Forum-19/M/2014 – PUBLIC
Adopted on 04/03/2015

Minutes of the
19th meeting of the Forum for Exchange of Information on Enforcement
Brussels, Belgium
03-06 November 2014

Contents		
I.	Summary record of the proceedings	2
II.	Main conclusions and action points	20
III.	List of attendees	34
IV.	List of annexes	37

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 LI and informed on the appointed proxies.

The Chair informed that the quorum requirement was met and that the meeting was recorded for the purpose of writing minutes.

1.2 Adoption of the agenda

The Chair indicated the changes in the agenda (Content IV, Annex 1) and Forum members suggested new items to be presented under A.O.B. The agenda was adopted.

1.3 Declarations of conflict 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-18

The ECHA Forum Secretariat informed on the status of action points from Forum-18 and highlighted that some actions were still open. An updated document would be produced after the meeting.

1.5 Practicalities and brief recapitulation of results of the written procedures between Forum-18 and Forum-19

The ECHA Forum Secretariat made a document with the results of the written procedures between Forum-18 and Forum-19 available.

Item 2 – Address by ECHA Director of Cooperation and DG Enterprise Head of REACH Unit

On behalf of the ECHA Director, the Head of ECHA's Unit of Guidance and Forum Secretariat welcomed the participants.

DG Enterprise's Head of REACH Unit welcomed the Forum meeting participants in Brussels and thanked them for participating in the Enforcement indicators' workshop on the following day. He expressed the great interest taken by COM in enforcement, as a way to achieve the objectives laid down in REACH and CLP.

While there were limitations regarding the powers of the COM towards enforcement, COM always strived to participate in Forum's actions, provide financial opportunities and to liaise with different DGs to offer the Forum all the assistance possible.

He expressed his gratitude for the good collaboration and atmosphere of mutual trust between the Forum and COM.

Item 3 – Forum's enforcement activities - Work Packages

The Chair pointed out that a new simplified report template was used for the progress report of the WGs for Forum-19, as a result of one of the actions for the optimisation of Forum meetings (discussion held in Forum-18). The Forum members were invited to comment on the new template structure.

3.1. Prioritisation of REF projects

3.1.1 REF-4 project's scope: WG recommendation

The Chair of the WG presented the conclusion of the discussion within this WG concerning the subject for the next harmonised enforcement project coordinated by the Forum (REF Projects). A summary of the comments received and the prioritisation achieved was presented.

The WG recommended for the scope of the next REF project to be based on restriction obligations. In addition, the WG recommended a pilot project on child resistant fastenings to be executed.

The Forum members agreed for restrictions to be the scope for REF-4 and on the execution of the proposed pilot project.

The Chair stressed that the scope proposals that were not picked up would be re-assessed during the next selection procedure.

The Chair reminded the meeting that it was possible to use some funds in the frame of market surveillance controls for the execution of the projects. In that case, one Member State should submit a request on behalf of a group of Member States and coordinate such a financing mechanism.

3.1.2 Thought-starter: Pilot project on CLP: Child-resistant fastenings

Following the recommendation of the WG "Prioritisation of REF projects" in Forum-18, a thought starter was developed on a potential pilot project for inspecting the conformity of the packages according to CLP Article 35(2).

A new WG was established and its mandate was adopted (Annex 2b). One Forum member would make some material concerning a similar national project available for the WG.

3.1.3 Mandate amendment

The mandate of the WG "Prioritisation of REF projects" was revised and a new Chair appointed. The Forum adopted the updated mandate (Annex 2a).

3.1.4 Establishment of WG REACH-EN-FORCE -4

The mandate of the new WG REF-4 was elaborated and adopted (Annex 2c). Some Forum members suggested for this WG to use all the information created by the WG "Prioritisation of REF projects" when proposing to the Forum which restrictions should be included in the scope of REF-4.

3.2. Training for enforcement trainers 2014

3.2.1 WG progress report

The Chair of the WG presented the status of the training event to take place on 20-21 November 2014 covering "Safety Data Sheets and extended SDS" and "Classification and labelling (C&L) of mixtures".

It was proposed to have a training event specifically dedicated to classification and labelling of mixtures in the first half of 2015 and that would require more involvement of experts from the Member States. The WG was informed that due to budget limitations, it would not be possible to have any additional training session. A training on "C&L of mixtures" would be organised by ECHA Forum together with HelpNet members in late 2015.

The Chair of the WG questioned the Forum whether the next training should be focused only on "C&L of mixtures" or on general issues relevant for inspectors.

A voting took place and, by majority, the Forum decided to have the focus of the next training only on "C&L of mixtures". ECHA would confirm if it would be possible to have it in Q3 2015. A Forum member suggested that the other general training topics could be delivered in a training event in early 2016.

3.2.2 Mandate amendment

There were no changes in the mandate of this WG (Annex 2d).

3.2.3 Establishment of WG Training for enforcement trainers 2015

A new WG was created to organise the training event of 2015 focusing on C&L of mixtures (Annex 2e).

3.3. Implementation of RIPE

3.3.1 WG progress report

The Chair of the WG presented the status of the project. He proposed to launch a consultation with the Biocidal Products Regulation (BPR) competent authorities on data and functional specifications for BPR NEAs. The Forum agreed.

COM remarked that that Forum did not have the remit of the BPR and should consider its resources. The WG Chair took note of the comment and clarified that Biocide-related tasks were not the main focus of the work to be developed by the WG during next year.

3.3.2 RIPE project progress report

The ECHA Forum Secretariat representative presented the status update of the project. He informed that the release of RIPE version 1.10 was delayed until January 2015 and explained the new features of this version. The RIPE Security Recommendations were under consultation with the Forum and the Security Officers Network (SON) members. It was recalled that the Security Audit Guidelines recommended a full audit every six years and there was no need for an audit in 2014.

The update of the status of the RIPE Portal Dashboard (PD) was presented and the Forum was informed that the delivery of this tool was delayed and would be launched in Q4 2015.

ECHA was discussing the technical aspects of giving NEAs access to ePIC by using the same token as RIPE. In that regard, the Forum members were invited to indicate the expected number of ePIC users (excluding customs).

A Forum member stated that the NEAs welcomed the new RIPE PD. However, since access to information by NEAs was crucial to their work, the member requested that some measures should be in place as soon as possible while awaiting the release of the RIPE PD. The Forum agreed.

3.3.3 Mandate amendment

The mandate of this WG was revised and a new Chair and Vice-chair was appointed. The Forum adopted the updated mandate (Annex 2f).

3.3.4 Follow-up of ECHA Decisions: updates from ECHA

A document with the summary of the decisions sent by the ECHA Focal point to all Member States was presented. Some discrepancies were found between the values presented in the tables and the text. An updated version would be created and distributed to the Forum.

3.4 Electronic Information Exchange System - EIES

3.4.1 WG progress report

The Forum took note of the progress report submitted by the Working Group.

3.4.2 Mandate amendment

The mandate of this WG was revised and the Forum adopted the updated mandate (Annex 2g).

3.5 REACH-EN-FORCE-3

3.5.1 WG progress report

The Forum was informed on the status of the project. The Forum agreed to include the document developed by the WG, with recommendations for the inspectors on the OR investigations, as an annex to the final REF-3 report.

3.5.2 Mandate amendment

There were no changes in the mandate of the WG. The WG would continue its work as a Task Force (Annex 2h).

3.6 Interlinks

3.6.1 WG progress report

The Chair of the WG presented the status of the project and presented the agenda of the workshop that would be held at ECHA at the beginning of 2015 for adoption. The Forum adopted the final workshop agenda.

3.6.2 Thought starter on a pilot project on the enforceable cases from ECHA screening exercises relating to harmonised classifications

The Forum agreed to conduct a pilot project to investigate the cases brought by ECHA. The project would be managed by the WG Interlinks and one member would lead the development of the manual in collaboration with ECHA. The majority of the Member States in which the cases were located confirmed their participation in the pilot.

3.6.3 Mandate amendment

The mandate of the WG was updated, including the information of the participation in the pilot project. The Forum adopted the mandate (Annex 2i).

3.7 Project on Authorisation

3.7.1 WG progress report

The Forum took note of the progress report submitted by the Working Group.

COM alerted the meeting to the possibility of the second phase of the project having to be postponed since the authorisation process would need to be more mature.

3.7.2 Mandate amendment

The mandate of this WG was revised and the Forum adopted the updated mandate (Annex 2j).

3.7.3 Do we have enforceable Implementing Decisions for authorisation?

A Forum member presented a summary of the steps of the authorisation decision process and the REACH provisions used in the process. He raised concern that enforcement aspects would need to be better addressed in the content of the decision itself with a view to guaranteeing the enforceability of COM's authorisation decisions.

COM representative added that only a summary of the final authorisation decision was published in the Official Journal (OJ) and did not contain much detail. However, in the future, a link to the website where the final decisions are made public will be included in the OJ. She mentioned that the REACH Committee sees the enforcement of such a decision to not be different from the enforcement of REACH Article 14 (in regard to chemical safety reports (CSR) under registration). The CSR submitted in the registration dossier should include risk management measures and the inspector must ensure that those are applied. It was acknowledged that more detailed information for the enforceability of the decisions was needed and that was the reason the REACH Committee decided to set up a WG to discuss such issues (see also agenda item 5.1).

3.8 Enforceability of Restrictions

3.8.1 WG progress report

3.8.1.1 Advice on restrictions

The WG Chair presented the status of the advice on recent restriction proposal dossiers. He presented some recurrent problems faced by the WG on the

restriction proposal process. A discussion on the revision of the GDAERF was ongoing within the WG with the aim to increase the efficiency of the process. However, some questions remained unanswered.

The Chair suggested for the WG to formulate relevant questions to be sent to the Forum members to assist the WG to recommend a more efficient workflow for the advice on restriction process and methodology.

A Forum member stated that the Forum procedure should not be shortened or changed due to the changes of other committees' procedures and was reluctant to initiate testing of the proposed changes in some dossiers.

Another Forum member disagreed with some points of the WG assessment of the advising process.

The Forum supported a consultation with the Forum members and a dedicated session in the next Forum meeting on this subject to clarify the process before initiating testing the proposed changes.

3.8.1.2 Analytical methods

The WG Co-chair presented the status of the creation of the compendium of recommended analytical methods for enforcement of restrictions.

