



Forum-42/M/2022 – PUBLIC
Adopted on 27 March 2023

**Minutes of the
42nd meeting of the Forum for Exchange of Information on Enforcement
Remote meeting**

7-11 November 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. 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 V, [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 be done using an IT tool. All members should receive a notification when an action is needed.

1.4 State of play with action points from Forum-41

Forum members took note of the status of the action points from Forum-41 as listed in the meeting document.

1.5 Results of the written procedures and other issues between Forum-41 and Forum-42

The Chair referred to the document with the results of the written procedures between Forum-41 and Forum-42.

The Forum Chair informed that she made a presentation to ECHA Management Board (MB-67) to give them the annual report of the Forum's activities. Moreover, she presented the work of the Forum at the ChemCon Conference in June 2022 and at the Chemical Watch Enforcement Summit in September 2022.

She informed that the highlights from the Forum-41 meeting were published as the regular news alert in ECHA's website but now together with a podcast where the Chair was interviewed. Such practice will continue for future meetings.

Item 2 - Implementation of EU sanctions under REACH

The ECHA Director of Submissions and Interaction highlighted ECHA's role in implementing the EU restrictive measures related to the Russian invasion of Ukraine by investigating registrants listed in the EU sanctions. The Forum members were informed via a letter.

The Forum agreed to support ECHA in the implementation of EU restrictive measures.

Item 3 - Forum's enforcement activities - Ongoing projects

3.1 Prioritisation of REF projects

3.1.1 Agreement on the topic of REF-12

The Forum expressed preference for the REF project on enforcement of chemical compliance of imported products. Such topic would help to enhance the cooperation with customs authorities and networks in most of the participating countries in the EU/EEA. The Forum only executed a pilot project on the issue so far. In addition, the risks and the adverse effects of non-compliant imported products (*i.e.*, large volume of non-registered substance, substances subject to authorisation, etc.) also support the realization of the project.

The Forum concluded that the next Forum project (REF-12) will focus on the compliance of imported substances, mixtures and articles.

The Forum agreed with the revised projects proposals' template, which will be used for the selection of REF-13.

3.1.2 Mandate amendment

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

3.2 REF-9 on Authorisation

3.2.1 WG progress report and recommendations from the project

The WG chair informed that the WG was drafting the project report and presented the preliminary project results, which were discussed by the Forum.

The Forum also agreed on the next steps to conclude the preparation of the project report for consultation with the Forum, its adoption and publication.

3.2.2 Mandate amendment

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

3.3 Projects not for discussion and with no progress report

The Forum addressed and confirmed the mandates of the WGs that were not discussed at the meeting:

3.3.1 REF-10 on Integrated control of products: Mandate amendment ([Annex 2g](#))

3.3.2 REF-11 on SDS: Mandate amendment ([Annex 2h](#))

3.3.3 Train the enforcement trainers 2022: Mandate amendment ([Annex 2i](#))

3.3.4 Pilot project on classification of mixtures focusing on detergents and cleaning products: Mandate amendment ([Annex 2j](#)). The Forum took note that ECHA was preparing a document on the classification of mixtures, which will be shared with the Forum members once finalised.

Item 5 - Forum's enforcement activities – Upcoming projects

5.1 REF-12: Mandate set-up

The Forum set-up and adopted the mandate for the WG managing the REF-12 project that will focus on the control of imports of substances, mixtures and articles ([Annex 2c](#)). Moreover, Forum invited DG TAXUD to join the WG.

5.2 Pilot project on restricted substances with an impact on workplace (DCM and NMP): Mandate set-up

The Forum decided to reprioritise this project and agreed to re-consider it if it is re-submitted through the Prioritisation WG. Hence, the mandate was not set up for this project.

The Forum members were invited to send proposals for small scale pilot projects by the end of January 2023. The WG Prioritisation would collect and make a proposal for discussion and decision at Forum-43.

5.3 Train the enforcement trainers 2023

5.3.1 Proposed topics for training

HET presented the topic proposals collected from the Forum members. The Forum then agreed to set the focus of the next training event on the control of imports in cooperation with customs and to prepare inspectors for REF-12. The Forum also agreed that the WG could propose to add other topics to the scope of the training, if found relevant.

5.3.2 Mandate set-up

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

Item 6 - Forum's enforcement activities – Projects under finalisation

6.1 Pilot project on recovered substances

6.1.1 Final project report and recommendations from the project

The WG chair informed that the report was adopted by the Forum on 4 November 2022 and summarised the project results as well as the recommendations to Forum, NEAs, ECHA, COM and Industry.

The WG was preparing the workshop with ASOs to be held on 30 November 2022, remotely, and the draft agenda was presented. Some Forum members expressed interest in participating in the Workshop.

The final delivery of the WG was the practical enforcement guide for inspectors which was also under preparation and would be adopted by the end of 2022.

COM representative from the Waste unit from DG ENV welcomed the results and recommendations from the project and would take note for further consideration in the context of the REACH revision. He added that there was work being done on the EU-wide end-of-waste criteria under the circular economy action plan: plastic waste streams and some streams of textile waste have already been prioritised and work was ongoing.

6.1.2 Closure of the Mandate

The Forum conditionally closed the mandate until all the tasks were finalised by the end of 2022 ([Annex 2e](#)).

6.2 Member State reporting

6.2.1 WG final report

The WG recommended counting controls for the Member State Reports to COM using the method "per duty and number of products" as a long-term goal. In the meantime, Member States should use this new method already if they can extract the relevant data. If not possible, during the next revision of their tools and reporting practices, they should include relevant changes that will allow to record

and extract data on duties and number of products checked from every control in future reports.

The transitional period should preferably last until the beginning of the next reporting period *i.e.* 2025 so that the next reporting cycle is according to the harmonised counting method.

The WG concluded to leave the current Forum recommendation on use of ICSMS unchanged. The current recommendation was for countries to record cases of products which were non-compliant and where action from other Member States may be needed.

The meaning of “in-depth checks” under Art 34(4) of the Market Surveillance Regulation was not defined. The WG considered the best criteria were “non-compliance and “usefulness for enforcement”, but the latter needs to be defined further. The WG recommended this discussion and clarification should be pursued only if it is specifically requested by the EUPCN.

Some Forum members expressed support for the WG recommendations, shared their current counting methods and pointed out some potential challenges. It was noted that precise definition of the terms (e.g. “product” or “duty”) should be added to the recommendation. One of these aspects was also clarification whether the recommendation can also be used to count POP controls.

As there were still some open questions, the WG welcomed receiving the Forum members’ comments and to further tweak the recommendations. The Forum members indicated that after minor revisions, the recommendations were supported by the majority.

Some members also commented on the type of reporting done in ICSMS and suggested that the recommended criteria should be revised, but the Forum ultimately agreed with the WG recommendation to leave the recommendation on reporting to ICSMS as it was. Further work would be re-started, if requested by EUPCN.

6.2.2 Mandate closure

The mandate of the WG was not closed and the Forum adopted the revised mandate of the WG ([Annex 2f](#)).

Item 7 - Pilot exercise on the Member State annual reporting on enforcement to ECHA

Following a discussion in the previous year HET presented the background and purpose of the proposed annual report to ECHA. One of the open issues that raised concern in the past was lack of the counting method. Now the counting method was recommended by the WG MS Reporting, soon to be concluded.

Item 8 - Preparation for the Joint Open session

8.1 Welcome to the BPRS members

The Forum and BPRS Chairs welcomed the BPRS members that joined for the discussion of the items to be addressed at the open session.

8.2 Discussion of the lines-to-take in Break-out groups

The Forum and BPRS members reviewed the new versions of the presentations from the stakeholders and discussed the lines to take.

