



Forum-25/M/2016 – PUBLIC

Adopted on 10/02/2017

**Minutes of the
25th meeting of the Forum for Exchange of Information on Enforcement
Helsinki, Finland
8-10 November 2016**

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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 Liechtenstein and stated the proxies 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-24

The ECHA Forum Secretariat informed the plenary on the status of action points from Forum-24 and highlighted the open actions.

1.5 Practicalities and brief recapitulation of results of the written procedures between Forum-24 and Forum-25

The Chair referred to the document with the results of the written procedures between Forum-24 and Forum-25.

Item 2 – Preparation for the open session

The Forum discussed and agreed on the common approach concerning the topic of the open session.

Item 3 – Welcome and Introduction to the OPEN SESSION

The Chair welcomed the ECHA Accredited Stakeholders (ASOs) participating in the meeting and attending remotely. She welcomed the observers representing the Instrument for Pre-Accession Assistance programme.

Item 4 – Address by ECHA’s Director of Registration

The Director welcome the participants of the Forum-25 and the open session. She highlighted the findings of the REF-3 project regarding the communication of information in the supply chain between only representatives (ORs) and downstream user (DUs). Around a third of the ORs were not compliant with their duties, often due to insufficient communication in the supply chain between the DU, OR and the non-EU manufacturers. She encouraged both the stakeholder organisations and the National Enforcement Authorities (NEAs) to continue raising awareness of the OR duties and the critical role of good communication between companies to ensure compliance.

The Director summarised the Forum projects that were concluded in 2016 and referred the topics that would be considered for the next enforcement projects. She encouraged all the stakeholder organisations to submit proposals for enforcement projects to the Forum.

One of items to be discussed in the closed session would be the “One Substance One Registration” principle and the retroactive Technical Completeness Check (TCC). The Directorate of Registration implemented changes in REACH-IT in 2016 that extended and made stricter TCC rules. If that proves to be ineffective in ensuring that the dossier was completed, ECHA will consider revoking such incomplete registrations and would rely on the NEAs for the follow up, taking due account of the existing interlinks processes.

Item 5 – Challenges with communication in the supply chain – ORs and DUs

5.1 Forum’s experiences and recommendations

A member of the extinct WG REF-3, that managed the project on the registration obligations by manufacturers, importers and OR in close cooperation with Customs, gave a summary of the project findings. He presented the actions put in place by the Forum to address the recommendations made in the report. He encouraged the stakeholders to raise awareness within their organisations on the duties of the actors in the supply chain and their rights and obligations as a way to help improve the quality of the information communicated.

The presenter clarified that the REF-3 project identified a number of “ghost” ORs, which existed only as an address, *i.e.* companies mainly set up during the REACH pre-registration period. A database of such problematic ORs would be valuable to allow the inspector to quickly identify such ORs during the enforcement activity at the Importer/DU.

One Forum member recommended caution when labelling the OR as “ghost” and invited cooperation with OR Organisation to develop with the Forum the criteria for the definition of “ghost” OR.

Another Forum member added that during the project, several “ghost ORs” were encountered and enforcement was impossible. Consequently, the Importer/DU was non-compliant. Therefore, the Forum member welcomed any initiatives by ASOs to help solve the problem.

Replying to an ASO representative asking on the type of sanctions put in place by the enforcers, the presenter informed that the sanctions put in place were more grievous for the Importer/DU since they were using a substance with no valid registration. In contrast, the consequences for the non-compliant OR could be considered light when enforcing REACH Article 8 (*e.g.* inspector could sanction the OR for missing an appointment letter from the manufacturer). REACH Article 8 did not provide arguments that could help the importer/DU with their rights in such situations.

The ECHA Director indicated that ECHA experienced some ORs that created difficulties for the other companies as well as for ECHA, by *e.g.* registering many substances with poor quality dossiers and becoming lead registrants in the SIEF without agreement of the members. Such cases were worth investigating as well. She proposed to publish in ECHA’s website information on the “ghost” or problematic ORs as a way to warn the importers/DUs.

5.2 Challenges, constraints and opportunities in DU communication

The representative of the OR Organisation (ORO) presented the organisation and the type of support provided to its members. The presenter clarified that the membership was open to all type of ORs but in practice, non-service providers ORs did not demonstrate interest in the organisation. In addition, the ORO members were required to fulfil the quality standards and comply with best practices in

operation as an OR, before they were accepted in the organisation. Due to the small size of the organisation, it did not provide training for their members but encouraged an exchange of experiences by their members during 2-3 technical meetings held per year.

The Chair appreciated the membership criteria requiring the ORs to fulfil the quality standards established by ORO underlying good practices that lead to compliance. The Forum welcomed the ORO initiative of transferring information via various certificates (importer, CLP, mixtures) since it could also provide relevant information for the REACH inspectors and facilitate their investigation. However, Forum stressed that such certificates were not legally required and that their existence should not be considered as a legally binding confirmation of compliance. Inspectors may use them, but will conduct their own examination to establish compliance.

Upon request by the Chair, the ORO representative gave an example of a CLP certificate, developed by a team of experts as a way to confirm the classification of the substance. The custom's authorities accepted the certificate. COM representative added that such certificates were not mandatory according to custom's legislation.

The ORO representative underlined that the proposed certificates contained all the relevant information and questioned which documentation an OR could present to the inspectors that could be accepted as a document confirming compliance.

The Chair explained that inspectors establish compliance by collecting information from various sources, such as information from ECHA IT tools on submitted registrations and ORs documentation regarding the companies they cover. Therefore, there was no formal "document that officially confirms compliance" with REACH.

Forum also reacted keenly to the statement that non-EU companies sometimes refuse to disclose information needed by the OR to fulfil their duties due to business confidentiality reasons. Forum appreciated the complexity of the supply chains and acknowledged the difficult situation the OR companies encounters when dealing with such non-EU manufacturers or traders. ORO representative indicated that in some cases, where no progress could be achieved on obtaining the necessary information, the ORs have terminated contracts with their non-EU partners. Forum stressed that ultimately, it was the OR's duty to obtain all the information needed to fulfil their REACH obligations. The Chair recommended that in such situations, ORO and OR companies may explore legal arguments in the business agreements that would allow the OR companies to obtain the information required for compliance. According to the ORO representative, improvements have been made in the standard business agreements used by ORO members with regard to the confidential business information (e.g. the type of data that needed to be provided on a yearly basis).

The Chair informed that the issue of the OR being responsible for preparing and providing the safety data sheets (SDS) has been discussed in the Forum and that ECHA was initiating a consultation with the Commission Services on this matter. The Chair highlighted that, from an enforcement perspective, only EU actors could be responsible for the content of SDS. The ORO representative stated that the OR's responsibility lies to have the updated SDS on the file and provide it, upon request, to the importer. According to ORO, the ORs could not be held responsible for the content of SDS. It would imply costs to check the composition of the mixture, impurities, classification etc. and it was not clear who would cover such costs. Forum indicated that it would be able to have a clear position on this matter after ECHA receives feedback from the Commission Services.

ECHA Director of Registration confirmed that the importers and OR struggled to get information from the non-EU manufacturers, especially on the detailed composition of the substance and analytical data. The Director informed that in light of the updated criteria for the dossier's completeness checks, in case such information was missing, the dossier would not be compliant and would return to the submitter to be completed.

The Vice-chair informed that the REF-5 project would look into the safe-use communication throughout the supply chain by means of exposure scenarios and Safety Data Sheets (SDS) extracted from the Chemical Safety Report (CSR) prepared by the registrant that could be an OR. The ORO representative welcomed the project but stressed that a practical tool to communicate the exposures was still missing. He provided an example of a simple substance with 80-90 pages of extended SDS. Since REACH obliges the extended SDS to be provided in the language of the Member States, he asked who would pay the costs of the translation of such long document. He encouraged the development of a process for the exposure scenarios similar to the one created for the SDS (standard phrases and possible automated translations). In addition, he recommended ECHA to reject registrations of poor quality dossiers as a way to guarantee the quality of the safe-use information in the supply.

The Chair invited the ORO organisation to follow-up this discussion by raising awareness amongst the ORO members and ORs in general on the points raised in this discussion and the recommendations stated in the REF-3 project. ORO representative stated that he would discuss it at an internal meeting in December. If ORO would engage in such follow-up action, the Forum would be interested in being informed at the next open session. In particular, on the outcome of the discussion amongst the ORO members and potential actions put in place to address the points raised.

Item 6 – Enforcement projects in Member States

6.1 Enforcement project on car and boat products

The Swedish invited expert presented the national enforcement project on car and boat products, triggered by alerts received for these types of products (e.g. poor product information, no or not translated labelling, etc.). Swedish inspectors also observed the increase of internet sales of such products with poor information by micro or small companies. She presented the enforcement strategy of the project and the results obtained. Additional statistics on the non-compliance found and the penalties put in place in the project would be sent to ECHA Forum Secretariat. The presenter clarified that the authority collected feedback from the inspected companies on the enforcement campaign.

A Forum member added that in her country, inspectors also found a high level of non-compliance for the car products, especially concerning issues of classification and labelling.

An ASO representative appreciated the cooperative way the inspections were conducting the inspections, aiming to also inform the companies on the legislation and their obligations. He concluded that the enforcement action were mainly desktop checks and asked if there were any tests done. The presenter replied that analytical tests were not conducted for the projects presented, however, for other projects, tests were done.

Item 7 – Updates from the Forum

7.1 Forum’s finalised projects during 2016

The Forum Chair presented a summary of the results of the pilot projects finalised during 2016 and published in ECHA’s website.

The Chair clarified that the non-compliance found in the projects were based on a limited number of selected samples under the umbrella of the projects. Although in some projects the number of inspections were high and could be a representative sample of the market, the Chair did not encourage to extrapolate a general EU level of non-compliance for the products based on the findings of the projects.

7.2 State of play with the Compendium of Analytical methods

The Alternate Forum member coordinating this specific task in the Forum presented the status of the Compendium of Analytical methods. The compendium was developed by a group of experts to facilitate the enforcement of Annex XVII restrictions. The compendium was made available on ECHA’s website in 2016 and will be revised in the future to include additional new Annex XVII entries and relevant amendments. The stakeholders were invited to use the Compendium and/or liaise with the interested parties and to provide feedback via the questionnaire in Annex 3 of the Compendium.