3.8.2 Mandate amendment

The mandate of this WG was revised and the Forum adopted the updated mandate (Annex 2k).

3.8.3 Restriction task force

During a CARACAL meeting in 2013, it was agreed to initiate this taskforce to investigate the challenges observed in the preparation of the Annex XV dossiers and during the opinion-making process, with the objective to make coherent recommendations for improving the efficiency of the restriction process. COM presented the outcome of the taskforce's investigations and potential recommendations to overcome such challenges. The recommended efficiency measures would aim to avoid repetition and to create simpler/shorter and more focused Annex XV dossiers. To reduce the timeline, the legal issues that could be pending during the submission of the proposal should be solved beforehand.

The implementation of such recommendations by all actors involved would be monitored by COM during 2015.

3.8.4 Advice to Commission on enforceability of draft restriction regulations to be adopted in Commitology procedure

A Forum member summarised the steps that take place from the drafting of the Annex XV restriction dossier, where the Forum provides advice, to its adoption and publication in the Official Journal. The full process was experienced by six restriction dossiers and an overall analysis of those dossiers highlighted some deficiencies. He gave some examples related to analytical methods and proposed some measures with a view to improving the whole process and to better reflect the Forum's advice.

A Forum member suggested that Forum could provide comments at REACH Committee level since some changes proposed by the Committee could have an

impact on the enforceability. The COM representative proposed for NEAs to closer collaborate with the national REACH Committee authorities.

Item 5 – Update on relevant developments by the Commission

5.1 General updates by the European Commission

The COM representative presented the summary regarding the legal issues (via document) and the main issues discussed in CARACAL and ESPG.

On COM's project on restrictions and customs, in which some Member States signalled their willingness to participate, he informed that the feedback could be given by March 2015 and by email. The timeline for the operational phase was not yet set and the Forum would be informed in due time.

The European Defence Agency (EDA) will endorse a document on "Defence exemptions Standard" that defines the requirements that companies will need to fulfil in order to benefit from the exemption. It will be submitted to CARACAL with the proposal that small calibre cartridges should be considered as "articles" under the REACH Regulation. Classification of other types of ammunitions would be developed by EDA.

He informed the meeting that there were different "Forums" (called ADCOs – Administrative Cooperation Groups) established for the different types of product-related legislation in order to assess and discuss potential enforcement problems for these legislations. COM participated and questioned how this Forum would like to be involved in the future. The Vice-chair suggested for COM to share the agenda/minutes of the ADCO meetings to verify the type of information discussed in order to assess the level of Forum's involvement. Forum agreed that one of its members will screen the agendas and ascertain the need to participate in the ADCO meetings.

He stated that the REACH and CLP activities were excluded from the reporting exercise under the umbrella of the Market Surveillance Regulation. In addition, the budget for ICSMS was secure and the project would start soon.

In the REACH Committee, it was emphasised that for enforceability reasons the risk management measures (RMMs) described in the CSR must be included in the application for authorisation. A concern was raised by the committee members since the CSR was not, in most cases, in the same language of the authorisation holder. In that regard, COM was intending to establish a WG to prepare succinct summaries of RMMs that would be relevant for NEAs when controlling the authorisation decisions. He asked if the Forum was willing to participate or establish such a WG.

The Forum agreed that its involvement is critical in such a WG but concluded that the leadership of the project should remain with COM, as it is responsible for the authorisation decisions. Three Forum members expressed an interest in participating in such a WG, when it is created by the COM.

5.2 Risk assessment for RAPEX notifications

A representative from DG SANCO presented an overview of the process of RAPEX notifications of consumer products posing serious risks and provided some examples.

In order to place a notification in RAPEX, the Member State must firstly consider the product as dangerous and make a risk assessment. Afterwards, the product must fulfil four criteria: i) it has to be a consumer product; ii) it poses a serious

risk; iii) some measures must be taken by the Member States (e.g. withdraw from market) and iv) it must have a cross border effect.

In the case of chemicals, the guidance for the risk assessment to be made by the Member States/RAPEX contact point is provided by ECHA since COM was not empowered to perform risk assessment of the notified products. However, COM's RAPEX team checks for completion of the information provided.

It was clarified by the speaker that it is the country that submits the notification that is responsible for the risk assessment and the correctness of the information provided. There were no specific guidelines for risk assessment concerning chemicals for RAPEX. It was recommended to use ECHA's Guidelines; however, REACH does not mention "Serious risks" and the correspondence between REACH's levels of concerns related to risk and RAPEX's levels was one of the difficulties already identified and discussed in COM.

COM was considering to streamline the use of ICSMS and RAPEX and to interlink both systems in the future.

5.3 Update on the questionnaire REACH Art. 117/CLP Art. 46

A representative from COM's contractor gave a presentation on its activities of the project for providing technical assistance to review the existing Member State reporting questionnaire under Article 117 of REACH. A summary of the changes was presented.

Regarding the IT tool, it was expected to be more user friendly. One of its features was the possibility to save a draft and create a link to it. This link could be circulated to other authorities, within the Member State, for completion of the questionnaire. There would not be any restricted access to the link, as long as the link was provided. Once completed, the questionnaire should be submitted by the responsible authority. It was highlighted that it was not possible for two users to edit the questionnaire simultaneously. Hence, some coordination on the accessibility of the document was necessary.

On the content of the questionnaire, it was clarified that only the readability of the questions were reviewed, with the aim also to avoid duplication. An RCOM table with the summary on how the comments were addressed was to be provided to the Forum after the meeting. Information on importers, that was missing in the previous version of the questionnaire, was now included.

One Forum member emphasised that new questions or data requests would need to be avoided since NEAs cannot collect this information retrospectively.

It was confirmed by COM's contractor that the data asked from the Member States in the questionnaire was the same as the one from the last reporting exercise. On 1 June 2015, all Member States must have submitted their data; afterwards, access to the data would not be possible.

Item 6 – Practical issues for enforcement of REACH and CLP

Issue 1 - Which oral LD50 for nicotine must be used in the classification of nicotine containing refills for electronic cigarettes?

The submitter presented the issue and pointed some potential solutions. He stressed that a solution was needed soon.

A Forum Member suggested for this issue to be presented at a Risk Management Expert (RiME) meeting to request for a recommendation.

The COM representative stated that COM was liaising with ECHA in order to have the RAC opinion on this issue.

The Forum agreed that the issue was not in the remit of the Forum and agreed to wait for clarifications from COM.

Issue 2 - How is entry 40 of Annex XVII to REACH (flammable and pyrophoric substances and mixtures) enforced in MSs?

The submitter presented the issue and summarised the comments received from other Forum members and ECHA.

The ECHA Forum Secretariat proposed not to close the issue and would initiate another consultation round.

Issue 3 - How to handle consumers' complaints for articles that have a distinctive chemical smell and may contain hazardous substances?

The submitter presented the issue and summarised the comments received from other Forum members and ECHA.

The Forum agreed on the proposed conclusion and its inclusion in the MoC.

Issue 4 - Is there an obligation to supply an SDS in a supply chain, if the substance is offered or sold to the general public?

The Chair summarised the issue but there were still some open questions. The Forum agreed to revisit the issue once there was more clarity.

Issue 5 - How do MSs handle individual registrations for chemicals for which a SIEF exists?

The ECHA Forum Secretariat presented the details presented in the room document on the issue. The Forum agreed with a written consultation after the meeting.

Item 7 – Updates from the ECHA and ECHA Forum Secretariat

7.1 Criteria for future requests of Access to document (AtD)

ECHA Forum Secretariat informed that all documents held by the ECHA Secretariat were subject to Access to Document requests from the public (Regulation (EC) No 1049/2001). The regulation in question indicated exemptions[1] that could be applicable and be the basis for refuting the request. In

[1] Regulation (EC) No 1049/2001, Article 4 Exemptions

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:
(a) the public interest as regards:
— public security,
— defence and military matters,
— international relations,
— the financial, monetary or economic policy of the Community or a Member State;

order to streamline the understanding of the exemptions, some criteria were developed and the Forum was invited to comment. After that, the ECHA Forum Secretariat would launch a written procedure.

7.2 Guide for the classification of documents of the Forum

The ECHA Forum Secretariat presented the latest version of the document that took into account the comments received since Forum-15 and the updated procedure on ECHA's classification and handling of ECHA information. The Forum was invited to adopt it after the meeting, by written procedure.

7.3 New version Forum's WG Description

The ECHA Forum Secretariat clarified that the former document "Procedure for creating WG" was revisited and a discussion was held on Forum-18 on the optimisation of the Forum. The action points derived from that meeting were included into different documents such as Rules of procedure and ECHA Secretariat's working instructions. Others were compiled in a new document "Forum's WG Description" that compiles the templates, the roles and responsibilities, the work of the working groups, etc. Such a document was still under preparation.

7.4 Guidance updates

The Forum took note of the updates from ECHA Guidance. It was the same document to be submitted to CARACAL.

7.5 Dates of Forum meetings in 2015

The Forum took note ofthe dates of the Forum meetings for 2015.

Item 8 – Preparatory discussion for the open session

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

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.
2. The institutions shall refuse access to a document where disclosure would undermine the protection of:
— commercial interests of a natural or legal person, including intellectual property,
— court proceedings and legal advice,
— the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure.
3. Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.
Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

Item 9 – A.O.B.

9.1 Information on upcoming consultation of the Forum on the ECHA report looking into animal tests done without a testing proposal

The ECHA Forum Secretariat informed the meeting that in late November ECHA intends to ask for feedback from the Forum on ECHA's report "Follow-up of publication of ECHA's 2nd report to the Commission's attention pursuant to Article 117(3) - Animal Testing without a Regulatory Decision on Testing Proposals", which examined cases where ECHA was aware that tests were done without a TP.

9.2 CLEEN and Forum Collaboration

ECHA Forum Secretariat informed the meeting that ECHA participated in the CLEEN meeting that took place in September. A proposal was made by a Forum member during that meeting to strengthen the collaboration between the Forum and CLEEN. A discussion on the best way forward would be held at the next Forum plenary meeting.