[Summary of the open session](#)

Item 10 - Debriefing of the Open session

The Forum Chair welcomed the lively discussions and the participation of Forum members in sharing their national practices on the issues discussed at the Open session. During the exchange of views, it was noted that it would help the preparations if last minutes changes of the presentations received from ASOs were avoided. Keeping the timing was challenging, thus HET will continue to communicate the allocated time to ASOs and request changes in the presentations, as needed.

The preparations for the open session in break-out groups was considered useful and will be repeated in the future with more time dedicated for it.

There were divergent views regarding presentations on analytical methods, where some found it interesting, but others thought of it to be very technical and thus the WG Enforceability of restrictions would be a better audience for such presentations.

Item 11 - Enforceability of Restrictions

11.1 Enforceability of Restrictions

11.1.1 WG progress report

The Forum took note of the work done by the experts in the WG and the advices developed.

The WG chair highlighted the need for rapporteurs for three dossiers and welcomed nominations of national experts. The Forum discussed the proposed options in case no rapporteur was found. An additional suggestion was to have a rolling list of Forum members to appoint rapporteurs in order to fulfil the Forum's legal task. HET provided an overview of the plans in terms of number of dossiers and informed about the main tasks of rapporteurs. The Forum agreed to put all efforts in finding rapporteurs for the dossiers and eventually succeeded in doing so.

The Forum agreed to extend the timeline to revise the process for developing Forum advice. The revision will take into consideration the discussions within the WG, the conclusions on the transparency of the Forum advice as well as additional discussions with ECHA, RAC, SEAC and possibly with the Commission.

On the Compendium of analytical methods, it was included in the mandate the plan to revise the compendium during 2023.

11.1.2 Mandate amendment

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

11.2 Transparency of the Forum advice on the enforceability of restrictions

The Forum Chair summarised the conclusions of the workshop on the transparency of the Forum's advice on the enforceability of restrictions, which took place on 18 October 2022 and where ECHA, COM, Forum and WG members participated.

The Forum members expressed their preferences on the options proposed and shared some concerns. ECHA highlighted the upcoming changes regarding the legal obligations related to transparency that ECHA will likely need to abide with. At the end, the Forum voted in favour (by 2/3 majority) of publishing the future Forum advices on enforceability of new restriction proposals.

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

Forum discussed the open practical issues relevant to enforcement. Members were invited to submit new practical issues by 20 January 2023.

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

The issue was under consultation with the Forum and OSH experts at the national level during the period of Forum-41 and Forum-42. Many comments were received, and HET revised the conclusion addressing all comments, which was proposed for adoption at the meeting.

The proposed conclusion was edited at the meeting with the feedback received from the participants. The edited conclusion would be consulted with the Forum members after the meeting.

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

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 CLP Annex VIII until 1 January 2024 for new products, and can use the national systems of submission that were already in place. Therefore, a clarification how inspectors can practically distinguish between use at 'industrial site' and "professional use" when controlling Article 45 of CLP is required.

The Forum members discussed the draft conclusion based on the feedback from the Forum collected on the issue during the period of Forum-41 and Forum-42.

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

The submitter summarised the issue of a company that acted as an intermediary between a producer/importer of an article and the retailers. This company was a single contact point (promoted the product, placed orders, etc.) and was not involved in the transactions. It was not clear what kind of responsibilities such company had when the article in question was 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 draft conclusion based on the feedback from Forum collected on the issue during the period of Forum-41 and Forum-42. The submitter welcomed the conclusion and invited the Forum members to provide additional comments in writing.

Item 13 – Update on relevant developments by the Commission

13.1 REACH and CLP revision

The Forum took note of the updates given by the representative of DG GROW on the REACH revision, online transactions and responsibilities, access to justice and the enforceability of restrictions and authorisations.

COM indicated that the Forum's proposals for the REACH revision will be considered by COM during the drafting of the REACH proposal based on the impact assessment.

A proposal for the CLP revision was planned for the end of 2022/beginning of 2023 and will accompany a proposal for an implementing act to add new hazard classes.

The Forum was informed that COM planned to send a questionnaire in January 2023 to Forum members regarding ECHA Basic Regulation. This regulation includes the rules for the functioning of ECHA's committees and bodies, such as REACH Articles 77(4) and 86 that concern the Forum.

DG ENV informed that the feedback gathered from the Forum in the workshop in June 2022 on the European Audit Capacity was used for the impact assessment and that work was currently ongoing. The Forum Chair welcomed the update and encouraged COM to continue with the dialogue in future steps of the process.

The Forum was also briefed on the considerations for the REACH revision concerning the strengthening of compliance of information in the dossiers by the means of revocation and expiry of registration numbers. Some Forum members expressed support for the ideas proposed. A member highlighted that some companies reported there was no laboratory capacity to perform the test required by ECHA. The Forum Chair invited COM to liaise with the NEAs to gather practical experiences on the enforcement of ECHA's decisions.

13.2 Potential work of the Forum with the European Anti-Fraud Office (OLAF)

Representatives from OLAF informed the Forum on their current investigative process as well as some reflections on the work being done to define the role for OLAF under the Commission's Chemicals Strategy for Sustainability.

The presenters replied to the questions concerning OLAF's operational process and suggested to present more details of their investigative practices and tools in a future Forum meeting.

The Forum acknowledged the need for cooperation with OLAF if enforcement experiences were needed during the process. Moreover, OLAF representatives were invited to participate more often in the Forum meetings to help with better understanding of the issues national authorities face.

Item 14 – REACH and Customs

DG TAXUD representative informed the Forum about the possible areas where customs control could be strengthened in enforcing REACH. Three suggestions were being considered: the automated control of registrations, authorisations and the control of restrictions on the manufacture, placing on the market and use. Some questions, *e.g.* on the practicability of the suggestions, were still open, and the Forum was invited to provide input.

Some Forum members shared their national experiences with customs and highlighted some of the challenges, *e.g.* the enforcement of registration of mixtures, restrictions in articles and the use of different codes in REACH and Customs.

The Forum agreed to organise a workshop with DG TAXUD to discuss in detail the proposals presented. The workshop would take place remotely on 15 December 2022.

Item 16 – Enforcement in the Member States

16.1 National experiences from REF-9

The Forum took note of the experiences collected in Norway following the operation phase of REF-9 on authorisation. The inspectors continued to observe that the

companies lacked knowledge about the responsibilities of the authorisation holder and downstream users. It was also found that SDSs were of low quality and so were its translations.

16.2 Experiences from controlling isolated intermediates and strictly controlled conditions

It was presented the Norwegian project that stemmed from the REF-7 project on registration and where isolated intermediates and strictly controlled conditions (SCC) were investigated. In this project, the inspectors found that the SCC were not met for the isolated intermediate in the majority of the cases. The inspectors concluded that checking these obligations could be complex and resource intensive, needing a multidisciplinary team to address the many variables.

16.3 Findings from project checking CLP/REACH compliance of reed diffuser products in Ireland

The Irish enforcement project investigated reed diffusers identified as an area of concern due to the high number of incidents reported to the national poison centre. Although a high level of non-compliance with CLP was found, the project helped raise the awareness of both the duty holders and consumers on these products which lead to an improvement in the number of compliant products available on the market.

16.4 German NEA project on PAHs in crash mats/fall protection mats

The German enforcement project investigated safety slabs in relation to its compliance with REACH Restriction on Polycyclic Aromatic Hydrocarbons (PAH) (entry 50). The inspectors observed that it was important to have more clarity on the requirements of this restriction entry related to the skin contact/oral cavity and the definition of analytical methods.

The participants asked for clarification of some aspects of the presentations above and shared their experiences with similar enforcement actions.