An ASO representative found the document useful for industry as well as also for Market Surveillance authorities. He stated that the cost associated to the method should have been considered. He asked whether the entry in the compendium for lead referred to the migration factor. The Alternate Forum member clarified that the Forum decided not to include cost as one of the criteria since the document did not recommend only one method but provides, in some cases, different options for the national enforcement authorities/companies to choose. She also stated that the elaboration of the compendium started in 2013. Therefore, in some cases, the methods recommended might not be fully updated and in line with the current restriction in force.

7.3 Update on the scope of REF projects

The chair of the WG Prioritisation of REF projects presented the project proposals discussed in the WG during 2016 and the final recommendations for the Forum as future REF (REF-6) and pilot projects. She summarised the prioritisation process and the criteria assessed by the WG. She informed that the proposals of ASOs were always taken into consideration and some of them have been incorporated within the scope of REF-5 (one proposal from Eurometaux) and REF-6 (two proposals from CEPE).

The ASOs were invited to submit project proposals by end of March 2017 to be included in the next year’s cycle of project selection.

Item 8 – Updates by the European Commission

COM representative informed the participants on the public consultation of the REACH review. The report would include information collected from the Member States, ECHA and general public and invited the ASOs to participate in the consultation, by 28 Jan 2017.

Item 9 – Conclusions and end of the open session

The Chair summarised the discussions of the day and invited the IPA countries to present in the next open session some enforcement projects.

Item 10 – Debriefing of the open session

The Forum appreciated the discussion within the thematic session. However, it noted the low turnout and activity level of ASOs as well as the apparent dissatisfaction of some ASOs with the open sessions. According to a satisfaction survey from 2015, the Forum members were also not content with the current format of the open sessions. In 2014 (Forum-19), a brainstorming session took place where ASOs and Forum proposed ideas to improve the open sessions. However, not all proposals were accepted by the Forum at that time and the ECHA Forum Secretariat proposed to re-open the issue in the next Forum meeting to re-assess the dismissed proposals.

A Forum member expressed satisfaction with the discussion of the topical agenda item and appreciated having some of the relevant actors available for discussion. The ECHA Forum Secretariat added that, if the ORO would follow-up the actions proposed the outcome of this open session would be very successful.

A Forum member suggested to request the attending ASOs to give feedback on the open session (e.g. box to collect suggestions).

Item 11 – Updates from the ECHA Forum Secretariat

11.1 Forum's potential efficiency gains

The ECHA Forum Secretariat reminded the discussions on efficiency held in 2014 and 2015. It was suggested to continue addressing this topic once per year as a way to continuously improve the efficiency of the work of the Forum.

The ECHA Forum Secretariat proposed to assess the synergies between WGs by merging (totally or partially) the WGs working on the same subject (e.g. WG train the trainers that would develop training on the subject of a REF or pilot project for which the project WG needs to develop a manual). An alternate Forum member raised concern on the amount of workload for the experts involved in both tasks.

A second proposal was, as a way to keep the know-how acquired by the experts participating in former Forum WGs, to re-nominate them for other WGs working on similar subject.

A third suggestion was to shorten the WG progress report and to make presentations in the plenary meeting only for particular discussion or relevant outputs.

A Forum member suggested for the project's manuals to be shorter and more practical. The Chair added that the parts that were common for all the projects (e.g. the role and tasks of National coordinators, Forum WG, Forum Secretariat) could be shortened or referred to the methodology.

A Forum member requested the WG Prioritisation to revise the project methodology and propose revised templates for the manual and reports.

After voting, the Forum agreed to implement all the above proposals, including the ones made by the Forum members.

11.2 Revision of the Forum's Multi Annual Work Programme

The ECHA Forum Secretariat informed that the MAWP 2014-2018 has been in operation for 3 years and a draft with the proposed revisions was being consulted with the Forum chairs. The revision would reflect the activities that took place and what was planned until 2018. A new activity related to the Biocidal product regulation (BPR) was included. However, the Biocidal Enforcement Group (BEG), future BPR Subgroup of the Forum, would need to provide input in this new activity.

In addition, due to the expansion of the Forum's remit to the BPR, the revision of the Rules of procedure had also been envisaged (Agenda [item 25](#)). It would be initiated once there was clarity of the BPR Subgroup's format.

The Forum would be consulted on both documents after the input of the Chairs.

11.3 CMR pilot project follow-up

The ECHA Forum Secretariat summarised the feedback received from the Forum after the Forum-24 meeting on five questions regarding the operation of the project. The presenter made some proposals for the next steps.

As a reply to a Forum member, the Vice-chair clarified that it could be helpful to define in the manual criteria to classify the severity of non-compliance. However, that would not be relevant for the follow-up of the sanctions.

11.4 Potential project on categorisation of risks associated to non-compliance with legal requirements (e.g. serious risks)

The ECHA Forum Secretariat presented the background for the item by mentioning the importance of the concept of risk in the context of the Forum (e.g. Forum enforcement strategies, minimum criteria for REACH and CLP, methodology for the selection, management and evaluation of REF projects) and consumer product regulations (e.g. General Product Safety Directive (GPSD), Market Surveillance regulation). Moreover, Member States use risk analysis to prioritise their enforcement activities. In addition, RAPEX's guidelines, developed by COM, set out the method for risk analysis.

In REACH, challenges with the determination of "serious risks" were found. The tool ICSMS foresees that the inspectors categorise the level of risk (L, M, H, Serious), mainly mirroring the methodology of the GPSD but with all issues applicable to REACH and the scope beyond consumers' articles.

Therefore, the inspectors were lacking some guidelines on how to define and categorise the level of risk of non-compliance, or in another words, the severity of the non-compliance. The ECHA Forum Secretariat suggested creating a WG to develop a document including, amongst other things, the definition of the concept of risk and an approach to characterise the risk of the non-compliance.

Some Forum member highlighted that some of these concepts were included in the Forum's best practice documents. In some Member States there were national enforcement strategies in place and that some issues were being discussed at different fora. On the other hand, some Forum members and invited experts supported the creation of such guidelines by a WG as this would help to determine how best to address enforcement priorities, to harmonise the understanding of risk concepts and to avoid duplication of work in the Member States.

It was considered the possibility for the task to be added to the mandate of an existing WG. Nevertheless after deliberations, the Forum agreed to establish a specific task force to assess the issues and prepare a thought starter ([Annex 2a](#)) to describe in more detail the project on categorisation of risks, so that Forum could have a more thorough discussion of the subject at the next meeting.

11.5 Improvement of the SDS' quality

The ECHA Forum Secretariat highlighted that previous enforcement projects reported high levels of non-compliances concerning SDS. It was not possible to ascertain if there were major improvements with time. Therefore, the WG

Prioritisation questioned whether the REF project increased the awareness and ultimately increased the level of compliance of the SDS.

The Forum was asked to discuss and identify potential ways to improve the level of compliance with SDS requirements.

A Forum member suggested to include this issue as part as the REF-5 project and on its awareness raising exercise. As far as possible, REF-5 project could be used to collect some information on SDS although the project was focused on exposure scenarios and checking the consistency with the chemical safety report.

Another Forum member stated that checking SDS was routine work of the inspectors as for many years. He advised to investigate if there was some data available that could be analysed for the sections that found more incompliances or were more important (e.g. information for workers).

A Forum member proposed to make an exercise where all Member States submits a number of SDSs to evaluate how widespread the non-compliances were found and to assess the severity of the problem. Such results could be presented to the Stakeholders in the next open session and work on a solution with them.

The ECHA Forum Secretariat would collect all the feedback and present a summary at Forum-26 with potential actions for the Forum.

11.6 Forum indicators

The ECHA Forum Secretariat presented the results of the voting on the Forum indicators after the Forum-24 meeting. However, some questions remained unclear.

The Forum discussed the existence of a benchmark for the indicator measuring the application of the Forum's standards (F4). An alternate Forum member stated that the number for this calculation would be difficult to collect at his Member State due to the current enforcement structure. The Forum voted to discard the benchmarking.

The Forum discussed the relevance of the indicator on exchange of inspectors (F15) in the work of the Forum and ultimately voted for it to be discarded.

COM requested the Forum to reconsider the position regarding indicator F1 on the exchange of information. The Forum members voted after Forum-24 to discard it and a new voting at the meeting resulted on the same outcome.

11.7 Follow-up on the implementation of REF-3's recommendations

The ECHA Forum Secretariat summarised the feedback collected after Forum-24 and proposed the way forward to complete the recommendations included in the REF-3 report.

The Forum agreed to launch the exercise by the end of 2016 in all Members States that wish to participate to collect information on the "ghost ORs". All the information submitted by the inspectors in the excel template would be compiled and made available to all inspectors in PD-NEA. The table would be updated in a regular basis, triggered by ECHA Forum Secretariat. An explanatory note with the aim of the exercise, how to fill a table etc. would also be developed. A Forum member stated that there should be a definition included in the explanatory note of what is a "ghost OR" as well as a caveat stating that the table was a living document and not an exhaustive list of problematic ORs.

Some members of the former REF-3 WG would create a template letter to allow the direct contact between the inspector and the OR company located in another

Member State. It was proposed for the template letter to be adopted at or after Forum-26.

A creation of a WG dealing with Customs was foreseen and should tackle the issues raised by the REF-3 concerning Customs.

The WG Prioritisation of REF projects would review the REF methodology and it was suggested to increase the profile of the national coordinators and involve them earlier in the project.

As a last action on the OR issue, the Forum-25 press release would include a summary of the discussion held in the Open session as a way to reach other stakeholders that were not present.

11.8 Preparations for the Forum Chairs election in Forum-26

The Chair informed that the mandates of the Forum Chair and one Vice-chair would end in February 2017. The Vice-chair with the valid mandate will chair the beginning of Forum-26 until the new chair is elected. According to the Forum's rules of procedure, the chair mandates could only be renewed once, therefore, the current Forum Chair and one Vice-chairs could not be re-elected for the same positions.

The Forum members were invited to send nominations of themselves or other members to the ECHA Forum Secretariat. Every nominee will be asked whether they accept the nomination and wish to candidate. All accepting candidates would be invited to attend the preparatory meeting of the Forum-26 meeting, when the election would take place.

Item 12 – Conclusions from day 1

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

Item 13 – Debriefing of the meeting with ECHA Directors

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

Item 14 – Forum's enforcement activities - Projects under preparation

14.1 Prioritisation of REF projects

14.1.1 Market surveillance of detergents in soluble packaging

The ECHA Forum Secretariat reminded that many incidents were reported in the Member States' poison centres that triggered the amendment of the CLP regulation by the Commission. Such amendments concerned conditions applicable to liquid consumer laundry detergent in dosages for single use, also including the provisions for the outer packaging and for the soluble packaging.

