)

## **Item 5 – Cooperation with other networks**

### **5.1 Forum's contribution to the Product Compliance Network (EUPCN) and the ADCO Chairs' meetings**

The Forum took note of the information from the EUPCN and ADCO meetings attended by the Chairs and referred to in the meeting document.

### **5.2 Updates from SLIC-CHEMEX**

The chair and co-chair of the WG CHEMEX of the Senior labour inspectors committee (SLIC) informed the Forum about the body and the work developed by this WG.

The Forum Chair welcomed to continue the cooperation between the Forum and this committee as there were many interfaces between REACH and OSH that field inspectors face during their routine work.

WG CHEMEX was also discussing the enforceability of the diisocyanates restriction, and the Forum agreed to consult the current practical issue on the same topic with the WG CHEMEX.

## **Item 6 – Enforcement in the Member States**

### **6.1 French national enforcement projects 2022**

The Forum took note of the organisation of the French enforcement authorities as well as on the national projects run in 2022.

Replying to the participants, the presenter clarified that the project on nano-forms was to better understand the market in France. Although F-gases were not in Forum's remit, the presenter encouraged the Forum to be open to discuss this issue. The presenter would consider sharing with the Forum their artificial intelligence tools to help better target the suspicious products.

### **6.2 Enforcement in Spain: structure and national organisation**

The Forum took note of the structure of the Spanish enforcement authorities, their competencies, the work method used when setting up a Forum-driven project and the communication tools used to communicate the cases of non-compliance of chemical products.

## **Item 7 – Plenary meetings: shaping the future**

### **7.1 Introduction**

The Chair presented the topics to be discussed in the groups, which stemmed from the yearly survey to gather feedback from the Forum members. In many areas, the members were satisfied but some issues could potentially be improved, for example, the plenary meetings (frequency, agenda) and the practical issues.

### **7.2 Break-out-group discussion**

The participants were distributed into four groups (three in person and one with all the remote attendees).

### **7.3 Wrap-up session**

The rapporteurs from the break-out-groups summarised their discussions.

The Chair welcomed the ideas and will assess the feasibility and present some proposal for improvement in the next plenary meeting.

## **Item 8 – Update on relevant developments by the Commission**

### **8.1 Enforcement issues on the Chemicals Strategy for Sustainability (CSS)**

COM representative informed the Forum on the developments of the REACH and CLP revisions. The particular topic of online sales was being addressed under both regulations. The aim was to create a person responsible within the EU for imports that are directly sold to consumers.

COM was considering whether Forum could have an advisory role in the authorisation process in addition to the current restrictions process. COM was also discussing the idea of the Forum to have an equal stand as RAC and SEAC, but on the other hand it would lengthen the decision-making process which was one of the criticisms of REACH.

COM was launching a call for evidence on the possible ways to introduce changes into the Basic regulation.

Replying to a Forum member, the presenter clarified that it was planned to have an impact assessment on all solutions proposed, including those meant to strengthen enforcement. It was likely to be decided by the Impact Assessment Board in September/October 2022. It was noted that the outcome of the public call for evidence on the funding regulation would also be considered in this impact assessment.

The initiative to involve the European anti-fraud office (OLAF) to combat the illicit traffic of chemicals was still under discussion. The objective would be for OLAF to coordinate nationally with NEAs and customs via exchange of data to prevent shipments of illicit products to reach the EU citizens. For that, the REACH provisions in Title XIV would need to be revised accordingly. The Forum Chair welcomed for the Forum to be invited to participate in the discussions with OLAF and COM so that only potentially feasible proposals are assessed.

### **8.2 High level round table**

COM representative updated the Forum on the second breakout session with the sherpas on the recommendations for enforcement which took place on 2 June 2022. The minutes were being drafted and would be shared with the participants and the Forum.

There was a presentation on the Digital Services Act, which its final adoption was expected after the summer, and it would take 15 months for its implementation. The General Products Safety Directive would be strengthened to improve the enforceability of the provisions for marketplaces and that, in certain circumstances, online marketplaces could be considered as economic operators. A pilot project on “web crawler” was initiated by following the products identified as illicit in Safety Gate/RAPEX.

The presenter clarified that the ultimate objective was to have in REACH and CLP the same obligations as in the Market Surveillance Regulation.

The changes in the Customs’ legislation were also presented at the breakout session on enforcement. Discussions are taking place on different aspects: one was on how the different data systems could be compatible (information of customs’ codes *versus* IUCLID date base). The authorised substances could be a good candidate to initiate the exercise. The outcome of these discussion would then be reflected in REACH, by adding or revising existing provisions.

COM representative would share with the Forum the relevant presentations and background documents.

### **8.3 Revocation of registration numbers**

The COM representative highlighted that COM was considering adding a legal basis in REACH to facilitate ECHA to withdraw registration numbers in certain circumstances.

### **8.4 Future of Authorisations/Restrictions**

A detailed discussion on the different proposals will be tabled for the CARACAL meeting in July. Some of the issues discussed will be the role of the candidate list and the potential coordination with OSH during the prioritisation of the SVHCs for the candidate list. The Forum welcome COM to share the final document for discussion at CARACAL.

It was not expected major changes of the current text of REACH provisions concerning restrictions. However, it would be explored the possibility to group substances but that could potentially lead to some challenges in enforcement and would increase the workload of the Forum. In the generic risk management approach (REACH Article 68(2)) are expected some changes, namely, to broaden the scope of the hazard classes and to extend to the professional uses.

On the authorisation process, the discussions were expected to go on the direction that the criteria for granting the authorisation would be the same as the exemptions for restrictions (essential use criteria).

