Forum/13/M/2012
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Final Minutes of the 13th meeting of the Forum for Exchange of Information on Enforcement Helsinki 27-30 November 2012

I. Summary Record of the Proceedings

Item 1 – Welcome and Introduction

1.1. *Opening by the Chair of the Forum and welcoming the new members of the Forum*

The CHAIR welcomed the participants and the new member of the ECHA Forum Secretariat. She opened the meeting by informing the Forum members about the presences and absences. She transmitted the apologies from Iceland, Luxembourg, Liechtenstein and Bulgaria.

The CHAIR welcomed the new members and alternates appointed: Bulgaria, Norway, France (Forum member and alternate) as well as the new Italian alternate.

The CHAIR informed that the quorum requirement was met. In terms of the protection of individual rights, the CHAIR expressed that the meeting was being recorded for the purpose of minute taking.

1.2. *Adoption of the agenda and declarations of conflict of interest with regard to agenda points*

ECHA Forum Secretariat indicated the changes in the Agenda and it was adopted with its changes. The CHAIR asked for declarations of conflicts of interest on particular items of the agenda. Following the amendment of Annex 2 of the RoP by the MB decision on 23 March 2012 (MB/11/2012), an updated declaration of interest needed to be signed by all Forum Members. No conflicts of interest were declared.

1.3. *State of play with action points from F-12*

ECHA Forum Secretariat informed the Forum that all the follow-up actions regarding the adopted conclusions and action points from Forum 12 were done and/or taken into account for further actions.

1.4. *Practicalities and brief recapitulation of results of the written procedures between F-12 and F-13.*

ECHA Forum Secretariat presented the results of the six written procedures between Forum 12 and Forum 13:

1. Adoption of minutes of Forum-11: Replies: 9 (In favor: 9; Against: 0).
2. Adoption of the document “Interlinks between ECHA, MSCAs and NEAs for enforcement communication purposes”: Replies: 10 (In favor: 10; Against: 0).
3. Adoption of the project manual from the Forum third coordinated REACH enforcement project “Preparation of coordinated enforcement project REACH-EN-FORCE-3”: Replies: 11 (In favor: 11; Against: 0).
4. Adoption of the Agenda for the “Training for enforcement trainer 2012” event on 07-08 November 2012: Replies: 17 (In favor: 17; Against: 0).
5. Appointment of new REF2 WG Chair: Replies: 19 (In favor: 19; Against: 0).
6. Adoption of minutes of Forum-12: Replies: 11 (In favor: 11; Against: 0).

Item 2 – Address by the Executive Director (ED) of ECHA

The ED welcomed the Forum members and congratulated the Forum for the work achieved during 2012. He highlighted the already published CLP report and the Workshop on Interlinks. With the augmentation of letters that ECHA is sending out, it was important that the communications channels were defined. He urged the Forum members to make the best use of RIPE, as a tool elaborated by ECHA for supporting the NEAs.

ED supported the open session as an instrument to show the transparency of the Forum. He encouraged the continuity of the communication with the Accredited Stakeholders.

He stated that the Forum was under the public eye, as it was present in the report from EEB/Client Earth, where it showed much appreciation for the work of the Forum.

ECHA's Multi Annual Work Programme (MAWP) 2014-2018 included how ECHA's strategic objectives would be addressed (e.g. maximize the availability of high quality data to enable the safe manufacture and use of chemicals; mobilize authorities to use data intelligently to identify and address chemicals of concern).

He requested for the Forum to ensure that the next Forum's Work programme would be in line with ECHA's programme.

Item 3 – Update on relevant developments by Commission

3.1. Updates by the European Commission (CARACAL and EPG)

COM presented the latest and upcoming legislative changes.

From the Enterprise Policy Group (EPG) meeting, that took place on 12 July 2012, COM informed the Forum that the challenges faced regarding restrictions and authorisation were discussed, and encouraged this Group to further cooperate with the Forum.

The Forum questioned if it had been considered to consult the Forum for advice on the enforceability of the restrictions, and in particular PAH. COM replied that the new PAH restriction did not have a typical restriction procedure; therefore, formally, there was no obligation to consult the Forum.

3.2. *Enforcement related issues of the REACH review*

An internal consultation of the REACH review was in progress and the final version was expected by the end of 2012. In that review, a chapter dedicated to enforcement was created (COM would discuss this in Forum 14). A conference was foreseen to take place in the middle of February 2013 in order to present the REACH review. The Forum members would be invited.

The Market Surveillance Regulation (MSR) and General Product Safety Directive (GPSD) were under revision. MSR revision would be finalised at the beginning of 2013 and a public presentation would be conducted circa 1 month later. GPSD could be ready on the summer of 2013.

A Forum member suggested for the Forum to be consulted during the review process of the legislations or advice of restrictions. COM agreed and further discussion should take place within the WG Restrictions.

Regarding the debate over the adhesive for lashes, there was a meeting between DG SANCO and DG ENTR, where it was decided that this was not a subject to be discussed in the Forum, since it was an interpretative issue and should be cleared by the COM. DG SANCO agreed that was a borderline case and further discussion was foreseen shortly in this regard. The result of this discussion would be shared with the Forum when available.

Some Forum members expressed their regret for the fact that no representative from DG ENV was present in the meeting and encouraged the COM to ensure that a member of DG ENV will attend the Forum-14 plenary meeting.

COM encouraged the Forum to discuss essential practical issues and topics that were clearly related to enforcement.

The CHAIR inquired what could be the appropriate route to have a fast answer, since the interpretive issues were to be dealt by COM and the result would take an appreciable amount of time to be available. COM agreed that it was necessary to improve this situation and they were already addressing this issue.

The participants informed the COM that there was no reply on the Forum members' comments regarding the COM's study on enforcement. COM would forward this information to DG ENV.

The Forum requested for the COM to ensure good coordination to the Forum meetings and CARACAL, so they will not overlap.

At Forum-14, COM would present information over the outcome of the Workshop held in Brussels, 4th December 2012, on Chemical Legislation, in which participated the National Competent Authorities.

3.3. Progress achieved in the implementation of the Biocides regulation

Further information on this issue was postponed to Forum-14.

COM announced that the Forum would not be involved in this regulation, for the time being.

Item 4 – Reports from the ECHA Secretariat

4.1. *Manual of Conclusions (MoC)*

The CHAIR informed the Forum that eight new conclusions from Forum-11 and Forum-12 were added to the MoC.

COM inquired on what was ECHA's suggestion for maintaining the MoC. ECHA replied that, for now, the new conclusions were added and adopted. For the future, some other arrangement could be applied.

4.2 Exchange of Inspectors - Life+ Project

ECHA Forum Secretariat presented this item over the project proposal sent by the Technical University of Crete. The project's objectives were in line with the tasks of the Forum, therefore ECHA fully supported this project. It was envisaged 8-12 mutual joint visits (MJV) in 8 Member States; in each visit, 15-20 inspectors could participate.

ECHA encouraged the Member States to participate in this project, particularly in the MJV, since all the expenses would be covered by the project and it was an opportunity to share technical knowledge.

The result of the proposal submission was expected by January-February 2013 and it would be shared with the Forum.

4.3 Small and Medium Enterprises (SMEs) initiatives in 2013 in the Member States

In 2011-2012, ECHA installed a task force on dealing with SMEs in order to have a better understanding of their situation and therefore, to better support those companies during the next registration deadlines. ECHA organized webinars, a Helpnet session on this issue, distributed leaflets, provided translations as well as guidance documents.

It was also discussed in ECHA's Helpnet how SMEs could be supported. One of the suggestions was to foster the collaboration with the NEAs, to use them as multiplier to reach out to SMEs.

This was one of the triggers why ECHA Forum Secretariat collected input from the Forum members regarding the NEAs' overview on the national and regional campaigns and other activities undertaken by the enforcement authorities in relation to SMEs support. It was clear that many Member States developed similar activities. A Forum member requested a similar exercise from ECHA and COM side, to be added to the inventory. ECHA Forum Secretariat and COM agreed to collect the possible information.

The information collected would be used as an inventory to support NEAs in sharing best practice. In case NEAs would foresee participation of ECHA in such events, they should alert ECHA Forum Secretariat as soon as possible so that ECHA can consider whether participation is appropriate and include possible participation in the planning. ECHA may be able in some occasions to provide experts that can deal with the subject at stake in the national language.

COM supported those initiatives since DG ENTR received feedback from SMEs and were aware of their challenges with some REACH processes (e.g. Authorisation).

Item 5 – Enforcement of the PIC regulation

5.1 Enforcement issues related to the new PIC regulation

ECHA Forum Secretariat presented this item. Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals (PIC Regulation) entered into force 16 August 2012. The entry into operation starts on 1 March 2014. In accordance with Article 18(2) of the PIC regulation, the Forum established by the REACH Regulation shall be used to coordinate a network of Member State authorities responsible for the enforcement of this regulation.