Item 17 – Updates from the ECHA Secretariat

17.1 Follow-up of ECHA Decisions

The Forum took note on the statistics about the cases sent to the Member States Focal points until 15 October 2022.

17.2 Plenary meetings: shaping the future – Follow-up of the discussions held in Forum-41

Following-up on the discussions at Forum-41, the Forum members discussed some improvement proposals and agreed to implement the following in the future plenary meetings:

- Allocate more time to discuss practical enforcement through more involvement of Forum members. The Forum agreed to create a rolling list of contributing countries, where five countries are requested to contribute per meeting.
- Reduce the number of progress reports. The WG would decide when there is a need to prepare such report (*e.g.* when input from Forum is needed). Documents for information only should be grouped and not addressed orally in the plenary unless this is requested by a member.

- The number of plenary meetings will be kept as three per year. The remote meetings should have shorter sessions with adequate breaks. The Forum requested ECHA to consider organising one extra physical plenary meeting every two years.
- Simplify and streamline the process for practical issues.

Item 18 – Cooperation with other networks

18.1 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.

Following the discussion in the last plenary meeting on the proposals for Forum Chairs to gather input from the Forum in a more structured way, the Forum was invited to agree on the best methodology to implement. The Forum decided to have a group of experts (Forum members or invited experts) on specific topics who could be consulted by the Chairs. The topics needing experts were:

- ICSMS
- Customs / Imports
- E-commerce (including IT tools)
- General market surveillance

18.2 Updates from SLIC-CHEMEX

The Forum took note on the information provided by the SLIC-CHEMEX chairs via the meeting document.

Item 19 – Debriefing of the meeting with ECHA Directors

The Chair informed the Forum about the discussions that took place during the meeting with the ECHA Directors on 8 November 2023.

Item 20 – Updates from BPR Subgroup

The BPRS Chair briefed the Forum on the issues discussed at the BPRS-17 plenary meeting¹. In particular, he highlighted the election of the Vice-chair, the status of BEF-2 project and the upcoming BPR training on 2 December 2022

Item 21 – A.O.B.

21.1 Forum Chairs election in June 2023

The elections of Forum Chairs will take place in June, during the physical meeting Forum-44. Forum members were invited to initiate the discussions with their hierarchy and consider the possibility to take up the role of Forum Chair or Vice-chair.

The current Chair will finalise her second mandate and could not be re-elected as a Chair.

¹ BPRS-17 meeting agenda and minutes: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2022>

21.2 Derogation in paragraph 3 of entry 47 (Chromium VI in Cement) in Annex XVII of REACH

The German expert brought a question whether this derogation could be used for ready-mixed concrete. The Forum members were invited to share experiences in enforcing this entry.

21.3 Disposable/single-use e-cigarettes and the applicability of CLP provisions

The German alternate described enforcement experiences concerning the classification and labelling of the novelty disposable e-cigarettes, which contain high concentration of nicotine. It was highlighted that the Forum already had a conclusion on the issue, and Forum members were invited to take a closer look at these types of products and share their experiences.

Some Forum members noted that these products were a priority in their country, and that they had or will have enforcement activities on them.

II. Summary of the 2022 Open session²

Item OS1 – Welcome and Introduction to the Open session

The Chair of the Forum and BPRS welcomed the representatives from the Stakeholder organisations and the representatives of the countries benefiting of the European Commission's Instrument for Pre-accession Assistance.

Item OS2 – Updates from the Forum/BPRS

OS 2.1 Update on the scope of upcoming REF/BEF projects

The chair of the WG Prioritisation of REF projects presented the scope of the future Forum project REF-12 on the enforcement of chemical regulation compliance of imported substances, mixtures and articles.

ECHA's accredited stakeholders were invited to submit proposals for future REF and BEF projects by 14 April 2023. The template for it can be found in Forum's webpage³.

OS 2.2 Projects and related activities finalised during 2022

OS 2.2.1 REF-9 on Authorisation

The participants took note of the project results and the information that the report will be published in Q1 2023.

OS 2.2.1 Pilot project on Recovered Substances

The participants took note of the results of the project for which a report⁴ was available. The Accredited Stakeholders were invited to participate in the workshop on 30 November 2022 intended to discuss the project results with the main actors dealing with the obligations investigated in this project.

OS 2.2.3 ASOs Workshop of the project REF-8 on online sales

As a follow-up of the project finalised at the end of 2021 on online sales (REF-8), the WG organised a dedicated workshop⁵ where the main online marketplaces were invited to discuss the findings of the project. This workshop took place on 17 May 2022 and was found to be a good opportunity to share the recommendations of the project with the relevant actors as well as to share practices and knowledge between enforcers and marketplaces.

² All presentations of the open session 2022 are available on the website:

<https://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions-2022>

³ <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/forum-enforcement-projects>

⁴ https://echa.europa.eu/documents/10162/17088/pilot_recovered_substances_en.pdf/bf588a50-705c-1b0f-b3f4-77eb5a59c5b8?t=1667885572609

⁵ https://echa.europa.eu/documents/10162/17088/proceedings_workshop_ref-8_en.pdf/7314bd16-54f3-dfa8-9f94-d3cb2b3ddc7b?t=1656489859600

Item OS3 – Discussion topics proposed by ASOs

OS 3.1 Future role of the Forum

OS 3.1.1 A Forum 2.0 for REACH 2.0: challenges ahead from industry's perspective

Cefic highlighted the Forum's responsibilities in the areas of coordination, harmonisation of enforcement and cooperation, in particular with customs authorities. The presenter proposed some ideas for future roles for the Forum to improve the process of restrictions. She voiced Cefic's willingness to help in this evolution of the Forum.

OS 3.1.2 EEB proposal on the new role of the ECHA Enforcement Forum: REACH reform

EEB presented a number of suggestions to help harmonise enforcement. One of the issues raised was the need to set up 'minimum' resources, inspections and sanctions/penalties to ensure consistency across NEAs and a level playing field across countries.

OS 3.1.3 Q&A session

The Forum Chair welcomed the ideas and noted that the issue was under discussion with COM in the context of the Chemicals Strategy for Sustainability and the REACH review. It was expected to strengthen the role of the Forum, which the Forum welcomed, provided that there was a legal mandate, and the needed resources were allocated.

The Chair highlighted the REF-12 project that will focus on the cooperation with customs and will put in practice elements to help further improve the enforcement of imports. The Forum was in dialogue with COM on the proposals to strengthen the control of chemicals by customs. Some members shared their experiences with the national customs and the control of imports.

In the Forum's work on restrictions, the uncertainty about analytical methods was a frequent challenge in the advice on enforceability of new restrictions. The Forum welcomed input from laboratories to be brought earlier in the process (*e.g.* public consultation) as the current process defined tight deadlines for the Forum to deliver its advice. The Forum welcomed industry's initiative to develop new methods and share them with the Forum. They will be examined and – if deemed appropriate – included in the Forum's compendium.

On the EEB presentation, the Chair stressed that enforcement measures were laid down in national legislation and the Forum did not have the legal mandate to harmonise sanctions. However, other type of harmonisation could be achieved by harmonising practices, methods, approaches, tools, interpretation of provisions and scope of controls, which was done through the Forum's coordinated projects, guides for inspectors, trainings and other actions.

For Forum and enforcers in general, the aim of enforcement measures was to bring the company in compliance. Most Member States have tiered-approach measures, starting with a softer measure (*e.g.* written/verbal advice) and escalating only if the company fails to comply. Moreover, in some Member State it was not legally possible to publish the name of non-compliant companies, as suggested in the presentation. Forum members and experts shared their national experiences with the publication of such information.

OS 3.2 Control of Ozone-generating devices: Registration of *in situ* generated ozone under REACH

EurO₃zon shared information concerning the suspected non-compliance with REACH.