### **8.5 CLP revision**

The COM representative informed the Forum of the timeline of the revision of CLP (and REACH).

### **8.6 EU Audit Capacity**

This item was not addressed since the Forum had previously discussed the issue of EAC with COM in a dedicated workshop on 9 June 2022.

### **8.7 Green Deal: future uniform Digital Product Passport**

The digital product passport was being discussed in COM with the aim that all products should have one unique identifier in order to be marketed in the EU. Once accessed digitally, it would display all relevant information to consumers, waste operators and any other actor. Information such as the name and concentration of the substance of concern and the location of it within the product would be displayed.

A Forum member raised the concern that the information in the passport might not be truthful to the actual content of the product and hence enforcers would need to take samples and run tests. In case there is discrepancies, the responsible person should be prosecuted. However, there was no legal provisions to avoid this abuse.

An invited expert reminded of the existence of the SCIP database and its similar aim as the proposed registry of products for the digital product passport.

### **8.8 Environmental Crime Directive**

The presenter summarised the novelties of the adopted proposal on the new Environmental Crime Directive, that would cover restrictions and authorisations and all CLP provisions. He explained how it would work when environmental offences were identified and gave some practical examples.



Some Forum members shared their prosecution practices in their Member State. Replying to a Forum member, the presenter clarified that the Directive would need to be transposed to the national law and therefore there could be appeals in national criminal courts.

### **Item 10 – Updates from BPR Subgroup**

The BPRS Chair briefed the Forum on the issues discussed at the BPRS-16 plenary meeting<sup>2</sup>. In particular, the speaker updated the members on the state-of-play for the BEF-2 project: the project was running its operational phase and a workshop for all national coordinators was organised back-to-back with BPRS-16.

A dedicated WG was organising the BPRS training event, which will be delivered remotely on 18 November 2022. The training will be focused on CLP for biocides, *in situ* generating systems, and BPR borderline issues.

The BPRS also followed-up on the issue presented in the last open session by the European Ozone Trade Association regarding the non-compliance of *in-situ* devices and was gathering experiences from national enforcement.

### **Item 11 – Debriefing of the meeting with ECHA Directors**

The Chairs informed the Forum about the discussions that took place during the meeting with the ECHA Directors on 12 June 2022. The topics addressed were the 1) Transparency of the Forum's advice of the enforceability of restrictions and 2) European Audit Capacity.

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

The Chair informed that there were two issues re-opened in the HelpEx tool due to absence of feedback. The Forum members were invited to revisit such issues.

Forum discussed the practical issues relevant to enforcement. Members were invited to submit new practical issues by 19 September 2022.

#### *Issue 41.1 – Training requirements under the training under the diisocynataes restriction*

The submitters summarised the issue and HET presented the draft conclusion.

COM representative informed that this point would be addressed in the REACH committee meeting, but it was COM's idea to refer the discussion to the Forum as it was the most appropriate body for this discussion. She added that ISOPA was requesting payment for its trainings.

The submitter found the draft conclusion was not concrete enough in order to be useful for inspectors and welcomed another written consultation. The Forum members were invited to liaise with the national OSH authorities and provide their feedback to this issue. HET would inform SLIC-CHEMEX that consultation on this practical issue was taking place nationally.

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<sup>2</sup> BPRS-16 meeting agenda and minutes: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2022>

*Issue 41.2 – What is the definition of the term ‘industrial site’ used in the context of Annex VIII to CLP?*

The submitter summarised the issue that consisted of the fact that in section 2.4, paragraph (3) of Part A of Annex VIII to CLP, the term ‘industrial site’ is used in the definition of the term ‘mixture for industrial use’. The importers and downstream users who are placing on the market mixtures for industrial use are not required to comply with Annex VIII until 1 January 2024, and can use the national systems of submission that were already in place. Therefore, a clarification of the term ‘industrial site’ is required so that both dutyholders and enforcement authorities have the same understanding.

The Forum members discussed the issue and comments will be collected in a written consultation after the meeting in order to draft a conclusion.

*Issue 41.3 – Responsibility of agents in making available products on the market*

The submitter summarised the issue of a company that acts as an intermediate between a producer/importer of an article and the retailers. This company acted as single contact point (promotes the product, places orders, etc.) and were not involved in the transactions. It was not clear what kind of responsibilities such company have when the article in question has found non-compliant with REACH Article 67 and Annex XVII. The national enforcement authorities took some actions such as withdrawal of the non-compliant article from the market.

The Forum members discussed the issue and comments will be collected in a written consultation after the meeting in order to draft a conclusion.

## **Item 13 – Updates from the ECHA Secretariat**

### **13.1 Practical consequences of the new approach of tonnage downgrade after draft dossier evaluation decision**

The Forum took note on the approach towards the provision of new information in dossier evaluation following the Board of Appeal (BoA) decision of the cases A-006/007-2020 in respect to tonnage downgrade and the potential abuse of the process. In the past, tonnage downgrade received after the draft decision was not considered by ECHA. After the BoA decision, tonnage band updates received after the draft decision (but before final decision) will be considered as substantial new information which ECHA is required to take into account during the compliance check process.

The requirement to take into account substantial new information which comes to light after the expiry of the deadline to provide comments on the draft decision, may also mean that the Agency is required to re-start, or repeat certain steps of the decision-making procedure set out in REACH Articles 50 to 52. ECHA needed to define what was considered as substantial new information, how ECHA should be informed about it and what information must be provided to demonstrate tonnage downgrade or when new experimental studies become available.

Forum requested that ECHA investigates how many dossier evaluation decisions have been sent to NEAs for enforcement, where the tonnage downgrade was requested after the draft decision.

