



Forum-22/M/2016 – PUBLIC
Adopted on 04/03/2016

**Minutes of the
22nd meeting of the Forum for Exchange of Information on Enforcement
Helsinki, Finland
3-6 November 2015**

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Opening by the Chair of the Forum

The Chair welcomed all the participants. She announced apologies from the Liechtenstein Forum member and stated that Iceland and Latvia did not have Forum representation. No proxies were appointed.

The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda

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

1.3 Declarations of conflicts of interest with regard to agenda items

The Chair requested all participants to declare any potential conflicts of interest for any of the agenda items, according to Article 9(2) of the Rules of Procedure. No conflicts of interest were declared in the meeting.

1.4 State of play with action points from Forum-21

The ECHA Forum Secretariat informed the plenary on the status of action points from Forum-21 and highlighted the open actions.

1.5 Practicalities and brief recapitulation of results of the written procedures between Forum-21 and Forum-22

The ECHA Forum Secretariat referred to the document with the results of the written procedures between Forum-21 and Forum-22.

Item 2 – Address by ECHA Executive Director

ECHA's Executive Director highlighted the REF-5 project focusing on extended Safety Data Sheets, exposure scenarios, risk management measures and operational conditions. He considered it as an important project addressing obligations previously unexplored by REACH enforcers in a coordinated way, but which determines the safety and health of workers in entire supply chains of the manufacturing industry in the EU.

He also encouraged the Forum to support the pilot projects proposals on internet sales of chemicals and obligations related to substances in articles, which were very relevant in the current climate.

During his visits to Ireland and Malta, he was able to testify the appreciation of the Forum's pilot project on child resistant fastenings for the added value it brought in protecting the general public. He was hopeful that the project would help to improve compliance with the requirements for child resistant fastenings and by this reduce the number of accidents.

The Executive Director and Directors were interested in the results of the REF-3 project and looked forward to the report soon after the plenary.

The Executive Director also addressed the discussion about the board of appeal decision on SONCs and its implications. ECHA was of the opinion that the decision did not affect the National Enforcement Authorities and inspectors might continue

to enforce the dossier evaluation decisions based on all existing SONCs. The BoA decision would mostly affect ECHA and the way it conducts the internal follow-up of dossier evaluation decisions. This issue would be discussed at the CARACAL-meeting and the Forum will be informed.

He informed that ECHA continues to be committed to supporting National Enforcement Authorities in the new Portal Dashboard for National Enforcement Authorities. In the future, ECHA will continue to expand the scope of data available in it.

Item 3 – Forum’s enforcement activities - Work Packages

3.1. REACH-EN-FORCE-5

3.1.1 Task Force progress report

A Task Force member presented the proposed scope of REF-5 that will focus on verifying the consistent handling of key information on safe use in the supply chain, namely on extended Safety Data Sheets (SDS), exposure scenarios, risk management measures (RMM) and operational conditions (OC).

The Task Force included in its report the REACH articles that could be investigated by the inspectors as well as the target substances and groups. Since the safety of the workers was under scrutiny with the investigation of the OC and RMM to ensure adequate control of risk, the Task Force supported joint inspections with authorities responsible for the occupational safety and health inspections. This project could also be used to monitor if the companies had a reliable system in place for managing information of safe use of (generate, maintain, communicate etc. the extended SDS from their Chemical Safety Report).

The Forum agreed with the proposed scope for the REF-5 project and for it to cover safe use by end users. The Forum appreciated the idea to “cluster” the target groups in order to facilitate the focus and organisation of the inspections at Member State level.

3.1.2 Mandate amendment

The mandate of the Task Force was updated and the Forum adopted the updated mandate ([Annex 2a](#)). No Chair was appointed, thus the work for this project would continue to be executed and managed by means of a Task Force until Forum-23.

3.2 Prioritisation of REF projects

3.2.1 Update on the court ruling regarding 0.1% threshold for SiA

A representative from ECHA legal unit presented a summary of the judgment of the Court of Justice on substances in articles (SiA) (case C-106/14).

As reply to a Forum member, the ECHA legal unit representative informed that the judgement was not clear regarding the text “information available to the supplier”, stating that the duty was in line with the principle of proportionality. However, given the objective of that provision (to enable the operator to have this information in order to take risk management measures), the legal representative was of the opinion that, upon request, the supplier would need to provide at least the name of the substance of very high concern (SVHC). ECHA Guidance would provide information on the ways to find whether the article contains SVHC. ECHA informed that its Guidance will be updated in two stages. A fast track update would align the document with the Court decision still in 2015, while a fully comprehensive update including new examples would be produced by the end of 2016.

3.2.2 WG progress report

The chair of this WG presented the WG proposal regarding two potential pilot projects based on the Forum's comments after Forum-21. The Forum agreed with the WG to initiate a pilot project on „Advertisement of hazardous chemicals“ (focusing on e-commerce and article 48 CLP) in 2016 and another pilot on substances in articles in 2017.

The Chair recommended for the responsible ECHA colleagues (and volunteer Forum members) to present the project proposal on „Advertisement of hazardous chemicals“ for adoption at Forum-23, this way enabling the operational phase to be conducted still in 2016.

The Substance in Articles project would be initiated in 2016 and a WG would be constituted during that year.

This WG Prioritisation finalised a registry that included the information on all the articles covered by the Forum REFs and pilot projects. It will be a valuable tool to keep track of the enforceable duties covered by Forum projects.

The WG Prioritisation discussed and proposed a number of points to improve the prioritisation's methodology and consequently to revise the REF project methodology (adopted at Forum-16). As part of this revision, the WG proposed to be mandated to assess previous projects manuals and reports in order to derive some guidelines for inspectors that could be incorporated in the revised methodology. The Forum agreed with the WG proposal.

3.2.3 Mandate amendment

The mandate of the WG was updated and the Forum adopted the updated mandate ([Annex 2b](#)).

3.3. REACH-EN-FORCE-4

3.3.1 WG progress report

ECHA Forum Secretariat presented the state of play of the project, on behalf of the WG, as the Forum membership of the WG chair has expired.

The WG was also tasked to investigate how to sustainably resolve the difficulties encountered with handling the data in REF projects. ECHA Forum Secretariat proposed to elaborate a basic report, reflecting the data collected. In order to expedite the elaboration of the report, it was advised that the questionnaire should be initially prepared in a simple way, focused on the important messages for which data should be collected and avoiding as much as possible cross-interpretation. REF-4 WG agreed with this approach and it would prepare the manual/questionnaire in that way.

The meeting was informed that the project plan was shifted one month due to the period invested in the final decision on the scope of the project and the reduced time to elaborate the manual during 2015. Vice-Chair suggested for the WG to consider shortening the operational phase by one month instead of shortening the reporting phase since this task usually takes more time than expected.

Some Forum members requested more time to appoint their national coordinators.

3.3.2 Mandate amendment

A Forum member volunteered for chairing this WG. The mandate of this WG was revised and the Forum adopted the updated mandate ([Annex 2c](#)).

3.4 Projects on authorisation

3.4.1 First pilot project: WG progress report

The WG chair informed the Forum that the operational phase finished at the end of June 2015, data from national coordinators was collected and the report was being prepared. He informed that also some desktop inspections were reported to the WG. However, the project manual stated that only on-site inspections should be reported. Therefore, the results of the desktop investigations will be included in the report but would not be analysed in much detail.

3.4.2 Second pilot project: WG progress report

The WG chair informed the meeting that the project manual was adopted and will be the basis for training the national coordinators.

3.4.3 Mandate amendment of first and second pilot project

The mandates of the WGs were revised and the Forum adopted the updated mandates ([Annex 2d](#) and [Annex 2e](#), respectively).

3.5 Training for enforcement trainers 2015

3.5.1 WG progress report

The chair of this WG presented the results of the satisfaction survey collected for the training event that took place in ECHA during 24-25 Sept 2015 on the classification of mixtures (physical, health and environmental hazards) and labelling and packaging of mixtures. It was the first time that HelpNet members participated (both as trainers and trainees), which was regarded as a very positive experience and a good example of making best use of existing synergies within the Agency. A Forum member suggested for HelpNet members to consider involving Forum experts in their trainings.

A Forum member questioned if there would be a follow-up survey for the enforcement trainers to collect their feedback on the training sessions in their home country. ECHA Forum Secretariat informed that the 2015 satisfaction survey included questions related to the training event from 2014, to see whether training was still considered effective after one year.

The Forum adopted the report of the WG.

3.5.2 Mandate amendment

The mandate of this WG was revised ([Annex 2f](#)) and it was closed since all activities were completed.

3.6 Training for enforcement trainers 2016

3.6.1 WG progress report

The chair of this WG presented the activity plan and the topic proposal for the 2016 training event.

The Forum agreed with the WG that the next training should focus on issues related to the REF-5 project, i.e., extended SDS, exposure scenarios, risk management measures and operational conditions. Due to the nature of the topic, the Forum agreed to invite a member of the SLIC-CHEMEX to participate in this WG.

The Forum also agreed to continue the collaboration with HelpNet members.

3.6.2 Mandate amendment

In order to facilitate the cooperation, members of the REF-5 WG were also appointed as members of the WG training for enforcement trainers 2016. The mandate of this WG was revised and the Forum adopted the updated mandate ([Annex 2g](#)).

3.7 Pilot project on CLP: Child-resistant fastenings

3.7.1 WG progress report

The chair of this WG informed the meeting that the operational phase started on 15 July and will last until 31 Dec 2015. The National Coordinators raised no challenges so far.

3.7.2 Mandate amendment

The mandate of this WG was revised and the Forum adopted the updated mandate ([Annex 2h](#)).

3.8 REACH-EN-FORCE-3

3.8.1 Task Force progress report

On behalf of the Task Force, ECHA Forum Secretariat informed on the status of the project. The Task Force would assess the comments received from the Forum members on the draft report during the consultation round (13-27 October), to be finalised after the Forum-22 meeting.

3.8.2 Mandate amendment

The timeline was revised and the Forum adopted the updated mandate ([Annex 2i](#)). Once the report is published, this mandate would be automatically closed.

3.9 Information and Communication System for Market Surveillance (ICSMS)

3.9.1 WG progress report

The chair of this WG presented the status of the project that continued to follow the development of the tool by COM to assure that it covers the NEAs' needs. The ICSMS would be used to report the cases of non-compliance by the means of Product Information (PI) forms.

It was previously agreed to have one PI form per substance/product, covering the cases concerning all three legislations (REACH, CLP, possibly PIC). However, some WG members favoured the possibility to have three different PI forms in ICSMS, one for each legislation. According to COM's assessment, splitting the forms could cause several months of delay in the delivery of the tool to the NEAs. From the NEA's perspective, having the three PI forms would allow separate EAs to work in parallel on their cases and individually update and close the cases when needed.

The Forum discussed the pros and cons of the options but there were still some open questions that prevented the Forum to make a decision. Therefore, the Forum mandated the WG to liaise with the relevant actors to explore all the possible scenarios and decide which option would better serve the NEA's needs.

3.9.2 Mandate amendment

The mandate of this WG was revised according to the discussion held and the Forum adopted the updated mandate ([Annex 2j](#)).

3.10 Interlinks

3.10.1 WG progress report

The chair of this WG presented the status of the project and the Interlinks guide's content. A draft guide was provided for consultation with the Forum members.

It was requested for Forum members to liaise with their MSCA to assess whether the regular status reporting of Dossier evaluation follow-up cases via CIRCA and Portal Dashboard-NEA was necessary.

Due to the Board of Appeal decision on SONCs, the WG halted all developments of the issues concerning SONCs until a decision on how to proceed would be provided by ECHA.