The Forum welcomed the issue being brought to its attention and pointed out that it was not yet dealt in Forum. The Forum will take action to collect the experience of the NEAs with ozone generating devices and consider if there is a widespread REACH compliance problem.

However, the BPR Subgroup (BPRS) was already investigating the issue. The European Ozone Trade association made a presentation at the 2021 Open session and the BPRS members committed to follow-up and investigate a list of (allegedly) non-compliant devices marketed in EU. 13 Member States investigated, and some found the products were not in scope of BPR. Seven countries committed to take further actions (e.g. control concerned companies). The feedback received did not indicate a widespread problem. BPRS will consider all results of national investigations before concluding.

For specific questions, the organisation was encouraged to submit a query to ECHA.

OS 3.3 Enforceability of restrictions

OS 3.3.1 Snapshots of market surveillance for REACH compliance in textiles products

Euratex brought insights from the first year of the REACH4Textiles project and highlighted the importance of cooperation with authorities and the Forum's further involvement in assessing the enforceability of REACH restrictions, especially broad ones.

Forum welcomed the self-regulatory actions to limit the use of hazardous and restricted chemicals in textiles. Forum understood that companies undertaking these initiatives were more likely to be compliant.

The Forum will be revising the compendium of analytical methods in 2023 and welcomed methods identified during the REACH4textiles project.

The Forum also supported the call for clear and detectable limit values to be included for all substances regulated in the new restriction entries. For restriction entries regulating multiple substances, controls will be prioritised, but all substances can be controlled, in principle.

Forum members and experts shared their experiences in the REACH4Textiles project and other national initiatives on textiles.

OS 3.3.2 Enforcement problems related to the wetland restriction

European Federation for Hunting and Conservation (FACE) presented its perspective on the lead in gunshot over wetlands restriction, which requires that after 16 February 2023, discharging and carrying lead gunshot in or within 100 metres of 'wetlands' will be prohibited.

The Forum acknowledged the concern about how the restriction was worded and it should be addressed to the Commission, rather than the Forum. The Forum understood there was an ongoing court case about the restriction and the Forum considered the restriction was lawful and legally clear. The definition of wetland was broad and case-by-case judgement by the enforcement officers will be necessary.

The Forum's advice on enforceability of the entry identified a number of challenges for enforceability some of which have been addressed in the final entry such as labelling, e.g. possession was no longer referred to and the legislator has judged that "carrying" can be included as "keeping" or "any other utilisation" that are included in definition of "use" under Article 3(24). Overall, the Forum has also advised that a comprehensive ban on placing on the market of lead gunshot or covering all types of terrain would make the restriction much more enforceable.

The enforcement of this restriction will require case-by-case judgement by the Member States, hence there was potential for a different interpretation between countries and individual officers (e.g. regarding wetland or demonstrating 'other type of shooting'). The Forum had not yet investigated enforcement practice of this restriction entry. An anticipated new restriction on lead in gunshot, could facilitate the enforcement of this restriction entry.

A Forum member shared that in his Member State some extra steps were taken nationally, such as an information campaign with the hunters, disseminating the national interpretation that hunters were not seen as consumers and national provisions that hunters need to abide when hunting, etc.

OS 3.3.3 Analytical methodology to check regulatory compliance of absorbent hygiene products

EDANA presented a new method for testing absorbent hygiene products relevant for controls of the restriction entries on phthalates and potentially the upcoming restriction on skin sensitising substances.

OS 3.3.4 The pathway for enforceable restrictions of chemicals present in rubber goods

ETRMA presented analytical methods considering on the migration methods for use in enforcement and control of rubber goods, very relevant for controls of restriction entry 50 on PAHs.

The Forum will be revising its compendium of analytical methods recommended for control of REACH restrictions in 2023 and invited EDANA and ETRMA to submit the description of their methods in response to the call from the Forum. The organisations were also invited to present the method in more detail to the Forum WG Restrictions which will be working on revision of the compendium next year. If the WG decided to include the methods in the Forum compendium, information about it will be disseminated to the NEAs, laboratories and duty holders.

III. MAIN CONCLUSIONS & ACTION POINTS - Forum-42

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda	Agenda was adopted.	
1.4 State of play with action points from Forum-41		
1.5 Results of the written procedures and other issues between Forum-41 and Forum-42		
Item 2 – Implementation of EU sanctions under REACH		
	Forum agreed to support the ECHA Secretariat in the implementation of EU restrictive measures related to the Russian invasion of Ukraine.	
Item 3 – Forum’s enforcement activities - Ongoing projects		
<i>3.1 Prioritisation of REF projects</i>	The Forum agreed that REF-12 will focus on control of imports of substances, mixtures and articles.	Forum members are invited to submit project proposals for REF-13 project by 14 April 2023 using the new template adopted.
3.1.1 Agreement on the scope of REF-12	The Forum agreed on the new template for project proposals.	
3.1.2 Mandate amendment	The Forum revised the mandate.	
<i>3.2 REF-9 on Authorisation</i>	Forum agreed on a way forward for the WG to conclude preparation of the project report.	Forum members and HET are invited to send written comments on presentation of REF-9 to WG Chair by 8 November noon.
3.2.1 WG progress report and recommendations from the project		
3.2.2 Mandate amendment	The Forum revised the mandate and timeline of the project.	
<i>3.3.1 REF-10 on Integrated control of products: Mandate amendment</i>	The Forum revised the mandate.	
<i>3.3.2 REF-11 on SDS: Mandate amendment</i>		
<i>3.3.3 Train the enforcement trainers 2022: Mandate amendment</i>		
<i>3.3.4 Pilot project on classification of mixtures focusing on detergents and cleaning products:</i>		HET will share with the Forum the ECHA document on classification of mixture once it is finalised.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Mandate amendment		
Item 5 – Forum’s enforcement activities - Upcoming projects		
5.1 REF-12: <i>Mandate set-up</i>	The Forum established the WG to prepare, oversee and report from REF-12 project.	<p>Forum members are invited to appoint additional members to the WG by 5 December</p> <p>COM (TAXUD, GROW, ENV) are invited to nominate COM members to the WG by 5 December</p> <p>Forum members are invited to liaise with their national customs contact points or national PREG members to consider appointing customs experts to the WG by 5 December</p>
5.2 Pilot project on restricted substances with an impact on workplace (DCM and NMP): Mandate set-up		<p>Forum members are invited send proposals for small scale pilot projects by end of January 2023</p> <p>WG prioritisation will consider these proposals and propose a new pilot project that could be started in 2023 for the Forum-43</p>
5.3 Train the enforcement trainers 2023 5.3.1 Proposed topics for training	The Forum agreed that the Training for Trainers 2023 will focus on the preparation of the REF-12 project on control of imports in cooperation with customs.	<p>Forum members are invited to consider becoming a Member of the WG and to propose experts who could contribute to the success of the training by 5 December 2022.</p> <p>Forum members are invited to suggest possible training material and topics suitable for control of imports by 10 February 2023</p>
5.3.2 Mandate set-up	The Forum has established a WG	
Item 6 - Forum’s enforcement activities - Projects under finalisation		
6.1 Pilot project on recovered substances 6.1.1 Final project report and recommendations from the project		Interested Forum members are welcome to attend the ASO workshop on recovered substances and bring invited experts.
6.1.2 Mandate closure	The Forum conditionally closed the mandate.	