Upon the request by COM, the issue was brought to the attention of the Forum with a view to discuss enforcement of the amended CLP Article. The feedback provided at Forum-23 was that there were not much experience at that time. At that time, it was agreed to continue such enforcement actions and collect further feedback and re-discuss the involvement of the Forum at Forum-25.

The presenter summarised the information received from the Forum members, highlighting that there were a few preliminary indications that companies comply. However, more data needed to be collected. Moreover, from the feedback received, there was no clear support of having an EU action or a pilot project on the issue.

The Chair recommended the Forum members and the inspectors to raise awareness of this issue at national level. Since the check of provisions for liquid laundry detergent caps was proposed as an optional module for REF-6 project, the Forum decided to discuss it at the agenda item 14.1.4.

The ECHA Forum Secretariat would formally reply to COM on the actions put in place by the Forum on the issue.

14.1.2 WG progress report

The chair of the WG presented the results achieved during the analysis of the proposals against the criteria. The outcome of the work of the WG were the recommendations for the scope of the REF-6 project and some potential pilot projects for discussion with the Forum (see agenda point [14.1.3](#)).

The methodology of REF projects was being revised by the WG and would include the preparation of tips and hints for inspectors after every project, review the criteria for prioritisation after three prioritisation exercises and include the concept of "substances that matter" as one element of the optional criteria for prioritisation covering the request made by ECHA management. Forum would be consulted on the draft once ready.

14.1.3 REF-6 and pilot project proposals

The chair of the WG informed that CLP was the Forum members' preferred topic for the scope of REF-6, focusing on the classification and labelling of mixtures and on the sections 2 and 3 of the SDS. The WG combined several proposals received and decided to go beyond the main scope and add other provisions as optional blocks:

- obligations related to notifying classification to the C&L Inventory,
- the duty to apply harmonised classification and labelling,
- application of labelling and packaging exemptions as well as
- new rules for packaging of liquid laundry detergent caps.

After discussion, the Forum decided to adopt the proposed scope together with the optional blocks as there was interest in each one of them from a number of Member States.

Selection of pilot projects

Based on the priorities provided by the Forum members, the WG proposed the execution of three pilot projects. Moreover, in order to maintain the regular work taking into account the existing resources of the Forum, the WG recommended running a REF in parallel with only one pilot project. Therefore, a plan for future projects proposals from 2017 to 2019 was presented.

Some Forum members expressed a preference to revisit the topic of Intermediates as a possible scope for future REF-7 rather than initiate a pilot project on the subject. Other Forum members preferred to gain more experience as a pilot before initiating a REF project on intermediates. It could be considered as well for the scope of future REFs and the manual could be based on the pilot's manual.

The Forum agreed to initiate projects on:

- Pilot project on PIC: operation phase in the first half 2018.
- Pilot project on Registration of monomers in polymers: operational phase Q4 2018/Q1 2019.

- Project on Intermediates: operational phase in the second half of 2018. In November 2017 the Forum will decide if this project will be a pilot or whether it will be the subject of REF-7.

14.1.4 REF-6 WG mandate

The WG in charge of the management of REF-6 was established and Forum members, alternates and invited experts were appointed ([Annex 2b](#)).

14.1.5 Prioritisation WG Mandate amendment

In order to finalise the revision of the methodology, the Forum agreed to extend the mandate of the WG on this specific item until Forum-26 as well as the chair. The Forum adopted the updated mandate ([Annex 2c](#)).

14.2 Training for enforcement trainers 2017

14.2.1 WG progress report

The WG chair presented the summary of the topics proposed by Forum members collected after Forum-24. He announced that the training would take place, preliminary, on 4 and 5 of October 2017. On the proposed topics, the Forum agreed to train the inspectors in 2017 on the topic of CLP, covering aspects of REF-6, and on authorisation, taking into account the findings of the pilot projects.

14.2.2 Discussion of the proposed topics for 2017 training

A Forum member suggested for the WG to collect from the Member States special enforcement cases that could be used as case studies. Another Forum member raised the concern that various topics in the same training might generate difficulty in choosing the trainees. However, the web-streaming of the training could be used to reach other trainees.

COM representative shared that COM received questions concerning the borderline cases with other legislations and suggested the Forum to explore it for future trainings (e.g. waste, market surveillance).

From the experience gathered in 2016 with the training on the REF-5 topic, the chair of the WG Training for trainers 2016 highlighted the importance of having experts being part of both WG REF-6 and the WG Training for trainers 2017.

The WG chair requested for training material for the adopted topic by mid February.

14.2.3 Mandate amendment

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

14.3 Pilot project Substances in Articles

14.3.1 Discussion of the project scope

The ECHA Secretariat presented the revised proposal for the pilot project based on previous discussions with the Forum.

The Chair thanked ECHA for the first proposal and invited the Forum to submit comments in writing on the presented proposal. The WG established for the management of the project would further elaborate the proposal and prepare the project manual.

The presenter informed on the status of the Guidance on the requirements for substances in articles. The Forum would be consulted and was planned to have the final version published at Q1 2017. The Vice-chair suggested having a WebEx for those members interested in the content of the document.

14.3.2 WG Mandate

The WG for the management of the pilot project was established and Forum members, alternates and invited experts were appointed ([Annex 2e](#)).

14.4 Cooperation with Customs 2

14.4.1 Discussion of the project scope

The ECHA Forum Secretariat informed that DG TAXUD approached ECHA with the interest to access data from ECHA's IT systems and to make it available to the custom's "single window" tool. In 2016, the COM requested the Forum to collaborate with customs and help develop a questionnaire by suggesting what could be checked by customs in sectoral legislations (REACH). Following the recommendations of the REF-3 project, the Forum was advised to liaise with COM's customs network (PARCS) and there was a possibility to organise a workshop in 2017 between customs and REACH enforcement authorities. In the previous WG "Cooperation with Customs", the Forum made robust proposals on what customs could do, but ultimately they were reduced to simple cooperation and information exchange between customs and NEAs.

The COM also indicated that it was conducting an internal discussion on the responsibility of customs for the enforcement of REACH and other sectoral legislations. The ECHA Forum Secretariat hoped for the results of that discussion may become available in 2017.

In light of the interest from DG TAXUD to re-open the discussion, the ECHA Forum Secretariat proposed to establish a new WG to prepare future discussions on the potential involvement of customs in REACH enforcement. In concrete, to prepare the Forum position for discussion with DG TAXUD and assess COM's position on the role of Customs in the application of REACH, once it becomes available.

The Forum agreed to establish a WG to prepare for the discussion with COM and PARCS.

14.4.2 WG Mandate

The mandate was created and Forum members, alternates and invited experts were appointed ([Annex 2f](#)). It was encouraged for experts already involved in the previous WG on Customs to be re-appointed. In the absence of a chair appointed, the work would continue as a Task Force.

14.5 Revision of the best practice documents

14.5.1 Discussion of the project scope

The ECHA Forum Secretariat reminded the conclusion of the discussion held in the breakout group in Forum-24 that an in-depth review of the strategy documents would be needed, taking into account the experience gained in the last five years and to cover the new regulations under Forum's remit. The breakout group participants proposed for the Forum to establish a small WG to take upon this task of assessing all the new information available and agree on the extension of the revision.

Due to the Forum's upcoming responsibility to coordinate the BPR enforcement, this new WG should consider to expand the scope of these documents to cover as well the BPR. Hence, it was suggested to present this suggestion in the BEG meeting to assess their level of interest on this task.

14.5.2 WG Mandate

The mandate was created and Forum members, alternates and invited experts were appointed ([Annex 2g](#)). In the absence of a chair appointed, the work would continue as a Task Force.

Item 15 – Forum’s enforcement activities- Ongoing projects

15.1. REACH-EN-FORCE-4 on Restrictions

15.1.1 WG progress report

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the WG. The Forum members posed no further questions.

15.1.2 Mandate amendment

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

15.2 Enforceability of restrictions

15.2.1 WG progress report - Advice on restrictions

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the WG. The Forum members posed no further questions.

COM representative appreciated the work of this WG and encouraged the Forum to continue with the valuable input for the all the future restriction proposals.

15.2.2 ECHA preparation of restriction proposal for tattoo inks

The ECHA Secretariat informed that COM has mandated ECHA to elaborate an Annex XV proposal for the restriction of certain CMRs and skin sensitisers contained in tattoo inks. ECHA declared the intention in the registry of intentions and would prepare the Annex XV proposal by July 2017. The presenter requested the Forum members to provide feedback on the methods included in the Joint Research Centre (JRC) report and to provide further information on the methods applicable to the substances within the scope of the restriction proposal.

15.2.3 Mandate amendment

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

15.3 REACH-EN-FORCE-5 on Extended SDS, exposure scenarios, risk management measures and operational conditions

15.3.1 WG progress report

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the WG. The ECHA Forum Secretariat added that ECHA was supporting the National Coordinators (NCs) that do not have access to the CSR to receive information extracted from the technical dossiers as support to the inspection of the extended SDS. Informal WebEx’s were scheduled between the interested NCs and ECHA experts to discuss the appropriate content and format of the information. The Forum members posed no further questions.

15.3.2 Mandate amendment

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

15.4 Information and Communication System for Market Surveillance (ICSMS)

15.4.1 WG progress report

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the WG. The Forum members posed no further questions.

15.4.2 Mandate amendment

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

15.5 Implementation of PD-NEA

15.5.1 WG progress report

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the WG. The Forum members posed no further questions.

COM representative recommended for the Biocides part of this project to be dealt by BEG. The ECHA Forum Secretariat added that BEG had been involved in this work and that the plan was to move the BPR tasks of this WG to the BPR Subgroup, once it is established.

15.5.2 PD-NEA project progress report

The ECHA Forum Secretariat informed on the new developments of the tool. There will be a new version released in January 2017 and an interface upgrade to be done in April 2017. The application performance improvements will be done iteratively during the year 2017.

On the Biocides part, further discussion in ECHA will take place in November 2016 after the Forum plenary, where future timelines should be clarified.

15.5.3 Mandate amendment

The ECHA Forum Secretariat informed on the rotating chair system for this WG and announced the new chair for this WG. The Forum adopted the updated mandate ([Annex 2l](#)).