The Forum will play an important role regarding the approach to harmonisation of enforcement. This new task should be reflected in the Multi-Annual Work Programme of the Forum (new working group to be established during the meeting).

As a follow-up action from Forum-12 (old item 4.d), ECHA Forum Secretariat invited the Forum members to submit information about PIC related enforcement networks in their own country.

During the preparatory phase, the Forum should consider the prioritisation of tasks on how to coordinate the network regarding the enforcement of the PIC regulation.

5.2 Updates by the European Commission on PIC (COM)

DG ENV was not present hence this issue was postponed to Forum-14.

5.3 Update on the 20th meeting of Designated National Authorities (DNA)

ECHA presented background information to the Forum in regards to the PIC regulation. The Forum was informed about the new tasks that ECHA would embrace as well as the actions that were taking place in this regard.

The tool developed by the Joint Research Centre (EDEXIM) to apply for an Export Reference Number prior to an export of certain dangerous substances would be continued to be used by ECHA, but further improvements would take place.

A Forum member inquired if whether Forum or COM (DG TAXUD) should be coordinating the Customs' specific tasks. ECHA replied that contact was being established in order to have more collaboration with DG TAXUD and to improve the IT tool to include the Customs' controls.

A Forum member requested ECHA to draft a position paper clarifying the roles of the Forum and the DNAs. ECHA Forum Secretariat suggested using the document presented in item 5.2 as a thought starter.

A Forum member questioned whether it was possible to distinguish between "intended use" and "actual use". ECHA replied that if a chemical was listed in the EU PIC, an export notification was always needed regardless of the intended use. Details of the exporter were also sent to the importing country.

Item 6 – Practical issues for enforcement of REACH and CLP

6.1 Items raised by ECHA - left over(s)

Issue 1. ECHA: Registration

At Forum-12, the Forum suggested that a collaboration between ECHA and NEA could take place in cases where companies, that have been found not to qualify as an SME, fail to pay the administrative charge by the extended due date.

ECHA has revoked 7 registrations and 14 were pending. A draft procedure on how the communications with the Member States were established was under-development. At the time, ECHA developed an excel table and every time there was a revoked case, the company would be added in the table.

ECHA Forum Secretariat invited the Forum members to ascertain whether the substance, for which the registration has been revoked, was still placed on the market and whether it was possible to take action against the infringement of Article 5 REACH.

Some Forum members showed reservations on the possibility for them, as a public authority, to recommend private law firms.

A Forum member welcomed that approach and added that the information was only addressed to the Competent Authority (CA). It was suggested to inform the NEAs at the same time and to include this information also in RIPE. ECHA Forum Secretariat would take the action of updating the Inventory of the Interlinks with this new entry and to confirm if this would be visible in RIPE.

Issue 2. ECHA: SDS – CLP Art 33(3)

At Forum-12, the Forum agreed that it was not appropriate for the transport pictograms to be included in section 2.2 of the SDS, which should be reserved only to CLP pictograms. It was also agreed that the most appropriate place for transport pictograms was section 14 of the SDS.

The Forum member that brought this subject to the attention of the Forum agreed with the Forum's decision that the supply pictogram can only be illustrated in Section 2 whereas the transport pictogram can only be illustrated in Section 14. It was noted that there were no requirements to include a transport pictogram in Section 14 of the SDS. The Forum member submitted a proposal to the 24th Session of the United Nations Sub-Committee of Experts of GHS (to take place in December 2012) to make this an option in the SDS.

The above mentioned Forum member presented a new wording to take the Forum's decision into account.

Issue 3. UK: Substances in Articles

After Forum-12, FI and DK Forum members submitted their position on this issue and ECHA's legal team had an opportunity to comment on them.

The Forum discussed and the CHAIR concluded that no clear reply could be drawn for the question of the obligation to communicate information regarding SVHC substances up and down the supply chain. It was agreed by the involved Forum members that the legal basis for this issue was Article 33(2) REACH. COM was invited to provide its opinion on this.

A Forum member referred to the published Guidance document on how to handle requests under Article 33(2) REACH, where it stated that if a company assembles articles in which the supply chains were entirely European, the investigator had to go back up the supply chain in order to find the supplier with all the information.

Issue 4. NL: Registration of CMRs

The NL Forum member, informed the Forum that the project in the NL would be continued during 2013. At the time, no non-compliances of Articles 5 and 6 REACH were yet found although there were many companies with pre-registrations of CMRs.

Forum members expressed they were conducting (or planning on starting) similar projects in their Member States and they wished to be informed on the result of the original project.

A Forum member added that the C&L notification data in RIPE was helpful to target such inspections.

Issue 5. NL: Pilot project to investigate further possibilities to digitalize the process of formulating, distribution and use of Safety Data Sheets (SDS) in the supply chain

During Forum 12, NL Forum member informed the Forum about the Pilot project in the NL of the policy departments of the involved ministries to investigate further possibilities to digitalize the process of formulating, distribution and use of Safety Data Sheets (SDS) in the supply chain.

The Forum member updated the Forum that the project will continue until December 2012 and the final report would be also produced in English. That would be distributed to the Forum members and made available in ECHA's website.

As preliminary results, he informed that the NL Competent Authority agreed on an IT tool that would send automatically the deep-link to a specific SDS (not a

data base) to the companies. The Dutch CA and NEA agreed that was an active delivery and therefore an acceptable way of delivery. In light of this project, the University of Tilburg was conducting a study on the approaches used in different Member States on this issue.

Issue 6. AT: Article 40 of the CLP Regulation

After Forum-12, some Forum members submitted to the AT Forum member their views on the questions posed.

The involved Forum members agreed that the submitter of a group notification could be any third party if located in the EEA.

ECHA and COM provided the information that the importers/manufacturers remained fully liable when they were part of a group notification. There could be situations where the third party may become liable due to contractual agreements between the companies (e.g. OR).

AT Forum member proposed that, if the group submitter was an OR, it should be considered to have the same competency and the background as described under REACH. In case of a third party submitter (not importer/manufacturer or OR), he questioned how it would be considered, since it was not liable for the content of the submission and no competency should be required.

The Forum debated over this issue, forwarding the information that according to the Guidance document, the ORs were allowed to submit CLP notifications.

Issue 7. n.a.

6.2 New items raised by Forum members/COM

Issue 8. SE: The label of two-component products

SE Forum member questioned on how to correctly label two components of the same product and provided an example to the Forum.

A Forum member replied that the inner packages must be labelled (specified in Article 33 CLP). In the SDSs of each component (in section 7) there should be information about the hazards of the final mixture. The final user could have a risk assessment of the mixture taking into consideration both components' SDSs. Other Forum members agreed with this view.

It was added by SE Forum member that it was not possible to label the inner packages since they were not visible and the outer container was sealed.

It was then suggested to include all the labels in the outer package.

ECHA suggested using tie-on labels in this situation. In addition, ECHA stated that certain situations were difficult to assess and should be done on a case-by-case basis.

Issue 9. NL: Update of a self-classification in relation to the REACH obligation for registration of CMRs

The NL Forum Member informed the Forum over a company that self-classified its substance as "non-CMR". According to RAC-advice and their proposal to harmonize classification, this substance should be classified as "CMR" and the company should update its registration.

The Forum agreed that RAC's advice should be followed by the company (according to Article 15 of CLP).

Issue 10. NL: Quality requirements of Extended SDS

The NL Forum member presented that the Dutch authorities would focus on the Extended SDS. He queried the Forum if other members started inspecting Extended SDS and what were their criteria for enforcement. He considered that there was not enough information in Annex 2 REACH or in the Guidance on SDS regarding the Extended SDS.

ECHA informed that the issue was being addressed by ECHA together with the Stakeholders and by the Exchange Network of Exposure Scenarios (ENES). ECHA suggested that "quality" would be difficult to enforce since it could be a subjective definition.

The Forum members shared their experience and understood that investigation was still in an early stage in many Member States. FI Forum member presented a study to relate exposure scenarios with the appropriate SDS and evaluate how useful they were to the downstream user.

Issue 11. IE: Article 29 CLP to be used to facilitate the application of Article 33(2) CLP

The IE Forum member presented this issue regarding a case containing several bottles labelled differently. The challenge was on how to compile all the information in a label to be placed in the outer box, as required for supply, in all the required languages. The company approached the NEA with the information that it was difficult and too costly and proposed a fold-out label. Article 29 CLP did not allow a fold-out or tie-on label since it was not a small package.

Some Forum members replied that the language issue was not a valid reason to use a fold-out/tie-on label. For Member States that required more than one language, it could be an issue.