The WG member leading the pilot project that followed up on specific cases of non-compliance with harmonised classification identified by ECHA informed that the operational phase was concluded and a report should be prepared for Forum-23.

3.10.2 Follow-up of ECHA Decisions: updates from ECHA

A document was submitted to the Forum with all the SONC cases that were sent to the Member States Focal point by 2 October via RIPE.

3.10.3 BoA decision on a SONC case

The chair of the Board of Appeal (BoA) presented the decision taken on 29 July on the case appealed by Solutia Europe (A-019-2013) concerning "Notified substance – Statement of non-compliance (SONC) – Procedure under Article 51 of the REACH Regulation".

3.10.4 Mandate amendment

A new chair was appointed, the mandate of this WG was revised and the Forum adopted the updated mandate ([Annex 2k](#)).

3.11 Implementation of RIPE/PD-NEA

3.11.1 WG progress report

The chair of this WG summarised the activities between July-Nov 2015. The WG was focused on the preparation of the Portal Dashboard (PD)-NEA/ePIC workshop for single points of contact (SPOCs) planned for 26-27 January 2016. The Forum was invited to comment on the workshop's agenda. The WG was also preparing a document with the data requirements for the BPR inspectors to be included in the future PD-NEA tool.

COM's representative informed the meeting on the new "Biocides enforcement group" ([BEG](#)) that DG SANTE would manage and would possibly meet back-to-back with the Forum. Possibly the expansion of RIPE/PD-NEA would be under the remit of this group and a future collaboration between Forum and BEG was encouraged.

3.11.2 RIPE/PD-NEA project progress report

ECHA Forum Secretariat presented the progress of the RIPE/PD-NEA project. On 18 January 2016, ECHA planned to make three tools available for NEAs (PD-NEA, ePIC and Integrated Access Management (IAM) - portal for managing users, accessible to NEA Administrators only). All users and messages will be migrated from RIPE to PD-NEA. The presenter informed the meeting on the new functionalities and scope of the new tools.

There will be a workshop for user administrators (including NEA administrators) in Feb 2016. In case ECHA did not receive appointments for a certain country, ECHA would assume that the existing RIPE administrator would take over the role of NEA administrator and would migrate the account.

A Forum member regretted that the two IT systems would not be running in parallel. ECHA Forum Secretariat informed that, due to technical reasons, ECHA decided to shutdown RIPE after the migration. He added that training on the advance search of the new tool would be included in the workshop.

When questioned about the audits guidelines, ECHA Forum Secretariat clarified that the security regime applicable to PD-NEA would be the same as the one previously used for RIPE.

3.11.3 Mandate amendment

The mandate of this WG was revised and the Forum adopted the updated mandate ([Annex 2I](#)).

3.12 Enforceability of restrictions

3.12.1 WG progress report - Advice on restrictions

The Chair informed that the document submitted for this agenda item included information on the issues related to the advice on restrictions.

ECHA Forum Secretariat informed that the restriction process, namely the Forum Guide on Enforcement for dossier submitters, would be consulted with the CARACAL in November. COM and ECHA would jointly organise a workshop on restriction proposals for Annex XV dossiers (Brussels, 19-20 January 2016). It was encouraged for members of the WG to participate in the workshop to support the discussion.

The chair of the WG recommended for himself and the expert that was more involved in the elaboration of the guide to participate in the workshop.

The Forum agreed with the publication of the Forum Guide on Enforcement for dossier submitters, once finalised.

3.12.2 WG progress report - Analytical methods

The WG co-chair presented the status of the work of this sub-group elaborating the compendium of analytical methods to check compliance with Annex XVII restrictions. A final consultation and consequent written procedure for adoption of the compendium would be launched in order to have a final version available in January 2016 for the operational phase of REF-4.

The Forum members were requested to liaise with the laboratories to agree with the publication of specific information provided, by means of a letter to be created by ECHA Forum Secretariat/WG.

The WG proposed to have a public consultation of the compendium during 2016, with the possibility for the users to provide feedback to be assessed by the WG during the revision of the compendium in 2017. The Forum agreed to revise the methodology for recommending analytical methods as suggested.

The co-chair added that the WG was aware that some developments on the standards were being done at EU level and further developments by national bodies would be welcomed to complement the Forum's compendium in the future.

3.12.3 Update on the Annex XVII better understanding project

ECHA Secretariat presented the status of the project on Annex XVII (restriction entries) coordinated by ECHA in cooperation with Commission. One of the tasks was to develop public Q&As on the Annex XVII entries. The presenter provided some background information on the actions taken and the deliverables available. The previously non-public Q&As were to be re-assessed and made publicly available in the future.

A Forum member remarked that the issues compiled in the FAQs/Q&A under the umbrella of the project should eventually be reflected in the legislation.

In the context of REF-4, ECHA Secretariat would make a screening of Annex VI and provide links to the available Q&As. The guideline for the nickel restriction was expected to be endorsed by CARACAL during the first half of 2016.

A Forum member appreciated the project and its deliverables since it was noted that industry might not be fully aware of the interpretation used by the inspectors.

Another Forum member informed that more clarification on the interpretation of entry 59 (paint strippers) could be provided.

An invited expert appreciated the establishment of a link between the entries and the correlation table between REACH entries and CN/TARIC codes used by the customs authorities (under preparation by DG TAXUD).

3.12.4 Mandate amendment

The mandate of this WG was revised and the Forum adopted the updated mandate ([Annex 2m](#)).

Item 4 – Conclusions from day 1

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

Item 5 – Debriefing of the meeting with ECHA Directors

The Chair summarised the discussions held with ECHA's directors.

The Chair invited the members to provide written comments on the issues.

Item 6- Updates from the ECHA Secretariat

6.1 ECHA tools to support control of extended SDS

The ECHA Secretariat representative informed the Forum on the tools available to industry to improve the supply chain communication. The [CSR/Exposure Scenarios \(ES\) roadmap](#) and Exchange Network on Exposure Scenarios (ENES) were created to set out the proper initiatives to overcome such challenges for the supply chain communication. Some of the work focused on format harmonisation of the ES, facilitating its electronic transmission (with catalogue of standard phrases), streamline the content and make it easier for readers to navigate between the SDS and ES. Support for the recipient of the extended SDS (guides and SDS checklist) was also available.

To improve the communication of mixtures in the supply chain, the sector organisations have been developing two methods, based on the safe use of mixture information (SUMI)-bottom up approach- and Lead Component Identification (LCID)- top down approach.

The Chair referred that the REF-5 project would be able to provide valuable feedback on the available tools and welcomed a future breakout group to discuss how enforcers could support the implementation of CSR/ES roadmap.

6.2 SVHC Roadmap implementation activities

The ECHA Secretariat representative informed the meeting on the ongoing activities related to the implementation of the SVHC roadmap, namely on Public Activities Coordination Tool (PACT). This tool was a table published in [ECHA's website](#) that informs on cases where ECHA and evaluating authorities had selected a substance for informal assessment of the hazard properties or have the intention to analyse its risk management options. The PACT was used for industry as a planning tool; however, notifying a substance to the PACT remained a voluntary action from the authorities and it did not necessarily indicate that such substances were facing regulatory actions.

The Chair stated that the information in the table might generate some expectations by the public, which, as a consequence, may also influence the enforcement actions.

6.3 Guidance updates

The Forum took note of the updates from ECHA Guidance.

6.4 Integration of REACH information into environmental, health and safety practices

The Chair summarised the document submitted for the meeting with information of the follow-up actions after the workshop held in ECHA in April 2015 on how information generated through the REACH and CLP processes can be used to promote the safe use of chemicals at industrial sites.

6.5 Recent BoA ruling on SONC

ECHA Secretariat representative presented the potential implications of the BoA decision on SONCs on the follow-up processes, as continuation of the item addressed at [3.10.3](#). ECHA shared with the Forum the document submitted to CARACAL about the implications of the recent decision A-019-2013 of the BoA relating to the appeal of a SONC . The paper outlined the draft ECHA position on how the BoA decision could change the follow up of the dossier evaluation process.

Item 7 – Update on relevant developments by the Commission

7.1 General updates by the European Commission

The Commission representative informed the meeting of the issues discussed at the COM level that may influence the work of the Forum.

He informed the Forum on the relevant discussions that would take place in CARACAL and the ESPG meetings (e.g. definition of “placing on the market” (CLP), the simplification of the authorisation process and the halting of Annex XIV to allow inclusion of new substances).

After the experiences with REF-4 regarding the financial possibilities, he informed that COM has somewhat regular opportunities that the Member States could benefit from (e.g. related to Market Surveillance regulation or exchange of inspectors (LIFE+)). Other programmes could be generated for a specific project/study and he advised the Forum members to investigate all available

opportunities for future needs/projects. He warned that the administrative procedures for application to such budget requests were cumbersome. A Forum member mentioned the future pilot project on substances in articles that could benefit from this funding.

He informed that the competent authorities for Biocides were in favour of integrating the enforcement of Biocidal Product Regulation (BPR) under the Forum's remit. DG SANTE proposed for the transition of the responsibility on Biocide enforcement to the Forum to be made gradually by creating a working group of Biocides CAs (Biocides enforcement group –BEG). The group would meet back-to-back with the Forum meetings so that Forum members dealing with the BPR could also participate in the BEG's discussions.

Some Forum members questioned the need to create such group since the Forum and CAs already expressed the preference to include BPR as one of the Forum's responsibilities. COM representative clarified that DG SANTE was in line with the preference mentioned but that some budgetary considerations were also taken into account. Therefore, the BEG was created as an intermediate step until the financial resources were available for the Forum to take over the task (in 2-3 years). ECHA Forum Secretariat added that the BPR task for the Forum would need to encompass also extra resources for ECHA and a note from the Commission clarifying the legal basis for the Forum's mandate for dealing with BPR.

He highlighted a news item released by COM stating that it would support all Member States in creating a compliance culture for single market rules (single market strategy).

He informed on the topics related to the Market Surveillance Regulation that relate to some of the Forum's works, for instance that RAPEX system would be integrated in ICSMS in the future. A Forum member suggested for some members of the Forum ICSMS WG to be involved in such discussions. COM representative volunteered to share the agendas of the meetings with the Forum.

Upon a question from a Forum member, COM representative clarified that under the general product safety directive, DG JUST might request from the Member States more information on REACH, depending on their information needs.

7.2 EU level enforcement indicators

The Commission representative informed the meeting on the preliminary results of the enforcement indicators at EU level. For the calculations it used the data collected from the Member States reporting, from ECHA and COM.

Some Forum members expressed concerns on the possible misinterpretation of some values without the proper background information and the potential ambiguity of some terms (e.g. "controls", "degree of compliance") and questioned the usefulness of the indicators.

COM representative invited the Forum to engage on setting definitions for the unclear terminology. The data collected for some calculations were the ones done via the appropriate procedures (e.g. number of official complaints). He reassured that the final report would include caveats and information for the reader to understand the results presented.

7.3 Forum level enforcement indicators

ECHA Forum Secretariat presented the preliminary results for the Forum level indicators. The Forum members were invited to comment on the usefulness of

these indicators and how they could be used to better plan the work of the Forum.

A Forum member suggested not to calculate the indicators for which no data was available instead of making assumptions. In addition, the Forum should strive to create its own indicators based on the needs of the Forum.

Item 8 – Enforcement projects in Member States

8.1 Use of bridging principle in detergents – challenges of enforcement

A Forum member presented the intermediate result of a project held in its Member State concerning the investigation of household (laundry and dishwasher) detergents by checking compliance of some particular issues according to the detergent regulation, CLP and REACH. The inspectors observed that the detergent industry widely use bridging principles to classify mixtures, namely the principle of “substantially similar mixtures” (CLP annex 1 section 1.1.3.5).