Replying to a Forum member, the presenter agreed that the cases dealing with ORs were complex and the change in the ECHA process would not solve the issue. The Board of Appeal decision would not have an impact on the Substance Evaluation process. In case a company decided to upgrade the tonnage after a downgrade,

ECHA did not have a process in place yet and could consider to re-issue the decision, depending on the case.

### **13.2 ECHA's work on groups of substances and cases of (potential) non-compliance**

The Forum took note of the work being developed by ECHA on the prioritisation and grouping of substances, generating assessments of regulatory needs (ARNs) of group of substances. During such work, it could be identified some cases of potential non-compliance which the Forum was invited to consider whether to pursue them. As an initial proposal, ECHA identified 10 cases that could be used as pilot cases to set-up a procedure and instruct ECHA experts working with the ARNs. The Forum members were invited to consider taking part of the pilot and to use the process in place for the Interlinks. Some Forum members expressed interest in follow-up on the cases identified by ECHA and requested ECHA to send all the relevant information to facilitate the enforcement. ECHA would identify the number of cases and contact the respective Member States if they were willing to participate in the proposed pilot.

Replying to a Forum member, the presenter clarified that the reports of the ARNs of the groups did not yet include any information on enforceability, but the process was still developing.

## **Item 14 – Updates from the ECHA Harmonised Enforcement team**

### **14.1 Follow-up of ECHA Decisions**

The Forum took note on the statistics about the cases sent to the Member States Focal points until 30 May 2022.

### **14.2 Update on the enforcement implications of UK withdrawal**

The Forum took note of the summary of the discussions between CY, ES, IE and NL Forum members about the impact of UK withdrawal. It generated few challenging enforcement situations, especially on the issue of reimport: many importers from UK claim they benefit from reimportation. The Forum's practical issue on this would need to be revised to reflect the UK withdrawal situation.

### **14.3 Update on the engagement and improvement actions**

The Forum was informed on status of the actions for HET derived from the discussions on the Forum's engagement during 2021.

HET prepared an induction document for Forum and WG members explaining the rights and responsibilities of chairs and members, mode of work and expected workload. Forum members were consulted, and the revised version of the document was submitted for the meeting. In case of any additional comments, Forum members were invited to send feedback by the end of June and after that, the document will be finalized.

21 Forum members and alternates expressed their interest in participating in the remote training in chairing meetings. HET will contact the interested participants to check their availability to book the training.

In order to emphasize the importance of the Forum's work, the Executive Director invited the Management Board and CA members to highlight the importance of harmonised enforcement and appropriate resourcing of Forum work and allow for more robust resourcing of the Forum and the Committees. As discussed at Forum-40, such letter will be sent to all countries and co-signed by ECHA Executive

Director and Forum Chair. Some Members have been indicating the best addressee of such letter in their country. Not all have responded and could so by beginning of July, otherwise the letter would be sent to the Management Board member. HET planned to send the letters in the late summer.

#### **14.4 Dates of Forum meeting in 2023**

Chair informed on the dates of the plenary meeting in 2023:

- Forum-43: week 13-17 March 2023
- Forum-44: week 12-16 June 2023
- Forum-45: week 06-10 November 2023

#### **14.5 Revision of the guide on enforcement on registration**

HET highlighted the proposal for the change in the Practical Guide on enforcement of registration duties (REF-7) to improve the formulation of the question regarding the tonnage band in the registration dossier. During discussions in ECHA about the Implementing Regulation on updates, it was observed some discrepancies on the way inspectors reported that question which led to the conclusion that the question was being misinterpreted.

Therefore, the Forum members were questioned on the proposed changes in the wording of the Q 2.6. to remove any ambiguity. The Forum agreed with the changes and to refer to the Implementing Regulation. Consequently, HET will update the document and inform the Forum members of these changes.

### **Item 15 – A.O.B.**

#### **15.1 ECHA screening of registrations to verify update duties – new campaign**

The Forum took note of the information regarding the new and last screened campaign on dossier updates. ECHA has done a preliminary check on registrations for substances with harmonised classification and labelling and have concluded that around 200 registrations would be in scope for the exercise. This campaign was planned to be launched during summer 2022, leaving the registrants until autumn 2022 to update their registrations.

ECHA welcomed the NEAs support for those cases, where registration remains incompliant even after the campaign. It was expected a not very high number of such cases and thus not causing much workload on NEAs.

#### **15.2 Update on ECHA's Follow-up of Dossier Evaluation decisions team**

Forum took note of the new contact point for Follow-up on ECHA's decision.

#### **15.3 Topics for Training for Enforcement Trainers event 2023**

The Forum members were invited to submit proposals for three topics as subject for the 2023 Training event and rank them by priority. The proposals received would be discussed with the Forum Chairs and be brought for Forum-42 for decision.

## II. MAIN CONCLUSIONS & ACTION POINTS - Forum-41

15-17 June 2022

(Adopted at the Forum-41 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item 1- Welcome and introduction</b>		
1.2 Adoption of the Agenda	Agenda was adopted.	
1.4 State of play with action points from Forum-40		
1.5 Results of the written procedures and other issues between Forum-40 and Forum-41		
<b>Item 2 – Forum’s enforcement activities - Ongoing projects</b>		
<i>2.1 Prioritisation of REF projects</i>		
2.1.1 WG Progress report		
2.1.2 Discussion of the scope of the next REF project		WG will review the template for REF projects by Forum-42.
2.1.3 Mandate amendment	The Forum revised the mandate.	
<i>2.2 Enforceability of Restrictions</i>		
2.2.1 WG Progress report		Forum members are invited to nominate the rapporteur for restriction proposal for Terphenyl by 24 June.  HET will share the presentation on the tasks and workload of the rapporteur by 20 June.  SE Forum member will estimate the workload of the Forum rapporteur for the advice on PFAs and PHA in clay targets by 20 June
2.2.2 Transparency of the Forum advice on the enforceability of restriction		<b>HET</b> will propose an ad hoc workshop for WG Restrictions and volunteering Forum members to discuss the transparency aspects of