ECHA added that according to Article 33 CLP the outer package should have a label of every substance that it contains. Article 29 CLP addresses the situation of having different language requirement: although it may be costly, it did not alter the company's obligation.

A Forum member noted that in case of multi-components, space could become an issue and that could be taken into consideration by the enforcement authorities when drawing a conclusion. ECHA highlighted that that would still fall in the specifications of Article 29 CLP.

Issue 12. IT: Duty to communicate information down the supply chain for crystalline silica containing composite materials

IT alternate presented this issue where workers were exposed to respirable crystalline silica, containing a high percentage of crystalline silica, classified as a carcinogen to humans. According to OSH legislation, extra measures should be laid down by the employer in order to minimize the workers' exposure to such substance. Respirable crystalline silica did not have a CLH according to CLP and the provision of Article 32 REACH does not cover this situation since this was an article. The Italian network on Sylica was discussing this situation with REACH authorities. She requested Forum's advice in order to conclude on how to deal with the issue.

COM suggested collecting some information on how this situation was being tackled in other Member States and then proposing a conclusion.

ECHA raised the question if the respirable crystalline silica was a substance and the article was, for example, a cut kitchen top. IT alternate compared it with a tile, which was an article: the worker would also need to cut and refine it for installation but it was, *a priori*, already an article.

A Forum member informed that the Carcinogen Directive was being revised and an occupational exposure limit for this substance would be available. In her view, this

issue should be dealt by the OSH legislation. This was shared by other Forum member.

Issue 13. COM: Asbestos in cars imported from China

The issue presented was a case where COM received information that countries from outside EU found asbestos on some cars manufactured in China. The Forum was requested to share if this situation was reported in their Member State and inform the COM.

The Forum thanked COM for disseminating this information.

Item 8 - Work Packages - Activity Reports

8.1 B.2 – Interlinks between ECHA, MSCAs and Enforcement Authorities

8.1.1 Progress report

The WG Chair presented the WG progress. The WG report was adopted unanimously, after a language check.

The Forum agreed that there was a need to have a procedure on how to update the Inventory. It was agreed that it was a living document and it should be periodically reviewed and updated: when requested by the Forum, the update of the Interlinks Inventory would be done and the CAs informed. COM required to be informed of the information exchanged.

The representative of SLIC CHEMEX noted that the document could be useful for its members. The members of this network could also be used as a multiplier so that the information reached the national label inspectors. The Forum agreed to share the Inventory with SLIC.

The NL Forum member, leading the Pilot project on PPORDs and ORs under this WG, informed the Forum on the available results (until September 2012) and the delay of the start of the operational phase. He proposed to have the operational phase extended until 1 April 2013.

ECHA Forum secretariat proposed to close this WG and maintain the Pilot Project as a stand-alone project, led by the NL and RO Forum members. The Forum agreed.

8.1.2 Workshop with MSCAs – Report

The Forum took the opportunity to express their views over the final summary report of the Workshop held at ECHA on 09 October 2012, where representatives of the Forum, NEAs and CA participated.

Some Forum members that had not yet appointed the MS Focal Point informed that internal procedures were undergoing and that the ECHA Forum Secretariat would be informed.

A Forum member suggested re-wording a paragraph of the report, concerning the translations by the MS Focal Points, since ECHA was still evaluating the feedback received from the Member states in this regard and no conclusion was yet available. Upon the request of some Forum members, the deadline to submit the information on the issue to ECHA Forum Secretariat was extended.

8.2 Forum Enforcement Projects

8.2.1 REF-2 Progress report (draft project report)

The WG Chair presented the preliminary results of the operational phase. The Forum appreciated and thanked the participations of 29 Member states, the hard work of the new chair of this WG as well as the valuable input of the invited experts of the WG.

ECHA Forum Secretariat informed the Forum on the possibility of a news alert supported by COM with the results of REF-1 and REF-2, as a way to promote and inform the public over the Forum's work.

The Forum members confirmed that with the experience gathered with the two previous REF projects and with the work of WG Horizontal methodologies, it was possible to foresee that future project would involve less challenges and consume less time.

8.2.2 REF-3

8.2.2.1 Progress report

The Chair of this WG presented the WG's activities between Forum-12 and Forum-13. A final version of the draft minutes (meeting at 18th July 2012) as well as an RCOM table with the replies of the WG to the Forum members' comments on the REF-3 manual was requested by some Forum members.

He proposed to have the WG's mandate extended by the end of the project (and not only by the end of the preparatory phase). The Forum agreed.

The WG chair stated that the training event for the National Coordinators (NC) would take place on the 5th December 2012 via Web-conference. An explanatory document, stating questions from the NC and correspondent replies from the WG, was being prepared in order to help the NCs on their tasks.

A new timeline for the execution of the project was suggested and the Forum was informed that the reporting tool was to be delivered by the end of January. The Forum discussed this proposal and reached a compromise that was reflected on the WG's amended mandate. It was agreed that the NC would perform the quality check of the data received by the inspectors before sending it to the WG.

COM's comment on the Manual was done after the adoption of the Manual by the Forum (14 September 2012). Due to this, no changes on the Manual were done. The WG chair stated that the COM's comments would be reflected in the explanatory document for the NCs.

8.2.2.2 REACH and customs- Cooperation within the Commission

COM presented background information on the cooperation between authorities (REACH and Customs) and a few proposals for mechanisms to improve cooperation.

A practical document prepared by COM (ENTR, ENV and TAXUD), regarding the cooperation with Customs, was distributed to the Forum members in October 2012. The Forum was invited to provide feedback on this document.

Since the REF-3 manual was, at that point, adopted by the Forum, no further additions on the manual were done. It was proposed to forward this document to the National Coordinators of REF-3.

A more complete legal document was still under preparation by COM and no information of its release date was available.

A Forum member suggested further elaborating this document to also give the view under the REACH legislation (e.g. the term “import” was different under REACH and under Customs legislation). COM’s legal document would provide such clarification.

COM expected to review the practical document taking into account the Forum’s comment. Therefore TAXUD had not distributed to its network, only after Forum’s agreement. COM conceded that the Forum members share it with their Customs authorities in order to start the desired cooperation.

8.2.3 Horizontal methodology for enforcement projects

8.2.3.1 Progress report

The Chair of this WG submitted the progress report.

8.2.3.2 Reporting tool - Update from ECHA

ECHA Forum Secretariat gave an overview of the support provided by ECHA to the management of REACH and CLP harmonised enforcement projects coordinated by the Forum (REF-projects) and acknowledged that from ECHA’s perspective, REF-projects were one of the key outputs from the Forum and that ECHA was committed to support these projects in future. ECHA Forum Secretariat proposed a mechanism to handle risks related to ECHA’s financial resources for the support of REF projects. In particular, financial planning could start from the elaboration of the Multiannual Work Programme of the Forum (MAWP) and further on during the preparation of a REF project.

ECHA Forum Secretariat informed the Forum that ECHA would take over from the WGs the task of developing the reporting tool for next REF-projects as to provide additional support to the Forum and to keep stock of the best practice acquired on project management. The reporting tool would be delivered to the project national coordinators in the national language(s) from the MSs upon request from the Forum member. It was clarified that for the REF-3 project, the reporting tool would be similar to the reporting tool used for REF-2 project. The quality of project data would continue to rely on the different data quality control levels (inspector, national coordinator and WG).

The REF project manuals were translated by the CdT – Centre of Translations - depending from the European institutions, using ECHA’s budget upon request. That would imply that some attention could be taken regarding the size of the manual.

8.2.4 Pilot project on Intermediates - Progress report

The Forum member leading this project presented the preliminary results. No severe violations were encountered. Translations issues, clarity in the text of the documents provided to the companies and legal interpretations were some of the challenging situations encountered.

It was requested for ECHA to give an estimation of the number of cases to be dealt with in the future and to prioritize them, since it can be burdensome for the NEAs and difficult to include ECHA’s requests in the current NEAs' work-flow.

COM inquired what was more controversial to investigate: the Intermediate's definition or the Strictly Controlled Conditions (SCC). No clear answer could be provided at this point from the project. According to ECHA, the SCCs were more difficult to investigate.

ECHA informed that a new batch of Article 36 letters was sent in September, requesting the registrants to update their dossier. The deadline for that was still valid. After evaluation, ECHA would decide if there was a need for follow-up.

ECHA would investigate if a reporting phase on the updated dossiers was planned.

When a case was closed by ECHA (e.g. the company updating properly their dossier), the Competent Authority was informed. A Forum member noted that according to the Interlinks' Inventory, it should include the NEA in copy. It would be good practice to inform the MS Focal point as well.

ECHA Forum Secretariat expressed the possibility for the Forum to decide on including the topic of Intermediates in the next 'Training for the enforcement trainers' event.