15.6. Pilot project on Control of internet sales of hazardous chemicals

15.6.1 Task Force progress report

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the task force. The Forum members posed no further questions.

15.6.2 Mandate amendment

The ECHA Forum Secretariat informed that CLEEN members participated in the preparatory phase by sharing the material used in their project of the same topic. The preparatory phase would finish on 30 November 2016, hence ECHA Forum Secretariat thanked CLEEN for the cooperation.

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

15.7 Second project on Authorisation

15.7.1 WG progress report

The Chair informed that a progress report was submitted as a meeting document and summarised the activities of the WG. The Forum members posed no further questions.

15.7.2 Mandate amendment

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

Item 16 – Forum’s enforcement activities- Projects under finalisation

16.1 Training for enforcement trainers 2016

16.1.1 WG progress report

The WG chair reported on the outcome of the training event that took place on 5-6 October 2016, where 70 inspectors participated. The training was successful as participants gave very good feedback. The Forum adopted the final report of the WG.

16.1.2 Mandate amendment

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

Item 17 – Update on relevant developments by the Commission

17.1 General updates by the European Commission

COM representative informed on the issues being discussed in CARACAL and EPG. He reminded the meeting that COM was conducting a study on liquid laundry detergent capsules and that was extended, delaying the final report until end of 2017. He informed that a classification for nicotine was put in place and ECHA was developing a calculator that could be useful for enforcement of the e-cigarettes in the future.

He shared that COM would finance a programme to encourage exchange of inspectors during 2017. He requested the Forum members for an endorsement letter formally appointing the inspector(s) benefiting from this exchange. The ECHA Forum Secretariat added that resources were also allocated in the planning for 2017 of the Forum Secretariat team, in terms of staff, to be able to assist the Forum members interested in applying for such programmes. Replying to the presenter’s question, the Chair stated that the participation of temporary staff in such programmes would be the prerogative of the authority’s hierarchy.

The new restriction on CMR in textiles would not follow the standard restriction procedure for restriction since it was desired to involve a number of experts on enforcement from the start of the process. This restriction would not undergo RAC/SEAC discussion, however the Forum’s input would need to be implemented. There will be a workshop to discuss the restriction where the interested Forum’s experts would be welcome to participate. Replying to a Forum member, the presenter clarified that the standard procedure was not put in place because this restriction would need to be finalised in a shorter timeframe. A Forum member suggested to mandate the WG Restriction (or some of its members) to liaise with COM in regard to this restriction and participate in the workshop.

COM was running a project on authorisation to study the costs of the authorisation process and the benefits of substitution. He requested the Forum to inform on the

costs associated with the enforcement activities of the authorisation process as well as to report if cases of substitution were encountered.

The next ADCO chair meeting would take place in December 2016. The Forum representative would not be able to attend and offered the possibility for other Forum to attend in his place. The Chair encouraged the Forum members to consider presenting the Forum's activities in the ADCO meeting. In case there was no one available, the presentation would be given by COM representative.

Upon a question from a Forum member, COM representative clarified that the Member States reporting on REACH and CLP activities was enough to fulfil the reporting obligation of the Market Surveillance regulation (MSR). The Forum member added that MSR required the Member States to report as well on the yearly enforcement plan and was concerned that many reporting obligations were burdensome.

17.2 Discussion of the feedback on the definition of "control"

COM representative summarised some elements extracted from the questionnaire submitted by the Member States when fulfilling the REACH reporting obligation. The data reported on the number of controls might suggest that Member States interpret the questions differently. With the view to harmonise the reporting exercise on the questions related to the number of "controls", he suggested to discuss with the Forum on what the Member States need to report to COM. He proposed a methodology to select the activities to report, firstly by selecting the preferred ones, clearly defining them and specify how they should be accounted.

Some Forum Members gave examples on the challenges faced when preparing the report and on their way of accounting the controls reported, that might be based on definitions included in their national legislation.

Upon a suggestion made by the Vice-chair, COM informed that it was possible to assess from the raw data which activities were relevant for each Member State. Therefore, the presenter proposed to include in the question a list of all possible activities for the Member States to select the relevant ones. The Chair suggested to proceed the discussion on the definition of "control" within the Forum.

Item 18 – Enforcement projects in Member States

18.1 Enforcement project market surveillance of liquid laundry detergent capsules

The Irish Forum member presented this national project, the methodology used and the issues encountered. The presenter stated that A.I.S.E. had prepared a guide that some of the investigated companies relied upon.

18.2 Enforcement action on intermediates and strictly controlled conditions (SCC)

The French Forum member presented this national project, the methodology used and the issues encountered.

Some Forum members shared their experiences with the enforcement of intermediates.

18.3 Project on Chemicals Regulations Enforcement & Inspections - Building Authority Capacity for REACH/CLP and SEVESO III

The Cypriot Forum member presented this national project proposal submitted by the University of Greece, in which the Greek and Cypriot authorities would collaborate. The presenter invited the Forum members to share manuals or experiences on the issue that could be the basis to elaborate a first harmonised manual, that the Forum could explore in future projects.

Item 19 – Conclusions from day 2

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

Item 20 – Practical issues for enforcement of REACH and CLP

The ECHA Forum Secretariat informed that the practical issues that were adopted after Forum-24 would be included in the Manual of conclusions. He also informed that the fast track procedure to deal with the practical issues, by the use of the Helpex tool, would be available during the weeks after the Forum-25 meeting.

Issue 25.1 – Concentration ranges in the SDS and classification

The Forum member who raised the issue presented it and the Forum discussed the proposed conclusion.

A draft conclusion was proposed, but the Forum agreed to revise in light of the comments. The revised version will be drafted in consultation with the submitting Forum member and the one who provided the comments.

Issue 24.3 'Who is responsible in the supply chain in cases of non-compliance of article 67 (and annex XVII) of the REACH regulation? Is it the supplier of the starting material or the supplier of the article itself?'

The ECHA Forum Secretariat informed that this issue underwent two consultation rounds after Forum-24. A new version of the draft conclusion was prepared to reflect a reference to a RAC/SEAC opinion, which indicated that chromium VI was unintentionally formed in leather articles and that could happen in all stages of the leather's lifecycle.

The Forum adopted the conclusion after the discussion.

The CHAIR reminded the Forum that new practical issues could be submitted by 13 February.

Issue 21.2 Who is responsible for the provision of a Safety Data Sheet (SDS) when an only representative is appointed?

A consultation with COM, to clarify their latest interpretation, was launched by ECHA's legal unit and no information was yet available. The issue would remain open until the next meeting.

Item 21 – Cooperation with other networks

21.1 Update from SLIC-CHEMEX

A Forum member delivered the presentation prepared by the chair of the CHEMEX WG, informing on the ongoing activities of this network.

A Forum member highlighted that authorisation was included in the network's work programme 2017 and suggested to approach their experts to participate in the Forum's training that would partially focus on authorisation.

21.2 Updates from the CLEEN network

The ECHA Forum Secretariat summarised the outcome of the CLEEN meeting that took place in Helsinki on 22-23 September.

21.3 Feedback from the A.I.S.E. Workshop on classification and labelling

A Forum member that attended the workshop gave a brief summary of the activities discussed. She found it useful to get more knowledge on the DetNet tool since many companies were using it to classify their mixtures. It was concluded that more discussion on the bridging principles was needed. Additionally, A.I.S.E. stated that quality control to validate the DetNet system had never been carried out. Participants welcomed validation of the system to improve its effectiveness. There was no information on the timelines for the implementation of future improvement of the tool.

Item 22- Updates from the ECHA Secretariat

22.1 Potential non-compliances from automatic screenings

The Forum Interlinks foresees that ECHA conducts screening for non-compliances to provide information to NEAs. Therefore, the ECHA Secretariat proposed six broad case types for the Forum's consideration. It was suggested to implement such cases in the already planned projects or tackle cases individually with the interested Member States. ECHA was receptive to be contacted by NEAs to screen particular dossiers and provide an opinion on the findings and added that import-related activities could also be screened.

Some Forum members shared their experiences on similar cases and expressed their preferences. In general, the Forum expressed interest in the cases and appreciated the targeting, stressing that ECHA should attempt to resolve the cases before relaying them to NEAs.

The Forum was invited to fill in the survey sent by the ECHA Forum Secretariat, about the preferred case types and priorities.

22.2 Dissemination of REACH 2018 material

The ECHA Secretariat updated the Forum on state of play of ECHA's REACH 2018 Roadmap and the material that would be made available during November 2016. She invited the Forum members and inspectors to disseminate the information with the companies and help raise awareness amongst SME.

A Forum member informed that a lot of material was also being prepared in the Member State that could be useful for ECHA and other Forum members as well.

22.3 Follow-up of ECHA Decisions: updates from ECHA

A meeting document was prepared with the information on the cases sent to the Member States Focal points until 18 October 2016. A Forum member requested for

SONC cases that were no longer active in the Member State (e.g. the company no longer trades) to be addressed separately in the statistics.

22.4 Update on ECHA guidance activities

The Forum took note of the updates from ECHA Guidance. The ECHA Forum Secretariat added that the PIC Guidance was available in all official EU languages.

Item 23- Update concerning animal testing

23.1 Interface between REACH and directive 2010/63 on protection of animals used for scientific purposes

A representative from DG ENV highlighted the various links between the animal directive and the different legislations, specifically REACH. She welcomed a dialogue with the Forum on ways to improve compliance and to discuss the roles of the different actors in the process. The Forum was invited to submit comments in writing.

Some Forum members shared their experiences with the matter. ECHA Director of Evaluation stressed the importance of the topic and the importance having Member States cooperating with ECHA.

23.2 Report on the tests without an ECHA decision on testing proposals

The ECHA Secretariat presented the conclusions from the previous REACH Article 117(3) reports (2011 and 2014). It suggested that some higher tier tests were done without the submission of a testing proposal by the registrants. The presenter summarised the feedback received from the NEAs on the 2014 report. ECHA would finalise a report to be published by the end of December 2016 with the all the consolidated observations.

Item 24 - Enforcement of the breach of joint submissions

The ECHA Secretariat reminded the Forum on the "one substance one registration (OSOR)" principle and that ECHA was mandated by COM to ensure joint registration. ECHA updated REACH-IT during 2016 so that it automatically prevents submissions in breach of OSOR principle. For example, the system will stop the process if an individual registration was submitted whilst a joint submission already existed. In case of disputes with the lead registrant, it was possible for ECHA to unblock some situations. Where companies fail to respond to the request from ECHA and do not bring their dossiers in compliance with Article 11, ECHA intended to revoke such registrations, on the basis that registrations were granted on the basis of non-complete or not true information. That revocation decision would be sent to NEAs for enforcement via PD-NEA after the appeal deadline has passed, according to the process described in the Forum Interlinks for revocations based on the failed SME status check.