		the Forum advice on enforceability before F-42.
2.2.3 Mandate amendment	The Forum revised the mandate.	
<i>2.3 Pilot project on classification of mixtures focusing on detergents and cleaning products</i>		
2.3.1 WG Progress report		
2.3.2 Mandate amendment	The Forum revised the mandate.	
<i>2.4 Member State reporting</i>		<p>HET will send the questionnaire on MS reporting to the Forum by 16 June</p> <p>Forum members are invited to fill in the questionnaire on reporting practices by 1 July</p> <p>HET will liaise with COM about the appointment of a representative to follow the work of this WG and discuss the potential review of recommendation on use ICSMS.</p> <p>HET will invite DK invited expert to the next WG meeting to demonstrate the national practice to the MS Reporting</p> <p>Forum members are invited to nominate additional participants by 8 July.</p>
2.4.1 WG progress report		
2.4.2 Mandate amendment	The Forum revised the mandate.	
<i>2.5 REF-10 on Integrated control of products</i>		
2.5.1 WG progress report		
2.5.2 Mandate amendment	The Forum revised the mandate.	

<i>2.6 REF-11 on SDS</i>		
2.6.1 WG Progress report	The Forum endorsed the proposed scope of the REF-11 project.	Forum members, who have not yet done so, are invited to appoint national coordinators by 30 June  EL Forum member is invited to liaise with HET to discuss the possibility of appointing two national coordinators for REF-11
2.6.2 Mandate amendment	The Forum revised the mandate.	
<i>2.7 Train the enforcement trainers 2022</i>		Forum members are invited to send in examples of SDS in new format (especially in English) to the WG.  Forum members were invited to nominate the participants for the training by <b>30 June 2022</b> (one of them should be REF-11 NC).
2.7.1 WG Progress report		
2.7.2 Mandate amendment	The Forum revised the mandate.	
<i>2.8 REF-9 on Authorisation</i>		
2.8.1 WG Progress report		
2.8.2 Project's preliminary results		
2.8.3 Mandate amendment	The Forum revised the mandate.	
<i>2.9 Pilot project on recovered substances</i>		
2.9.1 WG Progress report		
2.9.2 Project's results		
2.9.3 Mandate amendment	The Forum revised the mandate.	
<b>Item 4 – Forum's enforcement activities - Projects under finalisation</b>		
<i>4.1 REF-8 on online sales</i>		

4.1.1 WG Progress report	Forum agreed to publish the proceedings of the REF-8 workshop on online sales with the online marketplaces and stakeholder organisations.	HET will publish the proceedings of the REF-8 Workshop with the stakeholders of 17 May 2022.
4.1.2 Closure of the Mandate	The Forum closed the mandate.	
<b>Item 5 – Cooperation with other networks entries</b>		
5.1 Forum's contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs' meetings		
5.2 Updates from SLIC-CHEMEX		
<b>Item 6 – Enforcement projects in Member States</b>		
6.1 French national enforcement projects 2022		FR Forum member is invited to investigate whether the IT tool for analysing online offers on F-gases can be demonstrated to the Forum.
6.2 Enforcement in Spain: structure and national organisation		
<b>Item 7 – Plenary meetings: shaping the future</b>		
7.1 Introduction		
7.2 Break-out-group discussion		
7.3 Wrap-up session		Chairs and HET will discuss the ideas, assess the workload, and potentially make a proposal on changing the Forum practice at Forum-42
<b>Item 8 – Update on relevant developments by the Commission</b>		
8.1 Enforcement issues on the Chemicals Strategy for Sustainability		COM is invited to share additional background documents for the presentation with HET, who will share it with the Forum.
8.2 High level round table		
8.3 Revocation of registration numbers		
8.4 Future of Authorisations/Restri		



ctions 8.5 CLP revision		
8.5 CLP revision		
8.6 EU Audit Capacity		
8.7 Green Deal: future uniform Digital Product Passport		
8.8 Environmental Crime Directive		
8.9 Digital Services Act (TBC)		
<b>Item 9 - Adoption of conclusions from day 2</b>		
<b>Item 10 – Updates from BPR Subgroup</b>		
Update on the coordination of the BPR enforcement		
<b>Item 11 – Debriefing of the meeting between Forum/BPRS Chairs and ECHA Directors</b>		
<b>Item 12 – Practical issues</b>		
Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)		
Practical issue 41.1 - Diisocyanates		<p>HET will send the draft practical issue for consultation with the Forum by 24 June</p> <p>Forum members will liaise with the OSH colleagues on the national level and provide written feedback by 30 September</p> <p>HET will share the draft practical issue with the SLIC CHEMEX WG to inform that the matter is under discussion and that Forum members may</p> <p>consult the OSH inspectors on the national level.</p> <p>COM is invited to inform HET about the results of discussion on this matter in the REACH Committee.</p>