8.3 Training for the trainers - Final report

The Chair of this WG presented the final report and recommendations regarding the 'Training for the enforcement-trainers 2012' event that took place in ECHA on 7-8 November 2012.

She shared that collaboration with IMPEL network, namely the environmental inspectors, could be considered for future trainings.

As a way to improve, the Forum suggested to better target the participants with the issues handled. Approaching the "inspection reporting" topic could be beneficial for the trainees. Although a common reporting template was difficult to harmonize, it could be a subject for the WG Horizontal methodology to address.

8.4 Implementation of RIPE (B.3)

8.4.1 Progress report

The Chair of this WG submitted the progress report

8.4.2 RIPE progress

ECHA Forum Secretariat presented an update of RIPE. The RIPE version 1.7 was available since mid-September 2012 and version 1.7.5 or 1.8 was foreseen to be ready by the end of January 2013.

An additional security measure was to be added during Q1 2013. That implies an extra step for the user during the login but no extra token was required.

RIPE 2.0's scope was not yet approved, although ECHA's management provided their agreement for further development of the project until June 2013. At that point, a discussion over the long term plan and an agreement over the scope would take place.

ECHA management was well informed on the pressing need of having this project fully developed Forum members strongly encouraged ECHA to ensure the development of RIPE 2.0.

A Forum member inquired if RIPE could be updated more than once per month. RIPE was based on the CASPER data base and RIPE was updated at the same time as this database (which was once a month). If the base tool changed, a higher update frequency could be considered.

The survey collected from the Member States on the use levels of RIPE showed that the number of users and administrators were close to the expected. If more inspectors would be motivated to use RIPE, that would be beneficial for the project.

Although RIPE allows for direct communication between ECHA and inspectors, that line was not used. Only communications via Focal point should be taken in consideration.

8.5 EIES (B.4)

The Chair of this WG submitted the progress report. A meeting would be held in 12 December 2012. The outcome of the meeting as well as final decision if the ICSMS was to be adopted as the long-term solution would be shared in Forum-14.

Item 9-Transparency in Forum's activities

9.1 Forum's Publication strategy

During October 2012, ECHA and the Forum were addressed in an NGO report, affirming that there were not enough documents made publicly available.

As ECHA's values were applicable also to ECHA bodies, the Forum considered seeking the view of ECHA's management on this item taking into account the special needs in relation to enforcement issues.

ECHA Forum Secretariat would keep the Forum informed on the development of this issue in the following meetings.

For the time being, the development of a Forum's publication strategy would cease until further information.

9.2 Final report from the Forum's enforcement project on PAH – review for publication

The DE Forum member presented the editions made in the report.

With those changes, the Forum agreed upon the publication of the report.

Item 10- Update on cooperation with other networks

10.1 Update on SLIC WG CHEMEX projects

The chair of the WG CHEMEX presented SLIC's work streams and the current working group activities. A new work stream was being developed on REACH enforcement in relation to the OSH legislation (since some contradictions between the two legislations were found) and a guidance document was being developed. When ready, the documents would be available in CIRCA and the Member States' contact points would have access to them.

The results from the Forum's WG REF-2 were considered relevant and closer collaboration was proposed.

SLIC was waiting for the decision of the Forum if ICSMS was accepted as a secure tool to share information with inspectors.

The SLIC representative informed that a aiming to a single report template was very interesting project. If there was a development of such project, the Forum should seek to cooperate closely with SLIC and DG Employment.

COM suggested that ECHA and COM could be consulted on the guidance documents' development. SLIC replied that OSH was not under ECHA's scope and

that DG Employment and ECHA Forum Secretariat were consulted, whenever deemed necessary.

10.2 Report on CLEEN conference

ECHA Forum Secretariat presented a summary report from the 13th CLEEN in Vilnius, on 17th September 2012. The Forum was informed on the on-going projects developed by this network and some national enforcement projects.

10.3 IMPEL project proposal on the link between Directive on Industrial Emissions (IED) and REACH

ECHA Forum Secretariat presented the received proposal for a project to be developed by IMPEL, on the "Linking the Directive on Industrial Emissions (IED) and REACH Regulation". IMPEL invited the Forum to collaborate in this project.

It was debated that the project should present a clearer idea on the added value it would bring to the Forum. The Forum was invited to submit comments once the proposal was approved by IMPEL.

Item 11– Preparatory discussion on the open session

11.1 Analytical methods approach

11.2 Other issues

A member of the WG "Enforceability of Restrictions" presented the outcome of the comments on the thought starter document on analytical methods presented at Forum-12. She presented the WG's proposal on how to elaborate and test the methodology to recommend analytical methods. The Forum welcomed the preparatory work undertaken and encouraged the WG to provide more details on the process to include the involvement of stakeholder organisations.

COM suggested that the study on enforcement of restrictions[1] could help with the selection of the entries to be tested.

The chair of the WG "Enforceability of Restrictions" proposed a reorganization of the WG, by creating a sub-group on analytical methods. During the ensuing discussions on the mandates of the WGs, the Forum agreed with the current mandate of the WG including the elaboration of a methodology to recommend analytical methods. The Forum acknowledged the need to resource the WG with experts in the field of analytical methods and additional members of the WG were appointed to facilitate the work of the WG on this area. The Forum requested the Chair of the WG to present a work plan for the WG to complete this activity at the next plenary of the Forum.

He highlighted the collaboration with Stakeholders towards a common goal of having a compendium of recommended analytical methods, a list of accredited laboratories and guidance on how to check restriction's compliance.

[1] Implementation and Enforcement of Restrictions under Title VIII and Annex XVII to REACH in the Member States - Final Report, European Commission, Directorate General Enterprise and Industry,07 March 2012

The CHAIR added that the Forum needed to evaluate in what way the Stakeholders may contribute. In that way, they might feel impelled to present their own suggestions and ideas.

COM suggested to provide the Stakeholders the already existing table and requested them to comment on.

Item 13 - Welcome and Introduction (Open session)

13.1 Welcome by the CHAIR of the Forum

The CHAIR welcomed the Stakeholders and thanked them for accepting the invitation.

13.2 Presentation of the Agenda

An overview of the topics to be discussed was presented by the CHAIR. ECHA and Forum would also take this opportunity to inform the Stakeholders on the on-going projects and other activities.

13.3 Practicalities

ECHA's Director of Cooperation welcomed the participants and presented the house rules.

Item 14 – Address by the Director of Cooperation (Open session)

ECHA's Director of Cooperation addressed the participants and presented some hot-topics that would be focused upon during the open session. He appealed for an open dialogue which both parties could benefit from.

Item 15 – Challenges with compliance with REACH and CLP (Open session)

15.1 Experience in Norway with enforcement of SMEs

NO invited expert shared with the participants this country's approach for dealing with the challenges with enforcement of SMEs. Guidance documents and training were offered to the companies by the NO NEAs in cooperation with MSCA and the Federation of Norwegian Industries.

15.2 Assistance to Recyclers in the Plastics Chain

A representative of European Plastics Converters (EuPC) presented his association, whose members were plastic converters and recyclers. Although exempted from registration, the plastic recyclers are not exempt from pre-registration so an SDS is required.

In 2011, EuPC developed a project on SDSs that allowed the company to create a tailored-made SDS using the worst case scenario.

EuPC offered a service to their members by preparing the company for an inspection: performing a pre-inspection audit.

He shared his disagreement with the fact that, in some Member States, after the company was inspected, the company received a costly invoice (inspection fee).

There was a possibility to collect the challenges that the plastic industry faced, at national level. Because of confidentiality issues, the EuPC representative did not separate the issues by country.

The plastic recyclers' companies would face some challenges in the future namely caused by the fact they did not have a registration number and would not be able to provide Extended SDS. ECHA provided a fact sheet with the information why, in some instances, there would be an SDS but no registration number and this was highly appreciated by the sector.

At a longer term (starting at 2015), plastic recyclers would face a challenge regarding Authorization: recyclers had not been exempted from authorization. In case of a manufacturer, if they do not have an authorization, the production stops. Hence, according to REACH, all recycling would stop too. But the recycler still has the raw material for the forthcoming years. This issue needed to be solved, together with ECHA and COM.

A Forum member inquired if there was a need for the recyclers to have SDSs, since there could be no actual hazard for the workers dealing with the recycled products. The EuPC representative replied that, although its members were regulation-driven, they were also custom-driven. In order to address both, there could be cases where an SDS was created but not necessarily needed. Sometimes, it was difficult to assess which substance the SDS should be about (monomers, polymers). In some cases, both are produced.

15.3 i Update on Forum enforcement coordinated projects: REF-2

The WG Chair updated the participants on the preliminary results of the REF-2 project.

15.3 ii Update on Forum enforcement coordinated projects: REF-3

The WG Chair updated the participants on the scope and timeline of the REF-3 project. COM added that a practical document on the Cooperation with Customs was developed.