9.3 New initiatives in the Netherlands

The NL Forum member presented the new pilot projects running in the Member State:

1) Concerning the borderline cases between REACH and Waste regulations;
2) The pilot project on the pre-registrations of ELINCS substances, in which pre-registrations of ELINCS substances (non-phase in substances, not covered by Article 23) were detected and would be investigated for possible non-compliance or other reasons for the items observed;
3) The Dutch MSCA developed a project to support SMEs addressing practical problems originated by REACH (and CLP). As part of the project, a workshop was organised and COM, ECHA and stakeholders participated. In the beginning of 2015, this project will be completed and a report with the results will be available. This report can be forwarded to the Forum.

9.4 Preparatory discussion ENFIND workshop

A Forum member presented some issues that would need to be tackled in the Enforcement Indicators Workshop.

Item 11 – Welcome and Introduction to the OPEN SESSION

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

The presentations of the open session would be made available on ECHA's website[2].

[2] http://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions

Item 12 – COM communication to Forum Stakeholders

A representative from COM provided the view of the Commission concerning the enforcement of REACH and CLP, stating that it was working (according to the REACH review Feb 2013) and highlighted how important the combined effort of authorities and stakeholders/duty holders to the success of enforcement was. COM made some efforts to enable the communication between the different authorities, including customs. As a consequence of the REACH review, COM had initiated a project on enforcement indicators at EU and national level. The final report would be available in 2015.

He recommended to stakeholders that, in cases of potential non-compliance, firstly contact NEAs.

Item 13 – Stakeholders' presentations

13.1 CEFIC: Statement of Non-Compliance (SONC): Views and expectations

The CEFIC representative stated that, in general, the members of his organisation were satisfied with the enforcement of REACH/CLP.

He suggested that the handling of SONCs may differ depending on the Member State. It was observed that different Member States' authorities react differently to the SONCs (e.g. some consider industry as guilty, some would investigate in detail and others would even doubt if there was any non-compliance).

In addition, he questioned if there was any communication between ECHA and the registrant prior to the issue of the SONC. He recommended for ECHA to formally contact the registrants before issuing the SONC for cases where the registrant actually submits an update in response to the final decision. The NEAs were asked to have an open-minded interaction with the registrant.

The Chair welcomed the recommendations and informed that registrants were contacted during the decision-making process. She stated that the SONC itself did not generate any duty to prosecute the registrant. The SONC conveyed ECHA's position and the NEAs were informed on that. It would be up to the NEA to decide which actions to take. Furthermore, such situations were treated as a priority in the Member States. In most of the Member States, in order for the NEA to decide on the action to take, it would be necessary to build up their own enforcement case and to validate ECHA's decision by investigating the registrant's situation.

The ECHA Forum Secretariat stated that the SONCs were the last stage of the decision-making process of the dossier evaluation. During such a process, the registrants were given several opportunities to get involved (e.g. draft decision, commenting rounds during the process, appeal) and to comply with the request in the final decision. The final decision was deemed to be agreed with the registrant. SONCs were issued when the registrant had failed to provide the requested data. Another consultation with the registrant before the SONC would be adding yet another loop to an already long process where the registrant already had the chance to comment or comply.

CEFIC's representative replied that in many cases, registrants were requested to provide results on complex tests and were lacking the possibility to discuss with the authorities any different testing strategy. He clarified the recommendation was related to a number of specific tests where the registrants may want to verify with ECHA that their understanding of what needs to be submitted to comply with the request was the same as ECHA's.

Some Forum members and one stakeholder provided examples on how they dealt with the SONC.

13.2 Eurometaux - Full recognition by regulators to the One Substance-One Registration (OSOR) and 'no data-no market' principles under REACH to avoid unfair competition

The Eurometaux representative presented the generic issue of multiple registration dossiers (individual or joint submissions (JS)) outside the existing JS for the same substance. He suggested that the problem may arise if during the compliance check of a dossier the registration was not stopped (IT tool limitation); or due to a lack of/different enforcement strategies by Member States and/or no structural follow-up by ECHA on multiple registration.

He highlighted that such an issue may undermine the objective to promote REACH as an efficient tool to improve chemicals management status. Moreover, the 2018 deadline would generate a significant number of similar cases if no action is taken. It may also jeopardise the work of industry consortia to help their members be compliant with REACH if many "cheap opt-out dossiers" possibilities were available.

He presented suggestions for ECHA/Forum/Member States to prevent such issues from occurring.

The Chair acknowledged the issue and informed that substances registered outside of JS constitute around 7% of those registered in 2010-2013. There could be valid reasons why a registration could have submitted outside the existing JS for some EC numbers (e.g. broad range of substances included under one EC entry) or in the case of intermediate registrations (JS according to article 19).

For cases where OSOR was not respected, all registrants were in breach, not just the one that submitted outside the "main" JS. Therefore, enforcing the breach of JS obligation in a fair and non-discriminatory way would have to affect all registrants. Moreover, it had to be highlighted that Member States would need to comply with their own national legislation on how to address the breach of JS obligation and there might be different approaches. The Forum would need to further discuss the way to harmonise such enforcement.

The ECHA Forum Secretariat added that some situations were not as straightforward as presented, in particular in some cases the "individual" dossier had similar quality to the JS one. So the fact that data was submitted outside the JS did not automatically denote poor data quality or that the individual submitted did not have legitimate ownership of data.

ECHA clarified that it could not directly address JS issues with a compliance check (CCH) since it is a tool strictly tailored for checking information requirements. Therefore, a compliance check decision could never request a registrant to join an existing JS. However, in some cases, a compliance check may indirectly result in encouraging registrants to come together. Therefore, in the coming years, ECHA intends to undertake a number of CCH on dossiers with opt outs and those submitted individually or separate JS, where ECHA thinks this can lead to a result.

ECHA was also considering the revision/refinement of the IT tool to increase the user-friendliness of finding the lead registrant/JS and discourage JS breaches. This may open further possibilities for action against the breach of the JS obligation, but it would affect all registrants of the specific substance.

The Eurometaux representative agreed that all members of the JS should also be checked to confirm that the SIEF have given all the options and welcomed ECHA's initiative of revising the IT tool. He expressed there was a need for more transparency on the principles used by ECHA to evaluate the cases, making it not possible for other organisations to further investigate it.

COM added that a document was being produced with recommendations on how to deal with the JS issue.

13.3 Euroalliages: Enforcement of REACH at the borders: What are the harmonised enforcement tools?

The Euroalliages representative stressed that REACH and other legislations had provisions that would trigger actions at the EU borders.

She highlighted the fact that only a few hundred of the substances covered by REACH have their CN code corresponding to a specific tariff code. This organisation made a screening of common customs tariffs and observed that many substances (included restricted and SVHC substances) were included in an undifferentiated category ("others"). This could make the control of the substances by the customs authorities very difficult.

In a survey carried out in the beginning of 2014 amongst manufacturers, importers, traders, ORs and customs agents, it was observed that, currently, there was not much enforcement of REACH at the borders. She proposed that if a full harmonised enforcement approach might not be possible to implement, commonly based methods/procedures might be adopted to guarantee the proper control of goods entering the EU. In that way, it would pursue the objective of health and environmental protection, avoid distortion of competition and would not hamper the credibility of the EU.

The Chair acknowledged the underlying concern related to potential fraudulent imports. However, the Forum did not see that enforcement has to necessarily happen at the border to be effective. It may be, and very often is, conducted by REACH enforcement authorities once the goods have been delivered to its intended destination. In some Member States, customs authorities do not have a remit to control REACH obligations. Even if the customs were given remit to enforce REACH, they deal with immense volumes of goods and only a fraction of them are chemicals. The focus of customs is on checking the provisions of the Customs legislation. Therefore, they face resource/capacity issues and their controls of REACH may not be very visible.

With the REF-3 project, a basic cooperation practice between customs and REACH enforcement authorities was proposed, by providing intelligence about imports to specialised REACH inspectors, who then followed up with the importers of this substance. That practice has produced very good results in the recent REF-3 project that allowed targeted and effective enforcement.

COM reacted that there were several tools in place to regulate the market (e.g Market Surveillance Regulation). COM had been working on a practical way to correlate the CN and tariff codes. He invited the stakeholders to provide proposals on how to make such a correlation.

ECHA Forum Secretariat thanked Euroalliages for submitting a project proposal for REF-4. All the proposals not included in the scope for REF-4 would be kept and re-assessed when selecting the scope for REF-5.

Some Forum members provided examples on how their customs authorities were involved in REACH enforcement.

13.4 European Environmental Bureau (EEB): Registration of nanomaterials

The EEB representative brought forward some questions and suggestions related to the enforcement of nanomaterials. She highlighted that the increase of

reactivity and potential toxicity when the mass/surface ratio of the substance decreases was significant and it was a health issue of high concern.

There was a general lack of knowledge about the characteristics of nanomaterials in relation to the environment and population exposure. It was estimated that 80-90% of circa 3 000 nanomaterials in the EU market should be registered; however, there were only 9 substances registered as such and the dossiers were not compliant. She raised concern that the properties of a nanomaterial should not be extrapolated from the bulk substances' properties. In addition, the fact that the name of the company/substance was not publicly available could demonstrate that private interest overrode the public interest.

She proposed that, according to the "no data, no market" principle, the registration numbers should be revoked. The enforcement authorities should collect data, identify all potential exposure pathways and ensure that proper risk management measures were implemented.

The Chair informed that there were no nanomaterials-specific provisions in REACH and acknowledged that at Forum level, such substances were not yet specifically targeted. However, some Members States already started developing national projects to address nanomaterials. At EU level, ECHA and COM have being engaged in clarifying this issue. The "name and shame" principle was not one that was shared by all Member States but some NEAs provide a lot of information on their enforcement actions in their websites.

A Forum member agreed that the dossiers on nanomaterials did not contain quality data and his Member State was collaborating with COM to update the REACH annexes. This country was also developing tools to gather the relevant information (Nano-registry) and developing pilot projects on enforcement of nanomaterials.

COM confirmed there was work being developed in the amendment of the annexes for nanomaterials in addition to ECHA Guidance on registration of nanomaterials. The definition of the nanomaterial itself was also undergoing revision.

Item 14 – Enforcement projects in Member States

14.1 AT: Austrian inspections targeting nanomaterial in the supply chain

The Forum member presented Austria's ongoing national pilot project on nanomaterials. One of the objectives of the project was to enforce the REACH and CLP obligations to a number of potential substances with nano-forms (information collected from COM, ECHA and OECD). In addition, the nano-products would also be checked for presence of nanomaterial.