Practical issue 41.2 – industrial use under Annex VIII of CLP		HET will draft a conclusion for this issue and consult it with Forum members.
Practical issue 41.3 – responsibility of agents in making available products on the market		HET will draft a conclusion for this issue and consult it with Forum members
<b>Item 13 – Updates from the ECHA Secretariat</b>		
13.1 Practical consequences of the new approach of tonnage downgrade after draft dossier evaluation decision		HET to check how many interlinks cases with tonnage downgrade were sent to the NEAs and inform the Forum.
13.2 ECHA's work on groups of substances and cases of (potential) non-compliance		ECHA to estimate the cases and identify countries involved.  HET will approach the identified Member States and invite them to volunteer to pilot the enforcement of these cases.
<b>Item 14 – Updates from the ECHA Harmonised Enforcement team (HET)</b>		
14.1 Follow-up of ECHA Decisions		
14.2 Update on the enforcement implications of UK withdrawal		HET, in consultation with IE, CY & NL Forum members, will review the practical issue on control of exemption from registration for re-imported substances.
14.3 Update on the engagement and improvement actions		Forum members are welcome to send any further comments on the induction package by 30 June  Members are invited to indicate a preferred addressee of a letter on adequate resourcing of the Forum by 8 July.
14.4 Dates of Forum meeting in 2023	<ul style="list-style-type: none"> <li>- Forum-43: week 13-17 March 2023</li> <li>- Forum-44: week 12-16 June 2023</li> <li>- Forum-45: week 06-10 November 2023</li> </ul>	

14.5 Revision of the guide on enforcement on registration	Forum agreed to make the changes in the guide on the enforcement of registration	<b>HET</b> will update the 'Practical guide on enforcement of the registration duties', including reference to the implementing regulation on updates, send it for information to Forum members and upload it on the Interact Portal
<b>Item 15 – AOB</b>		
15.1 ECHA screening of registrations to verify update duties – new campaign		
15.2 Update on ECHA's Follow-up of Dossier Evaluation decisions team		
15.3 Topics for Training for Enforcement Trainers event 2023		HET will invite Forum members to submit proposals of three topics for the Training 2023 and rank the topics from 1 to 3.  Forum members will send the feedback by 30 September
<b>Item 16– Adoption of conclusions from day 3</b>		

### III. List of Attendees

#### Forum members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	VAN DEN HOLE Chris
3	BG	GAYGUROVA Margarita
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	ABDELHAFIZ Sam
13	HR	PILETIĆ Kaća
14	HU	MAROSVÖLGYI Nikoletta
15	IE	McMICKAN Sinead
16	IS	BRAGASON Ísak
17	IT	ALESSI Mariano
18	LI	RELLA-QUADERER Maria Rosaria
19	LT	ŠPŪRIENĖ Otilija
20	LU	ENGELS Kim
21	LV	DAUGELE Santa
22	MT	MIFSUD Shirley
23	NL	KLINGENBERG Albert
24	NO	HAGEN Gro
25	PL	MOCZULAK Aleksandra
26	PT	CENTENICO Ana
27	RO	MIJA Maria
29	SE	HEDLUND Henrik
29	SI	HAJRLAHOVIC MEHIC Semira
30	SK	POČAROVSKÁ Miriam

#### Invited experts/Advisors

	Country	Name
1	AT	FUCHS Michael
2	AT	WURM Gernot
3	CY	PALEOMILITOU Maria
4	CZ	MARKO Martin
5	DE	WURSTHORN Sibylle
6	DE	FRENZEL Stefan
7	DK	EBERT Kenneth
8	DK	NIELSEN SCHULEIT Linda
9	ES	ZAMORA NAVAS Laura
10	FI	TALASNIEMI Petteri

	Country	Name
11	FR	BREMAUD Maina
12	IE	COLLINS Karen
13	IT	SCIMONELLI Luigia
14	LT	UŽOMECKAS Žilvinas
15	LU	WEBER Jill
16	MT	GARG Ramandeep
17	NO	SULEIMAN Abdulqadir
18	PL	STULCZEWSKI Dawid
19	PT	DIAS Marina
20	PT	SANTOS Andrea
21	RO	ZDRANC Flavia
22	SE	RUMAR Karin

#### European Commission representative

	DG	Name
1	GROW	De BUSTOS Aurora
2	ENV	MAURER Helmut
3	ENV	STRATAKIS Sofoklis

	ECHA	Unit
1	ANNYS Erwin	Support and Enforcement Unit
2	BARANSKI Maciej	Support and Enforcement Unit
3	BROERE William	Legal Affair Unit
4	CALVO TOLEDO Juan Pablo	Support and Enforcement Unit
5	LEHTO Anastasia	Support and Enforcement Unit
7	NIKULA Terhi	Support and Enforcement Unit
8	POLCI Letizia	Prioritisation Unit
9	TECCE Nicola	Support and Enforcement Unit
10	TŁOCZEK Magdalena	Support and Enforcement Unit

#### **IV. List of Annexes**

ANNEX 1. Final agenda Forum-41

ANNEX 2. Revision of the mandates of the Forum WGs

ANNEX 2 a - "Prioritisation of REF projects"

ANNEX 2 b – "Enforceability of restrictions"

ANNEX 2 c – "Pilot project on classification of mixtures"

ANNEX 2 d – "Member State Reporting"

ANNEX 2 e – "REF-10 on Integrated chemical control of products"

ANNEX 2 f – "REF-11 on SDS"

ANNEX 2 g – "Train the trainers 2022"

ANNEX 2 h – "REF-9 on Authorisation"

ANNEX 2 i - "Pilot project on recovered substances"

ANNEX 2 j – "REF-8 on online sales"

ANNEX 3. Glossary of acronyms and abbreviations

15 June 2022

ECHA/Forum-41/2022/dA

**Agenda**

**Forty first meeting of the  
Forum for Exchange of Information on Enforcement  
(Forum-41)  
15-17 June 2022  
Helsinki, Finland**