The representative of CEFIC welcomed the project and informed that CEFIC compiled 9 complicated cases on how to evaluate who was the REACH importer, explaining the industry's point of view. It was available in CEFIC's website.

The CHAIR notified that the cases would be analysed by the Forum members and feedback to CEFIC on the Forum's views should be given.

15.4 Pilot project on intermediates

The Forum member leading this project presented the current status of this project.

It was clarified that the on-site inspections checked the SCCs rather than the intermediates' definition (this was done via desktop study in ECHA). A public

report of the Workshop on Intermediates (May 2012) was available on ECHA's website.

15.5 Need for enforcement authorities to interact with competent authorities

CEFIC's representative highlighted the importance for industry that inspectors/NEAs/CAs harmonized their communication flow to avoid situations such as, for example, the inspector not being aware of the existence of new guidance documents. That was also needed between other enforcement agents (e.g. Customs) and Member States.

The CHAIR stated the Forum's project Interlinks was developed in order to address this situation.

It was suggested to have, at national level, a similar meeting as the Forum, in order to exchange ideas and improve the communication. Some Member States already had this approach.

The time between the policy making and the actual enforcement activity could be long. CEFIC suggested that it could be possible for the inspectors to transmit information vertically when a situation had not got a policy in force.

15.6 Update on project Interlinks

ECHA Forum Secretariat informed the participants on this project, the correspondent Workshop and the following steps. The CHAIR added that it was time to collect experience in order to improve.

15.7 Implementation of Exposure Scenarios: Update from industry on practical difficulties and issues identified

CEFIC's representative presented this item. With the collaboration of Downstream Users of Chemicals Co-operation group (DUCC), she informed the participants on the challenges faced by the formulators when introducing Exposure Scenarios (ES). The "use mappings" and "use descriptors" were a way to assist with the standardization but needs further development.

To cope with the present and future challenges, the Exchange Network of Exposure Scenarios (ENES) was created. It was coordinated by CAs, ECHA, Stakeholders and the possibility to include NEAs.

During the inspections under the light of REF-2 project, the Extended SDS were analysed/inspected but only the format of the SDS, whether it was according to the amended REACH regulation EC 453/2010.

15.8 ENES Group - Meeting report

An ECHA's representative that coordinates ECHA's input as a member of the ECHA-Stakeholder Coordination Group, presented a summary of the outcome of the ENES 3 meeting that took place in Brussels on 21-21 November 2012. The conclusions would be published in ECHA's website.

Feedback from the Member States on the CSA roadmap was received. A draft was being prepared and it would be shared with the Forum. The Forum Members were invited to provide comments.

The Forum members welcomed the roadmap as it can be a valuable tool for the inspectors.

Item 16 – Restrictions and analytical methods (Open session)

16.1 Progress report from the WG Enforceability of Restrictions report

The Chair of this WG presented a summary of the activities of the WG.

16.2 Compliance with Annex XVII restrictions – Analytical methods

The Chair of this WG described the challenges faced with the enforcement of restrictions, providing some examples of the diversity of analytical methods available for the same entry in REACH Annex XVII.

CEFIC's representative stated that this is also a problem for industry. They relied on the information provided by the suppliers. EuPC's representative suggested to organize workshops on this topic and invite industry sectors with interest on the different restrictions.

The present Stakeholders agreed that both parties would benefit from their cooperation and would inform their network to provide input over this issue to the Forum.

The CHAIR concluded that it was useful to have contacts in the different sectors since they could already have some information over their specific restrictions and correspondent analytical method.

16.3 Some Commission experience with Analytical methods, standards and laboratories

COM presented this issue informing the participants that the existing standards were in line with the legislation. The regulation EC 882/2004 on feed and food safety provides information on EU reference laboratories, where JRC hosts 6 of them. There was also a network of 80 customs laboratories across EU, with their inventory and language. COM suggested creating a flexible, non-binding and informative tool, starting with the experiences from each Member State. Recommendations on the analytical method should be considered on a case-by-case basis.

A Forum member informed the Forum of the existence of a network involving the Cosmetic Regulation, with their cosmetic control laboratory.

According to a Forum member, the bottom line of Annex XVII was "placing on the market" and that was task of the Customs. He requested the COM for a contact person with expertise in this field that could collaborate with the WG Restrictions. COM would analyse the need of the WG and then provide the correct contact person.

16.4 Organisation of laboratories in Germany

A German expert presented the organization structure of the authorities' laboratories in Germany, their technical requirements and provided some practical cases.

The costs involved were covered by the state. Since all the accredited laboratories were certified for complying with ISO 17025, the test results were well accepted in court, if disputed.

Item 17 – Conclusions (Open session)

17.1 Conclusions from the open session

The CHAIR recapitulated the issues presented by the Stakeholders. Some of them were already known by the Forum and some were already being addressed (e.g. Interlinks). She requested the Forum members to share and discuss these issues at their home countries.

She appreciated that the Stakeholders may inform their network on the REF's projects and appealed for an improved cooperation.

17.2 Feedback on the open session with Stakeholder Organisations

COM stated that it was the first time that a specific topic addressed during a Stakeholders' session was attempted. It could be the reason why not many Stakeholders accepted Forum's invitation (not relevant topic for them). He regretted the absence of NGO/Environmental organizations (possibly because of the EEB/Client Earth report or the overlapping of Forum and CARACAL meetings). According to COM's experience, Stakeholders were becoming very active.

CEFIC's representative suggested having two topics in each open session and to send the invitations to a lower level within the institutions. For the Forum, she proposed to have the input from Industry on some particular topics being discussed in the WGs.

IMA-Europe's representative agreed with the CEFIC's proposals and added that the information on the topic could be provided at an earlier date in order to have the correct person attending the meeting. She welcomed the format of the meeting and would share all the information acquired with her network.

It was the first time that Eurometaux's representative had contact with enforcement authorities and it was a positive experience.

Item 19 – Debriefing over the open session

The CHAIR transmitted that it was a fruitful discussion from where the Forum could benefit.

To increase the participation of the Stakeholders on the Forum's work, ECHA Forum Secretariat remembered that the Forum had a legal obligation to liaise with ECHA's accredited stakeholders. However, ECHA Forum Secretariat would investigate the possibility for the Forum to liaise with other stakeholder organisations when more targeted discussions are needed, such as in the case of the analytical methods.

The Forum proposed to brainstorm on the topics to be discussed where the Stakeholders could be consulted. As a topic, it was suggested "Customs" for 2014.

Overall, the cooperation with the Stakeholders was welcomed by the Forum and actions to improve it would take place (making the agenda more appealing by

sending proposals in advance, better preparation, more background documents available, dinner.)

Item 20 – Revision and establishment of Working Groups

6 WG mandates were updated and adopted (Annex II).

2 new WGs were established and the mandates drafted during the meeting (Annex II f and i).

The WG Interlinks was closed (the Pilot project on PPORDs and ORs remained as a stand-alone pilot project).

Item 21 – Planning of Forum plenary meetings for 2013

ECHA Forum Secretariat submitted the Forum meeting's dates for 2013.

They were:

Forum-14: 18-21 March 2013
Forum-15: 17-20 June 2013
Forum-16: 28-31 October 2013

It was requested to COM to take Forum's meeting dates in consideration when scheduling CARACAL. In addition ECHA bodies were requested to improve the adjustment of their meeting plans so that the Forum Chair may decide to participate.

Item 22 – Relevant developments by ECHA

22.1 Conflict of interest

ECHA presented its activities to implement its Policy of managing Conflict of Interest. One of them was that the Management Board and the Committees (including the MSC) adopted Codes of Conduct for their members. Another important new element was the adoption of provisional guidelines for eligibility for membership in the Forum as decided by ECHA's Management Board in September 2012.

It was suggested that the Forum considers on having a Code of Conduct as well.

A Forum member debated that the provisional guidelines did not match the guidelines from other EU agencies hence they needed to be reviewed. The Forum should be informed on this update at the same time as the MSC are informed.

On how ECHA assessed the criteria, ECHA's representative replied that the members of the committees and the Forum were appointed by the Member States, thus, the responsibility lies with them. It is in both Member States' and ECHA's interest that these criteria were respected in order to maintain a good reputation and an independent status.

The CHAIR proposed that a document reflecting the above ideas to be drafted for discussion on Forum-14.

22.2 Dossier Evaluation Process

ECHA presented a summary of the input provided by the participants of the Workshop on Interlinks regarding the Feedback mechanism. ECHA developed a table to be filled by all the actors regarding each case, to be shared in CIRCA BC with the CAs and to be sent via RIPE to NEAs and MS Focal Point.

ECHA invited the Forum to comment on the table and experiment with it so that it can be fine-tuned.