In some cases where the company did not react to the communication via REACH-IT, email, phone or letter, the relevant NEAs could be contacted and made aware of that situation. It was noted that the registrants had the obligation to check their REACH-IT regularly.

Several Forum members welcomed this ECHA's initiative.

Item 25 - Coordination of BPR enforcement

The ECHA Forum Secretariat presented the agenda of the BEG meeting and highlighted the issues to be discussed that concerned the Forum.

After Forum-24, the BEG member and CAs agreed that a separate group should be put in place to coordinate the enforcement of BPR. ECHA would formally request COM to support the Member States in the coordination of BPR enforcement. The BPR subgroup would be in place by the beginning of 2017 and the first meeting would take place back-to-back with Forum-26.

It was planned to review the MAWP and the rules of procedure (RoP) of the Forum during 2017 to take into account the BPR Subgroup activities and members. In such review, both bodies would be consulted. The first draft for the amended RoP was presented and the Forum was invited for comments.

Item 26 – A.O.B.

26.1 IPA Workshop on enforcement

A report on the workshop, held in Serbia at the end of September, was submitted to the Forum for information. The Forum was invited to reply to a small questionnaire with the view to collect feedback on the potential involvement of Serbia in the Forum's activities (Serbia as an observer in the Forum, volunteers for study visit) and the release of certain information to non-EU enforcement authorities.

Item 27 – Conclusions from day 3

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

Item 28 – 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-25**8-10 November 2016**

(Adopted at the Forum-25 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 – Preparation for the open session		
Item 3 – Welcome and Introduction to the OPEN SESSION		
Item 4 – Address by ECHA’s Director of Registration		
Item 5 – Challenges with communication in the supply chain – ORs and DUs		
5.1 Forum’s experiences and recommendations		
5.2 Challenges, constraints and opportunities in DU communication	Forum recognised that membership in sectoral organisations, which promote quality standards and best practices facilitates compliance for the involved Only Representatives.	ORO is invited to bring the messages from the discussion during the Forum-25 plenary meeting and the REF-3 report (e.g. about the importance of the communication in the supply chain) to the ORs and to inform the Forum about its actions in this area at the next open session. ORO to discuss internally whether they can take forward the Forum request and confirm and to the Forum-S in December 2016.
Item 6 – Enforcement projects in Member States		
6.1 Enforcement project on car and boat products		
Item 7 – Enforcement projects in Member States		
7.1 Forum’s finalised projects during 2016		
7.2 State of play with the Compendium of Analytical methods		ASOs are invited to send comments to the compendium of analytical methods as described on the Forum pages of the ECHA website. The feedback can be sent at any time.
7.3 Update on the scope of REF projects		ASOs are invited to submit proposals for REF projects by 31 March 2017
Item 8 – Updates from the Commission		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Updates by the European Commission		The COM will collect feedback from ASOs on operation of REACH, including two questions on enforcement. ASOs will be invited to provide feedback by 28 January 2017
Item 9 – Conclusions and end of the open session		
Item 10 – Debriefing of the open session		
		Forum-S to organise a session to discuss improvement of cooperation with ASOs at Forum-26
Item 11 – Updates from the ECHA Forum Secretariat		
11.1 Forum’s potential efficiency gains	<p>Forum agreed on four efficiency improvements</p> <ol style="list-style-type: none"> 1. Consider merging WGs if they cover the same subjects (to be reviewed after the first merging experience) 2. Consider re-nominating the experts to new WGs who worked in past WGs working on the same subjects 3. Streamline WG reports, where no outputs are accepted. 4. Shorten project manual covering general background, focusing on practical operation of the project. 	WG Prioritisation to examine if the manual template needs to be reviewed in view of proposal for shortening manuals.
11.2 Revision of the Forum’s Multi Annual Work Programme		
11.3 CMR pilot project follow-up		Forum-S will create a practical issue about the applicability of Art 6 of CLP to multi constituent substances for Forum-26
11.4 Potential project on categorisation of risks associated to non-compliance with legal requirements (e.g. serious risks)	The Forum formed a task force to prepare a thought starter on the scope of such potential project for further discussion at Forum-27	Forum-S to schedule a discussion on the potential project on categorisation of risks at the latest at Forum-27
11.5 Improvement of the SDS’ quality		<p>Forum members are invited to propose possible actions by enforcement authorities or Forum that may improve the quality of SDS in the long term by 31 January 2016</p> <p>Forum-S to collect feedback and present a summary at F-26</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
11.6 Forum indicators	Forum acknowledged the results of the written vote and concluded on the following open issues: <ul style="list-style-type: none"> - Indicator F4 on application of best practices will not have a benchmark - Indicator F15 on exchange of inspectors was discarded 	
11.7 Follow-up on the implementation of REF-3's recommendations		
11.8 Preparations for the Forum Chairs election in Forum-26		Forum members are invited to nominate candidates for Chair and Vice Chairs by 10 February 2017
Item 13 – Debriefing of the meeting with ECHA Directors		
Item 14 – Forum's enforcement activities- Projects under preparation		
14.1 Prioritisation of REF projects 14.1.1 Market surveillance of detergents in soluble packaging		Forum-S to prepare a formal response to COM's request to consider actions on LLDC by 23 Dec.
14.1.2 WG progress report		
14.1.3 REF-6 and pilot project proposals	The Forum decided that the subject of REF-6 will be classification and labelling of mixtures with corresponding check of the SDS. In addition optional modules will allow inspectors to check: <ul style="list-style-type: none"> - the obligations related to the C&L Inventory, - the duty to apply harmonised classification and labelling, - application of labelling and packaging exemptions as well as - special rules for packaging of liquid laundry detergent caps. The Forum agreed that the next pilot project will focus on PIC.	Forum-S will organise a discussion on the IT tool for calculation of classification of mixtures at Forum-26
14.1.4 REF-6 WG mandate	The Forum established the WG.	Forum members are to invited to confirm the names of experts by 9 December 2016

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
14.1.5 Prioritisation WG Mandate amendment	The Forum revised the mandate of the WG.	
14.2 Training for enforcement trainers 2017 14.2.1 WG progress report	The Forum decided that the training for trainers planned for 4-5 October 2017 focuses on CLP and REACH authorisation.	Forum members are invited to propose specific content of the agreed priority topics by the Forum by 30 November 2016 Forum members are invited to suggest possible training material suitable for the adopted topics by 17 February 2017
14.2.2 Discussion of the proposed topics for 2017 training		
14.2.3 Mandate amendment		Forum members are invited to confirm the names and propose additional experts by 30 November 2016.
14.3 Pilot project Substances in Articles 14.3.1 Discussion of the project scope		Forum members are invited to submit comments on the proposal by 30 November. Forum members are invited to share their experiences with the control of substances in articles by end of January 2017 Forum members are invited to indicate their willingness to participate in the project and nominate a national coordinator by the end of January 2017 Forum-S to consider the possibility to organise a WebEx meeting with the Forum when the consultation of the guidance on substance in articles is finished.
14.3.2 WG Mandate	The Forum established the WG to prepare the pilot project on substances in articles.	Forum members are invited to confirm the names of members by 2 December 2016
14.4 Cooperation with Customs 2 14.4.1 Discussion of the project scope		
14.4.2 WG Mandate	The Forum established a task force "Cooperation with Customs 2"	Forum members are invited to confirm the names of members by 9 December 2016
Revision of the best practice documents		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
14.5.1 Discussion of the project scope		
14.5.2 WG Mandate	The Forum established the task force to review the existing best practice documents.	Forum members are invited to confirm the names of members by 2 December 2016
Item 15 – Forum’s enforcement activities- Ongoing projects		
15.1 REF-4		
15.1.1 WG progress report		
15.1.2 Mandate amendment	The Forum revised the mandate of the WG.	
15.2 Enforceability of Restrictions		
15.2.1 WG progress report - Advice on restrictions		
15.2.2 ECHA preparation of restriction proposal for tattoo inks		The Forum members are invited to provide any available information on the methods in the JRC report and to provide any further useful information on methods applicable to the substances within the scope of the restriction proposal for tattoo inks by 21 April.
15.2.3 Mandate amendment	The Forum revised the mandate of the WG.	
15.3 REACH-ENFORCE-5		
15.3.1 WG progress report		
15.3.2 Mandate amendment	The Forum revised the mandate of the WG.	
15.4 Information and Communication System for Market Surveillance (ICSMS)		
15.4.1 WG progress report		Forum Members are invited to liaise with their national PD-NEA User Administrator(s) to contact their ICSMS National Contact Point to ensure that all the national REACH enforcement authorities are represented in the ICSMS by 1 March 2017.
15.4.2 Mandate amendment	The Forum revised the mandate of the WG.	
15.5 Implementation of PD-NEA		
15.5.1 WG progress report		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
15.5.2 PD-NEA project progress report		
15.5.3 Mandate amendment	The Forum revised the mandate of the WG.	
15.6 Pilot project on Control of internet sales of hazardous chemical		Forum-S to draft a letter thanking CLEEN for their contribution to the preparatory phase of the project.
15.6.1 Task Force progress report		
15.6.2 Mandate amendment	The Forum revised the mandate of the WG.	
15.7 Second pilot project on Authorisation		
15.7.1 WG Project report		
15.7.2 Mandate amendment	The Forum revised the mandate of the WG.	
Item 16 – Forum’s enforcement activities- Projects under finalisation		
16.1 Training for enforcement trainers 2016	The Forum approved the final report of the WG and congratulated the WG for the quality of the training.	
16.1.1 WG 2016 Progress report		
16.1.2 Mandate amendment	The WG was closed down as it delivered the tasks in its mandate.	
Item 17 – Update on relevant developments by the Commission		
17.1 General updates by the European Commission		<p>Forum-S to liaise with the COM to discuss the formalities of applying for the inspector exchange scheme.</p> <p>Forum members are invited to provide feedback on the following issues by 30 November:</p> <ul style="list-style-type: none"> - which Forum members would be available to comment on the CMRs in textiles and take part in the workshop on the subject in February 2017 - whether they have information on cases of substitution for substances in the authorisation process and costs of