He presented the preliminary results and informed that the final project report was planned for Q2 2015. At the moment, it could be concluded that the definition of nanomaterial was not key to the safety assessment and that registration dossiers and SDSs would need to be improved to cover all relevant substance forms.

The EEB representative welcomed such a project and questioned whether the investigated substances had in their registration dossier the indication of being a nanomaterial (by voluntarily ticking the "nano" box). The AT Forum member explained that such information was not highly considered for the inspections. Concerning registration, he explained that the overall tonnage for all substance forms is to be considered, as the inspections aimed at analysing the dossier

content beyond the voluntary "nano" tick box. The substances investigated were mainly inorganic.

14.2 NO: Annual National Campaigns on Chemicals

The Norwegian invited expert presented an overview of the Norwegian Labour Inspection Authority's campaigns targeting different chemicals. He presented the organisation, its mission and objectives as well as the work developed concerning the enforcement of different regulations. He provided information on the targeted substances of different projects since 2010.

The CEFIC representative proposed that the results of the campaigns presented could be compared with similar ones from other Member States or other networks in order to assess if there has been any evolution or if any trends arise.

14.3 SE: Sweden's experiences from enforcement of REACH and other regulations for articles

The Swedish invited expert presented Sweden's experiences on enforcement of REACH and other regulations focusing on substances in articles. He presented an overview of the resources and budget available for inspections as well as the regulations that were being enforced. He presented some results of projects that ran from 2008-2013. For 2014, the main focus was the investigation of jewellery. Some considerations on the complexity of the enforcement authorities work was given and also some suggestions to improve the efficiency and effectiveness of the enforcement actions.

14.4 FR: Involvement of (environmental) inspectors in REACH enforcement - synergies and tools developed

The French Forum member presented the work developed with the collaboration of different authorities. He provided an overview of the mission of environment inspectors, their objectives and ways to motivate them. He informed the meeting on the current IT tools developed to help the work of the inspectors.

Item 15 - Cooperation between Stakeholders and Forum

15.1 Invitation to Stakeholders to submit proposal for the scope of the next REF project (REF-5)

The Chair of the WG "Prioritisation of REF projects" invited the stakeholders to submit their proposals by 1 February 2015. Such proposals would be prioritised and assessed by the WG as a possible scope of the future enforcement project (REF-5). She added that even if the proposal was not selected, it could be taken on as a small scale project. Such proposals were included in a database that would be revisited every year, when the selection of new enforcement projects was taking place. An invitation to participate in such collaboration would be sent to all ECHA accredited stakeholders.

15.2 Forum's "Guidance for handling complaints under article 33.2" – update as a result of EEB's comments

On the occasion of the last Forum open session (Forum-16), ECHA's Forum Secretariat received comments from the European Environmental Bureau (EEB) concerning the publicly available Forum document "Guidance for handling

complaints under article 33.2". The Chair thanked EEB for these comments which have helped to improve and clarify the document. The comments were addressed by the Forum and the document was reviewed and provided to EEB at the meeting. The amended version of the document would be made available on ECHA's website.

Item 16 – World café – improving cooperation Forum-ASOs

16.1 Discussion of the topics

The participants were invited to brainstorm on the following topics:

1) Mutual expectations: One of the key things to do to ensure good collaboration is to understand the needs and expectations of each side. In this discussion area, the aim was to learn more about the Forum and ASO expectations from one another.
2) Feedback on current practices and proposals for change: the current practice of the Forum work with the ASOs is an annual open session, annual invitations for REF project proposals and some other requests for input such as information on analytical methods used by industry. Satisfaction surveys indicate that neither the Forum nor ASOs were entirely satisfied with it. In this discussion area, the ECHA Forum Secretariat aimed for specific ideas to improve the cooperation..

16.2 Presentations from Rapporteurs

A summary of the ideas brought forward by all participants were presented by the ECHA Forum Secretariat. The main points proposed were:

1) Mutual expectations

<u>From ASOs towards the Forum</u>:

- More discussion on harmonised approaches (e.g. requirements of SDSs);
- More discussion on common understanding (discussion of practical issues with ASOs);
- More information on Forum coordinated enforcement activities (e.g. restrictions);
- More open sessions;
- More transparency;
- ASOs felt that they were heard;
- More understanding of the different approaches in different Member States.

<u>From Forum members towards the ASOs</u>:

- Further interaction with ASOs and NEAs;
- Discussion of specific themes (e.g. SDS);
- Understand the need to keep certain topics confidential;
- Access the information of NEAs from ECHA's website.

2) Feedback on current practices and proposals for change:
   - Cooperation in good direction;
   - Open and flexible format of the open session;

- Open sessions were a good way to raise awareness amongst the members of the organisations represented;
- The role of Forum and Helpnet is unclear;
- Increase the number of open sessions;
- Longer and more detailed open sessions to encourage the ASOs to come to Helsinki;
- NEAs to discuss specific cases with ASOs;
- Indication from NEAs on the areas of non-compliance or improvement of compliance;
- The ASOs welcomed the discussion-oriented format of the open session;
- Suggested further limitation of the time for presentations to allow more time for discussion;
- Introduce discussion groups;
- Themed open sessions (e.g. restrictions);
- ASOs could provide input in the working groups (e.g. training for inspectors);
- ASOs could propose topics for the Forum to present in the open session;
- Allow possibility for ASOs to ask questions to Forum;
- All Member States could have an overview of their activities publicly available.

The input collected would be assessed on the best way to include them in the Forum's works.

16.3 Wrap-up

The Chair presented the highlights of the open session.

Item 17 – 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-19

3-6 November 2014

(Adopted at the Forum-19 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	
1.4 open action point		Forum-S to update the document after F19 (including the correction to point 10.3)
Item 2 – Address by DG Enterprise Head of REACH Unit		
Item 3 – Forum's enforcement activities- Work Packages		
Note regarding the WG reporting template		

3.1.1 Prioritisation of REF projects REF-4 project's scope: WG recommendation	The Forum agreed that the general scope of REF-4 will focus on restrictions. Scope of the project, including the specific restriction entries will be approved at Forum-20.	**COM** to check whether the funding opportunity will be repeated in 2015 by 28 November **Forum members** to express interest to become part of the joint request to finance Market Surveillance actions related to checking restrictions in consumer articles by 21 November **If applicable, Forum members** from the volunteering countries to coordinate between them which one will volunteer to prepare a proposal **Forum members from** volunteering country to circulate draft proposal between interested members and submit proposal to the COM by 15 January 2015 EOB.
3.1.2 Thought-starter: Pilot project on CLP: Child-resistant fastenings	The Forum established a working group.	**Forum members** are invited to submit names of experts by 28 November
3.1.3 Mandate amendment Prioritisation of REF projects	Mandate of WG Prioritisation was reviewed.	**Forum-S** will remind the Forum about the deadline for submitting the new project proposals.
3.1.4 Establishment of WG REACH-EN-FORCE -4	WG REACH-EN-FORCE -4 was established.	**Forum members** to provide names of invited experts by 28 November

3.2.1 Training for enforcement trainers 2014 WG progress report		
3.2.2 Training for enforcement trainers 2014 Mandate amendment	The mandate was reviewed.	
3.2.3 Establishment of WG Training for enforcement trainers 2015	The Forum agreed that the next training will focus on C&L and established a WG.	**Forum-S** will to explore the possibilities of two trainings in 2015 by Forum-21 **Forum members** to provide names of invited experts by 28 November
3.3.1 Implementation of RIPE WG progress report	The Forum agreed to consult the BPR MSCAs about the data and functional requirements of BPR inspectors.	
3.3.2 RIPE project progress report	Forum has agreed that access to ePIC is important and should be made available as soon as possible to implement the new regulation with the new tool.	**Forum members** are invited to submit the number of ePIC users to Forum Secretariat as requested by email prior to the meeting.
3.3.3 Implementation of RIPE - Mandate amendment	The WG Reviewed the mandate.	
3.3.4 Follow-up of ECHA Decisions: updates from ECHA		**Forum-S** to upload the corrected document to CIRCA by 10 November.
3.4		
3.4.1 Electronic Information Exchange System – EIES WG progress report	-	

3.4.2 Electronic Information Exchange System – EIES Mandate amendment	The Forum reviewed the mandate.	
3.5.1 REACH-EN-FORCE-3 WG progress report	The Forum agreed to include the "OR document" as an annex to the final REF-3 report.	
3.5.2 REACH-EN-FORCE-3 Mandate amendment	The Forum reviewed the mandate.	
3.6.1 Interlinks WG progress report		
3.6.2 Thought starter on a pilot project on the enforceable cases from ECHA screening exercises relating to harmonised classifications (Follow-up of cases of non-compliance with CLP – Forum-18 BoG 3)	The Forum agreed to conduct the pilot project.	
3.6.3 Interlinks Mandate amendment	The Forum reviewed the mandate.	
3.7.1 Project on Authorisation WG progress report		
3.7.2 Project on Authorisation Mandate amendment	The Forum reviewed the mandate.	

3.7.3 "Do we have enforceable Implementing Decisions for authorisation?"		
3.8.1 Enforceability of Restrictions WG progress report		**WG Restrictions** is invited to formulate questions regarding the process of restrictions advice, if needed, and send it to the Forum by 19 December **Forum members** will provide feedback by 30 January **Forum-S** will organise a discussion session on restrictions process at Forum-20
3.8.1.1 Advice on restrictions	The Forum reviewed the mandate.	
3.8.1.2 Analytical methods		**Forum-S** will organise a discussion session on the compendium at Forum-20
3.8.2 Enforceability of Restrictions Mandate amendment	The Forum reviewed the mandate.	
3.8.3 Restriction task force		
3.8.4 Advice to Commission on enforceability of draft restriction regulations to be adopted in Commitology procedure		**WG Restrictions** to consider and elaborate the points raised and come back at Forum-20
Item 5 – Update on relevant developments by the Commission		

5.1 General updates by the European Commission	The Forum mandated the UK Forum member to follow the meetings of network of ADCOs, including attendance, where relevant. The Forum expressed interest in actively participating in the future COM WG addressing enforceability of authorisations.	**COM** is invited to provide the ADCO meeting agendas and minutes to the Forum **COM** will approach the Forum nominate its representatives to the future WG addressing enforceability of authorisations **Forum members** interested in taking part in COM WG dealing with the enforceability of authorisation decisions are invited to inform the Forum-S by 28 November.
5.2 Risk assessment for RAPEX notifications		
5.3 Update on the questionnaire REACH Art. 117/CLP Art. 46		**Forum-S to** distribute the COM document detailing the latest changes in the questionnaire by 10 November
Item 6 – Practical issues for enforcement of REACH and CLP		
Issue 1 Which oral LD50 for nicotine must be used in the classification of nicotine containing refills for electronic cigarettes	The Forum recognized that the acute oral toxicity of the mixture will depend on the acute oral LD50 value chosen for nicotine. Thus, different LD50 values may result in different classifications of the mixture for acute oral toxicity. However, it is not within the remit of Forum to assess the most appropriate oral LD50 value to be used in the classification for acute oral toxicity of the mixture. The Forum took note that the COM intends to address the issue shortly.	