The only thing that a registrant, that received the Statement of non-compliance (SONC) sent by ECHA, could do was to update his dossier. The inspector could provide a timeline for him to do so. That timeline could be informed to ECHA in the above mentioned table. This could be seen, in practice, as an "extension" of the deadline. ECHA did not have legal authority to provide deadline extensions when requested by the company.

Some Forum members declared that was not possible, according to their national law. In those cases, the manufacture would be ceased and ECHA would be informed and/or some fines could be applicable.

ECHA would send, via ECHA Focal Point, some cases that require investigation by the NEAs, to the specific MS Focal point.

22.3 Updates on ECHA Guidance documents

ECHA presented the update on the published and yet to be published Guidance documents.

ECHA informed the Forum that due to the registration deadline (31 May 2013) there would be a *moratorium* period (1 December 2012 - 31 May 2013) where no Guidance documents would be published.

22.4 Progress on pending NONs

ECHA submitted an RCOM table regarding the comments made by the Forum members to the document presented in Forum-12.

ECHA would submit the SONCs related to NONs by the end of January 2013: for Article 16(2) there were 10 cases and for Article 7(2), 108 cases, some of which were under evaluation by ECHA.

For cases related to article 16(1), discussion with Member States over the structure of the SONC was still on-going. For that, those cases would be submitted at a later stage. A progress report of the NONs to the CAs would be delivered during December 2012.

22.5 Workshop "Chemicals at the workplace: REACH and OSH in practice" (3/10/12): Report

ECHA Forum Secretariat stated that the content of this topic would be sent to the Forum members due to unavailability of the ECHA staff member.

22.6 Animal Testing without a Regulatory Decision on Testing Proposals

ECHA informed that this issue was to be dealt through the process of a compliance check but it was realised that this was outside ECHA's competence. The registrant's obligation to avoid unnecessary animal testing could not be assessed on the compliance check and ECHA could not issue a decision on that. Moreover, ECHA

could not retrieve the necessary information from the registrants. Forum was informed that the registrant did not have the obligation to provide that information either. For initialising the process, the MSCAs should start an investigation.

The letter provided as a room document was presented to CARACAL and requested the MSCAs to consider investigating these cases.

Item 23 – AOB

23.1 IPA Meeting on the activities of the Forum for Exchange of Information on Enforcement

CHAIR informed the Forum at a meeting organized by ECHA that would take place in Zagreb (28-29 January 2013). The objective was to help Croatian enforcement authorities and enforcers to prepare for the Forum activities before Croatia joins the European Union in 2013.

The draft Agenda for the event has been elaborated by the Forum Secretariat in consultation with the Forum Chair and Vice Chair

The meeting was organised with support from the IPA fund (Instrument for Pre-adhesion). Forum Vice Chair (AT Forum member) and ECHA Forum Secretariat representatives would introduce Forum's activities to Croatian Authorities.

Forum agreed it was a good initiative.

23.2. Invited experts to Forum meetings – evaluation of the system

ECHA Forum Secretariat informed the Forum that at Forum-10, provisions were made for a system that allows Forum members to appoint an invited expert to participate in the Forum meetings. ECHA Forum Secretariat informed the plenary that the system would be evaluated after 4 Forum meetings. After F-13, this circle was finalised and ECHA Forum Secretariat would provide an assessment report at Forum-14 and would inform whether it is possible to continue with this system or not.

Item 25 – 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-13, 27-30 November 2012

(Adopted at the Forum-13 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
Item 1- Welcome and introduction		
1.2 – Adoption of Agenda	The agenda was adopted.	
Item 2 - Address by the Executive Director of ECHA		
Item 3 - Update on relevant developments by Commission		
3.1Updates by the European Commission (CARACAL and EPG)	The Forum took note of the information on developments delivered by the Commission. The Forum expressed its keen interest in the COM's position on practical issues and other items that are still pending.	**The COM** will inform the Forum about the workshop about REACH and related horizontal legislation by Forum-14.
3.2 Enforcement related issues of the REACH review		
3.3 Progress achieved in the implementation of the Biocides regulation		
3.4 Others		
Item 4 - Reports from the ECHA Forum Secretariat		
4.1. Manual of Conclusions.	The Forum took note of the information provided.	-
4.2. Exchange of Inspectors - Life+ Project	The Forum took note of the information about the proposed project and welcomed the initiative.	**Forum-S** will make the project proposal available to the Forum members, if it is accepted, by Forum-14
4. 3 SMEs initiatives in 2013 in the Member States	The Forum took note of the information provided about ECHA SME activities.	**Forum members** are invited to submit further information on their SME-related activities by 15 January and later when such further activities are foreseen in the future

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
		Forum members are invited to indicate to the Forum-S if they wish the participation of ECHA in these national activities.
Item 5 – Enforcement of the PIC regulation		
5.1. Enforcement issues related to the new PIC regulation	The Forum took note of the proposed priority actions related to the inclusion of PIC in the remit of the Forum.	**Forum members** are asked to submit their comments on the priority setting for activities related to the inclusion of PIC it the remit of the Forum by 31 January 2013. **Forum-S** will book time to further discuss the PIC priorities in the next plenary meetings.
5.2. Updates by the European Commission on PIC	This item was carried over to Forum-14.	**The COM (DG ENV)** is invited to deliver the presentation at Forum-14.
5.3 Update on the 20th meeting of Designated National Authorities	The Forum took note of the information provided about PIC and ECHA preparatory activities for the takeover of PIC related responsibilities.	-
Item 6 – Practical issues for enforcement of REACH and CLP		
Issue 1 – Registration and administrative charges for companies who falsely claimed to be SME's in their registration(s)	The Forum took note of the issue and agreed that the case should be included among the interlinks between ECHA and NEAs. Forum members agreed to take appropriate action against registrants whose registrations are revoked when they are informed about such revocation.	**ECHA Focal Point** will send the revocation cases to the MS (NEA/MSCA) Focal Points. **Forum-S** will update the interlinks inventory.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
Issue 2 – Can transport pictograms be placed in section 2.2 of a SDS where CLP labels are not affixed because they relate to the same hazards as in the rules for transport of dangerous goods?	The Forum considered whether the supply pictogram can only be illustrated in Section 2. In such case the transport pictograms could be included elsewhere in the SDS. The conclusion will be adopted in written procedure.	**IE Forum member** will draft the conclusion in the MOC structure by 21 December 2012 **Forum-S** will initiate the commenting round with the Forum by 14 January 2013 **Forum-S** will initiate the adoption of the draft conclusion via written procedure on 11 February 2013.
Issue 3 – Substances in Articles - Top down duty vs. a bottom up duty on checking the content of SVHC in articles	The Forum discussed the issue and sought further clarification from the COM.	**COM** is invited to provide an opinion on these issues for the next Forum meeting.
Issue 4 – Possible non compliance with the registration obligation of CMRs	The Forum took note of the preliminary results of the ongoing NL study relating to the registrations of CMRs.	-
Issue 5: Pilot project in the NL regarding the digitalisation of formulating and distribution of extended Safety Data Sheets	The Forum took note of the preliminary results of the NL study about electronic provision of the eSDS. The Forum agreed to revisit the question of active supply of the eSDS in light of the results of the NL study.	**NL Forum member** will deliver the preliminary results of the study to the Forum-S when they are available. **Forum-S** will arrange time for discussion of the