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
6.2 <i>Member State reporting</i>		
6.2.1 WG final report		<p>Forum members are invited to send written comments on the recommendation by 2 December.</p> <p>WG MS Reporting will revise the recommendation and send it for adoption to written procedure.</p>
6.2.2 Mandate closure		Forum members are invited to consider becoming a Member of the WG by 5 December 2022
Item 7 - Pilot exercise on the Member State annual reporting on enforcement to ECHA		
Item 8 - Preparation for the Joint Open session		
8.2 Discussion of the lines-to-take in Break-out groups		
Item 10 - Debriefing of the Open session		
		Chairs and HET to implement the reflections and findings when setting up the next open session.
Item 11 - Enforceability of Restrictions		
11.1 <i>Enforceability of Restrictions</i>		
11.1.1 WG Progress report		<p>The Forum members are requested to nominate rapporteurs for the MCCP dossier by 11 November.</p> <p>The Forum members are requested to nominate rapporteurs for the Creosote dossier by 18 November.</p> <p>Forum members are requested to indicate by the end of the year whether the experts on analytical methods would be available to provide input to the revision of the Compendium in 2023 or nominate additional experts.</p>
11.1.2 Mandate amendment	The Forum revised the mandate.	
11.2 Transparency of the Forum advice on the enforceability of restriction	The Forum agreed to publish its advice on enforceability of new restriction proposals.	WG Restrictions and HET will implement the new practice for future restriction proposals.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 12 – Practical issues		
Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)		
Practical issue 41.1 - Diisocyanates		Forum members are invited to send written comments on the practical issue by 2 December
Practical issue 41.2 – industrial use under Annex VIII of CLP		Forum members are invited to send written comments on the practical issue by 2 December
Practical issue 41.3 – responsibility of agents in making available products on the market		Forum members are invited to send written comments on the practical issue by 2 December
Item 13 – Update on relevant developments by the Commission		
13.1 REACH and CLP revision		<p>COM will send in a survey to the Forum regarding its current and future role to be considered for the ECHA Basic Regulation in January 2023</p> <p>Forum members are invited to share their responses to the survey with the other members and HET in copy.</p> <p>COM are invited to contact HET to arrange a meeting to discuss the future provisions regarding the revocation of registrations due to non-compliance.</p>
13.2 Potential work of the Forum with the European Anti-Fraud Office (OLAF)		<p>IT forum member and OLAF representative are invited to liaise and discuss a specific case.</p> <p>HET will invite OLAF to Forum plenaries to inform on their investigative practices and tools and discuss their future cooperation with the Forum.</p>
Item 14 – REACH and Customs		
	Forum will hold an ad hoc plenary meeting on 15 December to discuss the COM proposals related to role of customs in control of REACH which are planned for the REACH Revision.	<p>HET will send out DG TAXUD presentation to Forum on 11 November</p> <p>Forum members are invited to submit comments to the</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
	Forum will hold a preparatory ad hoc meeting on 14 December.	presentation and respond to the questions from TAXUD by 25 November HET will organise an ad hoc Forum meeting on 15 December 2022
Item 16 – Enforcement in the Member States		
16.1 National experiences from REF-9		Forum members are invited to submit further questions to the Norwegian colleagues by end of November
16.2 Experiences from controlling isolated intermediates and strictly controlled conditions		
16.3 Findings from project checking CLP/REACH compliance of reed diffuser products in Ireland		
16.4 German NEA project on PAHs in crash mats/fall protection mats		SE alternate is invited to report back on findings of the Swedish project on the PAHs by 25 November HET will share the presentation on the CY project on PAHs in playground tiles and any follow up results by 13 November
Item 17 – Updates from the ECHA Secretariat		
17.1 Follow-up of ECHA Decisions		
17.2 Plenary meetings: shaping the future – Follow-up of the discussions held in Forum-41	Forum agreed to implement the proposed changes in practice of preparing the plenary meetings and to review them at the end of 2024.	Forum members AT, BE, BG, CY, CZ are invited to prepare an enforcement related topic (e.g. presentation) for Forum-43. HET will send a rolling list of contributions required for Forum plenary meetings by 18 November.
Item 18 – Updates from the ECHA Secretariat		
18.1 Forum's contribution to the EU Product Compliance Network (EUPCN) and the		Forum members are invited to nominate themselves as experts for advising on issues related to ICSMS, Customs/imports, e-commerce and general market

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
ADCO Chairs' meetings		surveillance issues by 16 December
18.2 Updates from SLIC-CHEMEX		
Item 19 – Debriefing of the meeting between Forum/BPRS Chairs and ECHA Directors		
Item 20 – Updates from BPR Subgroup		
Item 21 – AOB		
Elections of Forum Chairs in June 2023		Forum members are invited to initiate internal discussions and consider the possibility to take up the role of Forum Chair or Vice-chair in June 2023.
DE case on cement		<p>HET will make the presentation available to the Forum members together with the relevant HelpEx case by 18 November</p> <p>Forum members are invited to send responses to these questions by 9 December</p>
DE case on electronic cigarettes		Forum members are encouraged to look into controlling disposable electronic cigarettes and inform the Forum about their findings by mid February 2023 to be discussed at Forum-43

MAIN CONCLUSIONS & ACTION POINTS – 2022 Forum/BPRS Open session

(Adopted at the 2022 Forum/BPRS Open session)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item OS 1 – Welcome and Introduction to the OPEN SESSION		
Item OS 2 – Updates from the Forum/BPRS		
<i>OS 2.1 Update on the scope of upcoming REF/BEF projects</i>		ECHA Accredited Stakeholder Organisations are invited to submit proposals for REF-13/BEF-3 project by 14 April 2023.
<i>OS 2.2 Projects and related activities finalised during 2022</i>		
<i>OS 2.2.1 REF-9 on Authorisation</i>		
<i>OS 2.2.2 Pilot project on Recovered Substances</i>		
<i>OS 2.2.3 ASOs Workshop of the project REF-8 on online sales</i>		
Item OS 3 – Discussion topics proposed by ASOs		
<i>OS 3.1 Future role of the Forum</i>		
<i>OS 3.1.1 A Forum 2.0 for REACH 2.0: challenges ahead from industry's perspective (Cefic)</i>		<p>Cefic is invited to consider internally how to support the Forum in identifying “high risk profiles” for more efficient enforcement</p> <p>Cefic is invited to discuss internally the feasibility to have more information regarding imports (additional TARIC measures) which may help integrating REACH in customs.</p> <p>Cefic is invited to inform the Forum about the progress on these considerations by February 2023.</p>
<i>OS 3.1.2 EEB proposal on the new role of the ECHA Enforcement Forum: REACH reform (EEB)</i>		
<i>OS 3.1.3 Q&A session</i>		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<p>OS 3.2 Control of Ozone-generating devices: Registration of in situ generated ozone under REACH (Euro3zone)</p>		<p>Forum members are invited submit experience of the member state NEAs with controls of ozone generating devices by end of January 2023</p> <p>Forum will consider this feedback in assessing if there is a widespread REACH compliance problem at the Forum-43 in March 2023</p> <p>Eurozone is invited to send the question on exemption from registration for use for biocidal purposes to ECHA, including the feedback received from the CA.</p>
<p>OS 3.3 Enforceability of restrictions</p>		
<p>OS 3.3.1 Snapshots of market surveillance for REACH compliance in textiles products (Euratex)</p>		
<p>OS 3.3.2 Enforcement problems related to the wetland restriction (FACE)</p>		
<p>OS 3.3.3 Analytical methodology to check regulatory compliance of absorbent hygiene products (EDANA)</p>		
<p>OS 3.3.4 The pathway for enforceable restrictions of chemicals present in rubber goods (ETRMA)</p>		

IV. 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	SCIMONELLI Luigia
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	BE	TANGHE Philip
3	DE	WURSTHORN Sibylle
4	DE	FRENZEL Stefan
5	DK	NIELSEN SCHULEIT Linda
6	DK	MIKKELSEN Sonja
7	ES	ZAMORA NAVAS Laura
8	FI	TALASNIEMI Petteri
9	FR	TCHANAKIAN Fiona
10	HR	ŠKUGOR Dunko