**DAY 1 Wednesday, 15 June 2022**

<b>Item 1 – Welcome and Introduction</b>	<i>09:00-09:30</i>
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- 1.1 Welcome and opening by the Forum Chair
- 1.2 Adoption of the agenda - *Chair*
- 1.3 Declarations of conflict of interest with regard to agenda items and quorum - *Chair*
- 1.4 State of play with action points from Forum-40 – *ECHA HET*
- 1.5 Results of the written procedures and other issues between Forum-40 and Forum-41 - *ECHA HET*

*ECHA/Forum-41/2022/dA  
ECHA/Forum-41/2022/1.4  
ECHA/Forum-41/2022/1.4\_room\_doc  
ECHA/Forum-41/2022/1.5*

***For adoption  
For information***

<b>Item 2 – Forum’s enforcement activities - Ongoing projects</b>	<i>09:30-16:40</i>
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- 2.1 *Prioritisation of REF projects (60')*
  - 2.1.1 *WG Progress report – WG Chair*
  - 2.1.2 *Discussion of the scope of the next REF project - WG Chair*
  - 2.1.3 *Mandate amendment - ECHA HET*

*ECHA/Forum-41/2022/2.1.1  
ECHA/Forum-41/2022/Draft\_mandates*

**Coffee break 10:30-11:00**

- 2.2 *Enforceability of Restrictions (80')*
  - 2.2.1 *WG progress report – WG Chair*
  - 2.2.2 *Transparency of the Forum advice on the enforceability of restrictions – WG Chair*
  - 2.2.3 *Mandate amendment - ECHA HET*

*ECHA/Forum-41/2022/2.2.1  
ECHA/Forum-41/2022/Draft\_mandates*

**Lunch break 12:20-13:20**

*2.3 Pilot project on classification of mixtures focusing on detergents and cleaning products (40')*

- 2.3.1 WG Progress report – ECHA HET
- 2.3.2 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.3.1\_room\_doc  
ECHA/Forum-41/2022/Draft\_mandates

*2.4 Member State reporting (10')*

- 2.4.1 WG Progress report – WG Chair
- 2.4.2 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.4.1\_room\_doc  
ECHA/Forum-41/2022/Draft\_mandates

*2.5 REF-10 on Integrated control of products (10')*

- 2.5.1 WG progress report – ECHA HET
- 2.5.2 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.5.1  
ECHA/Forum-41/2022/Draft\_mandates

*2.6 REF-11 on SDS (40')*

- 2.6.1 WG Progress report – WG Chair
- 2.6.2 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.6.1  
ECHA/Forum-41/2022/Draft\_mandates

**Coffee break 15:00-15:30**

*2.7 Train the enforcement trainers 2022 (10')*

- 2.7.1 WG Progress report – WG Chair
- 2.7.2 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.7.1  
ECHA/Forum-41/2022/Draft\_mandates

*2.8 REF-9 on Authorisation (30')*

- 2.8.1 WG Progress report – WG Chair
- 2.8.2 Project's preliminary results – WG Chair
- 2.8.3 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.8.1  
ECHA/Forum-41/2022/Draft\_mandates

*2.9 Pilot project on recovered substances (30')*

- 2.9.1 WG Progress report – WG Chair
- 2.9.2 Project's results – WG Chair



2.9.3 Mandate amendment - ECHA HET

ECHA/Forum-41/2022/2.9.1  
ECHA/Forum-41/2022/Draft\_mandates

**For discussion**  
**For adoption**

<b>Item 3 - Adoption of conclusions from day 1</b>	<i>16:40-16:50</i>
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**For adoption**

<b>End of day 1</b>	<i>16:50</i>
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**DAY 2** Thursday, 16 June 2022

**Item 4 – Forum’s enforcement activities - Projects under finalisation** 09:30-10:00

4.1 REF-8 on online sales (30')

4.1.1 WG Progress report – *WG Chair*

4.1.2 Closure of the Mandate - *ECHA HET*

*ECHA/Forum-41/2022/4.1.1*  
*ECHA/Forum-41/2022/Draft\_mandates*

***For information***  
***For adoption***

**Item 5 – Cooperation with other networks** 10:00-11:00

5.1 Forum’s contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs’ meetings (30') – *Forum Chair*

5.2 Updates from SLIC-CHEMEX (30') – *CHEMEX WG Chair and Vice-chair*

*ECHA/Forum-41/2022/5.1*  
*ECHA/Forum-41/2022/5.1\_App3*

***For information***

**Coffee break 11:00-11:30**

**Item 6 – Enforcement projects in Member States** 11:30-12:15

6.1 French national enforcement projects 2022 – *FR Forum member*

6.2 Enforcement in Spain: structure and national organisation – *ES Forum member*

***For information***

**Item 7 – Plenary meetings: shaping the future** 12:15-14:40

7.1 Introduction (15')

7.2 Break-out-group discussion (40')

**Lunch break 13:10-14:10**

7.3 Wrap-up session (30')

*ECHA/Forum-41/2022/7.1*

***For discussion***

<b>Item 8 – Update on relevant developments by the Commission</b>	<i>14:40-16:40</i>
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- 8.1 Enforcement issues on the Chemicals Strategy for Sustainability (CSS)
- 8.2 High level round table
- 8.3 Revocation of registration numbers
- 8.4 Future of Authorisations/Restrictions
- 8.5 CLP revision

**Coffee break 15:15-15:45**

- 8.6 EU Audit Capacity
- 8.7 Green Deal: future uniform Digital Product Passport
- 8.8 Environmental Crime Directive
- 8.9 Digital Services Act (TBC)

*For information  
For discussion*

<b>Item 9 - Adoption of conclusions from day 2</b>	<i>16:40-17:00</i>
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*For adoption*

<b>End of day 2</b>	<i>17:00</i>
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**Social event (18:20)**