Issue 2 How is entry 40 of Annex XVII to REACH enforced in MSs		Forum-S will organise the consultation round by **28 November 2014** Forum members will be invited to submit comments by **2 January 2014.**

Issue 3 How to handle consumers' complaints for articles that have a distinctive chemical smell and may contain hazardous substances	The Forum agreed that the fact that an article has a distinctive chemical smell does not as such create a breach of any obligation under REACH/CLP. However, it does not prevent NEAs checking compliance of REACH/CLP requirements concerning the particular substances of Annex XVII or other hazardous substances. The Forum acknowledged that: 1. there are different practices in the MSs of handling complaints for articles that have a distinctive chemical smell and may contain hazardous substances (e.g., contact the seller, send complaints to Consumer Rights Protection Centre/ Food and Safety/ General Product Safety/ REACH/ CLP/ etc. Authorities/ Safety and Chemical Agency), 2. some Member States developed standard procedures for handling consumer complaints, 3. the decision on the relevant competent authority depends on the type of product (e.g. GPSD /REACH/ Health and Safety Authorities; Consumer Right Protection Centre/ Health and Consumer Protection Board/ Consumer Protection Agency/ National Consumer Agency/ Environmental Agency). Most of the complaints are handled on a case by case basis.	**Forum-S** will send a "Supplement of MOC" with the agreed conclusion and send for consultation by 5 December

Issue 4 Is there an obligation to supply an SDS in a supply chain, if the substance is offered or sold to the general public		
Issue 5 How MSs handle individual registrations for chemicals for which a SIEF exists		Forum-S will organise the consultation round by **28 November 2014** Forum members will be invited to submit comments by **2 January 2014.**
Item 7 – Updates from the ECHA Forum Secretariat		
7.1 Criteria for future requests of Access to document (AtD)		**Forum** members are invited to submit comments by 21 November
7.2 Guide for the classification of documents of the Forum		**Forum-S** will initiate a written procedure on the document by 14 November
7.3 New version Forum's WG Description		**Forum-S** will prepare and submit the document for Forum consultation by 5 December.
7.4 Guidance updates		
7.5 Dates of Forum meetings in 2015		
Item 8 – Preparatory discussion for the open session		
8 Preparatory discussion for the open session		
Item 9 – AOB		

9.1 Information on upcoming consultation of the Forum on the ECHA report looking into animal tests done without a testing proposal		
9.2 Cooperation between Forum and CLEEN		**Forum-S** will distribute the mission report from CLEEN meeting and the presentation from the RO Forum member
9.3 Projects in NL		
Item 11 – Welcome and Introduction to the OPEN SESSION		
Item 12 – COM communication to Forum Stakeholders		
Item 13 – Stakeholders' presentations		
13.1 CEFIC - *Statement of Non-Compliance (SoNC): Views and expectations*		
13.2 Eurometaux		
13.3 Euroalliages		**Forum-S** to inform Euroalliages about the handling of the project proposals.
13.4. EEB European Environmental Bureau - Registration of Nanomaterials		
Item 14 – Enforcement projects in Member States		
14.1 AT: Austrian inspections targeting nanomaterial in the supply chain	-	
14.2 NO: Annual National Campaigns on Chemicals	Forum will consider if data on national inspections can be reported and provided at the next open session.	**Forum-S** to invite the Forum members to submit information on their inspection activities before the next open session.

14.3 SE: Sweden's experiences from enforcement of REACH and other regulations for articles		
14.4 FR: Involvement of (environmental) inspectors in REACH enforcement - synergies and tools developed		
Item 15 – Cooperation between Stakeholders and Forum		
15.1 Invitation to Stakeholders to submit proposal for the scope of the next REF project (REF-5)		**Forum-S** will invite the ASOs to submit the project proposals for REF-5 project.
15.2 Forum's "Guidance for handling complaints under article 33.2" – update as a result of EEB's comments		**Forum-S** will publish the amended version of the guidance on ECHA website.
Item 16 – World café – improving cooperation Forum-ASOs		
16.1 Discussion of the topics (40') (4-5 groups, with rotation after ~10')		**Forum-S** to inform the stakeholder about how the results of discussion will be taken forward at the next open session.
16.2 Presentations from Rapporteurs		
16.3 Wrap-up		

Action points from Forum-18 still open at Forum-19

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting	STATUS (at F-19)
Item 3 – Forum's enforcement activities- Work Packages			
3.1.3.2 Follow-up of Workshop on compliance check	-	**ECHA Secretariat and WG Interlinks** to consider how NEA suggestions on dossiers that should undergo compliance check can be fed into the dossier evaluation process. **ECHA Secretariat, in consultation with WG Interlinks** will organise discussion on specific follow up actions from the Compliance Check WS.	**OPEN** **(WG meeting Dec 2014)** **OPEN** **(WG meeting Dec 2014)**
3.1.3.4 The appeals to date: enforcement implications		**Forum-S and WG Interlinks** ensure that the guide on interlinks describes how appeals are taken into account when NEAs are invited to follow up ECHA decisions.	**OPEN** **(until guide is finished)**
Item 4 – Enforcement projects in Member States			
4.1 UK: Asbestos in gas masks	-	**UK Forum member** is invited to present the results of the project when it is completed.	**Open** **(not in F-19)**
Item 8 – Practical issues for enforcement of REACH and CLP			

Issue 5 Obligation to provide an SDS to retailers offering substances to general public.	The Forum decided to revisit the issue.	**Forum-S** will prepare organise written consultations with the view to prepared the discussion of this issue at Forum-19	**OPEN** **(under preparation by ECHA)**
Item 10 – Updates from the ECHA Forum Secretariat			
10.2 Update of the Forum's RoP		**Forum-S** will organise the adoption of the revised RoPs in written procedure or during Forum-19 depending on the extent of the comments provided.	**OPEN** **(Written procedure to be initiated before Forum-19)**

Action points from Forum-17 still open at Forum-19

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting	Status
4.6.3 ECHA study on estimating administrative burden of enforcing restrictions		**Forum members** are invited to send comments on the presentation by 11 April **Forum-S** will invite the Forum to provide comments on the document on that subject that will be distributed before Forum-18	**DONE** **Open** **(after F-18)**
4.9.1 Forum's Multi Annual Work Programme – Final report	The Forum adopted the Multi Annual Work Programme.	**Forum-S** and in consultation of the WG MAWP will prepare a draft public version and consult it with the Forum.	**DONE**
Item 7 – MS reporting			

7.2 Proposal for elaboration of PIC report template	The Forum looks forward to take part on the definition of the PIC reporting template undertaken by the COM.	**COM** is invited to keep the Forum updated at the next plenaries and when available, present the plan for the elaboration of the PIC Regulation reporting template.	**DONE (F-19)**
Item 10 – Break-out Groups Session			
10.3 Presentations from the break-out groups – **TOPIC 1 – SDS Checklist**	The Forum expressed a general support and appreciation for the initiative of developing an SDS checklist by ECHA.	**Forum-S** will distribute a revised version of the checklist to the Forum Members. **ECHA** will make a proposal for conducting a trial period. **ECHA** will investigate the possibilities for translating the checklist. **ECHA** will consider how it can provide further support to authorities in control of SDS	**Open** **Open** **Open** **Open**
10.3 Presentations from the break-out groups – **TOPIC 2[3]: Market Surveillance and Forum activities: Is there a need for action?**	-	**COM** is invited to explore the solutions for issues identified in the discussion, which fall within its remit, and come back at Forum-19.	**F-19**
13.5 Status of Art 36 triggered by mass screening of Intermediates		**ECHA** will inform the Forum on the progress with the Art 36 decisions triggered by mass screening of intermediates in case there are actual cases that need a followed up by NEAs.	**Open**

[3] Corrected as requested by COM in agenda point 1.4

III. List of Attendees

Forum members

	Country	Name
1	Austria	Eugen ANWANDER
2	Belgium	Paul CUYPERS
3	Bulgaria	Parvoleta LULEVA
4	Croatia	Dubravka Marija KREKOVIĆ
5	Cyprus	Tasoula KYPRIANIDOU-LEONTIDOU
6	Czech Republic	Oldrich JAROLIM
7	Denmark	Birte BØRGLUM
8	Estonia	Aljona HONGA
9	Finland	Marilla LAHTINEN
10	France	Vincent DESIGNOLLE
11	Germany	Katja VOM HOFE
12	Greece	Eleni FOUFA
13	Hungary	Szilvia DEIM
14	Iceland	Bergthora SKULADOTTIR
15	Ireland	Sinead MCMICKAN
16	Italy	Mariano ALESSI
17	Latvia	Parsla PALLO
18	Lithuania	Otilija GRINCEVICIUT
19	Luxembourg	Kim ENGELS
20	Norway	Gro HAGEN
21	Poland	Marta OSOWNIAK
22	Portugal	Graça BRAVO
23	Romania	Mihaela ALBULESCU
24	Slovakia	Dusan KOLESAR
25	Slovenia	Vesna NOVAK
26	Spain	Pablo SÁNCHEZ PEÑA
27	Sweden	Agneta WESTERBERG
28	The Netherlands	George Jos VAN DEN BERG
29	UK	Mike POTTS