Further investigation of the classification dossiers by the NEA's chemical experts were still needed as well as a reply from the national Helpdesk.

Item 9 – Cooperation with other networks

9.1 Summary of the last CLEEN meeting

ECHA Secretariat shared with the Forum the issues that were covered in the last CLEEN meeting that took place on 1 and 2 October, in Stockholm, which might be of interest to the Forum.

The Forum agreed for a Forum member to be mandated to represent the Forum in the SLIC-CHEMEX working group, depending on the availability of resources.

Item 10 – Preparation for the open session

The abstracts of the topics brought by ECHA's accredited stakeholder organisations (ASOs) were analysed and a common approach was agreed.

Item 11 – Conclusions from day 2

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

Item 12 – Welcome and Introduction to the OPEN SESSION

The Chair welcomed the participants, ECHA accredited stakeholders (ASOs) and observers (representatives of the Instrument for Pre-Accession Assistance programme). She informed the meeting that the session was available via web-stream to all ASOs that registered to follow the session remotely.

The presentations of the open session would be made available on ECHA's website¹.

¹ <http://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions-2015>

Item 13 – Welcome by ECHA’s Head of Unit Support, Forum & HelpNet Secretariat

The Head of unit of ECHA’s Support, Forum & HelpNet Secretariat unit welcomed the participants and summarised some of the issues to be addressed by the ASOs and Forum members during the open session. He highlighted that the Forum and ECHA Secretariat value the interactions with stakeholders and that in the past year Forum dedicated substantial effort to discuss and agree on a number of actions to further improve the cooperation with the ASOs. He also stressed the increasing number of Forum’s projects and encouraged the participants to have open and fruitful discussions.

Item 14 – Discussion topics

14.1 Liquid Laundry Detergent Capsules

14.1.1 State of play on implementation of Regulation (EU) No 1297/2014 and voluntary industry initiatives

The A.I.S.E representative informed that a significant number of accidental exposures involving liquid detergent capsules, in particular in young children was reported to poison centres. Consequently, the CLP regulation was amended (annex II). This Regulation prescribed a number of technical packaging measures for the outer packaging and the soluble packaging of these products, applicable as of 1 June 2015. The A.I.S.E representative presented the sector implementation guidelines, developed by the association, to facilitate compliance with the CLP Regulation by its members.

In addition, some campaigns have been launched by this association to educate consumers and promote safe use. The presenter informed that all the material for the campaigns were available in all EU languages.

A report on Accidentology, with the participation of poison control centres, will be available in November 2015.

14.1.2 Forum’s feedback

The Chair informed that the Forum had considered to include the liquid detergent capsules in the scope of its pilot project on child resistance fastenings. The running project investigated the provisions of CLP article 35 (2) before the amendment. Due to the nature of a pilot project and its short timeline, the Forum decided to exclude the detergents capsules from the scope of this particular project. She also proposed further investigation of the distributors/retailers and raise their awareness on the regulation to avoid placing on the market non-compliant products.

Other Forum members shared their national projects investigating these products. Two Forum members presented comments to the association’s Guidelines on Liquid Laundry Detergent Capsules (27 February 2015).

COM highlighted to the participants that when public finds a non-compliance case, the first contact should be the NEA.

14.2 REACH information requirements

14.2.1 Enforceability of REACH information requirements

The ClientEarth representative introduced its non-profit organisation and presented some of its findings on compliance checks by investigation available reports from COM, ECHA, Forum and other national studies. The NGO observed

that few sanctions were being applied and there was no evidence that the market had been restricted for non-compliant substances.

Therefore, since enforcement had the goal to ensure the registration objectives, he encouraged more intervention from enforcement authorities by applying sanctions or withdrawing the substance from the market. That would create an incentive to companies to increase the safety of the use of their substance and to document it appropriately in their registration dossiers. The NGO representative stressed that for cases for which a SONC had been issued, enforcement authorities should react and somehow penalise the company for its non-compliance.

The Chair replied that the Forum projects were based on risk reduction measures and the inspectors would firstly try to remedy the situation with administrative orders and bring the company to compliance. It should be noted that national legislations should be taken into account when applying sanctions and many foresee the first approach to be administrative measures.

She informed that ECHA and Forum were discussing the implications of the BoA ruling concerning the SONCs that would have potentially more impact in ECHA's evaluation process rather than on the enforcement aspect of the decision. She added that NEAs have also the possibility to signal to ECHA cases for compliance check.

ECHA Forum Secretariat added that ECHA reported low compliance rate from the dossier evaluation process because such evaluations were done for specifically targeted deficient/incomplete dossiers.

14.2.2 German experiences with SONC cases

The German Forum member explained that upon receiving the SONC via the Focal point, it was forwarded to the appropriate federal state's authority. The registrant was contacted to update its dossier with the requested information. Once the update was done, the registrant should inform the NEAs of that fact. It was a crucial step since only upon the NEA's request, ECHA would re-assess the dossier and the new information provided. The member recommended that the ASOs inform their members to always contact the NEAs once a SONC is received instead of spontaneously updating the dossier.

14.3 Responsibilities of the different actors in the supply chain

14.3.1 Responsibilities under REACH enforcement – A case study

The representative of the European Association of Chemical Distributors (FECC) presented a case from one of its members regarding the responsibilities of the different actors in the supply chain. In the case in question, the identified company (company D) was the supplier, as it sold the substance to Downstream Users. The obligation to provide a complete Safety Data Sheet (SDS), according to Article 31, rested on the supplier. While clearly company D made efforts to obtain the exposure scenario (ES) from its supplier (company M), company D remained responsible for providing a complete SDS to its own clients down the supply chain. The company who was fined (company D) believed that they were not in breach and requested clarification from other industry organisations and ECHA helpdesk. The presenter welcomed the Forum's views on the case.

14.3.2 Forum's feedback

The Chair highlighted that the Forum usually did not discuss particular cases. According to the description of the case, company D seemed non-compliant with the obligation to supply an SDS containing ES.

The Forum agreed that the enforcement authority had grounds to apply enforcement measures. However, these depend on national legislation and therefore the Forum could not comment on this aspect of the case.

A stakeholder representative raised concern that a common position from the industry associations, agreed in the past, was not in fact in line with the enforcement actions. The Chair replied that the enforcers follow the legislation and ECHA Guidance. Industry consults ECHA and, when relevant, the Forum, on their guides and the responsibility of the final text remains with the author. ECHA Guidance could also be challenged during its public consultations, Partner Expert Group consultation (often members of industry were part of these groups) or by filling a web-form. The presenter added that the industry association was not fully confident of the statements provided to the company in the case presented.

Another stakeholder mentioned the fact that COM could also strive to clarify the legislation and avoid different interpretations.

14.4 Intermediate uses

14.4.1 Towards a consistent interpretation of complex cases of intermediate uses between registrants, downstream users, and enforcement authorities

The representative of Eurometaux raised awareness of the importance to clearly explain intermediate and non-intermediate uses. With the enforcement of REACH, manufacturers, importers and downstream users faced inspections by national authorities and identified the need to further discuss and re-qualify intermediate uses, in particular for the most complex processes/cases commonly occurring in the inorganics/metals sector.

The organisation had a project in place to share technical knowledge and to translate it in to regulatory requirements with the objective to create guides that could be used by industry, COM, ECHA, Member States and its enforcement authorities. CARACAL was also involved to take decisions on borderline interpretations. The Forum and Member States were invited to participate in the project and share some specific cases of complex uses involving metals.

14.4.2 Forum's feedback

The Chair informed that the Forum had completed a pilot project on intermediates and encouraged the organisation to liaise with the competent authorities who could then involve their enforcement authorities.

A Forum member informed that its country conducted a project on intermediates where no problems were found with the intermediate status but with the DU declarations and the use of strictly controlled conditions.

Another Forum member stated that the Forum would start its second pilot project on Authorisation, investigating the substances with the sunset date on 2016, which would also take into account the exemption for the intermediate use.

Item 15 – Enforcement projects in Member States

15.1 National database of substance SDS models

The Italian Forum member presented a national initiative to prepare a collection of models of SDS of substances intended to be used by those compiling SDS and by the National Enforcement Authorities. The objective was to make available models of SDS of substances compiled in accordance with the requirements of Article 31 of REACH and Annex II of REACH and to facilitate the compilation of

SDS consistent and complete both from a formal as well as from a substantive point of view. The models were made public and updated regularly.

15.2 Raising awareness of citizens: national strategy and involvement of schools

The Italian alternate presented another Italian project focusing on educating the public as a strategy for the enforcement of REACH and CLP. From elementary until post-university, students were targeted for this campaign, by informing about the public's right to know (Article 33.2), safe use and exposure to chemicals, CLP labelling, how to access the proper information of the substances and the chemical regulations and its regulatory activities. Educational tools were created and the students/teachers were encouraged to participate in the project by means of different activities and competitions on the subject. The project proved to be very successful and it will continue. A new e-learning tool was being developed to facilitate the dissemination of REACH/CLP tutors' training.

15.3 Danish enforcement project "REACH article 33" duty to inform (SVHC in articles)

The Danish invited expert presented a project targeting the obligation for companies that market articles containing Candidate List substances in a concentration above 0.1 % (weight by weight) to inform a consumer about the content if asked (as a minimum the name of the substance(s)). The campaign was targeted at consumers to inform them about their right to request such information and a website, a database and a mobile app were created for this. The bar code of a group of 50 products should be entered/scanned and would automatically send a request to the company owning the bar code to provide information on the product. The industry was involved in the preparation of the project and the contacted companies were aware that the Danish authority originated the request.

The tool created could be used to explore other areas by the Danish authorities for the future applications (e.g. for allergens).

A stakeholder representative suggested involving the supplier in the project in order to assess the flow of the information in the supply chain. The presenter clarified that from the IT-design point of view, it was decided to send the request to the bar code owner, which were not necessarily the manufacturers.

15.4 Sweden's experiences from enforcement of REACH and other regulations for articles

The Swedish Forum member presented the inspections focused on specific articles. The inspector assessed all the relevant regulations that the consumer article must comply (e.g. an electric toy car should comply with the toy safety directive, REACH, Directive on packaging and packaging waste, battery directive). He shared the experiences gathered and informed that a new report for 2014-2015 was under preparation.

Item 16 – Updates from Forum

16.1 Update of the Stakeholders' proposals for the scope of REF projects

The chair of the WG Prioritisation of REF projects informed the meeting on the proposals submitted by the stakeholders that were assessed by the WG and were considered during the prioritisation process of REF-5 on Extended SDS and RMM as well as for the recommended two pilot projects (on CLP Article 48 and substances in articles). It also included the reassessment of proposals submitted in previous years for which all the mandatory criteria were fulfilled.

He invited the Stakeholders to submit new proposals by April 2016 to be assessed for the next REF prioritisation.

16.2 State of play with the Compendium of Analytical methods

The co-chair of the WG Enforceability of restrictions presented the status of the compendium of analytical methods to be recommended by the Forum to industry and enforcement authorities. The compendium was in the final stages where for 41 restriction entries, 148 methods were recommended. The publication was foreseen for the end of 2015/Q1 2016 in ECHA's webpage. The Stakeholders were invited to disseminate this information to their members and networks and to submit feedback during 2016 to be considered during the Compendium's update.

She added that CEN (European Commission for Standardization) had to be yearly mandated by COM to develop a standard, which was regulated by a specific framework. Some issues regarding annex XVII have been included in their work plan for 2015.