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
		matter at Forum-14.
Issue 6 – basis and conditions for ORs and CLP notifications.	The Forum took note of the information provided.	**AT Forum member** will prepare the draft conclusion and will consult with IE and DK by 21 December. **Forum-S** will initiate the commenting round with the Forum by 14 January 2013 **Forum-S** will initiate the adoption of the draft conclusion via written procedure on 11 February 2013.
Issue 7 (no issue, wrong numbering)	-	-
Issue 8 – how to correctly label two components put in the same "intermediate" package	The Forum took note of the information provided**.** The Forum considered that, in general, the inner package needs be labeled according Art. 33 but in special cases where such labeling may not be feasible inspectors should consider the labeling on the case by case basis.	**SE Forum member** will send to Forum (cc Forum-S) further information on the use of the product and how the product is placed on the market by 21 December 2012. **SE Forum member** will prepare the draft conclusion and will submit for commenting round by 21 December 2012.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
		Forum-S will initiate the commenting round with the Forum by 14 January 2013 **Forum-S** will initiate the adoption of the draft conclusion via written procedure on 11 February 2013.
Issue 9- Update of a self-classification in relation to the REACH obligation for registration of CMRs	The Forum noted that RAC opinion must be taken into account under Art 15 of CLP. The Forum agreed that the RAC opinion regarding the harmonised classification and labelling of a certain substance can be used by enforcers as the basis to request companies that have self-classified that substance to change the classification in line with the RAC opinion.	**NL Forum member** will draft the conclusion in the MOC structure by 21 December 2012 **Forum-S** will initiate the commenting round with the Forum by 14 January 2013 **Forum-S** will initiate the adoption of the draft conclusion via written procedure on 11 February 2013.
Issue 10 - Quality requirements of Extended SDS (E-SDS)	The Forum took note of the information provided and Forum members have shared their experiences in enforcing the ES and eSDS. The Forum remarked that the enforcement of ES and eSDS is in the early stages in all the Member States and	**NL Forum Member** will send the written summary of the discussion at the plenary, including the results submitted by FI a related project by 31 January 2013.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
	concentrates on basic requirements.	**Forum-S** will distribute it to the Forum after receiving it.
Issue 11- Can the provisions of Article 29 CLP be used to facilitate the application of Article 33(2) of CLP?	The Forum considered the issue of using foldout labels on outer packaging of multi-component products and concluded that Art 29 and 33(2) of CLP are sufficient in explaining when foldout labels are allowed and what information the outer package should contain.	**IE Forum Member** will draft a conclusion by 21 December 2012. **Forum-S** will initiate the commenting round with the Forum by 14 January 2013 **Forum-S** will initiate the adoption of the draft conclusion via written procedure on 11 February 2013.
Issue 12 - Duty to communicate information down the supply chain for crystalline silica containing composite materials (artificial stones).	The Forum took note of the information provided about the hazards posed by respirable crystalline silica contained in composite materials (artificial stones) and exchanged views about the ways of handling this issue by enforcement.	**Forum members** will send their views on the matter to the IT Forum member by 21 December 2012 **IT alternate** will collect, compile and summarise the comments from Forum members by Forum-14. **Forum-S** will reserve time on Forum-14 agenda to discuss this.
Issue 13 - Asbestos in cars imported from China	The Forum welcomed the information from COM and discussed the potential import of asbestos containing cars into the European market.	**Forum members** who are still investigating the presence of car models suspected of containing

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
	The Forum also exchanged information about results of preliminary checks for the presence of these cars in their countries.	asbestos in their markets are invited to send the results of their investigation to COM and copy the Forum-S. **COM** will compile the information provided by the Forum members and submit to the Forum at one of the next plenary meetings.
Item 8 – Work Packages – Activity Reports		
8.1.1 – Interlinks between ECHA, MSCAs and NEAs - final report from WG	The Forum took note of and adopted the final report of the Working Group. The Forum took note of the progress of the Forum pilot project on interlinks related to communication of information on ORs and PPORDs between the involved actors. The Forum concluded that the project will be continued as a stand alone activity with no reference to WG Interlinks which now expires.	**Forum-S** will describe how the review of the interlinks inventory will take place and submit it for consultation with the Forum by 21 January 2013. **Forum-S** will make the interlinks inventory and the information about Focal Points available in RIPE and CIRCA BC by 21 December.
8.1.2 – Interlinks between ECHA, MSCAs and NEAs – Workshop report	The Forum took note of the information on the results of the workshop.	**Forum-S** will make the requested changes in the workshop summary record by 7 December 2012.
8.2.1 – REF-2 -	The Forum approved the	**Forum-S** will

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
Progress report from the WG Chair	progress report and prolonged the mandate of the working group for completion of the report and guidance.	include a reference to the preliminary results of REF-2 in ECHA's news alert from Forum-13
8.2.2.1 – REF-3 Progress report from the WG Chair	The Forum took note of the progress of the project. It discussed the planning of the project and agreed to expand the mandate of the WG to cover operational and reporting phases.	**WG REF-3 Chair** will send to the Forum members (and cc Forum-S) the updated progress report for the REF WG by 6 December 2012 **Forum-S** will distribute the RCOM table with comments to the REF-3 manual by 12 December 2012
8.2.2.2 – REF-3 REACH and customs-Cooperation within the Commission	The Forum took note and welcomed the document on cooperation with customs prepared by the COM. The Forum further welcomed the COM's intention to provide further analysis regarding the legal aspects of involvement of customs in REACH and CLP enforcement.	**Forum members** and **WG REF-3** are invited to send comments to the COM's document to the COM (and cc the Forum-S) by 21 December 2012
8.2.3.1 – Horizontal methodology for enforcement projects - Progress report from the WG Chair	The Forum took note of the progress of the working group.	-
8.2.3.2 – Horizontal methodology for enforcement projects – Reporting tool	The Forum took note of the information provided and welcomed the takeover of the reporting tool by the Forum Secretariat.	-
8.2.4 – Pilot	The Forum took note of the	**Forum-S** will

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
project on intermediates – progress report	progress of the pilot project.	foresee that Dir E representative is present at Forum-14 for discussion of the pilot project.
8.3 Training for trainers – final report from the WG Chair	The Forum took note of the results of the training and adopted the final report.	-
8.4.1- Implementation of RIPE - Progress report from the WG Chair	The Forum took note of the progress of the work of the WG.	-
8.4.2 – Implementation of RIPE – progress of the RIPE project	The Forum took note of the progress of the RIPE project and stressed that it considers the development of RIPE 2 to be necessary for effective enforcement.	**Forum-S** to inform the Forum about the decision of the ECHA management for easy improvements in December 2012.
8.5 – Electronic information exchange system (EIES)– Progress report from the WG Chair	The Forum took note of the progress of the work of the WG.	
Item 9 – Transparency in Forum's activities		
9.1 – Forum's Publication strategy	The Forum briefly discussed the approach to preparation of publication policy. It agreed to await the preparation of similar policy by ECHA and then align the Forum's policy with that of ECHA.	**Forum-S** will inform the Forum about the development of the ECHA publication policy.
9.2 - Final report from the Forum's enforcement project on PAH – review for publication	The Forum approved the public version of the PAH enforcement project report with editorial amendments.	**Forum-S** will ensure that the final version of the report is published on the ECHA website.
Item 10 – Update on cooperation with other networks		

Agenda point	**Conclusions / decisions / minority opinions**	**Action requested after the meeting (by whom / by when)**
10.1 – Update on SLIC WG CHEMEX projects strategy	The Forum took note of the developments in SLIC's CHEMEX WG.	
10.2 - Report on CLEEN conference	The Forum took note of the developments in CLEEN.	**Forum-S** will make the CLEEN conference mission report to available to Forum members by 21 December.
10.3 - IMPEL project proposal on the link between Directive on Industrial Emissions (IED) and REACH	The Forum took note of the IMPEL project proposal and decided to investigate further when the proposal is adopted.	**Forum S –** will inform the Forum whether the project was approved by 21 December 2012 **Forum S –** will ask the Forum whether they see added value in participation in the project by 21 December 2012 **Forum** will be invited to send their responses by 21 January 2013. **Forum-S** will organise a written procedure to decide on the involvement in the IMPEL project by 7 February 2013 **COM** will inquire with IMPEL about mutual benefits for both networks from the cooperation between the Forum and cc Forum-S in the correspondence.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
Item 11 – Preparatory discussion on the open session		
11.1 Analytical methods approach	The Forum considered a common approach for the subjects foreseen for discussion in the open session.	
11.2 Other issues	The Forum discussed issues of potential interest to stakeholder organisations to align its approach for the open session.	
Item 16 – Restrictions and analytical methods (OS)		
16.2 Compliance with Annex XVII restrictions – Analytical methods	Participants took note of the proposal to work together on the inventory of analytical methods and some stakeholder organisations indicated their interest in this joint work.	**Forum-S** will make the presentations from open session available to all stakeholder organisations who attended it. **WG Restrictions** to prepare a discussion paper outlining the proposal and objectives of joint work and send to the Forum for comments. **Stakeholder organisations** are invited to send within 2 months after reception of the discussion paper the following feedback: - comments about the proposal - proposals how to take the cooperation forward - details of contact

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
		person(s) in their network - list of analytical methods relevant for restrictions if they have such collections available
16.3 Some Commission experience with Analytical methods, standards and laboratories	The participants took note of the information about the laboratories presented by the COM.	**COM** is invited to provide to the Forum any information about other networks dealing with analytical methods at international level by Forum-14
Item 19 – Debriefing over the open session		
	The Forum discussed possible ways to obtain more added value during the interactions with the stakeholder organisations.	**Forum members** are invited to submit to Forum-S written feedback on the last open session with Stakeholders organisations and to make suggestions for future open sessions by 31 January 2013 **Forum members** will be invited to submit their ideas and documents for the next open session in advance for Forum-15. **Forum members** are invited to have discussion with national stakeholders. **Forum-S** will