Invited experts

	Country	Name
1	Austria	Gernot WURM
2	Czech Republic	Ilona PODHORSKA
3	Denmark	Fatima ØZER ARMAGAN
4	Estonia	Natali PROMET
5	Finland	Suvi RAITALA
6	France	Anne-Catherine ALFANO
7	Hungary	Borbála ÁDER
8	Italy	Maria Letizia POLCI

	Country	Name
9	Latvia	Kristine KAZEROVSKA
10	Lithuania	Zilvinas UZOMECKAS
11	Malta	Charles TANTI
12	Norway	Abdulqadir SULEIMAN
13	Portugal	Paula MATIAS
14	Spain	Laura ZAMORA NAVAS
15	Sweden	Mats FORKMAN
16	The Netherlands	Adhemar ROG
17	UK	Paul CARTER

Advisers

	Country	Name
1	Belgium	Michel LEYNEN
2	Denmark	Mia LEE
3	Germany	Tobias JACOBI
4	Germany	Stefan FRENZEL
5	Sweden	Henrik HEDLUND
6	UK	Claire COX

European Commission representative

	DG	Name
1	ENTR	Miguel AGUADO-MONSONET
2	SANCO	Ana Maria BLASS RICO

European Commission's Contractor

	Organisation	Name
1	Milieu	Lise OULÈS

Stakeholders

	Organisation / Country	Name
1	A.I.S.E.	Sylvie LEMOINE
2	CEFIC	Erwin ANNYS
3	CEMBUREAU	Josephine REINAUD
4	ECPA	Sebastien BONIFAY
5	Euroalliages	Nadia VINCK
6	Eurometaux	Hugo WAETERSCHOOT
7	EUROMETAUX	Karine VAN DE VELDE
8	EEB	Tatiana SANTOS
9	Orgalime	Maria Chiara DETRAGIACHE
10	OR Organisation	Dieter DROHMANN

IPA observers

	Country	Name
1	Kosovo	ENVER TAHIRI
2	Kosovo	Violeta LAJQI MAKOLLI

3	Albania	Enis TELA
4	Former Yugoslav Republic of Macedonia	Eljona CHILKU
5	Former Yugoslav Republic of Macedonia	Lidija SAVIKJ

	ECHA	Unit
1	ALATALO Henri	Guidance and Forum Secretariat
2	BARANSKI Maciej	Guidance and Forum Secretariat
3	CLIFFE Brendan	Guidance and Forum Secretariat
4	NOUWEN Johan	Guidance and Forum Secretariat
5	TŁOCZEK Magdalena	Guidance and Forum Secretariat

IV. List of Annexes

ANNEX 1. Final agenda Forum-19

ANNEX 2. Revision and Establishment of mandates of Forum WGs

ANNEX 2 a – Revised mandate of WG “Prioritisation of REF projects”

ANNEX 2 b – Mandate of the WG “Forum Pilot Project on Child Resistant Fastenings”

ANNEX 2 c – Mandate of WG “Coordinated enforcement project REACH-EN-FORCE-4”

ANNEX 2 d – Revised mandate of the WG “Training for Enforcement Trainers 2014”

ANNEX 2 e – Mandate of the WG “Training for Enforcement Trainers 2015”

ANNEX 2 f – Revised mandate of WG “Implementation of RIPE”

ANNEX 2 g – Revised mandate of WG “Electronic Information Exchange System - EIES”

ANNEX 2 h – Revised mandate of WG “Coordinated enforcement project REACH-EN-FORCE-3”

ANNEX 2 i – Revised mandate of WG “Interlinks”

ANNEX 2 j - Revised mandate of the WG “First Forum Pilot Project on Authorisation”

ANNEX 2 k - Revised mandate of the WG “Enforceability of restrictions”

ANNEX 3. List of meeting documents and presentations for Forum-19

ANNEX 4. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-19

31 October 2014

ECHA/Forum-19/2014/A_room_doc

Final Agenda
Nineteenth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-19)
3-6 November 2014

Lord Jenkins Room, Charlemagne building
Brussels, Belgium
Monday, 3 November: starts at 14:00
Thursday, 6 November: ends at 16:00

DAY 1 – CLOSED SESSION Monday 3 November 2014

Item 1 – Welcome and Introduction *14:00-14:30*

1.1 Opening by the Chair of the Forum –*Chair (10')*
1.2 Adoption of the Agenda –*Chair (05')*
1.3 Declarations of conflict of interest with regard to agenda items – *Chair (05')*

1.4 State of play with action points from Forum-18 – *ECHA Forum Secretariat (05')*

1.5 Practicalities and brief recapitulation of results of the written procedures between Forum-18 and Forum-19 - *ECHA Forum Secretariat (05')*

ECHA/Forum-19/2014/A_room_doc
ECHA/Forum-19/2014/1.4
ECHA/Forum-19/2014/1.5

For adoption
For information

Item 2 – Address by ECHA Director of Cooperation and DG Enterprise Head of REACH Unit *14:30-14:50*

For information

Item 3 – Forum's enforcement activities- Work Packages *14:50-17:45*

3.1 Prioritisation of REF projects (60')

3.1.1 REF-4 project's scope: WG recommendation – *WG Chair*

3.1.2 Thought-starter: Pilot project on CLP: Child-resistant fastenings - *ECHA Forum Secretariat*

3.1.3 Mandate amendment- *ECHA Forum Secretariat*

3.1.4 Establishment of WG REACH-EN-FORCE -4- *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.1.1
ECHA/Forum-19/2014/3.1.2
ECHA/Forum-19/2014/3_draft_mandates

For discussion
For adoption

3.2 Training for enforcement trainers 2014 (20')

3.2.1 WG progress report - *WG Chair*

3.2.2 Mandate amendment - *ECHA Forum Secretariat*

3.2.3 Establishment of WG Training for enforcement trainers 2015 - *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.2.1
ECHA/Forum-19/2014/3_draft_mandates

For information
For adoption

Coffee break 16:10-16:40

3.3 Implementation of RIPE (45')

3.3.1 WG progress report – *WG Chair*

3.3.2 RIPE project progress report - *ECHA Forum Secretariat*

3.3.3 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.3.1
ECHA/Forum-19/2014/3_draft_mandates

For discussion
For adoption

3.3.4 Follow-up of ECHA Decisions: updates from ECHA - *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.3.4

For information

3.4 Electronic Information Exchange System - EIES (10')

3.4.1 WG progress report- *WG Chair*
3.4.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.4.1
ECHA/Forum-19/2014/3_draft_mandates

For information
For adoption

3.5 REACH-EN-FORCE-3 (10')

3.5.1 WG progress report - *WG REF-3*
3.5.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.5.1
ECHA/Forum-19/2014/3_draft_mandates

For information
For adoption

Item 4 – Adoption of conclusions from day 1 *17:45-18:00*

For adoption

DAY 2 ENFIND Workshop

DAY 3 – CLOSED SESSION Wednesday 5 November 2014

Item 3 – Forum's enforcement activities- Work Packages (cont.) *09:00-12:30*

3.6 Interlinks (45')

3.6.1 WG progress report - *WG Chair*
3.6.2 Thought starter on a pilot project on the enforceable cases from ECHA screening exercises relating to harmonised classifications (Follow-up of cases of non-compliance with CLP – Forum-18 BoG 3)- *WG Chair*
3.6.3 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-19/2014/3.6.1
ECHA/Forum-19/2014/3.6.2.1
ECHA/Forum-19/2014/3.6.2.2_room doc
ECHA/Forum-19/2014/3_draft_mandates

For discussion
For adoption

3.7 Project on Authorisation (40')
3.7.1 WG progress report – *WG Chair*
3.7.2 Mandate amendment - *ECHA Forum Secretariat*
3.7.3 "Do we have enforceable Implementing Decisions for authorisation?" – *AT Forum member*

ECHA/Forum-19/2014/3.7.1
ECHA/Forum-19/2014/3_draft_mandates

For information
For adoption

Coffee break 10:25-10:55

3.8 Enforceability of Restrictions (75')

3.8.1 WG progress report
3.8.1.1 Advice on restrictions - *WG Chair*
3.8.1.2 Analytical methods – *WG co-Chair*
3.8.2 Mandate amendment - *ECHA Forum Secretariat*
3.8.3 Restriction task force – *COM*
3.8.4 Advice to Commission on enforceability of draft restriction regulations to be adopted in Commitology procedure – *AT Forum member*

ECHA/Forum-19/2014/3.8.1_room_doc
ECHA/Forum-19/2014/3_draft_mandates

For information
For discussion
For adoption

Item 5 – Update on relevant developments by the Commission *12:10-12:45*

5.1 General updates by the European Commission
5.2 Risk assessment for RAPEX notifications
5.3 Update on the questionnaire REACH Art. 117/CLP Art. 46

ECHA/Forum-19/2014/5.1
ECHA/Forum-19/2014/5.2
ECHA/Forum-19/2014/5.3_room_doc

For information

Lunch break 12:45-13:45

Item 6 – Practical issues for enforcement of REACH and CLP *13:45-15:45*

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

ECHA/Forum-19/2014/6
ECHA/Forum-19/2014/6_room_doc
ECHA/Forum-19/2014/6_1a
ECHA/Forum-19/2014/6_1b
ECHA/Forum-19/2014/6_1c

For discussion

Coffee break 15:45-16:15

Item 7 – Updates from the ECHA and ECHA Forum Secretariat *16:15-17:15*

7.1 Criteria for future requests of Access to document (AtD) (30')
7.2 Guide for the classification of documents of the Forum (15')
7.3 New version Forum's WG Description (15')

ECHA/Forum-19/2014/7.1
ECHA/Forum-19/2014/7.2_room_doc
For discussion

7.4 Guidance updates
7.5 Dates of Forum meetings in 2015

ECHA/Forum-19/2014/7.4
ECHA/Forum-19/2014/7.5
For information

Item 8 – Preparatory discussion for the open session *17:15-17:45*

ECHA/Forum-19/2014/8
For discussion
ECHA/Forum-19/2014/8_room_doc
For adoption

Item 9 – A.O.B. *17:45-18:00*

9.1 Information on upcoming consultation of the Forum on the ECHA report looking into animal tests done without a testing proposal