16.3 Improving cooperation with ASOs: Update and follow-up actions

ECHA Forum Secretariat provided a room document reflecting the improvement actions collected from the last open session where a brainstorming session was held with a view to find ways to further improve the cooperation of the Forum and ASOs. The Forum discussed those ideas during 2015 and some actions were taken on board.

16.4 REF-3 project report: an overview

A member of the WG managing the project REF-3 presented the preliminary results of the project that ran in two operational phases in 2013-2014. The project investigated the compliance with registration obligations by manufacturers, importers and only representatives in close cooperation with customs. The second phase of the project focused on ORs and a number of cases were investigated to assess the communication flow in the supply chain.

The ASOs were alerted that importers/importing DU and ORs were the groups more at risk of being non-compliant as well as SMEs. The report would be published in December 2015.

The presenter clarified that for her Member State, the inspectors received the data from customs authorities referring to all substances imported for a calendar year. On the other hand, in other countries, the customs authorities made the risk assessment of all the substances imported and provided the selected data to the REACH inspectors.

Item 17 – Enforcement indicators by COM

17.1 Does enforcement work? Enforcement indicators at EU level

The Commission representative informed the meeting on the preliminary results of the enforcement indicators at EU level. For the calculations the data used was collected from the Member States reporting, from ECHA (including Forum) and COM. The results of those indicators would be used in the next REACH review.

The presenter clarified that the methodology for calculation some of the indicators (e.g. penalties vs compliance costs) was still under discussion.

A stakeholder signalled that quantitative indicators might not provide the most correct depiction of the real scenario since many qualitative factors were not taken into account.

Item 18 – Conclusions and end of the open session

Some participants took the opportunity to express some recommendations to the Forum. A Stakeholder urged the enforcement authorities to apply all corrective actions at their disposal as a way to compel companies to be compliant with REACH.

Another stakeholder suggested for the Forum to follow-up a project from EuroDeter where many non-compliances were found. She proposed a ranking system for severity (e.g. from the health and environment perspective) as a way to prioritise the inspections.

Another Stakeholder considered it interesting to collect information over time to assess if a trend could be established and if the situation on specific issues improved.

The Chair welcomed the feedback and thanked the Stakeholder and observers for their participation. With that, she closed the open session.

Item 19 – Debriefing of the open session

The Forum members expressed appreciation for the discussions held during the open session. They stated the number of ASOs present remained low and discussed how it could be increased. Some suggested to develop the agenda in a way that particular stakeholders, dealing with a particular issue, could be specifically invited.

Item 20 – Practical issues for enforcement of REACH and CLP

Issue 1 - How MSs handle individual registrations for chemicals for which a SIEF exists.

ECHA Forum Secretariat informed that a previous conclusion for this issue was adopted in written procedure by consensus. However, the discussion during the WG Interlinks meeting on 14 October 2015 created the need to make small changes in the basis for the conclusion. The change was necessary to make it consistent with WG Interlinks advice for NEAs to forward their suggestions for compliance check to ECHA through their MSCA rather than address the ECHA Focal Point, since MSCA had already a mechanism and template to be used for requesting ECHA for a dossier compliance check.

The Forum agreed with the change and adopted the conclusion.

Item 21 – Updates from the ECHA Forum Secretariat

21.1 Preparation of the revision of the Forum MAWP

ECHA Forum Secretariat informed that the revision of the Forum's Multi Annual Work Programme (MAWP) was scheduled for 2016. The main revisions were related to the update of the details of the projects (timelines and mandates).

It was proposed for ECHA Forum Secretariat to revise the MAWP in consultation with the Chairs and afterwards to consult the Forum, thus removing the need for a WG. In addition, COM requested their agencies to prepare a "Single Programming Document" to replace the existing work programme, aggregating all high level plans but in a more succinct way. ECHA was preparing for this transition which would include information of the Forum's activities. However, since the Forum's MAWP was an important document with detailed information to help drive the Forum's work, it was proposed to keep it and add more detailed information in order to make it as an activity plan.

The Forum agreed to move to the activity plan-structure during the proposed revision process.

21.2 Organising the revision of Forum's Best Practice documents

ECHA Forum Secretariat informed the Forum that the "Strategies for enforcement" and "Minimum criteria" documents were last adopted in 2011 and that the MAWP foresaw a revision during 2015-2017. The number of projects running during 2016 and 2017 was presented to help the Forum decide on the appropriate timing to initiate the task.

The Chair stressed that it would be challenging to allocate resources for this WG and proposed to rely more on web and phone conferences. The Forum agreed to have a breakout group during 2016 to assess the extension of the revision needed and decide on the appropriate way to tackle the task.

21.3 Content of the Guide for inspectors based in REF experiences

The Chair informed that this topic was already addressed in item [3.2.1](#) by the chair of WG Prioritisation when revising the methodology.

Item 22 – A.O.B.

22.1 Change of dates of Forum-23

The Chair proposed to change the dates of the Forum-23 meeting due to conflicting schedules. The Forum agreed to keep the dates as previously planned (third week of March 2016) but start the meeting on Wed 16 March and finalise on Fri 18 March at lunchtime. The preparatory meeting would take place on Mon 14 March.

22.2 ECHA's Guide on Reimbursement – adopted at MB meeting

ECHA's Forum Secretariat informed the meeting that it was decided by ECHA's Management Board (September 2015) that the Forum members and one invited expert would continue being reimbursed, with the change that the daily allowance would be given referring only to the days of the meeting, excluding the travel time (flat rate). If no flights were available and there was a need to arrive the day before or depart the next day, 50% and 25% of the daily allowance would be provided for those extra days, respectively. The new amended guide of reimbursement would be effective as of 1 January 2016.

Item 23 – Conclusions from day 3 and 4

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

Item 24 – Closing of the meeting

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

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-22**3-6 November 2015**

(Adopted at the Forum-22 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda	Agenda was adopted.	
Item 2 – Address by ECHA Executive Director		
Item 3 – Forum’s enforcement activities- Work Packages		
3.1 REACH-EN-FORCE-5 3.1.1 WG progress report	Forum agreed to the detailed scope of the REF-5 project.	Forum members are invited to provide additional names of experts until 20 November Forum members are invited submit further proposals on the details of the agreed scope by 20 November
3.1.2 Mandate amendment	The Forum revised the mandate of the WG.	
3.2 Prioritisation of REF projects 3.2.1 Update on the court ruling regarding 0.1% threshold for SiA		
3.2.2 WG progress report	Forum agreed to undertake pilot projects dealing with internet sales of chemicals in 2016 and a pilot project on substances in articles in 2017. The Forum agreed to WG’s proposals to revise the project methodology and reflect on the content of the guidelines for inspectors.	
3.2.3 Mandate amendment	The Forum revised the mandate of the WG.	
3.3 REACH-EN-FORCE-4 3.3.1 WG progress report		Forum members are invited to appoint national coordinators (if not done already) by 20 November

3.3.2 Mandate amendment	The Forum revised the mandate of the WG.	
3.4 Projects on Authorisation 3.4.1 First pilot project: WG progress report		Forum members are invited to provide comments on draft final project report by 20 November 2015
3.4.2 Second pilot project: WG progress report		
3.4.3 Mandate amendment	The Forum revised the mandate of the WG.	
3.5 Training for enforcement trainers 2015 3.5.1 WG progress report	The Forum adopted the final report of the WG and terminated its term of office.	
3.5.2 Mandate amendment	The Forum revised the mandate of the WG.	
3.6 Training for enforcement trainers 2016 3.6.1 WG progress report	<p>The Forum decided to focus the training on extended Safety Data Sheets, Exposure Scenarios, Risk Management Measures and Operational Conditions.</p> <p>The Forum decided to invite representatives from HelpNet and SLIC Chemex Working Group in preparation of the training.</p>	<p>Forum members are invited to propose specific content of the agreed priority topic by 20 November 2015</p> <p>Forum members are invited to propose additional experts who could contribute to the success of the training by 20 November 2015.</p> <p>Forum-S will liaise with SLIC Chemex WG to invite their representatives to the working group by 20 November</p> <p>Forum members are invited to liaise with their HelpNet correspondents to nominate representatives to the WG by 20 November</p> <p>Forum members are invited to provide existing training material suitable for the adopted topic by 15 February 2016</p>
3.6.2 Mandate amendment	The Forum revised the mandate of the WG.	

<p>3.7 Pilot project on CLP: Child-resistant fastenings</p> <p>3.7.1 WG progress report</p>		<p>Forum members are invited to propose additional WG members by 20 November</p>
<p>3.7.2 Mandate amendment</p>	<p>The mandate of the WG was revised.</p>	
<p>3.8 REF-3</p> <p>3.8.1 WG progress report</p>		<p>WG REF will integrate the comments from the Forum and prepare final version for adoption in written procedure and provide the final RCOM by 30 November.</p>
<p>3.8.2 Mandate amendment</p>	<p>The mandate of the WG was revised.</p>	
<p>3.9 ICSMS</p> <p>3.9.1 WG progress report</p>	<p>The WG was mandated to take the decision on the optimal way of handling the cases in ICSMS.</p>	
<p>3.9.2 Mandate amendment</p>	<p>The mandate of the WG was revised.</p>	
<p>3.10 Interlinks</p> <p>3.10.1 WG progress report</p>		<p>Forum members to provide comments on the first draft of the Interlinks Guide until 27 November</p> <p>WG Interlinks will prepare a description of the issue with the double reporting and send it to the Forum by 27 November</p> <p>Forum is invited to liaise with MSCA representatives to discuss whether parallel reporting of Interlinks cases via CIRCA BC is still needed and reply to the WG by 23 December.</p>
<p>3.10.2 Follow-up of ECHA Decisions: updates from ECHA</p>		
<p>3.10.3 BoA decision on a SONC case</p>		
<p>3.10.4 Mandate amendment</p>	<p>The mandate of the WG was revised.</p>	

<p>3.11 Implementation of RIPE</p> <p>3.11.1 WG progress report</p>		<p>Forum members are invited to take note of the SPOC workshop agenda and provide comments by 20 November</p>
<p>3.11.2 RIPE project progress report</p>		
<p>3.11.3 Mandate amendment</p>	<p>The mandate of the WG was revised.</p>	
<p>3.12 Enforceability of Restrictions</p> <p>3.12.1 WG progress report: Advice on restrictions</p>	<p>Forum agreed to publish the finalised guide for dossier submitters.</p> <p>Forum agreed to send two representatives to the ECHA/COM Restrictions Workshop.</p>	
<p>3.12.2 WG progress report: Analytical methods</p>		<p>WG Restrictions will prepare a package to be sent to the Forum members consisting of Revised methodology, Compendium and Letter to laboratories by 23 December</p> <p>Forum members will send comments on the methodology and the Compendium by 1 February</p> <p>WG Restrictions will implement the comments and prepare the document for adoption in written procedure</p> <p>Forum members are invited to liaise with labs and will indicate to Forum-S whether the labs would agree with the publication of the relevant data provided in the Compendium by 1 February</p>
<p>3.12.3 Update on the Annex XVII better understanding project</p>		<p>Forum-S will send the link to non-public Q&As to Forum members by 13 November</p>
<p>3.12.4 Mandate amendment</p>	<p>The mandate of the WG was revised.</p>	