**DAY 3 Friday, 17 June 2022**

**Item 10 – Updates from BPR Subgroup** 09:00-09:15

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

**For information**

**Item 11 – Debriefing of the meeting between Forum/BPRS Chairs and ECHA Directors** 09:15-09:30

**For information**

**Item 12 – Practical issues for enforcement of REACH/CLP/PIC/POPs** 09:30-10:30

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

*ECHA/Forum-41/2022/12  
ECHA/Forum-41/2022/12\_room\_doc*

**For discussion**

**Coffee break 10:30-11:00**

**Item 13 – Updates from the ECHA Secretariat** 11:00-11:45

13.1 Practical consequences of the new approach of tonnage downgrade after draft dossier evaluation decision (20')

13.2 ECHA's work on groups of substances and cases of (potential) non-compliance (25')

**For information**

**Item 14 – Updates from the ECHA Harmonised Enforcement team (HET)** 11:45-12:40

14.1 Follow-up of ECHA Decisions (15')

14.2 Update on the enforcement implications of UK withdrawal (10')

14.3 Update on the engagement and improvement actions (10')

14.4 Dates of Forum meeting in 2023 (5')

*ECHA/Forum-41/2022/14.1  
ECHA/Forum-41/2022/14.3\_1  
ECHA/Forum-41/2022/14.3\_2*

**For information**

14.5 Revision of the guide on enforcement on registration (15')

*ECHA/Forum-41/2022/14.5*

***For adoption***

<b>Item 15 – AOB</b>
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<i>12:40-13:00</i>
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15.1 ECHA screening of registrations to verify update duties  
– new campaign

15.2 Update on ECHA's Follow-up of Dossier Evaluation decisions team

15.3 Topics for Training for Enforcement Trainers event 2023

***For information***

<b>Item 16– Adoption of conclusions from day 3</b>
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<i>13:00-13:15</i>
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<b>End of meeting</b>
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<i>13:15</i>
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## **Annex 2 a “Prioritisation of REFs”**

### **Forum Working Group** Work Package A.1 **“Prioritisation of REF Projects”** (Mandate adopted at Forum-41)

#### **Composition**

- **Chair:** – Abdulqadir SULEIMAN (NO) - rotating Chair

#### **Forum Members/Alternates**

- Maria ORPHANOU (CY)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Markus MAKI (FI)
- Oldrich JAROLIM (CZ)

#### **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-12 by Forum-42.

## **Annex 2 b “Enforceability of restrictions”**

### **Forum Working Group** Work Package B12 **“Enforceability of restrictions”** (mandate adopted at Forum-41)

#### **Composition**

**Chair:** Albert KLINGENBERG (NL)

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

#### **Forum Members/Alternates**

- Mariano ALESSI (IT)
- Jorge TÉBAR LUJÁN (ES)
- Karen COLLINS (IE)

#### **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)
- Raffaella CRESTI (IT)
- Michael FUCHS (AT)

#### **Invited experts (analytical methods) (TBC)**

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

#### **Process revision:**

- Caroline NILSSON (SE) – invited expert
- Charlotte RAHM (SE) – invited expert
- Karen Collins (IE) – invited expert
- Stefan FRENZEL (DE) – German alternate member
- Petteri TALASNIEMI (FI) – invited expert
- Chris Van den Hole (BE)- Belgian Forum member
- Eugen ANWANDER (AT) – Austrian Forum member

#### **COM**

- 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**

1. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.
2. 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
- 31 December 2022, reporting at each plenary meeting

## **Annex 2 c “Pilot on Classification of mixtures”**

### **Forum Working Group**

#### **“Pilot project on classification of mixtures including detergents and cleaning products” (mandate adopted on Forum-41)**

**Chair:** Eugen ANWANDER (AT)

**Vice-Chair:** Jorge TEBAR LUJAN (ES)

#### **Forum Members and Alternates**

- Dimitrios CHATZIANTONIOU (EL)
- Karen COLLINS (IE)

#### **Invited Experts**

- Kristina KARLSSON (SE)
- Sibylle WURSTHORN (DE)
- Gaetano Abate (DE)
- Erik BARSEGHIAN (NL)
- Maria ALESSANDRELLI (IT)
- Sonia D'ILIO (IT)
- Fiona TCHANAKIAN (FR)
- Meike THORENZ (DE)

#### **ECHA**

- Nicola TECCE
- Kirsi MYOHANEN

**Objective:** Conceive and manage the pilot project on classification of mixtures including detergents and cleaning products

#### **Mandate:**

1. Develop the criteria for national example cases on mixture classification that go beyond standard summation or additivity approaches for the execution of the pilot project
2. Consider whether the WG needs to collect input from ASOs or COM, and if so, liaise with the ASOs or COM to obtain it
3. Management of the analysis of the cases on mixture classification as submitted to the WG
4. If needed, follow-up the assessment phase of the pilot project with supplementary analysis of national cases on mixture classification as submitted to the WG
5. Elaborate a project report including a guidance for national inspectors focusing on the challenges/biases in the interpretation of CLP and mixture classification
6. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry

#### **Timeline:**

- Preparatory phase: January 2022-June 2022
- Operational phase: July 2022-December 2022
- Reporting phase: January-June 2023;
- Follow-up: July-November 2023

## **Annex 2 d “MS reporting”**

### **Forum Working Group “Member States reporting” (mandate adopted at Forum-41)**

#### **Composition**

- **Chair:** Chris VAN DEN HOLE (BE)
- 
- **Vice-Chair:** Katja VOM HOFE (DE)
- 

#### **Forum Members/Alternates**

- M MCMICKAN (IE)
- Sam ABDELHAFIZ (FR)

#### **Invited Experts**

- Caroline NILSSON (SE)
- Katja TRAWNY (DE)

#### **COM:**

**ECHA:** Maciej BARAŃSKI;

#### **Objectives:**

- Establish a harmonised method of counting controls for the purposes of reporting enforcement activities by the NEAs

#### **Tasks:**

- A. Propose a harmonised method of counting controls for the purposes of reporting by NEA
- B. If needed, analyse national systems for collecting data and work with the Member States who need this analysis to define tailored practical recommendations on how to calculate the controls according to the recommended convention and assessing the effort needed
- C. Explore the whether the existing Forum recommendation on what to report in ICSMS needs to be altered and if needed, propose revision.