	Country	Name
11	HU	KOVÁCS Tamás
12	IE	COLLINS Karen
13	IE	O'CALLAGHAN Conor
14	IT	MARIANO Alessi
15	LT	ŠIUIPIENĖ Julita
16	PL	STULCZEWSKI Dawid
17	PT	SANTOS Andrea
18	PT	PIRES Ana
19	SE	RUMAR Karin

European Commission representatives

	DG	Name
1	ENV	STRATAKIS Sofoklis
2	ENV	CEIJAS NOGUERA Carolina
3	ENV	GARCIA-JOHN Enrique
4	GROW	TEMMINK Harrie
5	GROW	De BUSTOS Aurora
6	GROW	KOBE Andrej
7	OLAF	SORENSEN Ivan
8	OLAF	CASTILLO-GONZALEZ Marta
9	TAXUD	LEDURE Valerie
10	TAXUD	ISSOPOULOU Ioulia
11	TAXUD	MAIDOU Elena

	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	FACINCANI Francesco	Support and Enforcement Unit
5	MATEUS Tania	Support and Enforcement Unit
6	NIKULA Terhi	Support and Enforcement Unit
7	TECCE Nicola	Support and Enforcement Unit
8	TŁOCZEK Magdalena	Support and Enforcement Unit

Additional participants in the Open Session

Accredited Stakeholders Organisation representatives

	Organisation	Name
1	Aerospace and Defence Industries Association of Europe	MORALES Beatriz
2	AQUA EUROPA AISBL	WEISS Aaron
3	BEUC	MOOS Pelle
4	Cefic	DRMAC Dunja
5	CEPE	FIELDING Trevor
6	Cerame-Unie	VIGILANTE Daniela
7	CropLife Europe	TODD Phil
8	Downstream users of chemicals coordination group (DUCC)	SEBASTIO Giulia
9	ecopa	LORENZETTI Stefano
10	EDANA	BARBU Luminita
11	EDANA	THELIN Anders
12	EDANA industry representative	KLEIN Ingrid
13	ETRMA	PEREZ SIMBOR Laia
14	EURATEX	SCALIA Mauro
15	EURATEX	KAUP Triin
16	EURATEX	VASKYTE Beatrice
17	EuRIC	BOUNTIS Rikarnto
18	EuRIC	NAVAJAS Alejandro
19	EurO3zon	SIMÕES Inês
20	EurO3zon ivzw	RYCKEBOER Jaak
21	Euroalliages	GHATTAS Haifa
22	European Association of Chemical Distributors - Fecc	DREVE Simina
23	European Environmental Bureau	GOULART Mariana
24	European Fireworks Association	NILSEN Karsten
25	FACE	SCALLAN David
26	FACE	PUUSTINEN Seppo
27	FITASC (International Federation for shooting sport with hunting weapons)	PALINKAS Jean-François
28	FITASC	CHEVALIER Pauline
29	FuelsEurope	CLAES Inneke
30	PETA Science Consortium International e.V.	ENGELBRECHT Vera
31	Plastics Europe	BYRNE Dominic
32	REMONDIS Recycling GmbH	HARTING Monica

Instrument for Pre-Accession Assistance (IPA) representatives

	Country	Name
1	Albany	ISMETE Sina
3	Albany	ROZANA Bineri
4	Albany	SIDORELA Spahiu
5	Albany	AGALLIU Rovena
6	Albany	ZEQIRAJ Izet
7	Albany	SHEHU Malbora
8	Montenegro	SLAVENA Vuković
9	Serbia	BOSILJČIĆ Dragana
10	Türkiye	AHU Çekim

BPRS members and alternates

	Country	Name
1	BG	HRISTOVA Viktoriya
2	CH	BUERGY Heribert
3	CZ	BEDNAŘÍKOVÁ Růžena
4	DE	SCHROETER Meike
5	ES	ESCALADA Jesus
6	HR	SKUGOR Dunko
7	HU	NÉMET Balázs
8	IE	CANTY Mary
9	LT	HAKAITĖ Palmira
10	LU	LENTZEN Esther
11	MT	FARRUGIA Bernice
12	NO	SKJÆRGÅRD Cathrine
13	SE	KARLSSON Jenny

V. List of Annexes

ANNEX 1. Final agenda Forum-42

ANNEX 2. Revision of the mandates of the Forum WGs

ANNEX 2 a - "Prioritisation of REF projects"

ANNEX 2 b - "REF-9 on Authorisation"

ANNEX 2 c - "REF-12 on imports"

ANNEX 2 d - "Train the trainers 2023"

ANNEX 2 e - "Pilot project on recovered substances"

ANNEX 2 f - "Member State Reporting"

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

ANNEX 2 h - "REF-11 on SDS"

ANNEX 2 i - "Train the trainers 2022"

ANNEX 2 j - "Pilot project on classification of mixtures"

ANNEX 2 k - "Enforceability of restrictions"

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-42

**Forty second meeting of the
Forum for Exchange of Information on Enforcement
(Forum-42)**

**7-11 November 2022
Remote meeting
Eastern European time (EET)**

DAY 1 Monday 7 November 2022

Item 1 – Welcome and Introduction *10:30-11:00*

- 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-41 – *ECHA HET*
- 1.5 Results of the written procedures and other issues between Forum-41 and Forum-42 - *ECHA HET*

*ECHA/Forum-42/2022/dA
ECHA/Forum-42/2022/1.4
ECHA/Forum-42/2022/1.5*

***For adoption
For information***

Item 2 – Implementation of EU sanctions under REACH *11:00-11:20*

***For information
For discussion***

Item 3 – Forum’s enforcement activities - Ongoing projects *11:20-13:25*

- 3.1 *Prioritisation of REF projects (60')*
 - 3.1.1 Agreement on the scope of REF-12 - *WG Chair*
 - 3.1.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-42/2022/3.1.1
ECHA/Forum-42/2022/Draft_mandates*

***For discussion
For adoption***

Break 12:20-12:40

3.2 REF-9 on Authorisation (45')

3.2.1 WG progress report and recommendations from the project
– WG Chair

3.2.2 Mandate amendment - ECHA HET

ECHA/Forum-42/2022/3.3.1_room_doc
ECHA/Forum-42/2022/Draft_mandates

For discussion
For adoption

End of day 1	13:25
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Training on Interact @14:00

DAY 2 Tuesday 8 November 2022

Item 4 - Adoption of conclusions from day 1	10:30-10:40
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For adoption

Item 5 – Forum’s enforcement activities - Upcoming projects	10:40-11:30
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5.1 REF-12: Mandate set-up (15') – ECHA HET

5.2 Pilot project on restricted substances with an impact on workplace (DCM and NMP): Mandate set-up – ECHA HET (15')

5.3 Train the enforcement trainers 2023 (20')

5.3.1 Proposed topics for training – Forum Chair

5.3.2 Mandate set-up - ECHA HET

ECHA/Forum-42/2022/Draft_mandates

For adoption

Item 6 – Forum’s enforcement activities - Projects under finalisation	11:30-12:15
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6.1 Pilot project on recovered substances (30')

6.1.1 Final project report and recommendations from the project
– WG Chair

6.1.2 Mandate closure - ECHA HET

ECHA/Forum-42/2022/6.1.1
ECHA/Forum-42/2022/Draft_mandates

Break 12:00 - 12:30

6.2 Member State reporting (40')

- 6.2.1 WG final report – *WG Chair*
- 6.2.2 Mandate closure - *ECHA HET*

ECHA/Forum-42/2022/6.2.1
ECHA/Forum-42/2022/Draft_mandates

For information
For adoption

Item 7 – Pilot exercise on the Member State annual reporting on enforcement to ECHA	<i>13:10-13:40</i>
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ECHA/Forum-42/2022/7