Item 5 – Debriefing of the meeting with ECHA Directors		
		Forum-S to schedule a discussion on Forum actions regarding OR compliance in plenaries in 2016
Item 6 – Updates from the ECHA Secretariat		
6.1 ECHA tools to support control of extended SDS		Forum will consider scheduling a BoG discussion on CSR/ES Roadmap at one of the meetings in 2016.
6.2 SVHC Roadmap implementation activities		
6.3 Update on ECHA guidance activities		
6.4 Integration of REACH information into environmental, health and safety practices		Forum members are invited provide feedback in writing on the questions listed in the document by 30 November.
6.5 Recent BoA ruling on SONC		Forum-S will initiate a written consultation with the Forum on the questions addressed in the discussion by 20 November Forum members will be invited to respond by 23 December.
Item 7 – Update on relevant developments by the Commission		
7.1 General updates by the European Commission		Forum-S will liaise with COM when preparing the proposal for the SiA pilot project for Forum-24 to explore funding possibilities for the participating member states
7.2 EU level enforcement indicators		
7.3 Forum level enforcement indicators		Forum-S to consider a BoG on Forum indicators for Forum-23
Item 8 – Enforcement projects in Member States		
8.1 Use of bridging principle in detergents – challenges of enforcement		

Item 9 – Cooperation with other networks		
9.1 Summary of the last CLEEN meeting	Forum agreed to mandate CY Forum member to represent it in the SLIC-CHEMEX working group.	Forum-S will provide to the Forum the COM's information document on e-commerce by 13 November Forum-S to check whether the COM can cover the costs of Forum representative to SLIC WG Chemex meetings.
Item 10 – Preparation for the open session		
Item 12 –Welcome and Introduction to the OPEN SESSION		
Item 13 – Welcome by ECHA's Head of Unit Support, Forum & HelpNet Secretariat		
Item 14 – Discussion topics		
14.1 Liquid Laundry Detergent Capsules		
14.1.1 State of play on implementation of Regulation (EU) No 1297/2014 and voluntary industry initiatives		
14.1.2 Forum's feedback		
14.2 REACH information requirements		
14.2.1 Enforceability of REACH information requirements		
14.2.2 German experiences with SONC cases		
14.3 Responsibilities of the different actors in the supply chain		
14.3.1 Responsibilities under REACH enforcement – A case study		

14.3.2 Forum's feedback		
14.4 Intermediate uses		
14.4.1 Towards a consistent interpretation of complex cases of intermediate uses between registrants, downstream users, and enforcement authorities		
14.4.2 Forum's feedback		
Item 15 – Enforcement projects in Member States		
15.1 National database of substance SDS models		
15.2 Raising awareness of citizens: national strategy and involvement of schools		
15.3 Danish enforcement project "REACH article 33" duty to inform (SVHC in articles)		
15.4 Sweden's experiences from enforcement of REACH and other regulations for articles		
Item 16 – Updates from Forum		
16.1 Update of the Stakeholders' proposals for the scope of REF projects		The Forum-S will invite the Stakeholder Organisations to submit new proposals for projects by the end of April 2016
16.2 State of play with the Compendium of Analytical methods		The Forum-S will invite the Stakeholder Organisations to comment on the Compendium during 2016

16.3 Improving cooperation with ASOs: Update and follow-up actions		ASO representatives are invited to send comments on the document provided by 30 November.
16.4 REF-3 project report: an overview		
Item 17 – Enforcement indicators by COM		
Does enforcement work? Enforcement indicators at EU level		Forum-S will distribute the presentations to the participants.
Item 18 – Conclusions and end of the open session		
Item 19 – Debriefing on the open session		
Item 20 – Practical issues for enforcement of REACH and CLP		
	The Forum revised the practical issue on 'How MSs handle individual registrations for chemicals for which a SIEF exists'	Forum-S will include the revised version in the MOC by 13 November
Item 21 – Updates from the Forum ECHA Secretariat		
21.1 Preparation of the revision of the Forum MAWP	The Forum agreed to add more details to its MAWP and proceed with revision as proposed by Forum-S.	
21.2 Organising the revision of Forum's Best Practice documents		Forum-S will organise a BoG discussion on the revision of the best practice documents at Forum 23 or Forum-24
21.3 Content of the Guide for inspectors based in REF experiences		
Item 22 – AOB		
22.1 New proposal for meeting date for Forum 23	The Forum decided to keep the dates of Forum-23 as originally planned.	

III. List of Attendees

Forum members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	CUYPERS Paul
3	BG	ZIDAROVA Elena
4	CY	KYPRIANIDOU-LEONTIDOU Tasoula
5	CZ	JAROLÍM Oldřich
6	DE	VOM HOFE Katja
7	DK	BØRGLUM Birte
8	EE	HONGA Aljona
9	EL	FOUFA Eleni
10	ES	SÁNCHEZ-PEÑA Pablo
11	FI	LAHTINEN Marilla
12	FR	ALFANO Anne-Catherine
13	HR	KREKOVIC Dubravka
14	HU	DEIM Szilvia
15	IE	MCMICKAN Sinead
16	IT	ALESSI Mariano
17	LT	GRINCEVICIUTE Otilija
18	LU	ENGELS Kim
19	MT	GRECH Dawn
20	NL	VAN DEN BERG Jos
21	NO	HAGEN Gro
22	PL	KITAJEWSKA Katarzyna
23	PT	BRAVO Graça
24	RO	ALBULESCU Mihaiela
25	SE	FORKMAN Mats
26	SI	NOVAK Vesna
27	SK	KOLESAR Dušan
28	UK	POTTS Mike

Invited experts

	Country	Name
1	AT	WURM Gernot
2	CZ	MUSIL Petr
3	DE	WURSTHORN Sibylle
4	DK	SCHARF Ida
5	ES	ZAMORA NAVAS Laura
6	HU	ÁDER Borbála
7	IT	POLCI Maria Letizia
8	LT	PIPIRAITE-VALISKIENE Donata
9	NO	SULEIMAN Abdulqadir

	Country	Name
10	PT	VALADARES Roberto
11	UK	BAILEY Lisa

Advisers

	Country	Name
1	BE	LEYNEN Michel
2	DE	FRENZEL Stefan
3	DE	JACOBI Tobias
4	DK	FAGERLUND Michael
5	FI	LEIKOSKI Mervi
6	FI	MÄKI Markus
7	SE	HEDLUND Henrik

European Commission representative

	DG	Name
1	GROW	Miguel AGUADO-MONSONET
2	ENV	KANELLOPOULOS Helene

ECHA's Accredited Stakeholders

	Organisation	Name
1	A.I.S.E.	LEMOINE Sylvie
2	ClientEarth	BUONSANTE Vito A.
3	Eurometaux	BRABANT Caroline
4	European Association of Chemical Distributors	AGUIRRE Irantzu Garmendia
5	European Plastics Converters	TILLIEUX Geoffroy
6	EUROTOX	CARVALHO Felix
7	IMA-Europe	DOOME Roger
8	Nanotechnology Industries Association	RINKUS Alex

Instrument for Pre-Accession Assistance (IPA)

	Country	Name
1	Albania	CARA Magdalena
2	Albania	MARKU Eida
3	Bosnia and Herzegovina	PAJOVIĆ Nina
4	fYROM	SAVIKJ Lidija
5	fYROM	GIACHO Ljubica
6	Kosovo	MAXHERA Nazmi
7	Kosovo	LAJQI MAKOLLI Violeta
8	Montenegro	KOVAČEVIĆ PAJKANOVIĆ Jadranka
9	Montenegro	NIKČEVIĆ Jelena
10	Serbia	ANDREJEVIĆ STEFANOVIĆ Suzana
11	Turkey	BAYAR Canan

	Country	Name
12	Turkey	TOSUN Elif
	ECHA	Unit
1	BARANSKI Maciej	Support, Forum and HelpNet Secretariat
2	BARCARU Ofelia	Evaluation
3	BASMATZI Theodora	Legal Affairs
4	CALVO TOLEDO Juan Pablo	Support, Forum and HelpNet Secretariat
5	CLIFFE Brendan	Support, Forum and HelpNet Secretariat
6	FELICIANO Tania	Support, Forum and HelpNet Secretariat
7	FRONTINI Ales	Support, Forum and HelpNet Secretariat
8	KIOKIAS Sotirios	Risk Management implementation
9	LEFEVRE Remi	Classification and prioritisation
10	MURRAY Andrew	Risk Management implementation
11	NIKULA Terhi	Support, Forum and HelpNet Secretariat
12	NOUWEN Johan	Support, Forum and HelpNet Secretariat
13	ORTUÑO Mercedes	Board of Appeal
14	TŁOCZEK Magdalena	Support, Forum and HelpNet Secretariat
15	TUOMAINEN Anita	Support, Forum and HelpNet Secretariat

IV. List of Annexes

ANNEX 1. Final agenda Forum-22

ANNEX 2. Revision of mandates of Forum WGs/Task Forces

ANNEX 2 a – “Coordinated enforcement project REACH-EN-FORCE-5 on Exposure Scenarios, extended SDS, RMM and OC”

ANNEX 2 b – “Prioritisation of REF projects”

ANNEX 2 c – “Coordinated enforcement project REACH-EN-FORCE-4 on Restrictions”

ANNEX 2 d – “First Forum Pilot Project on Authorisation”

ANNEX 2 e – “Second Forum Pilot Project on Authorisation”

ANNEX 2 f – “Training for Enforcement Trainers 2015”

ANNEX 2 g – “Training for Enforcement Trainers 2016”

ANNEX 2 h – “Forum Pilot Project on Child Resistant Fastenings”

ANNEX 2 i – “Coordinated enforcement project REACH-EN-FORCE-3”

ANNEX 2 j – “Information and Communication System for Market Surveillance (ICSMS)”

ANNEX 2 k – “Interlinks”

ANNEX 2 l – “Implementation of RIPE”

ANNEX 2 m – “Enforceability of restrictions”

ANNEX 3. List of meeting documents and presentations for Forum-22

ANNEX 4. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-22

3 November 2015
ECHA/Forum-22/2015/A

**Twenty second meeting of the
Forum for Exchange of Information on Enforcement
(Forum-22)
3-6 November 2015
European Chemicals Agency
Helsinki, Finland
Tuesday, 3 November: starts at 09:00
Friday, 6 November: ends at 12:00**

DAY 1 CLOSED SESSION Tuesday 3 November 2015

Item 1 – Welcome and Introduction

09:00-09:30

- 1.1 Opening by the Chair of the Forum –*Chair*
- 1.2 Adoption of the Agenda –*Chair*
- 1.3 Declarations of conflict of interest with regard to agenda items –*Chair*
- 1.4 State of play with action points from Forum-21 – *ECHA Forum Secretariat*
- 1.5 Practicalities and results of the written procedures between Forum-21 and Forum-22 - *ECHA Forum Secretariat*

*ECHA/Forum-22/2015/A
ECHA/Forum-22/2015/1.4
ECHA/Forum-22/2015/1.5*

***For adoption
For information***

Item 2 – Address by ECHA Executive Director

09:30-09:40

For information

Item 3 – Forum’s enforcement activities- Work Packages

09:40-17:00

- 3.1 REACH-EN-FORCE-5 (50’)
 - 3.1.1 Task Force progress report – *Task Force member*
 - 3.1.2 Mandate amendment- *ECHA Forum Secretariat*