For information

Item 10 – Adoption of conclusions from day 3 *18:00-18:15*

For adoption

DAY 4 – OPEN SESSION Thursday 6 November 2014

Item 11 – Welcome and Introduction to the OPEN SESSION *09:00-09:15*

11.1 Welcome to the participants – *CHAIR (10')*
11.2 Practicalities – *ECHA Forum Secretariat (05')*

For information

Item 12 – COM communication to Forum Stakeholders *09:15-09:35*

For information

Item 13 – Stakeholders' presentations *09:35-11:45*

13.1 CEFIC European Chemical Industry Council - *Erwin Annys (25')*
Statement of Non-Compliance (SoNC): Views and expectations

13.2 Eurometaux - *Hugo Waeterschoot (30')*
Full recognition by regulators to the One Substance- One Registration (OSOR) and 'no data- no market' principles under REACH to avoid unfair competition

Coffee break 10:30-11:00

13.3 Euroalliages – *(15')*
Enforcement of REACH at the borders: What are the harmonized enforcement tools?

13.4. EEB European Environmental Bureau - *Tatiana Santos (30')*
Registration of Nanomaterials

ECHA/Forum-19/2014/13.1_room_doc

For discussion

Item 14 – Enforcement projects in Member States *11:45-13:20*

14.1 AT: Austrian inspections targeting nanomaterial in the supply chain – *AT Forum member (25')*
14.2 NO: Annual National Campaigns on Chemicals – *NO invited expert (20')*
14.3 SE: Sweden's experiences from enforcement of REACH and other regulations for articles – *SE invited expert (30')*

14.4 FR: Involvement of (environmental) inspectors in REACH enforcement - synergies and tools developed – *FR Forum member (20')*

For information
For discussion

Lunch break 13:20-14:20

Item 15 – Cooperation between Stakeholders and Forum *14:20-14:40*

15.1 Invitation to Stakeholders to submit proposal for the scope of the next REF project (REF-5) – *WG Chair (05')*
15.2 Forum's "Guidance for handling complaints under article 33.2" – update as a result of EEB's comments– *Chair (15')*

ECHA/Forum-19/2014/15.2

For discussion

Item 16 – World café – improving cooperation Forum-ASOs *14:40-15:40*

16.1 Discussion of the topics (40') (4-5 groups, with rotation after ~10'):
a) Brainstorm of topics to increase the cooperation Forum-ASO
b) Brainstorm of topics to create more useful open sessions

16.2 Presentations from Rapporteurs (15')
16.3 Wrap-up - *Chair* (05')

For discussion

Item 17 – Conclusions from the open session *15:40-16:00*

For adoption

Item 18 – End of the Open session / Meeting *16:00*

Coffee available

Annex 2 a

Forum Working Group

Work Package A.1

"Prioritisation of REF Projects"

(Mandate adopted at Forum-19)

Composition:

Chair: Oldrich JAROLIM (CZ) (rotating Chair – changing every year)

Vice Chair(s):

-

Forum Members/Alternates

- Paul CUYPERS (BE)
- Maria Letizia POLCI (IT Alternate)
- Tasoula KYPRIANIDOU LEONTIDOU (CY)
- Dubravka KREKOVIC (HR)

Invited Experts

- Abdulqadir SULEIMAN (NO)
- Semira MEHIC (SI)
- Hannah DOHERTY (UK)
- Helmut WITZANI (AT)
- Andrea MAYER-FIGGE (DE)
- Tamas KOVACS (HU)
- Elsa ALBUQUERQUE (PT)

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
- Shortlist of subjects by Forum-22[4].

[4] In the mandate adopted at F-19, it was indicated "Shortlist of subjects by Forum 19". It's been now corrected.

Annex 2 b

Forum Working Group

"Forum Pilot Project on Child Resistant Fastenings"

(Mandate adopted at Forum-19)

Composition:

Chair: Szilvia DEIM (HU)

Forum Members/Alternates
- Sinead MCMICKAN (IE) - *TBC*
- Dimitrios Chatziantoniou (EL)[5]

Invited Experts
- Rosemarie Greiwe (DE)[5]
- Kristina KAZEROVSKA (LV)
- Erika Burai (HU)[5]
- Jana Kütt (EE) [5]

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

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

Timeline: Forum-23 (Q1 2016)

[5] Confirmed after the meeting

Annex 2 c

Forum Working Group

Work Package A.1

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

(Mandate adopted at Forum-19)

Composition:

Chair: Marta Osowniak (PL) (pending official confirmation)

Forum Members and Alternates

- Maria Orphanou (CY)
- Marilla Lehtinen (FI)
- Eugen Anwander (AT)

Invited Experts

- Karin Alkell (SE)
- Line Telje Høydal (NO)
- ES
- DE
- PT

Commission

- DG ENTR

Objective:

- conceive and manage the forth major Forum enforcement project

Mandate:

- Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
- Propose the scope to be covered including the specific restriction entries
- Prepare and deliver the training for project national coordinators
- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

Timeline:

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

Annex 2 d

Forum Working Group

Work Package C.2.

"Training for enforcement trainers 2014"

(Mandate adopted at Forum-19)

Composition:

Chair: Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Mariano ALESSI (IT)
- Gro HAGEN (NO)
- Mihaiela ALBULESCU (RO)
- Anne-Catherine ALFANO (FR Alternate)
- Maria ORPHANOU (CY Alternate)

Invited Experts

- Natali PROMET (EE)
- Louise HANLEY (UK)
- Celsino GOVONI (IT)
- Demi THEODORI (NL)
- Henrik HEDLUND (SE)
- Semira HAJRLAHOVIC MEHIC (SI)
- Nathan KUPER (SLIC-CHEMEX)

Commission

-

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in second half of 2014

Mandate:

- Examine the training subjects relevant for enforcement for second half of 2014 and prepare the priority topics for agreement before the Forum 17
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Before Forum-17: conclude on list of subjects and prioritisation (done)
- Forum-20: final report, depending on the date of the training

Annex 2 e

Forum Working Group

Work Package C.2.

"Training for enforcement trainers 2015"

(Mandate adopted at Forum-19)

Composition:

Chair: Gro HAGEN (NO)

Forum Members/Alternates
- Eugen ANWANDER (AT)[6]
- Otilija GRINCEVICIUTE (LT)
- Martin MARKO (CZ)
- Zilvinas UZOMECKAS (LT)

Invited Experts
- Paola DI PROSPERO FANGHELLA (IT)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Tatjana HUMAR JURIČ (SI)
- Kristina KAZEROVSKA (LV)
- Britt Joanna LEITNER (DK)
- Uwe LICHT-KLAGGE (DE)
- Richard LUIT or Andre MULLER or Tilda BOUWMAN (NL)[7]
- Jörgen ROSBERG (SE)
- Cathrine SKJÆRGÅRD (NO)
- Caroline WALSH (IE)
- NO
- FR

Commission
-

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

Mandate:
- Propose the content of the training subject relevant for enforcement in the third quarter of 2015
- Prepare materials necessary for the training such as presentations or documents

[6] AT, DE, DK, IE, IT, NL, SE, SI and SI are post meeting updates

[7] Who will participate depends on the specific issue and final date

- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Before Forum-20: provide for adoption the content of subject
- Forum-24: final report, depending on the date of the training

Annex 2 f

Forum Working Group

"Implementation of RIPE"

(Mandate adopted at Forum-19)

Composition:

- **Chair**: Eleni FOUFA (EL)

Forum Members

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

Invited Experts

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

Biocidal Products Regulation (BPR) Experts

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

Objective:

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

Mandate:

- Provide input during preparation, development and implementation of RIPE 2
- Prepare specification for any further screening or statistics reports
- Contribute to preparation and delivery of RIPE training for SPOCs /MS RIPE Administrators after the release of RIPE 2 in 2015
- Analyse the data and functionalities needed by inspectors enforcing the PIC Regulation and make a recommendation for WG EIES what data needs to be exchanged by inspectors enforcing the PIC Regulation
- Subject request from BPR MSCAs help ECHA to prepare functional and data requirements for expansion of RIPE for the inspectors enforcing Biocidal Product Regulation

Timeline:

- Forum-22 (end of 2015)

Annex 2 g

Forum Working Group

"Electronic Information Exchange System"

(Mandate adopted at Forum-19)

Composition:

Chair: Birte BØRGLUM (DK)

Forum Members/Alternates
- Pablo SÁNCHEZ PEÑA (ES)
- Marta OSOWNIAK (PL)

Invited Experts
- Tone Line FOSSNES (NO)
- Maria TARANCON (ES)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)
- Axel DORENBECK (DE)
- Michael FAGERLUND (DK)
- Elena ZIDAROVA BG

Commission
- Peter BARICIC

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

Mandate:
- Cooperate with the Commission to provide any necessary feedback about WG EIES 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
- Based on the recommendation of WG RIPE, examine and, if needed, elaborate, in cooperation with WG RIPE, the description of data be exchanged when enforcing PIC Regulation as well as relevant features
- Based on the recommendation of WG RIPE, recommend, if needed, in cooperation with WG RIPE, which existing tool would be the most appropriate to exchange PIC information between inspectors
- Develop a guidance document for using the ICSMS/EIES in enforcement of REACH, CLP and, if needed, PIC
- With the support from the Commission, contribute to planning, preparing and conduct of the training for Member State representatives about the use of new ICSMS by REACH and CLP inspectors by the end of 2015

Timeline:

- Forum-23 (Q1 2016)

Annex 2 h

Forum Working Group[8]

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-3"

(Mandate adopted at Forum-19)

Composition:

Chair:

Forum Members

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

Invited Experts

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

Commission

Objective:

- conceive and manage the third major Forum enforcement project

Mandate:

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

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

Timeline:

First phase

- Subject proposals and prioritisation: 1 September 2010 (done)
- Approval of the REF-3 subject : Forum-10 (done)
- Project manual: Q3 2012 (written procedure) (done)
- Prepare and deliver the training for project national coordinators:Q4 2012 – Q1 2013 (done)
- Operational phase: 01 February 2013 – 31 August 2013 (done)
- Reporting phase (National Coordinators): 01 September - 31 October 2013 (done)
- Evaluation phase: 01 November – 31 December 2013 (done)
- Draft report of phase 1 with the WG recommendations: Forum 17 (done)
- Adoption REF-3 phase 1 report: After Forum-17 (written procedure) (done)