For discussion

Break 13:40-14:30

Closed session Forum and BPRS

Item 8 – Preparation for the Joint Open session	<i>14:30-16:15</i>
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- 8.1 Welcome to the BPRS members – *Forum/BPRS Chairs* (5')
- 8.2 Discussion of the lines-to-take in Break-out groups
 - 8.2.1 Introduction (5')
 - 8.2.2 Discussion in groups (40')

ECHA/Forum-42/2022/8.2.2

For discussion

Break 15:20 - 15:45

- 8.2.3 Wrap-up session (30')

For information

End of day 2	<i>16:15</i>
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DAY 3 Wednesday 9 November 2022

Joint Forum-BPRS OPEN SESSION (OS) (10:30- 16:00)
(time in Eastern European Time)

Item OS 1 – Welcome and Introduction to the OPEN SESSION 10:30-10:45

- OS 1.1 Welcome to the participants – *Forum and BPRS Chairs*
- OS 1.2 Practicalities of a remote meeting – *ECHA HET*

For information

Item OS 2 – Updates from the Forum/BPRS 10:45-11:45

- OS 2.1 Update on the scope of upcoming REF/BEF projects (15')
– *Chair of WG Prioritisation and BPRS Chair*
- OS 2.2 Projects and related activities finalised during 2022 (45')
 - OS 2.2.1 REF-9 on Authorisation – *WG Chair*
 - OS 2.2.2 Pilot project on Recovered Substances – *WG Chair*
 - OS 2.2.3 ASOs Workshop of the project REF-8 on online sales
– *WG Chair*

For information

Break 11:45-12:15

Item OS 3 – Discussion topics proposed by ASOs 12:15-15:50

OS 3.1 Future role of the Forum

- OS 3.1.1 A Forum 2.0 for REACH 2.0: challenges ahead from industry's perspective - *Dunja Drmač (Cefic) (20')*
- OS 3.1.2 EEB proposal on the new role of the ECHA Enforcement Forum: REACH reform - *Mariana Goulart (EEB) (20')*
- OS 3.1.3 Q&A session (20')

For information
For discussion

OS 3.2 Control of Ozone-generating devices: Registration of *in situ* generated ozone under REACH - *Jaak Ryckeboer (EurO3zon ivzw) (20')*

Break 13:35 -14:20

OS 3.3 Enforceability of restrictions

OS 3.3.1 Snapshots of market surveillance for REACH compliance in textiles products – *Mauro Scalia (Euratex) (25')*

OS 3.3.2 Enforcement problems related to the wetland restriction – *Dr. David Scallan (FACE) (20')*

OS 3.3.3 Analytical methodology to check regulatory compliance of absorbent hygiene products – *Luminita Barbu / Ingrid Klein / Anders Thelin (EDANA) (15')*

OS 3.3.4 The pathway for enforceable restrictions of chemicals present in rubber goods – *Laia Perez Simbor (ETRMA) (30')*

ECHA/Forum-42/2022/OS_3.3.2

***For information
For discussion***

Item OS 4 – Adoption of conclusions from the open session	<i>15:50-16:00</i>
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For adoption

End of the open session	<i>16:00</i>
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DAY 4 Thursday 10 November 2022

Item 9 - Adoption of conclusions from day 2 10:30-10:45

For adoption

Item 10 – Debriefing of the Open session 10:45-11:00

For discussion

Item 3 – Forum’s enforcement activities - Ongoing projects (cont.) 11:00-11:10

3.3 Projects not for discussion and with no progress report (10’)

3.3.1 REF-10 on Integrated control of products: Mandate amendment - *ECHA HET*

3.3.2 REF-11 on SDS: Mandate amendment - *ECHA HET*

3.3.3 Train the enforcement trainers 2022: Mandate amendment - *ECHA HET*

3.3.4 Pilot project on classification of mixtures focusing on detergents and cleaning products: Mandate amendment – *ECHA HET*

ECHA/Forum-42/2022/Draft_mandates

For adoption

Item 11 – Enforceability of Restrictions 11:10-13:20

11.1 WG Enforceability of Restrictions (40’)

11.1.1 WG progress report – *WG Chair*

11.1.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-42/2022/11.1.1
ECHA/Forum-42/2022/Draft_mandates*

Break 11:50-12:20

11.2 Transparency of the Forum advice on the enforceability of restrictions – *Forum Chair* (60’)

ECHA/Forum-42/2022/11.2

*For discussion
For adoption*

Break 13:20-14:10

Item 12 – Practical issues for enforcement of REACH/CLP/PIC/POPs	<i>14:10-15:10</i>
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Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)

*ECHA/Forum-42/2022/12
ECHA/Forum-42/2022/12_room_doc*

***For discussion
For adoption***

Break 15:10-15:30

Item 13 – Update on relevant developments by the Commission	<i>15:30-16:30</i>
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13.1 REACH and CLP revision

- *Forum's proposal for the REACH revision*
- *High level round table (tbc)*
- *Revocation and expiry of registration numbers*
- *Future of Authorisations/Restrictions*
- *EU Audit Capacity*
- *Basic Regulation*

13.2 Potential work of the Forum with the European Anti-Fraud Office (OLAF)

***For information
For discussion***

Item 14 – REACH and Customs	<i>16:30-17:00</i>
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***For information
For discussion***

End of day 4	<i>17:00</i>
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DAY 5 Friday 11 November 2022

Item 15 - Adoption of conclusions from day 4 10:30-10:45

For adoption

Item 16 – Enforcement in the Member States 10:45-12:15

- 16.1 National experiences from REF-9 (30') – *NO invited experts*
- 16.2 Experiences from controlling isolated intermediates and strictly controlled conditions (20') – *NO Forum alternate*
- 16.3 Findings from project checking CLP/REACH compliance of reed diffuser products in Ireland (20') – *IE expert*
- 16.4 German NEA project on PAHs in crash mats/fall protection mats (20') – *DE invited expert*

For information

Break 12:15 - 12:45

Item 17 – Updates from the ECHA Secretariat 12:45-13:20

- 17.1 Follow-up of ECHA Decisions (5')

ECHA/Forum-42/2022/17.1

For information

- 17.2 Plenary meetings: shaping the future – Follow-up of the discussions held in Forum-41 (30')

ECHA/Forum-42/2022/17.2

For discussion

Item 18 – Cooperation with other networks 13:20-13:55

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

ECHA/Forum-42/2022/18.1_room_doc

*For information
For adoption*

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

ECHA/Forum-42/2022/18.2_room_doc

For information

Item 19 – Debriefing of the meeting between Forum/BPRS Chairs and ECHA Directors	<i>13:55-14:10</i>
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For information

Item 20 – Updates from BPR Subgroup	<i>14:10-14:20</i>
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Update on the coordination of the BPR enforcement – *BPRS Chair*

For information

Item 21 – AOB	<i>14:20-14:35</i>
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For information

Item 22– Adoption of conclusions from day 5	<i>14:35-15:00</i>
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End of meeting	<i>15:00</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-42 and BPRS-17)

Composition

- **Chair:** Maria ORPHANOU (CY) - rotating Chair

Forum Members/Alternates

- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Markus MAKI (FI)
- Oldrich JAROLIM (CZ)
- Abdulqadir SULEIMAN (NO)

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 and BEF-3 topics).

- Jenny Karlsson (SE)
- Helmut de Vos (BE)
- Anna GRONWALD-MACEDO (DE)

ECHA

- Magdalena Tloczek; Nicola Tecce
-

Objective:

- Propose annually the subject for the next harmonised enforcement project coordinated by the Forum (and BPRS (REF and BEF 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-13 by Forum-45.