*ECHA/Forum-22/2015/3.1.1
ECHA/Forum-22/2015/3_draft_mandates*

***For discussion
For adoption***

Coffee break 10:30-11:00

3.2 Prioritisation of REF projects (45')

3.2.1 Update on the court ruling regarding 0.1% threshold for SiA – *ECHA Secretariat*

3.2.2 WG progress report – *WG Chair*

3.2.3 Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.2.1

ECHA/Forum-22/2015/3.2.1_room_doc

ECHA/Forum-22/2015/3.2.2

ECHA/Forum-22/2015/3_draft_mandates

For information

For discussion

For adoption

3.3 REACH-EN-FORCE-4 (30')

3.3.1 WG progress report – *ECHA Forum Secretariat*

3.3.2 Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.3.1_room_doc

ECHA/Forum-22/2015/3_draft_mandates

For information

For adoption

3.4 Projects on Authorisation (30')

3.4.1 First pilot project: WG progress report – *WG Chair*

3.4.2 Second pilot project: WG progress report - *WG Chair*

3.4.3 Mandate amendment of first and second pilot project - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.4.1

ECHA/Forum-22/2015/3.4.1_Annex1

ECHA/Forum-22/2015/3.4.2

ECHA/Forum-22/2015/3_draft_mandates

For information

For adoption

Lunch break 12:45-13:45

3.5 Training for enforcement trainers 2015 (20')

3.5.1 WG progress report - *WG Chair*

3.5.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.5.1

ECHA/Forum-22/2015/3.5.1_Annex1

ECHA/Forum-22/2015/3_draft_mandates

For information

For adoption

3.6 Training for enforcement trainers 2016 (30')

3.6.1 WG progress report - *WG Chair*

3.6.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.6.1

ECHA/Forum-22/2015/3_draft_mandates

For information

For adoption

- 3.7 Pilot project on CLP: Child-resistant fastenings (10')
 - 3.7.1 WG progress report - *WG Chair*
 - 3.7.2 Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.7.1
ECHA/Forum-22/2015/3_draft_mandates

For information
For adoption

- 3.8 REACH-EN-FORCE-3 (30')
 - 3.8.1 WG progress report – *Task Force member*
 - 3.8.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.8.1
ECHA/Forum-22/2015/3.8.1_room_doc
ECHA/Forum-22/2015/3_draft_mandates

For information
For adoption

- 3.9 Information and Communication System for Market Surveillance (ICSMS) (30')
 - 3.9.1 WG progress report - *WG Chair*
 - 3.9.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.9.1_room_doc
ECHA/Forum-22/2015/3_draft_mandates

For information
For adoption

Coffee break 15:45-16:15

- 3.10 Interlinks (50')
 - 3.10.1 WG progress report - *WG Chair*
 - 3.10.2 Follow-up of ECHA Decisions: updates from ECHA - *ECHA Forum Secretariat*
 - 3.10.3 BoA decision on a SONC case – *Chair of BoA*
 - 3.10.4 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.10.1
ECHA/Forum-22/2015/3.10.1_room_doc
ECHA/Forum-22/2015/3.10.2
ECHA/Forum-22/2015/3.10.3
ECHA/Forum-22/2015/3_draft_mandates

For information
For adoption

3.11 Implementation of RIPE (40')

- 3.11.1 WG progress report – *WG Chair*
- 3.11.2 RIPE project progress report - *ECHA Forum Secretariat*
- 3.11.3 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.11.1_room_doc
ECHA/Forum-22/2015/3_draft_mandates

For information
For adoption

Item 4 – Adoption of conclusions from day 1	<i>17:45-18:00</i>
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For adoption

DAY 2 CLOSED SESSION Wednesday 4 November 2015

Item 5 – Debriefing of the meeting with ECHA Directors (in day 4)	<i>09:00-09:20</i>
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Item 3 – Forum's enforcement activities- Work Packages (cont.)	<i>09:20-11:00</i>
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3.12 Enforceability of Restrictions

- 3.12.1 WG progress report: Advice on restrictions - *WG Chair*
- 3.12.2 WG progress report: Analytical methods – *WG co-Chair*
- 3.12.3 Update on the Annex XVII better understanding project - *ECHA Secretariat*
- 3.12.4 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-22/2015/3.12.1_room_doc
ECHA/Forum-22/2015/3.12.1_room_doc2
ECHA/Forum-22/2015/3_draft_mandates

For discussion
For adoption

Coffee break 11:00-11:30

Item 6– Updates from the ECHA Secretariat	<i>11:30-13:00</i>
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- 6.1 ECHA tools to support control of extended SDS (20')
- 6.2 SVHC Roadmap implementation activities (10')
- 6.3 Update on ECHA guidance activities (5')
- 6.4 Integration of REACH information into environmental, health and safety practices (5')
- 6.5 Recent BoA ruling on SONC (50')

ECHA/Forum-22/2015/6.3
ECHA/Forum-22/2015/6.4
ECHA/Forum-22/2015/6.5

For information
For discussion

Lunch break 13:00-14:00

Item 7 – Update on relevant developments by the Commission *14:00-15:30*

- 7.1 General updates by the European Commission
- 7.2 EU level enforcement indicators
- 7.3 Forum level enforcement indicators – *ECHA Forum Secretariat*

ECHA/Forum-22/2015/7.1
ECHA/Forum-22/2015/7.3

For information
For discussion

Coffee break 15:30-16:00

Item 8 – Enforcement projects in Member States *16:00-16:15*

- 8.1 Use of bridging principle in detergents – challenges of enforcement – *NO invited expert*

Item 9 – Cooperation with other networks *16:15-16:25*

- 9.1 Summary of the last CLEEN meeting – *ECHA Secretariat*

ECHA/Forum-22/2015/9.1

For information

Item 10 – Preparation for the open session *16:25-17:45*

ECHA/Forum-22/2015/10

For discussion

Item 11 – Adoption of conclusions from day 2 *17:45-18:00*

For adoption

Regular meeting with ECHA Directors and Forum Chairs *18:30-19:15*

DAY 3 OPEN SESSION Thursday 5 November 2015

Item 12 – Welcome and Introduction to the OPEN SESSION 09:00-09:15

- 12.1 Welcome to the participants – *CHAIR (10')*
- 12.2 Practicalities – *ECHA Forum Secretariat (05')*

For information

Item 13 – Welcome by ECHA's Head of Unit Support, Forum & HelpNet Secretariat 09:15-09:25

For information

Item 14 – Discussion topics 09:25-13:00

- 14.1 Liquid Laundry Detergent Capsules (35')
 - 14.1.1 State of play on implementation of Regulation (EU) No 1297/2014 and voluntary industry initiatives – *Sylvie Lemoine (A.I.S.E.)*
 - 14.1.2 Forum's feedback
ECHA/Forum-22/2015/14.1.1
- 14.2 REACH information requirements (45')
 - 14.2.1 Enforceability of REACH information requirements – *Vito Buonsante (ClientEarth)*
 - 14.2.2 German experiences with SONC cases – *DE invited expert*

Coffee break 10:45-11:15

- 14.3 Responsibilities of the different actors in the supply chain (35')
 - 14.3.1 Responsibilities under REACH enforcement – A case study – *Irantzu Garmendia (FECC)*
 - 14.3.2 Forum's feedback
ECHA/Forum-22/2015/14.3.1
- 14.4 Intermediate uses (35')
 - 14.4.1 Towards a consistent interpretation of complex cases of intermediate uses between registrants, downstream users, and enforcement authorities – *Caroline Braibant (Eurometaux)*
 - 14.4.2 Forum's feedback

For discussion

Item 15 – Enforcement projects in Member States 12:25-15:30

- 15.1 National database of substance SDS models (20') – *IT Forum member*

Lunch break 12:45-13:45

- 15.2 Raising awareness of citizens: national strategy and involvement of schools (25') – *IT Alternate*
- 15.3 Danish enforcement project “REACH article 33” duty to inform (SVHC in articles) (25') – *DK Invited expert*
- 15.4 Sweden’s experiences from enforcement of REACH and other regulations for articles (25')– *SE Forum member*

***For information
For discussion***

Item 16 – Updates from Forum	<i>15:00-16:00</i>
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- 16.1 Update of the Stakeholders' proposals for the scope of REF projects – *Chair of WG Prioritisation*
- 16.2 State of play with the Compendium of Analytical methods – *co-Chair of WG Restrictions*
- 16.3 Improving cooperation with ASOs: Update and follow-up actions – *ECHA Forum Secretariat*
- 16.4 REF-3 project report: an overview – *Task Force member*

ECHA/Forum-22/2015/16.3_room_doc

For information

Item 17 – Enforcement indicators by COM	<i>16:00-16:15</i>
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Does enforcement work? Enforcement indicators at EU level

Item 18 – Conclusions and end of the open session	<i>16:15-16:30</i>
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Coffee available

DAY 4 CLOSED SESSION Friday 6 November 2015

Item 19 – Debriefing on the open session 09:00-09:45

For discussion

Item 20 – Practical issues for enforcement of REACH and CLP 09:45-10:15

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

ECHA/Forum-22/2015/20

For discussion

Item 21 – Updates from the ECHA Forum Secretariat 10:15-11:00

- 21.1 Preparation of the revision of the Forum MAWP
- 21.2 Organising the revision of Forum's Best Practice documents
- 21.3 Content of the Guide for inspectors based in REF experiences

*For information
For discussion*

Item 22 – A.O.B. 11:00-11:15

- 22.1 Change of dates of Forum-23
- 22.2 ECHA's Guide on Reimbursement – adopted at MB meeting

Item 23 – Conclusions from day 3 and 4 11:15-11:45

For adoption

Item 24 – End of the meeting 12:00

Sandwiches available

Annex 2 a "REF-5"

Forum Task Force

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-5 on Exposure Scenarios, extended SDS, RMM and OC"

(Mandate adopted at Forum-22)

Composition:

Chair:

Forum Members

- Dimitrios CHATZIANTONIOU (EL Alternate)
- Eugen ANWANDER (AT)
- Abdulqadir SULEIMAN (NO Alternate)
- Maria ORPHANOU (CY Alternate)
- Otilija GRINCEVICIUTE (LT)

Invited Experts

- Renske BEETSTRA (NL)
- Sofia BARATA (PT)
- Henrik HEDLUND (SE)²
- Marie CARDFELT (SE)²
- Annette KRÜGER (DE)
- Jouni RÄISÄNEN (FI)
- Ida SCHARFF (DK)
- Gediminas VALENTĖLIS (LT)²
- Janka MORÁVKOVÁ (CZ)²

Commission

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ECHA

- Andrew MURRAY (Risk Management Implementation Unit)

Objective:

- conceive and manage the fifth major Forum enforcement project

Mandate:

- Identify the difficulties for conducting the project and propose the actions to facilitate the project in 2017
- Narrow down and propose a specific scope of the project and recommend it to Forum for adoption
- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
- Prepare and deliver, if needed, the training for project national coordinators
- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

² Appointed after Forum-22 meeting

- Cooperate with WG Train the trainers 2016 during the preparation and delivery of the content of the training

Timeline:

- Assessment of needs and proposals to facilitate the project: Q4 2015
- Approve the scope by the Forum: Q4 2015
- Project manual: Q4 2016
- Prepare and deliver the training for project national coordinators: Q4 2016
- Operational phase: 2017
- Reporting phase: Q1 2018
- Evaluation phase: Q3 2018
- Draft report: Q3 2018
- Adoption of the report: Q4 2018

Annex 2 b “Prioritisation of REF Projects”

Forum Working Group
Work Package A.1
“Prioritisation of REF Projects”
(Mandate adopted at Forum-22)

Composition:

Chair: Maria Letizia POLCI (rotating Chair – changing every year)

Vice Chair(s):

-

Forum Members/Alternates

- Paul CUYPERS (BE)
- Oldrich JAROLIM (CZ)
- Tasoula KYPRIANIDOU LEONTIDOU (CY)
- Dubravka KREKOVIC (HR)
- Abdulqadir SULEIMAN (NO Alternate)

Invited Experts

- Roberto VALADARES (PT)
- Semira MEHIC (SI)
- Hannah DOHERTY (UK)
- Andrea MAYER-FIGGE (DE)
- Tamas KOVACS (HU)

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:

- 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);
- Prioritise the subjects by applying Forum’s methodology for the prioritisation, selection and management of REF projects
- Draft a recommendation proposing the subject for the next REF project
- Elaborate and update a registry of legal obligations subject to previous enforcement projects.

Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.

In addition, the WG will revise 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-16 (October 2013) until the end of 2018 (end of

the Forum WP 2014 – 2018). 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
- Elaborate a thought starter regarding the content of guidelines for inspectors by Forum-23
- Deliver a final proposal regarding the content of guidelines for inspectors by Forum-24
- Deliver a draft revised methodology to be adopted by Forum at Forum-25
- Elaborate the guidelines for inspectors for the projects REF-1, REF-2 and REF-3 by Forum-28 (2017)
- Shortlist of subjects for REF-6 by Forum-25.

Annex 2 c “REF-4”

Forum Working Group

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-4 on Restrictions”

(Mandate adopted at Forum-22)

Composition:

- **Chair:** Marilla LAHTINEN (FI)

Forum Members and Alternates

- Maria ORPHANOU (CY Alternate)
- Eugen ANWANDER (AT)
- Pablo SANCHEZ-PEÑA (ES)

Invited Experts³

- Karin ALKELL (SE)
- Line TELJE HØYDAL (NO)
- Matthias ZIERHUT (DE)
- Verity SMITH (UK)
- Gonçalo BAPTISTA (PT)

Commission

- Giuseppina LUVARA (DG GROW)

Objective:

- conceive and manage the fourth major Forum enforcement project

Mandate:

- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
- Prepare and deliver the training for project national coordinators
- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

Timeline:

- Approve the scope: 2015
- Project manual: Q4 2015
- Prepare and deliver the training for project national coordinators: Q1 2016
- Operational phase: 2016
- Reporting phase (National Coordinators): Q1 2017
- Evaluation phase: Q3 2017
- Draft report: Q4 2017
- Adoption of the report: Q4 2017

³ Skirmante AMBRAZIENE (LT) resigned at 11 Nov 2015

Annex 2 d “First Pilot Authorisation”

Forum Working Group

Work Package A.1

“First Forum Pilot Project on Authorisation”

(Mandate adopted at Forum-22)

Composition:

Chair: Jos VAN DEN BERG (NL)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Eugen ANWANDER (AT) - *fieldwork*
- Stefan FRENZEL (DE Alternate)
- Majella LOWE (IE Alternate)

Invited Experts

- Paul CARTER (UK)
- Amalia CASTELLTORT SEGURA (ES)
- Adhemar ROG (NL)
- Nikolaos SPETSERIS (EL)
- Jordane WODLI (FR)

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum first pilot project on authorisation aimed at building enforcement experience and practices involved in controlling authorization related obligations

Mandate:

- Develop the project manual and necessary materials for the execution of the Forum first pilot project on authorisation related to the presence of substances subject to authorisation on the market
- Prepare and deliver the training for the national coordinators
- Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
- Supply the national coordinators with up-to-date versions of project documents
- Collect and compile results from the national coordinators
- Prepare final project report and present it to the Forum plenary
- Cooperate with the future WG “Forum Pilot Project 2 on authorisation”

Timeline:

- Preparatory phase – March 2014 – December 2014
- Operational phase – January 2015 – June 2015
- Reporting phase – July 2015 – December 2015
- Final report - Forum-23 (Q1 2016)

Annex 2 e “Second Pilot Authorisation”

Forum Working Group

Work Package A.1

“Second Forum Pilot Project on Authorisation”

(Mandate adopted at Forum-22)

Composition:

Chair: Jos VAN DEN BERG (NL)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Stefan FRENZEL (DE Alternate)
- Majella LOWE (IE Alternate)
- Zilvinas UZOMECKAS (LT Alternate)
- Katja VOM HOFE (DE)

Invited Experts

- Amalia CASTELLTORT SEGURA (ES)
- Adhemar ROG (NL)
- Nikolas SPETSERIS (EL)
- Marius SULGA (LT)
- Jordane WODLI (FR)

COM

- Miquel A. AGUADO-MONSONET (DG GROW)

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum second pilot project on authorisation aimed at building enforcement experience and practices involved in controlling authorization related obligations

Mandate:

- Develop the project manual and necessary materials for the execution of the Forum second pilot project on authorisation related to the presence of substances subject to authorisation on the market and check the compliance in the supply chain and with conditions in granted authorisations
- Prepare and deliver the training for the national coordinators
- Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
- Supply the national coordinators with up-to-date versions of project documents
- Collect and compile results from the national coordinators
- Collect and examine project experiences with enforceability of the authorisation decision “package” including the decisions and the succinct summaries
- Prepare final project report and present it to the Forum plenary
- Cooperate with the WG “First Forum Pilot Project on authorisation”

Timeline:

- Preparatory phase – March 2015 – December 2015
- Operational phase – January 2016 – June 2016
- Reporting phase – July 2016 – December 2016
- Final report - Forum-26 (Q1 2017)

Annex 2 f "Train the trainers 2015 "

Forum Working Group
Work Package C.2.
"Training for enforcement trainers 2015"
(Mandate adopted at Forum-22)

Composition:

Chair: Gro HAGEN (NO)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Otilija GRINCEVICIUTE (LT)
- Martin MARKO (CZ Alternate)
- Zilvinas UZOMECKAS (LT Alternate)

Invited Experts

- Paola DI PROSPERO FANGHELLA (IT)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Tatjana HUMAR JURIČ (SI)
- Britt Joanna LEITNER (DK)
- Uwe LICHT-KLAGGE (DE)
- Jeannette GOMEZ, Demi THEODORI⁴ (NL)
- Jörgen ROSBERG (SE)
- Cathrine SKJÆRGÅRD (NO)
- Carline TERENDIJ (FR)
- Caroline WALSH (IE)

Commission

- Roberto SCAZZOLA (DG GROW)

Objective:

- Prepare and deliver the training for trainers on Classification and labelling of mixtures in the third quarter of 2015

Mandate:

- Propose the content of the training subject relevant for enforcement in the third quarter of 2015
- Specify as early as possible the envisaged level of the content of the training
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Before Forum-20: provide for adoption the content of subject
- Forum-22: final report

⁴ Both invited experts will replace each other and only one will participate in the WG meetings

Annex 2 g “Train the trainers 2016”

Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2016”
(Mandate adopted at Forum-22)

Composition:

Chair: Otilija GRINCEVICIUTE (LT)

Forum Members/Alternates

- Gro HAGEN (NO)
- Eugen ANWANDER (AT)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)
- Anne Catherine ALFANO (FR)

Invited Experts

- Gaetano ABATE (DE)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Uwe LICHT-KLAGGE (DE)
- Paul CARTER (UK)
- Donata PIPIRAITĖ-VALIŠKIENĖ (LT)
- Karin STAAF (SE)
- Cecilia WESTÖÖ (SE)

Commission

-

SLIC-Chemex

- Nathan KUPER⁵

ECHA

- Andrew MURRAY

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in the fourth quarter of 2016

Mandate:

- Examine the training subjects relevant for enforcement in the fourth quarter of 2016 and prepare the priority topics for agreement before Forum-22
- Specify as early as possible the envisaged level of the content of the training
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect, summarise and evaluate the recommendations and reactions of participants
- Consider inviting input from the Accredited Stakeholders Organisations
- Cooperate with WG REF-5 during the preparation of the content of the training and delivery of the event

⁵ Confirmation after Forum-22

Timeline:

- Before Forum-22: conclude on list of subjects and prioritisation
- Forum-25/Forum-26: final report

Annex 2 h “CRF”

Forum Working Group

“Forum Pilot Project on Child Resistant Fastenings”

(Mandate adopted at Forum-22)

Composition:

Chair: Szilvia DEIM (HU)

Forum Members/Alternates

- Sinead MCMICKAN (IE)
- Dimitrios CHATZIANTONIOU (EL)

Invited Experts⁶

- Rosemarie GREIWE (DE)
- Erika BURAI (HU)

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum pilot project on child resistant fastenings

Mandate:

- Develop the project manual and other materials needed for the execution of the project
- Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
- Collect and compile results from the national coordinators
- Prepare final project report and present it to the Forum plenary

Timeline:

- Preparatory phase – December 2014 – June 2015 (completed)
- Operational phase – July 2015 – December 2015
- Reporting phase – January 2016 – June 2016

Forum-23 (Q1 2016) – Draft report

Forum-24 (Q2 2016) – Final report

⁶ Jana KÜTT (EE) resigned on 6 Jan 2016

Annex 2 i “REF-3”

Forum Working Group⁷

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-3”

(Mandate adopted at Forum-22)

Composition:

Chair:

Forum Members/Altermates

- Jos VAN DEN BERG (NL)
- Eugen ANWANDER (AT)
- Pablo SÁNCHEZ PEÑA (ES)
- Maria Letizia POLCI (IT Alternate)

Invited Experts

- Alfred EBNET (DE) (customs)
- Paivi SIMPANEN (FI) (customs)
- Panagiotis GIMNAOU (CY)
- Ruta Birute DAUKSIENE (LT) (customs)
- Sibylle WURSTHORN (DE)

Commission

Objective:

- conceive and manage the third major Forum enforcement project

Mandate:

- Prepare a document identifying and proposing priority of possible subjects for third Forum enforcement project, considering the project prioritisation criteria
- Subject proposals shall include an aspect where the procedure of cooperation with customs could be tested
- After the subject is approved by the Forum, develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the third Forum enforcement project
- Prepare and deliver the training for project national coordinators
- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

Timeline:

First phase

- Subject proposals and prioritisation: 1 September 2010 (done)
- Approval of the REF-3 subject : Forum-10 (done)
- Project manual: Q3 2012 (written procedure) (done)
- Prepare and deliver the training for project national coordinators: Q4 2012 – Q1 2013 (done)
- Operational phase: 01 February 2013 – 31 August 2013 (done)

⁷ Since Forum-18, the Working Group Chair position is vacant and formally, the activities of the group of Forum Members and the experts related to REF-3 are organised in a *Task force*. However, for simplicity, the terminology “working group” is pertained.

- Reporting phase (National Coordinators): 01 September - 31 October 2013 (done)
- Evaluation phase: 01 November – 31 December 2013 (done)
- Draft report of phase 1 with the WG recommendations: Forum 17 (done)
- Adoption REF-3 phase 1 report: After Forum-17 (written procedure) (done)

Timeline for the prolonged REF-3 (sequel project):

Second phase:

- Inform National Coordinators: after F-15 (done)
- Adjusted scope and update supportive documents (Addendum): scope was adopted at Forum-16. Addendum to be adopted after Forum-16 via written procedure (done)
- Inform National Coordinators about new documents: Q4 2013- January 2014 (done)
- Second Operational phase: 01 February 2014– 30 November 2014 (done)
- Second Reporting phase (National Coordinators): 01 December - 31 January 2015 (done)
- Evaluation phase: 01 February – 31 May 2015 (done)
- WG recommendations: June 2015 (Forum 21) (done)
- Final consolidated report: adoption after Forum-22 via written procedure

Annex 2 j “ICSMS”

Forum Working Group

“Information and Communication System for Market Surveillance (ICSMS)”

(Mandate adopted at Forum-22)

Composition:

Chair: Birte BØRGLUM (DK)

Forum Members/Alternates

- Pablo SÁNCHEZ PEÑA (ES)
- Elena ZIDAROVA (BG)

Invited Experts

- Tone Line FOSSNES (NO)
- Maria TARANCON (ES)
- Gernot WURM (AT)
- Piergiuseppe CALÀ (IT)
- Axel DORENBECK (DE)
- Michael FAGERLUND (DK)

Commission

- Peter BARICIC

Objectives:

- Support the European Commission in expanding the tool and contribute to promoting best practices in its use among REACH/CLP inspectors after it is released

Mandate:

- Cooperate with the Commission to provide any necessary feedback about WG ICSMS requests or specification that are needed for implementing the agreed changes
- Test the new version of ICSMS before it is released, ensuring that all agreed changes are in place
- Develop a guidance document for using the ICSMS/EIES in enforcement of REACH, CLP and, if needed, PIC
- With the support from the Commission, contribute to planning, preparing and conduct of the training for Member State representatives about the use of new ICSMS by REACH and CLP inspectors by the end of May 2016
- WG to elaborate and decide on which of the three options identified is best for the parallel handling of cases.