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
		authorisation activities of the NEAs.
17.2 Discussion of the feedback on the definition of "control"		
Item 18 – Enforcement projects in Member States		
18.1 Enforcement project market surveillance of liquid laundry detergent capsules		IE Forum member is invited to send the names of non-compliant formulators to Forum-S who will distribute this to the Forum members.
18.2 Enforcement action on intermediates and SCC		
18.3 Project on Chemicals Regulations Enforcement & Inspections - Building Authority Capacity for REACH/CLP and SEVESO III Compliance		
Item 20 – Practical issues for enforcement of REACH and CLP		
Item 20: Practical issues		Forum members are invited to submit new practical issues for Forum-26 by 3 February 2017.
Issue 25.1 – concentration ranges in the SDS		Forum members from FI, NL and the Forum-S will cooperate to prepare a revised conclusion and send it for consultation with the Forum by 25 November.
Issue 24.3		
Item 21 – Cooperation with other networks		
21.1 Updates from SLIC-Chemex		Chair of the WG Training for Trainers to liaise with CHEMEX WG to seek their input for the training event.
21.2 Updates from the CLEEN network		
21.3 Feedback from the AISE Workshop on classification and labelling		
Item 22 – Updates from the ECHA Secretariat		
22.1 Potential non-compliances from automatic screenings		Forum-S will send a questionnaire to Forum members to indicate cases, priority and preferred way of handling them by 17 November.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
		Forum members will be invited to provide feedback by 6 January 2017
22.2 Dissemination of REACH 2018 material		
22.3 Follow-up of ECHA Decisions: updates from ECHA		Forum-S to add the column to the follow up table for indicating that the case is closed for the NEA before the Forum-26.
22.4 Update on ECHA Guidance activities		
Item 23– Update concerning animal testing		
23.1 Interface between REACH and directive 2010/63 on protection of animals used for scientific purposes		Forum members are invited to send to the Forum-S the written comments to the COM presentation by 16 December.
23.2 Report on the tests without an ECHA decision on testing proposals		Forum members will be invited provide feedback on the report.
Item 24– – Enforcement of the breach of joint submissions		
Enforcement of the breach of joint submissions		
Item 25– – Coordination of BPR enforcement		
Coordination of BPR enforcement		The Forum members are invited to send comments to the draft revision of the ROPs by 23 December, if possible in coordination with the national BPR authorities
Item 26 – AOB		
26.1 IPA Workshop on enforcement		Forum members will be invited to provide feedback on the questions from IPA countries by 20 January 2017

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	EE	HONGA Aljona
8	EL	FOUFA Eleni
9	ES	SÁNCHEZ-PEÑA Pablo
10	FI	ASSMANN Mervi
11	FR	PIONNEAU Clotilde
12	HR	KREKOVIĆ Dubravka
13	HU	DEIM Szilvia
14	IE	MCMICKAN Sinead
15	IS	BRAGASON Isak Sigurjon
16	IT	ALESSI Mariano
17	LT	PIPIRAITE-VALISKIENE Donata
18	LV	KAZEROVSKA Kristine
19	LU	ENGELS Kim
20	MT	CASSAR Michael
21	NL	VAN DEN BERG Jos
22	NO	HAGEN Gro
23	PL	KITAJEWSKA Katarzyna
24	PT	BRAVO Graça
25	SE	HEDLUND Henrik
26	SI	NOVAK Vesna
27	SK	POČAROVSKÁ Miriam
28	UK	POTTS Mike

Invited experts

	Country	Name
1	AT	WURM Gernot
2	CZ	MUSIL Petr
3	DK	RAVN BHARATHAN Anette
4	EE	PROMET Natali
5	ES	ZAMORA NAVAS Laura
6	FI	LAHTINEN Marilla
7	FR	COUTURAUD Olivier
8	HR	CIGIC Petra
9	HU	ADER Borbala
10	IT	POLCI Maria Letizia

	Country	Name
11	LT	GRINCEVIČIŪTĖ Otilija
12	PL	MOCZULAK Aleksandra
13	PT	BARATA Sofia
14	SE	ALKELL Karin
15	SK	PISOVA Petra
16	UK	MCVEY Wendy

Advisers

	Country	Name
1	BE	LEYNEN Michel
2	DE	FRENZEL Stefan
3	FI	RAITALA Suvi
4	NO	SKJÆRGÅRD Cathrine
5	SE	SEGERVALL Helena

European Commission representative

	DG	Name
1	GROW	AGUADO-MONSONET Miguel

Accredited Stakeholders Organisation representatives

	Organisation	Name
1	CEFIC	GARABATOS Alejandro
2	Euratex	SCALIA Mauro
3	Euratex	DURMAČ Dunja
4	Only Representatives Organisation	STAAB Rudolf

Instrument for Pre-Accession Assistance (IPA) representatives

	Country	Name
1	Albania	PASHAJ Sonila
2	Albania	SHETI Daniel
3	Bosnia and Herzegovina	OBRADOVIĆ POPOVIĆ Renata
4	Bosnia and Herzegovina	MEHIĆ Adisa
5	fYROM	JAKJOSKI Krume
6	fYROM	DZAFERI Kenan
7	Kosovo	TAHIRI Enver
8	Montenegro	PAJKANOVIĆ Jadranka
9	Montenegro	FILIPOVIĆ Dejan

	ECHA	Unit
1	BARANSKI Maciej	Support, Forum and HelpNet Secretariat
3	MUSSET Christel	Director of Registration
4	CALVO TOLEDO Juan Pablo	Support, Forum and HelpNet Secretariat
5	CLIFFE Brendan	Support, Forum and HelpNet Secretariat

6	CORNU Catherine	Dossier submission and PIC
7	FELICIANO Tania	Support, Forum and HelpNet Secretariat
8	FRONTINI Ales	Support, Forum and HelpNet Secretariat
9	HOLFSTAAD Laurence	Evaluation
10	NIKULA Terhi	Support, Forum and HelpNet Secretariat
11	NOUWEN Johan	Support, Forum and HelpNet Secretariat
12	KARAMERTZANIS Panagiotis	Computational Assessment and dissemination
13	STOYANOVA Evgenia	Risk management implementation
14	TŁOCZEK Magdalena	Support, Forum and HelpNet Secretariat
15	TUOMAINEN Anita	Support, Forum and HelpNet Secretariat
16	PRAZERES Telmo	Classification and Prioritisation Unit
17	WALIN Laura	Directorate of Registration

IV. List of Annexes

ANNEX 1. Final agenda Forum-24

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

ANNEX 2 a – “Categorisation of risks”

ANNEX 2 b – “Coordinated enforcement project REACH-EN-FORCE-6”

ANNEX 2 c – “Prioritisation of REF projects”

ANNEX 2 d – “Training for Enforcement Trainers 2017”

ANNEX 2 e – “Pilot project Substances in Articles”

ANNEX 2 f – “Cooperation with Customs 2”

ANNEX 2 g – “Revision of the best practice documents”

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

ANNEX 2 i – “Enforceability of restrictions”

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

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

ANNEX 2 l – “Implementation of PD-NEA”

ANNEX 2 m – “Forum Pilot Project on CLP focusing on control of internet sales”

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

ANNEX 2 o – “Training for Enforcement Trainers 2016”

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-25

8 November 2016
ECHA/Forum-24/2016/A

Agenda
Twenty fifth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-25)
8-10 November 2016

European Chemicals Agency
Helsinki, Finland
Tuesday, 8 November: starts at 09:00
Thursday, 10 November: ends at 16:00

DAY 1 Tuesday 8 November 2016

CLOSED SESSION

Item 1 – Welcome and Introduction 09:00-9:30

- 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-24 – *ECHA Forum Secretariat*
- 1.5 Practicalities and results of the written procedures between Forum-24 and Forum-25 - *ECHA Forum Secretariat*

ECHA/Forum-25/2016/dA
ECHA/Forum-25/2016/1.4
ECHA/Forum-25/2016/1.5

For adoption
For information

Item 2 – Preparation for the open session 09:30-10:30

ECHA/Forum-25/2016/2

For discussion

Coffee break 10:30-11:00

OPEN SESSION

Item 3 – Welcome and Introduction to the OPEN SESSION 11:00-11:10

- 3.1 Welcome to the participants – *CHAIR*
- 3.2 Practicalities – *ECHA Forum Secretariat*

For information

Item 4 – Welcome by ECHA’s Director of Registration 11:10-11:20

For information

Item 5 – Challenges with communication in the supply chain – ORs and DUs 11:20-12:45

5.1 Forum's experiences and recommendations – *REF-3 WG member*

5.2 Challenges, constraints and opportunities in DU communication – *ORO Vice-President*

For discussion

Lunch break 12:45-13:45

Item 6 – Enforcement projects in Member States 13:45-14:05

6.1 Enforcement project on car and boat products – *SE invited expert*

For information

Item 7 – Updates from the Forum 14:05-14:35

7.1 Forum's finalised projects during 2016 – *Forum Chair*

7.2 State of play with the Compendium of Analytical methods – *Chair of WG Prioritisation*

7.3 Update on the scope of REF projects – *Chair of WG Prioritisation*

For information

Item 8 – Updates from the Commission 14:35-14:50

For information

Item 9 – Conclusions and end of the open session 14:50-15:00

Coffee break 15:00-15:30

CLOSED SESSION

Item 10 – Debriefing of the open session 15:30-16:00

For discussion

Item 11 – Updates from the ECHA Forum Secretariat 16:00-17:50

11.1 Forum's potential efficiency gains

11.2 Revision of the Forum's Multi Annual Work Programme

11.3 CMR pilot project follow-up

11.4 Potential project on categorisation of risks associated to non-compliance with legal requirements (e.g. serious risks)

11.5 Improvement of the SDS' quality

11.6 Forum indicators

ECHA/Forum-25/2016/11.1

ECHA/Forum-25/2016/11.3

ECHA/Forum-25/2016/11.4_room_doc

ECHA/Forum-25/2016/11.6

For discussion

- 11.7 Follow-up on the implementation of REF-3's recommendations
- 11.8 Preparations for the Forum Chairs election in Forum-26