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

Second phase:

- Inform National Coordinators: after F-15 (done)
- Adjusted scope and update supportive documents (Addendum): scope was adopted at Forum-16. Addendum to be adopted after Forum-16 via written procedure (done)
- Inform National Coordinators about new documents: Q4 2013- January 2014 (done)
- Second Operational phase: 01 February 2014– 30 November 2014
- Second Reporting phase (National Coordinators): 01 December - 31 January 2015
- Evaluation phase: 01 February – 31 May 2015
- Final consolidated report for REF-3 with the WG recommendations: June 2015 (Forum 21)

Annex 2 i

Forum Working Group
"Interlinks"
(Mandate adopted at Forum-19)

Composition:

Chair: Mike POTTS (UK)

Forum Members/Alternates
- Katja VOM HOFE (DE)
- Parvoleta LULEVA (BG)
- Mihaiela ALBULESCU (RO)
- Eugen ANWANDER (AT)
- Jos van den BERG (NL) – only pilot project

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

Fieldwork of pilot project
- NL
- FI
- IE
- IT
- FR

Commission
-

Objectives:
- Support the development of institutional interlinks

Tasks:
- Further develop the consolidated guide on handling the interlinks between NEAs, MSCA and ECHA, including the relevant Focal Points
- Define the interlinks between institutions relevant for PIC enforcement and incorporate them in the consolidated guide on handling the interlinks between NEAs, MSCA and ECHA
- Support the operation of pilot projects related to interlinks if they are established
- Contribute to planning, preparation and conduct of the Workshop on Interlinks involving the Forum, MSCAs and ECHA to take place in January 2015.
- Comment about the enforceability of the conditions for PPORDs defined in a small sample of ECHA draft decisions setting PPORD conditions in order to formulate general recommendations for writing enforceable PPORD conditions when preparing future advice
- Investigate the enforceability of the first authorisation decisions and recommend to the Forum whether input on enforceability would be needed for future decisions

Timeline: Forum-22 (November2015)

Annex 2 j

Forum Working Group

"First Forum Pilot Project on Authorisation"

(Mandate adopted at Forum-19)

Composition:

Chair: Jos van den Berg (NL)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Eugen ANWANDER (AT) - *fieldwork*
- Vincent DESIGNOLLE (FR)

Invited Experts

- Paul CARTER (UK)
- Amalia CASTELLTORT SEGURA (ES)
- Stefan FRENZEL (DE)
- Majella LOWE (IE)
- Adhemar ROG (NL)
- Nikolaos SPETSERIS (EL)
- Jordane WODLI (FR)

Objectives:

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

Mandate:

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

Timeline:

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

Annex 2 k

Forum Working Group

"Enforceability of restrictions"

Work Package B12

(Mandate adopted at Forum-19)

Composition:

Chair: Paul CUYPERS (BE)

Co-Chair: Maria Letizia POLCI (IT Alternate)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Aljona HONGA (EE)
- Mervi LEIKOSKI (FI Alternate)
- Jos VAN DEN BERG (NL)
- Eugen ANWANDER (AT)

Invited Experts

- Claire COX (UK)
- Werner ALTKOFER (DE)
- Skirmante AMBRAZIENE (LT)
- Leonello ATTIAS (IT)
- Erika CZÉGENI (HU)
- Marek DUSZYNSKI (PL)
- Carolina FERRANTI (IT)
- Tone Line FOSSNES (NO)
- Julia GONZALEZ GUTIERREZ (ES)
-
- Uwe LICHT-KLAGGE (DE)
- Karin RUMAR (SE)
- Durk SCHAKEL (NL)
- George TSAGAROPOULOS (EL)
- Gernot WURM (AT)
- Laura WILMS (DE)
- CY?

European Commission

- Patricia HUALDE GRASA (COM)

ECHA

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

Objective:

- Facilitate the enforceability of restrictions

Mandate:

- According to the working procedure for developing the Forum advice on enforceability of the Annex XV proposals for restrictions adopted by the Forum, the WG shall:
  - Prepare a draft Forum advice on the enforceability of Annex XV proposals for restrictions that are in conformity with the REACH requirements, taking into account the comments of the Forum members.
  - Prepare a draft final Forum advice that will be submitted to the Forum for adoption.
  - Provide support on enforcement related issues to SEAC (co-) rapporteurs during the process of the elaborating the SEAC opinion.
- In the execution of this mandate, the members of the WG shall follow the rules and principles established in the mandate given by the Chair of the Forum to the individual members and invited experts of the WG.
- The WG shall report to the Forum the results of its findings and its actions between the plenaries
- Propose a methodology for recommending analytical methods. After this methodology is elaborated, propose the elaboration of a compendium of recommended analytical methods in liaison with stakeholder organisations if needed, and other relevant bodies.
- Propose a manual intended to assist the control of compliance with the Annex XVII restrictions in close cooperation with ECHA.

Timeline:

- 31 December 2015, reporting at each plenary meeting

Annex 3 - List of meeting documents and presentations in Forum-19

Documents and presentations uploaded in CIRCABC per Agenda Point[9]

AP	Documents/Presentations (PRES)
1	ECHA/Forum-19/2014/A
	ECHA/Forum-19/2014/1.4
	ECHA/Forum-19/2014/1.5
	F-19_PRES_1.1
3	ECHA/Forum-19/2014/3_draft_mandate
3.1	ECHA/Forum-19/2014/3.1.1
	F-19_PRES_3.1.1_WG_Prioritisation_REFs
	ECHA/Forum-19/2014/3.1.2
	F-19_PRES_3.1.2_Thought_Starter_CLP
3.2	ECHA/Forum-19/2014/3.2.1
	F-19_PRES_3.2.1_WG_Train_trainers
3.3	ECHA/Forum-19/2014/3.3.1
	F-19_PRES_3.3.2_RIPE_project_progress
	ECHA/Forum-19/2014/3.3.4
3.4	ECHA/Forum-19/2014/3.4.1
3.5	ECHA/Forum-19/2014/3.5.1
3.6	ECHA/Forum-19/2014/3.6.1
	F-19_PRES_3.6.1_WG_Interlinks and thought starter
	ECHA/Forum-19/2014/3.6.2.1
	ECHA/Forum-19/2014/3.6.2.2+zip
3.7	ECHA/Forum-19/2014/3.7.1
	F-19_PRES_3.7.3_Enforceability of COM authorisation decisions
3.8	ECHA/Forum-19/2014/3.8.1_room doc
	F-19_PRES_3.8.1_WG_Restrictions PART 1
	F-19_PRES_3.8.1_WG_Restrictions Analytical methods
	F-19_PRES_3.8.3_Restriction_task_force
	F-19_PRES_3.8.4_Restriction_advice
5	ECHA/Forum-19/2014/5.1
	F-19_PRES_5.1_COM_updates
	ECHA/Forum-19/2014/5.2
	F-19_PRES_5.2_RAPEX_notifications
	ECHA/Forum-19/2014/5.3_room_doc
	F-19_PRES_5.3_Template_Quest
6	ECHA/Forum-19/2014/6.1(+annex 1a, 1b, 1c)
	ECHA/Forum-19/2014/6
	ECHA/Forum-19/2014/6_room_doc
	F-19_PRES_6_Practical_issue_Nicotine_LD50
7	ECHA/Forum-19/2014/7.1
	F-19_PRES_7.1_ATD_criteria
	ECHA/Forum-19/2014/7.2_room_doc (+annex 1 and 2)
	F-19_PRES_7.3_WG_description
	ECHA/Forum-19/2014/7.4
	ECHA/Forum-19/2014/7.5
8	ECHA/Forum-19/2014/8

[9] In CIRCA BC: Forum IG - Library > iv_meetings > 22. Forum-19 (3-6 November 2014)

	ECHA/Forum-19/2014/8_room_doc
12	F-19_PRES_12_COM_stakeholders
13	F-19_PRES_13.1_CEFIC_SONC
	F-19_PRES_13.2_Eurometaux
	F-19_PRES_13.3_Euroalliages
	F-19_PRES_13.4_EEB_Registration of nanomaterials
14	F-19_PRES_14.1_Targeting nanomaterials in the supply chain - AT
	F-19_PRES_14.2_NO_Annual_campaigns
	F-19_PRES_14.3_SE_Reach Forum-19 SE enforcement
	F-19_PRES_14.4_ Involvement of environmental inspectors in REACH enforcement - synergies and tools - FR
15	F-19_PRES_15.1_ Invitation to Stakeholders to submit proposal
	ECHA/Forum-19/2014/15.2

Annex 4. Glossary of acronyms and abbreviations

ASO: ECHA's Accredited Stakeholder Organisations
CARACAL: MSCA Committee for REACH and CLP
CCH: Compliance checks
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
C&L: Classification and Labelling
CMR: a substance or mixture which is carcinogenic, mutagenic or toxic to reproduction
COM: European Commission
CoRAP: Community rolling action plan
DSD: Dangerous Substances Directive
DG: Directorate General at Commission
DHP: Dihexyl phthalate
DU: Downstream Users
ECHA: European Chemicals Agency
EEA: European Economic Area
EIES: Electronic Information Exchange System
ELINCS: European List of Notified Chemical Substances
ENTR: DG Enterprise and Industry at the European Commission
ENV: DG Environment at the European Commission
eSDS: Extended safety data sheet
ESPG: Enterprise SMEs Policy Group
EU: European Union
GDAERF: Guide for Drafting Forum Advice on the Enforceability of Proposals for Restrictions
IPA: European Commission's Instrument for Pre-Accession Assistance
MAWP: Multi Annual Work Program
MS: Member States
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
MoC: Manual of Conclusions
NC: National Coordinator
OECD: Organisation for Economic Co-operation and Development
RAC: Risk Assessment Committee
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF: REACH-EN-FORCE , Coordinated Enforcement Project of the Forum
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RoP: Rules of Procedure
SANCO: Commission's Directorate-General for Health and Consumers
SVHC: Substance of very high concern
SDS: Safety Data Sheet
SEAC: Socio Economic Analysis Committee
SIEF: Substance Information Exchange Forum
SME: Small and Medium Sized Enterprises
SON: Security Officers' Network
SONC: Statement of Non-Compliance
TP: Testing Proposal
WG: Working Group of the Forum
WP: Work Programme of the Forum