Timeline:

- Forum-25 (Q4 2016)

Annex 2 k “Interlinks”

Forum Working Group

“Interlinks”

(Mandate adopted at Forum-22)

Composition:

Chair: Katja VOM HOFE (DE)/Mike POTTS (UK)

Forum Members/Alternates

- Mihaiela ALBULESCU (RO)
- Eugen ANWANDER (AT)
- Jos van den BERG (NL) – only pilot project

Invited Experts

- Borbála ADER (HU)
- Rosemarie GREIWE (DE)

Fieldwork of pilot project

- NL (Jos van den BERG)
- FI (Marilla LAHTINEN)
- IE (Sinead McMICKAN)
- IT (Mariano ALESSI)
- FR (Carline TERENDIJ)

Commission

- Enrique GARCIA-JOHN
- Mariana FERNANDES DE BARROS

Objectives:

- Support the development of institutional interlinks

Tasks:

- Further develop the consolidated guide on handling the interlinks between NEAs, MSCA and ECHA, including the relevant Focal Points
- Define the interlinks between institutions relevant for PIC enforcement and incorporate them in the consolidated guide on handling the interlinks between NEAs, MSCA and ECHA
- Support the operation of pilot projects related to interlinks if they are established
- Comment about the enforceability of the conditions for PPORDs defined in a small sample of ECHA draft decisions setting PPORD conditions in order to formulate general recommendations for writing enforceable PPORD conditions when preparing future advice
- Cooperate with the Commission on drafting the chapter of the interlinks guide dealing with the cooperation related to enforcement of authorisation decisions. Inform the Forum on the proceedings of the COM ad hoc Working Group dealing with enforceability of authorisations, if needed.

Timeline: Forum-23 (March 2016)

Annex 2 I "RIPE"

Forum Working Group "Implementation of RIPE/PD-NEA"

(Mandate adopted at Forum-22)

Composition:

Chair: Eleni FOUFA (EL)

Forum Members

- Eugen ANWANDER (AT) (WG Vice-chair)
- Pablo SANCHEZ-PEÑA (ES)

Invited Experts

- Paolo IZZO (IT)
- Juergen WILLE (DE) (from 01.10.2014) (Also BPR)
- Juergen SCHMID (DE)
- Sofia BARATA (PT)

Biocidal Products Regulation (BPR) Experts

- Eugen ANWANDER (AT) (Vice-chair, coordinating the BPR work package)
- Brigitte EDER (AT)
- Francesca RAVAIOLI (IT)
- Natalija UMBRASIENE (LT)
- Pia LINDFORS (FI)
- Juergen WILLE (DE)

Objective:

- Support the implementation of the REACH Information Portal for Enforcement (RIPE)/PD-NEA allowing inspectors access to data submitted to ECHA

Mandate:

- Provide input during preparation, development and implementation of PD-NEA
- Prepare specification for any further screening or statistics reports
- Contribute to preparation and, if needed, delivery of PD-NEA training for SPOCs / NEA Administrators after the release of PD-NEA in January 2016
- Subject request from BPR MSCAs help ECHA to prepare functional and data requirements for expansion of PD-NEA for the inspectors enforcing Biocidal Product Regulation

Timeline:

- Forum-25 (end of 2016)

Annex 2 m “Restrictions”

Forum Working Group “Enforceability of restrictions”

Work Package B12

(Mandate adopted at Forum-22)

Composition:

Chair: Eugen ANWANDER (AT)

Co-Chair: Maria Letizia POLCI (IT Alternate)

Forum Members/Alternates

- Paul CUYPERS (BE)
- Mariano ALESSI (IT)
- Aljona HONGA (EE)
- Jos VAN DEN BERG (NL)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Invited Experts (advisory process)

- Claire COX (UK)
- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Karin RUMAR (SE)
- Gernot WURM (AT)
- Laura WILMS (DE)

Invited experts (analytical methods)

- Werner ALTKOFER (DE)
- Kevin PITCHFORD (UK)
- Skirmante AMBRAZIENE (LT)
- Carolina FERRANTI (IT)
- Julia GONZALEZ GUTIERREZ (ES)
- Durk SCHAKEL (NL)
- George TSAGAROPOULOS (EL)
- Andromachi KATSONOURI (CY)

European Commission

- Patricia HUALDE GRASA (COM)

ECHA

- Juan Pablo CALVO TOLEDO (ECHA)
- Sotiris KIOKIAS (ECHA)

Objective:

- Facilitate the enforceability of restrictions

Mandate:

- 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:
 - 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.
 - Prepare a draft final Forum advice that will be submitted to the Forum for adoption.
 - Provide support on enforcement related issues to SEAC (co-) rapporteurs during the process of the elaborating the SEAC opinion.
- In the execution of this mandate, the members of the WG shall follow the rules and principles established in the mandate given by the Chair of the Forum to the individual members and invited experts of the WG.
- The WG shall report to the Forum the results of its findings and its actions between the plenaries
- Propose a methodology for recommending analytical methods. After this methodology is elaborated, propose the elaboration of a compendium of recommended analytical methods in liaison with stakeholder organisations if needed, and other relevant bodies.
- Propose a manual intended to assist the control of compliance with the Annex XVII restrictions in close cooperation with ECHA.
- Provide opinion to the Commission on the development of standard methods when invited to do so by the Commission, in line with the proposal from the Forum to the Commission on this matter.
- Consider to provide an advice to the Commission on the restriction proposal prepared by the COM regarding Article 68 (2) CMR in textile articles.

Timeline:

- 30 June 2017, reporting at each plenary meeting

Annex 3 - List of meeting documents and presentations in Forum-22**Documents and presentations uploaded in S-CIRCABC per Agenda Point⁸**

AP	Documents/Presentations (PRES)
1	ECHA/Forum-22/2015/A
	ECHA/Forum-22/2015/1.4
	ECHA/Forum-22/2015/1.5
3	ECHA/Forum-21/2015/3_draft_mandates
3.1	ECHA/Forum-22/2015/3.1.1
	F22_PRES_3.1.1_REF-5
3.2	ECHA/Forum-22/2015/3.2.1
	ECHA/Forum-22/2015/3.2.1_room_doc
	F22_PRES_3.2.1_ECHA_SiA_ruling
	ECHA/Forum-22/2015/3.2.2
3.3	F22_PRES_3.2.2_Prioritisation_REFs
	ECHA/Forum-22/2015/3.3.1_room_doc
3.4	F22_PRES_3.3.1_REF-4
	ECHA/Forum-22/2015/3.4.1
	ECHA/Forum-22/2015/3.4.1_Annex1
	F22_PRES_3.4.1_Authorisation_First_Second_PP
3.5	ECHA/Forum-22/2015/3.4.2
	ECHA/Forum-22/2015/3.5.1
	ECHA/Forum-22/2015/3.5.1_Annex1
3.6	F22_PRES_3.5.1_Train_the_Trainers_2015
	ECHA/Forum-22/2015/3.6.1
3.7	F22_PRES_3.6.1_Train_the_Trainers_2016
3.8	ECHA/Forum-22/2015/3.7.1
3.8	ECHA/Forum-22/2015/3.8.1
3.8	ECHA/Forum-22/2015/3.8.1_room_doc
3.9	ECHA/Forum-22/2015/3.9.1_room_docs
3.10	ECHA/Forum-22/2015/3.10.1
	ECHA/Forum-22/2015/3.10.1_room_doc
	F22_PRES_3.10.1_Interlinks
	ECHA/Forum-22/2015/3.10.2
	ECHA/Forum-22/2015/3.10.3
3.11	F22_PRES_3.10.3_BoA_case
	ECHA/Forum-22/2015/3.11.1_room_doc
3.12	F22_PRES_3.11.2_RIPE_project
	ECHA/Forum-22/2015/3.12.1_room_doc
	ECHA/Forum-22/2015/3.12.1_room_doc2
	F22_PRES_3.12.2_Restrictions_AM
6	F22_PRES_3.12.3_ECHA_AnnexXVII
	F22_PRES_6.1_ECHA_tools_eSDS
	F22_PRES_6.2_ECHA_SVHC_roadmap
	ECHA/Forum-22/2015/6.3
	ECHA/Forum-22/2015/6.4
	ECHA/Forum-22/2015/6.5
	ECHA/Forum-22/2015/6.5_room_doc
F22_PRES_6.5_ECHA_LAU_BoA_ruling	

⁸ In S-CIRCA BC: Forum IG - Library > iv_meetings > 25. Forum-22 (3-6 Nov 2015)

7	ECHA/Forum-22/2015/7.1
	F22_PRES_7.1_COM_updates
	F22_PRES_7.2_COM_Indicators
	ECHA/Forum-22/2015/7.3
8	F22_PRES_8.1_NO_Enforcement_Detergentes
9	ECHA/Forum-22/2015/9.1
10	ECHA/Forum-22/2015/10
14	ECHA/Forum-22/2015/14.1.1
	F22_PRES_14.1_AISE
	F22_PRES_14.2.1_ClientEarth
	F22_PRES_14.2.2_DE_SONC_exp
	ECHA/Forum-22/2015/14.3.1
	F22_PRES_14.3_FECC
	F22_PRES_14.4_Eurometaux
15	F22_PRES_15.1_IT_SDS_models
	F22_PRES_15.2_IT_Awareness
	F22_PRES_15.3_DK_SVHC_articles
	F22_PRES_15.4_SE_Enforcement_Articles
16	F22_PRES_16.1_REF_Proposals_feedback
	ECHA/Forum-22/2015/16.2_room_doc+annex
	F22_PRES_16.3_Compendium_AM
	F22_PRES_16.4_REF-3_overview
17	F22_PRES_17.1_COM_Enforcement
20	ECHA/Forum-22/2015/20
21	F22_PRES_21.1_Revision_MAWP
	F22_PRES_21.2_Revision_best_pract_doc

Annex 4- Glossary of acronyms and abbreviations

ASO: ECHA's Accredited Stakeholder Organisations
BEG: Biocidal enforcement group (chaired by DG SANTE)
BoA: Board of Appeal
CARACAL: MSCA Committee for REACH and CLP
CCH: Compliance checks
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
C&L: Classification and Labelling
COM: European Commission
CSR: Chemical Safety Report
DG: Directorate General at Commission
DEV: Dossier Evaluation
DU: Downstream Users
ECHA: European Chemicals Agency
ES: Exposure Scenario
ESPG: Enterprise SMEs Policy Group
EU: European Union
ICSMS: Information and Communication System for Market Surveillance
MS: Member States
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
OC: Operational conditions
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
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RMM: Risk Management Measure
PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
SEV: Substance Evaluation
SVHC: Substance of very high concern
SDS: Safety Data Sheet
SME: Small and Medium Sized Enterprises
SONC: Statement of Non-Compliance
SPOC: Single point of contact (in the context of RIPE)
WG: Working Group of the Forum