Annex 2 b "REF-9"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-9"
(mandate adopted at Forum-42)

Composition

Chair: Eugen ANWANDER (AT)
Vice-Chair: Sam ABDELHAFIZ (FR)

Forum Members and Alternates

-
- 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: February 2023
- Tips and hints for inspectors: Q2 2023
- Workshop with ECHA ASOs: Q2 2023

Annex 2 c “REF-12”

Forum Working Group
Work Package A.1
“Coordinated enforcement project REACH-EN-FORCE-12”
(mandate created at Forum-42)

Composition

Chair: Henrik HEDLUND (SE)
Vice-Chair: Maria ORPHANOU (CY)

Forum Members and Alternates

- Luigia SCIMONELLI (IT)
- Chris VAN DEN HOLE (BE)
- Markus MAKI (FI)

Invited Experts

- Marcus HAGBERG (SE)
- Jörgen ROSBERG (SE)
- Johannes LEOPOLDT (DE)
- Alfred EBNET (DE) (customs)
- Judith SCHMITT (DE) (customs)
- Erik BARSEGHIAN (NL)

COM

-

ECHA

- Tania MATEUS

Objective:

- Conceive and manage the twelfth major Forum project REF-12 on the enforcement on the compliance of imported substances, mixtures and articles.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. Liaise with the WG ‘Training for trainers 2023’
3. Define the specific duties to be covered in the project;
4. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
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 organise remote WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline:

- Project manual: Q4 2023
- Prepare and deliver the training for project national coordinators: Q4 2023
- Operational phase: 2024
- Reporting phase (National Coordinators): Q1 2025
- Evaluation phase: Q3 2025
- Draft report: Q3 2025
- Adoption of the report: Q4 2025
- Tips and hints for inspectors: Q2 2026
- Workshop with ECHA ASOs: Q2 2026

Annex 2 d “Train the enforcement trainers 2023”

Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2023”
(mandate created at Forum-42)

Composition

- Chair:** Chris van den Hole (BE)
- **Vice-Chair:** Gro Hagen (NO)

- Forum Members/Alternates:**
- Otilija Spuriene (LT)

- Invited Experts:**
- Angelina Angelova (BG)
- Uwe Licht-Klagge (DE)
- Johannes Leopoldt (DE)
- Regina Wagner (DE)

- ECHA:**
- Magdalena TŁOCZEK

Objective:

- Prepare and deliver the training for trainers on the enforcement of imports in the fourth quarter of 2023.

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-12
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 2024

Annex 2 e “Recovered Substances”

Forum Working Group

“Pilot project on recovered substances exempted from REACH registration”

(mandate closed at Forum-42)

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:

1. Project manual: Q4 2020
2. Prepare and deliver the training for project national coordinators: Q4 2020
3. Operational phase: 1 January 2021 – 30 December 2021
4. Reporting phase (National Coordinators): 28 February 2022
5. Draft report: 30 September 2022
6. Adoption and publication of the report: Forum-42
7. Workshop with ECHA ASOs: Q4 2022
8. Adoption of the practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors): 31 December 2022

Annex 2 f “MS reporting”

**Forum Working Group
“Member States reporting”
(mandate amended at Forum-42)**

Composition

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

Forum Members/Alternates

- Sinead MCMICKAN (IE)
- Sam ABDELHAFIZ (FR)
- Albert KLINGENBERG (NL)

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

Timeline: Forum-43 (March 2023)

Annex 2 g "REF-10"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-10"
(mandate adopted at Forum-42)

Composition

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Kaca PILETIC (HR)
- Eugen ANWANDER (AT)

Invited Experts

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

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 h “REF-11”

Forum Working Group
Work Package A.1
“Coordinated enforcement project REACH-EN-FORCE-11”
(mandate adopted at Forum-42)

Composition

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

Forum Members and Alternates

- Ana CENTENICO (PT)

Invited Experts

- Shara SMITH (IE)
- Linnea KANNING (SE)
- Mette KIILERICH KIRDAN (DK)
- Sonja HAGEN MIKKELSEN (DK)
- Barbara Schmid (DE)
- Milena ORSO GIACONE (IT)
- Carlo MUSCARELLA (IT)
- Antonietta COVONE (IT)
- Marius SULGA (LT)
- Anu MATILAINEN (FI)
- Tamás KOVÁCS (HU)
- Erik BARSEGHIAN (NL)

ECHA

- Juan Pablo CALVO TOLEDO
- Tania MATEUS
- Andrew MURRAY
- Fesil MUSHTAQ
- Outi TUNNELA
- Amandine JOMIER

Objective:

- Conceive and manage the eleventh major Forum enforcement project REF-11 on SDS and checking the conformity with the requirements of the new Annex II of REACH.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. Liaise with the WG ‘Training for trainers 2022’ (TBC)
3. Define the specific duties to be covered in the project;
4. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
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 organise a short WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline:

- Project manual: Q4 2022
- Prepare and deliver the training for project national coordinators: Q4 2022
- Operational phase: 2023
- Reporting phase (National Coordinators): Q1 2024
- Evaluation phase: Q3 2024
- Draft report: Q4 2024
- Adoption of the report: Q4 2024
- Tips and hints for inspectors: Q2 2025
- Workshop with ECHA ASOs: Q2 2025

Annex 2 i “Train the enforcement trainers 2022”
Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2022”
(mandate adopted at Forum-42)

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 j “Pilot on Classification of mixtures”

Forum Working Group

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

(mandate adopted on Forum-42)

Chair: Eugen ANWANDER (AT)

Vice-Chair: Jorge TEBAR LUJAN (ES)

Forum Members and Alternates

-

Invited Experts

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

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
- Analysis of submitted cases: July 2022-December 2022
- Drafting of project report/guidance: January-June 2023;
- Follow-up: July-November 2023

Annex 2k “Enforceability of restrictions”

Forum Working Group Work Package B12 **“Enforceability of restrictions”** (mandate adopted at Forum-42)

Composition

Chair: Albert KLINGENBERG (NL)

Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- (IT)
- Jorge TÉBAR LUJÁN (ES)
-

Invited Experts (advisory process)

- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Gernot WURM (AT)
- Katharina PELS (DE)
- Charlotte RAHM (SE)
- Caroline NILSSON (SE)
- Raffaella CRESTI (IT)
- Michael FUCHS (AT)
- Regina WAGNER (DE)Edwin HEUVELING (NL)

Invited Experts ad-hoc (advisory process) [only under specific circumstances]:

- Tara HORIGAN (IE)
- Erik BARSEGHIAN (NL)
- Philip TANGHE (BE)
- Sammy DRISSI-AMRAOUI (FR)

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
- Kevin BUCKLEY (IE) – invited expert
- Stefan FRENZEL (DE) – German alternate member
- Petteri TALASNIEMI (FI) – Finnish alternate member
- Chris Van den Hole (BE)- Belgian Forum member
- Eugen ANWANDER (AT) – Austrian Forum member
-

COM

- Karen KILIAN (DG ENV)

ECHA

- Juan Pablo CALVO TOLEDO

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]

2. Review in 2023 the information on analytical methods provided by the stakeholders and by the Member States by Q1 2023 and revise if needed the methodology and the compendium of analytical methods recommended for the enforcement of REACH Annex XVII restrictions by F-45 (Q4 2023).

Other

3. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.
4. Review Working Procedure of the Forum for developing Forum advice and support to RAC and SEAC rapporteurs (extended for 2023) [horizontal task]

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- 31 December 2023, reporting at each plenary meeting

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
 DG TAXUD: European Commission Directorate-General for Taxation and Customs Union
 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
 PREG: Prohibitions and Restrictions Expert Group (former PARCS)
 POPs: 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