ECHA/Forum-25/2016/11.7

For information

Item 12 – Adoption of conclusions from day 1 17:50-18:00

Regular meeting with ECHA Directors and Forum Chairs 18:15-19:00

DAY 2 CLOSED SESSION Wednesday 9 November 2016

Item 13 – Debriefing of the meeting with ECHA Directors 09:00-09:30

For information

Item 14 – Forum's enforcement activities- Projects under preparation 09:30-13:30

14.1 Prioritisation of REF projects (90')

- 14.1.1 Market surveillance of detergents in soluble packaging - *ECHA Forum Secretariat*
- 14.1.2 WG progress report – *WG Chair*
- 14.1.3 REF-6 and pilot project proposals – *WG Chair*
- 14.1.4 REF-6 WG mandate - *ECHA Forum Secretariat*
- 14.1.5 Prioritisation WG Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-25/2016/14.1.1
ECHA/Forum-25/2016/14.1.2
ECHA/Forum-25/2016/Draft_mandates

For discussion
For adoption

Coffee break 11:00-11:30

14.2 Training for enforcement trainers 2017 (30')

- 14.2.1 WG progress report – *WG Chair*
- 14.2.2 Discussion of the proposed topics for 2017 training – *WG Chair*
- 14.2.3 Mandate amendment - *ECHA Forum Secretariat*

14.3 Pilot project Substances in Articles (40')

- 14.3.1 Discussion of the project scope - *ECHA Secretariat*
- 14.3.2 WG Mandate - *ECHA Forum Secretariat*

14.4 Cooperation with Customs 2 (20')

14.4.1 Discussion of the project scope - *ECHA Forum Secretariat*

14.4.2 WG Mandate - *ECHA Forum Secretariat*

14.5 Revision of the best practice documents (20')

14.5.1 Discussion of the project scope - *ECHA Forum Secretariat*

14.5.2 WG Mandate - *ECHA Forum Secretariat*

ECHA/Forum-25/2016/14.2.1

ECHA/Forum-25/2016/14.3.1

ECHA/Forum-25/2016/14.3.1_room_doc

ECHA/Forum-25/2016/Draft_mandates

For discussion

For adoption

Lunch break 13:30-14:30

Item 15 – Forum’s enforcement activities- Ongoing projects

14:30-16:05

15.1 REACH-EN-FORCE-4 on Restrictions (10')

15.1.1 WG progress report – *ECHA Forum Secretariat*

15.1.2 Mandate amendment- *ECHA Forum Secretariat*

15.2 Enforceability of Restrictions (30')

15.2.1 WG progress report: Advice on restrictions - *WG Chair*

15.2.2 ECHA preparation of restriction proposal for tattoo inks – *ECHA Secretariat*

15.2.3 Mandate amendment - *ECHA Forum Secretariat*

15.3 REACH-EN-FORCE-5 on Extended SDS, exposure scenarios, risk management measures and operational conditions (10')

15.3.1 WG progress report – *WG Chair*

15.3.2 Mandate amendment- *ECHA Forum Secretariat*

15.4 Information and Communication System for Market Surveillance (ICSMS) (10')

15.4.1 WG progress report - *WG Chair*

15.4.2 Mandate amendment - *ECHA Forum Secretariat*

15.5 Implementation of PD-NEA (15')

15.5.1 WG progress report – *WG Chair*

15.5.2 PD-NEA project progress report - *ECHA Forum Secretariat*

15.5.3 Mandate amendment - *ECHA Forum Secretariat*

15.6 Pilot project on Control of internet sales of hazardous chemicals (10')

15.6.1 Task Force progress report – *Task Force member*

15.6.2 Mandate amendment- *ECHA Forum Secretariat*

15.7 Second pilot project on Authorisation (10')

15.7.1 WG progress report - *WG Chair*

15.7.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-25/2016/15.1.1

ECHA/Forum-25/2016/15.2.1

ECHA/Forum-25/2016/15.3.1

ECHA/Forum-25/2016/15.4.1

ECHA/Forum-25/2016/15.5.1

ECHA/Forum-25/2016/15.6.1

ECHA/Forum-25/2016/15.7.1

ECHA/Forum-25/2016/Draft_mandates

For information

For adoption

Coffee break 16:05-16:30

Item 16 – Forum’s enforcement activities- Projects under finalisation 16:30-16:45

16.1 Training for enforcement trainers 2016 (15')

16.1.1 WG progress report - *WG Chair*

16.1.2 Mandate amendment/closure - *ECHA Forum Secretariat*

ECHA/Forum-25/2016/16.1.1

ECHA/Forum-25/2016/16.1.1_Annex1

ECHA/Forum-25/2016/Draft_mandates

For information

For adoption

Item 17 – Update on relevant developments by the Commission 16:45-17:15

17.1 General updates by the European Commission

17.2 Discussion of the feedback on the definition of “control”

ECHA/Forum-25/2016/17.1

For information

Item 18 – Enforcement projects in Member States 17:15-18:00

18.1 Enforcement project market surveillance of liquid laundry detergent capsules – *IE Forum member*

18.2 Enforcement action on intermediates and SCC – *FR Forum member*

18.3 Project on Chemicals Regulations Enforcement & Inspections - Building Authority Capacity for REACH/CLP and SEVESO III Compliance – *CY Forum member*

For information

Item 19– Adoption of conclusions from day 2 18:00-18:15

For adoption

DAY 3 CLOSED SESSION Thursday 10 November 2016

Item 20 – Practical issues for enforcement of REACH and CLP 09:00-10:30

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

ECHA/Forum-25/2016/20

For discussion

Coffee break 10:30-11:00

Item 21 – Cooperation with other networks 11:00-11:30

- 21.1 Updates from SLIC-Chemex – *CY Forum member*
- 21.2 Updates from the CLEEN network – *ECHA Secretariat*
- 21.3 Feedback from the AISE Workshop on classification and labelling – *IE Forum member*

For information

Item 22– Updates from the ECHA Secretariat 11:30-12:30

- 22.1 Potential non-compliances from automatic screenings

For discussion

- 22.2 Dissemination of REACH 2018 material
- 22.3 Follow-up of ECHA Decisions: updates from ECHA
- 22.4 Update on ECHA Guidance activities

ECHA/Forum-25/2016/22.3
ECHA/Forum-25/2016/22.4

For information

Lunch break 12:30-13:15

Item 23– Update concerning animal testing 13:15-13:45

- 23.1 Interface between REACH and directive 2010/63 on protection of animals used for scientific purposes - *COM*
- 23.2 Report on the tests without an ECHA decision on testing proposals - *ECHA Secretariat*

ECHA/Forum-25/2016/23.2_room_doc

For information

Item 24– Enforcement of the breach of joint submissions 13:45-14:45

For discussion

Item 25 – Coordination of BPR enforcement *14:45-15:30*

25.1 Update on the discussion regarding the coordination of the BPR enforcement – *ECHA Forum Secretariat*

ECHA/Forum-25/2016/25.1

For information

Item 26– A.O.B. *15:30-15:45*

26.1 IPA Workshop on enforcement

ECHA/Forum-25/2016/26.1

For information

Item 27 – Adoption of conclusions from day 3 *15:45-16:00*

For adoption

Item 28 – End of the meeting *16:00*

Coffee available

[BEG-3 meeting: Friday 11th November]

Annex 2 a "Categorisation of risks"

Forum Task Force Work Packages B.1 and C.1 **"Categorisation of Risks"**

(Mandate established at Forum-25)

Composition:

Forum Members/Alternates

- Kristine Kazerovska (LV)
- Eugen Anwander (AT)
- Paul Cuypers (BE)

Invited Experts

- Margareta DAHO (SE)
- (DE)
- Shima Dobel (DK)

ECHA

COM

- Miguel Aguado (DG GROW)

Objective:

Preparing a thought starter on approaches to categorise risks related to non-compliance of legal requirements at the level of Forum, NEAs and inspectors

Mandate:

The Task Force shall develop:

- thought starter explaining the proposed project intended to define approaches to categorise risks related to non-compliance of legal requirements at the level of Forum, NEAs and inspectors for further discussion at Forum-27

Timelines:

- F-27: thought starter

Annex 2 b "REF-6"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-6"

(Mandate established at Forum-25)

Composition:

- **Chair:** Henrik HEDLUND (SE)

Forum Members and Alternates

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIAN TINOU (EL Alternate)
- Sofia BARATA (PT Alternate)

Invited Experts

- DE
- Markus MAKI (FI)
- Mariana DE VRIES-HLAVACOVA (NL)
- FR
- Žilvinas UŽOMECKAS (LT)
- ES?
- Zsuzsanna KISS (HU) **Commission**

Objective:

- conceive and manage the sixth major Forum enforcement project REF-6

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
- Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Project manual: Q4 2017
- Prepare and deliver the training for project national coordinators: Q4 2017
- Operational phase: 2018
- Reporting phase (National Coordinators): Q1 2019
- Evaluation phase: Q3 2019
- Draft report: Q4 2019
- Adoption of the report: Q4 2019
- Tips and hints for inspectors: Q4 2019

Annex 2 c “Prioritisation of REF Projects”

Forum Working Group
Work Package A.1
“Prioritisation of REF Projects”
(Mandate adopted at Forum-25)

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
- Deliver a draft revised methodology to be adopted by Forum at Forum-26
- Elaborate the guidelines for inspectors for the projects REF-1, REF-2 and REF-3 by Forum-28 (2017)
- Shortlist of subjects for REF-7 by Forum-28.

Forum-25 Minutes

24 January 2017

Annex 2 d "Train the trainers 2017"

Forum Working Group Work Package C.2. **"Training for enforcement trainers 2017"**

(Mandate adopted at Forum-25)

Composition:

Chair: Mike POTTS (UK)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Otilija GRINCEVICIUTE (LT Alternate)
- Henrik HEDLUND (SE)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Invited Experts

- Erika BURAI (HU)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Irena Zorica JEŽIĆ VIDOVIĆ (HR)
- Uwe LICHT-KLAGGE (DE)
- Chrysanthi NAKOPOULOU (EL)
- Dominik PISAREK (PL)
- Caroline WALSH (IE)
- UK
- FR

SLIC-Chemex

- ?

Commission

ECHA

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in the fourth quarter of 2017

Mandate:

- Examine the training subjects relevant for enforcement in the fourth quarter of 2017 and prepare the priority topics for agreement before Forum-25
- 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

Timeline:

- Before Forum-25: conclude on list of subjects and prioritisation
- Forum-28/Forum-29: final report

Annex 2 e "SiA Project"

Forum Working Group "Pilot project Substances in Articles"

(Mandate established at Forum-25)

Composition:

Chair: Karin ALKELL (SE Alternate)

Forum Members/Alternates

- Mervi ASSMAN (FI)
- Maria Letizia POLCI (IT Alternate)
- Eugen ANWANDER (AT)
-

Invited Experts

- NO?
- WURSTHORN Sibylle (DE)
- SCHMID Juergen (DE)
- PT?
- KANAMAE Haidi (EE)
- HU?