**Timeline:** Forum-42 (November 2022)

## Annex 2 e “REF-10”

**Forum Working Group**  
Work Package A.1  
**“Coordinated enforcement project REACH-EN-FORCE-10”**  
(mandate adopted at Forum-41)

### Composition

**Chair:** Karin RUMAR (SE)

#### **Forum Members and Alternates**

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

#### **Invited Experts**

- Eric BARSEGHIAN (NL)
- Mieke CONICKX (BE)
- Anneli PÄRNÄNEN (FI)
- Emilie ROGERS (NO)
- Sharon McNULTY (IE)
- Michel LEYNEN (BE)
- Frank VILSMEIER (DE)

#### **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
- Anastasia LEHTO

### **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 f "REF-11"

**Forum Working Group**  
Work Package A.1  
**"Coordinated enforcement project REACH-EN-FORCE-10"**  
(mandate adopted at Forum-41)

### Composition

**Chair:** Karin RUMAR (SE)

#### **Forum Members and Alternates**

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

#### **Invited Experts**

- Eric BARSEGHIAN (NL)
- Mieke CONICKX (BE)
- Anneli PÄRNÄNEN (FI)
- Emilie ROGERS (NO)
- Sharon McNULTY (IE)
- Michel LEYNEN (BE)
- Frank VILSMEIER (DE)

#### **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
- Anastasia LEHTO

### **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 g “Train the trainers 2022”**

### **Forum Working Group** Work Package C.2. **“Training for enforcement trainers 2022”** (mandate adopted at Forum-41)

#### **Composition**

**Chair:** Henrik HEDLUND (SE)

**Vice-Chair:** Sam ABDELHAFIZ (FR)

**Forum Members/Alternates:**

- Otilija SPURIENE (LT)
- Mirjam VAN DER MEER (NL)

**Invited Experts:**

- Angelina ANGELOVA (BG)
- Lisa EKSTIG (SE)
- Uwe LICHT-KLAGGE (DE)
- Mette KIILERICH KIRDAN (DK)

**ECHA:**

- Magdalena TŁOCZEK
- Andrew MURRAY
- Fesil MUSHTAQ
- Outi TUNNELA

#### **Objective:**

- Prepare and deliver the training for trainers on the enforcement of SDS in the fourth quarter of 2022.

#### **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-11
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 2023



## Annex 2 h "REF-9"

**Forum Working Group**  
Work Package A.1  
**"Coordinated enforcement project REACH-EN-FORCE-9"**  
(mandate adopted at Forum-41)

### Composition

**Chair:** Eugen ANWANDER (AT)

#### **Forum Members and Alternates**

- Sam ABDELHAFIZ (FR)
- Markus MAKI (FI)
- Mirjam VAN DER MEER (NL)

#### **Invited Experts**

- Elvera BREEDLAND (NL)
- Lisa EKSTIG (SE)
- Ilda Cristina de CARVALHO GATO (PT)
- Majella LOWE (IE)
- Jarmo OSMO (FI) (OSH)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)

#### **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. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
9. Prepare and organize a short WebEx workshop for ECHA ASOs to present the results and recommendations from this 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
- Workshop with ECHA ASOs: Q2 2023

## **Annex 2 i “Recovered Substances”**

### **Forum Working Group**

#### **“Pilot project on recovered substances exempted from REACH registration”**

(mandate adopted at Forum-41)

#### **Composition**

**Chair:** Oldrich JAROLIM (CZ)

**Vice-chair:** Ida SCHARFF (DK)

#### **Forum Members and Alternates**

- 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: 30 September 2022
- Adoption and publication of the report: Forum-42
- Workshop with ECHA ASOs: Q4 2022
- Adoption of the practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors): 31 December 2022

## Annex 2 j "REF-8"

**Forum Working Group**  
Work Package A.1  
**"Coordinated enforcement project REACH-EN-FORCE-8"**  
(mandate closed at Forum-41/BPRS-16)

### Composition

**Chair:** Karin RUMAR (SE)

#### Forum Members and Alternates

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

#### Invited Experts

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

#### BPRS Members and Experts

- Cathrine SKJÆRGÅRD (NO) (BPRS member)
- Jenny KARLSSON (SE) (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 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  
 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  
 EAC: European Audit Capacity  
 ECHA: European Chemicals Agency  
 ED: ECHA's Executive Director  
 EU: European Union  
 EUPCN: EU Product Compliance Network  
 HET: ECHA's Harmonised Enforcement Team  
 ICSMS: Information and Communication System for Market Surveillance  
 HLRT: High level round table  
 MSCA: Member State Competent Authority  
 NEAs: National Enforcement Authorities  
 OR: Only representative  
 OSH: Occupational safety and health  
 PARCS: Prohibitions and Restrictions Customs Control Strategy 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  
 SCIP: database for information on Substances of Concern In articles as such or in complex objects (Products) established under the Waste Framework Directive (WFD)  
 SEAC: Committee for Socio-economic Analysis  
 SLIC: Senior labour inspectors committee  
 WG: Working Group of the Forum