Commission

-

Objectives:

- conceive and manage the pilot project on substances in articles

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:

- Project manual: Q3 2017
- Prepare and deliver the training for project national coordinators: Q3 2017
- Operational phase: Q4 2017-Q1 2018
- Reporting phase (National Coordinators): Q2 2018
- Evaluation phase: Q2 2018
- Draft report: Q3 2018
- Adoption of the report: Q3 2018

Annex 2 f "Customs 2"

Forum Task Force "Cooperation with Customs 2"

(Mandate created at Forum-25)

Composition:

Chair:

Forum Members/Alternates

- Eleni FOUFA (EL)?
-

Invited Experts

- UK (tbc)
- Paivi SIMPANEN (FI) (Customs)
- Efstathios THEOCHAROUS CY (NEA)
- Sibylle WURSTHORN (DE)
- PT? (Customs)
- Annemari LINNO EE (NEA)

Commission

- Miguel AGUADO (COM)

Objectives:

- Prepare proposals for the discussion with the European Commission DG TAXUD and the Customs Authorities on the possible involvement of Customs in control of REACH and CLP (and possibly aspects of PIC)

Mandate:

1. Collect and list the experience of countries where Customs was involved in checking of REACH and CLP and on that basis prepare a list of specific REACH and CLP checks that could potentially be done customs authorities.
2. Examine the outputs of Forum WG "Cooperation with Customs" and examine if the proposals made therein are still actual.
3. Once it becomes available in 2017, examine the COM position on the exact extent of the role of Customs on the application of REACH, and see whether any of the proposals identified in tasks 1 and 2 fall within the scope of Customs responsibilities identified by the COM.
4. Prepare the Forum position for the discussion with DG TAXUD and the Customs Authorities at the workshop planned by the COM in 2017.

Timeline:

- Forum 29 (Q1 2018)

Annex 2 g “Best practice documents”

Forum Task force

“Revision of the best practice documents”

(Mandate created at Forum-25)

Composition:

Chair:

Forum Members/Alternates

- Katja VOM HOFE (DE) (also BPR)
- Marilla LAHTINEN (FI Alternate)
- Sinead McMICKAN (IE)?
- Eugen ANWANDER (AT) (also BPR)

Forum BPR Subgroup members

- Emma BERGSTRÖM (SE)

Invited Experts

-
-

Commission

- Miguel AGUADO

Objectives:

- Review and amend the Forum’s best practice documents “Strategies for the enforcement of REACH and CLP” and “Minimum Criteria for REACH and CLP Inspections” according to the MWAP 2014-2018.

Mandate:

- Revise the best practice documents taking into account the information in the MAWP 2014-2018 and the experience from the Member States in the application and implementation of these documents.
- Consider the REACH review and the experience obtained with the Forum’s projects to cover new issues and any changes that affect the implementation of the Chemicals legislation.
- Include enforcement activities related to the PIC Regulation.
- Liaise with Forum’s BPR Subgroup and consider whether the scope of both documents can also be expanded to cover the enforcement of BPR Regulation.
- If the scope of documents can be expanded to enforcement of BPR Regulation, cooperate with the Forum’s BPR Subgroup and revise the documents such that they address also the BPR.

Timeline:

- Q4 2017: Adoption of the revised best practice documents by the Forum.

Annex 2 h "REF-4"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-4 on Restrictions"

(Mandate revised at Forum-25)

Composition:

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

Forum Members and Alternates

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

Invited Experts

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

Commission

- Giuseppina LUVARA (DG GROW/ENV – 12.2016?)

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
- Elaborate tips and hints for inspectors based on the relevant outcomes from the project

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
- Tips and hints for inspectors: Q4 2017

Annex 2 i “Restrictions”

Forum Working Group “Enforceability of restrictions” Work Package B12

(Mandate revised at Forum-25)

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)

-
- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Karin RUMAR (SE)
- Gernot WURM (AT)
- Laura WILMS (DE)
- Rachael ALLEN (UK) (Remote participation)

Invited experts (analytical methods)

- Werner ALTKOFER (DE)
- Kevin PITCHFORD (UK)
- 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. This draft Forum advice will be submitted to the Forum for adoption.
 - Provide support when possible on enforcement related issues to RAC and SEAC during the process of the elaborating the RAC and SEAC opinions.
- 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 plenary the results of its findings and its actions between the plenaries
- Review in 2017 the information provided by the stakeholders during 2016 and revise if needed the methodology and the compendium by F-29.
- 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 2 j "REF-5"

Forum Working Group

Work Package A.1

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

(Mandate adopted at Forum-25)

Composition:

Chair: Abdulqadir SULEIMAN (NO Alternate)

Forum Members

- Dimitrios CHATZIANTONIOU (EL Alternate)
- Eugen ANWANDER (AT)
- Henrik HEDLUND (SE)
- Maria ORPHANOU (CY Alternate)
- Otilija GRINCEVICIUTE (LT)
- Paul CUYPERS (BE)
- Sofia BARATA (PT Alternate)

Invited Experts

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

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
- Cooperate with WG Train the trainers 2016 during the preparation and delivery of the content of the training
- Elaborate tips and hints for inspectors based on the relevant outcomes from the project

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
- Tips and hints for inspectors: Q4 2018

Annex 2 k "ICSMS"

Forum Working Group

"Information and Communication System for Market Surveillance (ICSMS)"

(Mandate adopted at Forum-25)

Composition:

Chair: Birte BØRGLUM (DK)

Forum Members/Alternates

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

Invited Experts

- Tone Line FOSSNES (NO)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)
- Axel DORENBECK (DE)

Commission

- Peter BARICIC

Objectives:

- Support the European Commission in expanding the tool and contribute to promoting best practices in its use among REACH/CLP/PIC 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 in enforcement of REACH, CLP and 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 inspectors by the end of December 2016.

Timeline:

- Forum-26 (Q1 2017)

Annex 2 | "PD-NEA"

Forum Working Group "Implementation of PD-NEA"

(Mandate adopted at Forum-25)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members/Alternates

- Eugen ANWANDER (AT) (WG Vice-chair)
- Sofia BARATA (PT)
- Eleni FOUFA (EL)

Invited Experts

- Juergen SCHMID (DE)

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)

Objective:

- Support the implementation of the PD-NEA allowing inspectors access to data submitted to ECHA

Mandate:

- Provide input during further development and implementation of PD-NEA
- Verify that the UAT conditions are implemented with and follow up the implementation of the WG improvement requests
- Subject request from BPR MSCAs/BEG help ECHA to prepare functional and data requirements for expansion of PD-NEA for the inspectors enforcing Biocidal Product Regulation
- Review the guide on ICSMS regarding the use of PD-NEA and ICSMS

Timeline:

- Forum-29 (Q1 2018)

Annex 2 m "Internet sales"

Forum Task Force

"Forum Pilot Project on CLP focusing on control of internet sales"

(Mandate adopted at Forum-25)

Composition:

Chair:

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Stefan FRENZEL (DE Alternate)
- Eleni FOUFA (EL)
- Martin MARKO (CZ Alternate)

Invited Experts

- Sabine HAMACHER (DE)
- Jorun HOLME (NO)
- Blaž OMAHEN (SI)
- Maria PALEOMILITOU (CY)

COM

- DG GROW

CLEEN (cooperation – preparatory phase)

- Heribert BÜRGGY
- Lutz ERDMANN

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum pilot project on control of the internet sales (**Article 48.2 of CLP**)

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
- Cooperate with CLEEN network

Timeline:

- Preparatory phase – January 2016 – November 2016
- Operational phase – December 2016 – August 2017
- Reporting phase – September 2017 – February 2018
- After Forum-30 (Q3 2018) - final report

Annex 2 n "Second Pilot Authorisation"

Forum Working Group

Work Package A.1

"Second Forum Pilot Project on Authorisation"

(Mandate adopted at Forum-25)

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 – October 2016
- Reporting phase (project findings) – November 2016 – February 2017
- Reporting phase for the NCs – 30 November 2016
- Final report - Forum-27 (Q2 2017)

Annex 2 o “Train the trainers 2016”
Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2016”
(Mandate adopted at Forum-25)

Composition:

Chair: Otilija GRINCEVICIUTE (LT)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Gro HAGEN (NO)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Invited Experts

- Gaetano ABATE (DE)
- Gaëlle AVON (FR)
- Paul CARTER (UK)
- Hannah DOHERTY (UK)¹
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Uwe LICHT-KLAGGE (DE)
- Donata PIPIRAITĖ-VALIŠKIENĖ (LT)
- Sophie SEYTRE (FR)
- Karin STAAF (SE)
- Cecilia WESTÖÖ (SE)

SLIC-Chemex

- Nathan KUPER

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

Timeline:

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

¹ Nomination submitted just after the Forum-24 meeting

Annex 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
A.I.S.E.: International Association for Soaps, Detergents and Maintenance Products
ASO: ECHA's Accredited Stakeholder Organisations
BEG: Biocidal enforcement group (chaired by DG SANTE)
BPR: Biocidal Product Regulation
BPR Subgroup: Forum's coordination of BPR enforcement
CARACAL: MSCA Committee for REACH and CLP
CCH: Compliance checks
CEPE: European Confederation of Paint, Printing Ink and Artists' Colours Manufacturers Associations
CLH: Harmonised classification and labelling
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
C&L: Classification and Labelling
CMR: Carcinogenic, mutagenic or toxic to reproduction
COM: European Commission
CSR: Chemical Safety Report
DG: Directorate General at Commission
DU: Downstream Users
ECHA: European Chemicals Agency
ES: Exposure Scenario
ESPG: Enterprise SMEs Policy Group
ENV: Environment
EU: European Union
GPSD: General Product Safety Directive
ICSMS: Information and Communication System for Market Surveillance
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
OC: Operational conditions
POP: persistent organic pollutants
RAC: Committee for Risk Assessment
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
RMM: Risk Management Measure
PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
SDS: Safety Data Sheet
SEAC: Committee for Socio-economic Analysis
SME: Small and Medium Sized Enterprises
SONC: Statement of Non-Compliance
SVHC: Substance of very high concern
WG: Working Group of the Forum