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
		deliver to Forum members the list of the ECHA Accredited Stakeholders Organisations by 7 December 2012 **Forum-S** will investigate liaising with stakeholder organisations not accredited by ECHA and inform the Forum by 31 January 2013.
Item 20 – Revision and establishment of Working Groups		
7 WG mandates	WG mandates was discussed and updated.	
2 new WG	The Forum established two new Working Groups: 1. WG MAWP 2. WG Training for Trainers 2013 .	**Forum-S** to provide a draft revised working procedure of the work of the WGs for discussion at Forum-14 **Forum Members** are invited to propose additional experts (based on selected topics for the training event 2013) to WG Training for Trainers on Forum-14.
Item 21 – Planning of Forum plenary meetings for 2013		
	The Forum took note that the plenary meetings in 2013.	-
Item 22 – Relevant developments by ECHA		
22.1 Conflict of Interest	The Forum took note of the information provided about the potential changes to Forum member eligibility criteria.	-
22.2 Dossier	The Forum took note of the	**Forum members**

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom / by when)
Evaluation Process	information and proposal for a table where evaluation cases are recorded and feedback provided to ECHA. ECHA Focal Point will make the table available via RIPE to MS (NEA/MSCA) Focal Points.	are welcome to provide written comments to the document by 31 January 2013 **ECHA** will consider the comments received from the Forum members in further reviews of the procedure.
22.3 Updates on ECHA Guidance documents	The Forum took note of the information provided.	**Forum members** are welcome to provide written comments to the document by 31 January 2013
22.4 Progress on pending NONs	The Forum took note of the information provided.	**Forum members** are welcome to provide written comments to the document by 31 January 2013
22.5 Workshop "Chemicals at the workplace: REACH and OSH in practice	The Forum took note of the information provided.	**Forum members** are welcome to provide written comments to the document by 31 January 2013 **Forum-S** will send to Forum members the link to the presentation on the workshop.
22.6 Animal Testing without a Regulatory Decision on Testing Proposals	The Forum took note of the information provided.	**Forum members** are welcome to provide written comments to the document by 31 January 2013
Item 23 – AOB		

Agenda point	**Conclusions / decisions / minority opinions**	**Action requested after the meeting (by whom / by when)**
23.1 IPA Meeting on the activities of the Forum for Exchange of Information on Enforcement	Forum took note of the IPA event on Forum enforcement activities to be introduced to Croatian NEAs.	-
23.2 Invited experts to Forum meetings – evaluation of the system		**Forum-S** will send an email to the Forum informing about the evaluation of the system of invitations of invited experts to Forum plenaries by 7 December 2013.

III. List of Attendees

Forum members

	Country	Surname	Name
1	RO	ALBULESCU	Mihaela
2	IT	ALESSI	Mariano
3	FR	ALFANO	Anne-Catherine
4	AT	ANWANDER	Eugen
5	DK	BØRGLUM	Birte Nielsen
6	PT	CABRITA	Rui
7	BE	CUYPERS	Paul
8	HU	DEIM	Szilvia
9	FI	EKMAN	Annette
10	EL	FOUFA	Eleni
11	NO	HAGEN	Gro
12	CZ	JAROLÍM	Oldřich
13	SK	KOLESAR	Dušan
14	CY	KYPRIANIDOU-LEONTIDOU	Tasoula
15	IE	MCMICKAN	Sinead
16	MT	MIFSUD	Shirley
17	SI	NOVAK	Vesna
18	PL	OSÓWNIAK	Marta
19	LV	PALLO	Parsla
20	LT	PIPIRAITE-VALISKIENE	Donata
21	UK	POTTS	Mike
22	EE	PROMET	Natali
23	ES	SÁNCHEZ PEÑA	Pablo
24	NL	VAN DEN BERG	Jos
25	DE	VOM HOFE	Katja
26	SE	WESTERBERG	Agneta

Invited experts

	Country	Surname	Name
1	LT	AMBRAZIENE	Skirmante
2	LV	AMNUELE	Kristine
3	PT	BRAVO	Maria Graça
4	UK	CLAYTON	Karen
5	EE	KARRO	Marina
6	HU	MAROSVÖLGYI	Nikoletta
7	DK	PETERSEN	Pia Gitte
8	IT	POLCI	Maria Letizia
9	NO	WIKHEIM	Maren
10	AT	WURM	Gernot
11	ES	ZAMORA NAVAS	Laura

Advisers

	Country	Surname	Name
1	DE	FRENZEL	Stefan
2	DE	ZEITLER	Reinhard
3	DK	SCHARFF	Ida
4	FI	LEIKOSKI	Mervi
5	FI	RAITALA	Suvi
6	NO	SKJAERGAARD	Cathrine
7	SE	SILLRÉN	Barbro
8	UK	SUMMERS	Christopher

Appointed Observer

	Organization	Surname	Name
1	HR	KREKOVIC	Dubravka Marija

Stakeholders

	Organization	Surname	Name
1	Cefic	VINAS	Mercedes
2	EUPC	CLAES	Walter
3	IMA-Europe	BARÓN	Sònia Clarena
4	ORGALIME	NORES	Mia
5	Eurometaux	CLAES	Inneke

European Commission

	DG	Surname	Name
1	ENT	AGUADO-MONSONET	Miguel
2	TAXUD	NAVARRO GARRIGA	Cecilia

	ECHA	Unit
1	BARANSKI Maciej	A2 – Guidance and Forum Secretariat
2	CALVO TOLEDO Juan Pablo	A2 – Guidance and Forum Secretariat
3	CLIFFE Brendan	A2 – Guidance and Forum Secretariat
4	FELICIANO Tania	A2 – Guidance and Forum Secretariat
5	KOWALSKI Ulrike	A2 – Guidance and Forum Secretariat
6	NIKULA Terhi	A2 – Guidance and Forum Secretariat
7	NOUWEN Johan	A2 – HoU Guidance and Forum Secretariat
8	TLOCZEK Magdalena	A2 – Guidance and Forum Secretariat
9	WALCZAK Silwya	A2 – Guidance and Forum Secretariat

IV. List of Annexes

ANNEX I. Final agenda Forum-13

ANNEX II. Revision and Establishment of mandates of Forum WGs

- ANNEX II a) – Revised mandate of WG "Preparation of coordinated enforcement project REACH-EN-FORCE-3" (A1)
- ANNEX II b) – Revised mandate of WG "Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects**"** (A1, B1, B5)
- ANNEX II c) – Revised mandate of WG "Implementation of RIPE"
- ANNEX II d) – Revised mandate of WG "Electronic Information Exchange System"
- ANNEX II e) – Revised mandate of the WG "Enforceability of restrictions"
- ANNEX II f) – Mandate of the WG "Training for Enforcement Trainers 2013"
- ANNEX II g) – Mandate of the WG "Interlinks between ECHA, MSCAs and Enforcement Authorities" -Closure
- ANNEX II h) – Revised mandate of WG "Obligations of Downstream users –formulators of mixtures REACH-EN-FORCE-2" (A1)
- ANNEX II i) - Preparation of Forum Work Programme 2014-2016 and review of best practice documents

ANNEX III. List of meeting documents and room documents for Forum-13

ANNEX IV. Glossary of acronyms and abbreviations

Annex I – Final agenda Forum-12

16 November 2012
ECHA/Forum-13/2012/A/06 final draft

Final draft Agenda

Thirteenth meeting of the

Forum for Exchange of Information on Enforcement

(Forum-13)

27 – 30 November 2012

European Chemicals Agency
Helsinki, Finland
Tuesday 27 November: starts at 09:00
Friday 30 November: ends at 13:45

DAY 1 - CLOSED SESSION

Item 1 – Welcome and Introduction

1.1 Opening by the Chair of the Forum (CHAIR)

1.2 Adoption of the Agenda and declarations of conflict of interest with regard to Agenda points (CHAIR)

1.3 State of play with action points from Forum-12 (ECHA-Secretariat)

1.4 Practicalities and brief recapitulation of results of the written procedures between Forum-12 and Forum-13 (ECHA-Secretariat)

For adoption / information

ECHA/Forum-13/2012/A/ final draft
ECHA/Forum-13/2012/1.3

Item 2 – Address by the Executive Director of ECHA

Item 3 – Update on relevant developments by Commission

3.1 Updates by the European Commission (CARACAL and EPG)

3.2 Enforcement related issues of the REACH review

3.3 Progress achieved in the implementation of the Biocides regulation (postponed to Forum-14)

3.4 Others

For information

Coffee break 10:20-10:50

Item 4 – Reports from the ECHA Forum Secretariat

4.1 Manual of Conclusions (CHAIR/ECHA Secretariat)

4.2 Exchange of Inspectors - Life+ Project (ECHA Secretariat)

4.3 SMEs initiatives in 2013 in the Member States (ECHA Secretariat)

For information / discussion

ECHA/Forum-13/2012/4.1
ECHA/Forum-13/2012/4.3

Item 5 – Enforcement of the PIC regulation

5.1 Enforcement issues related to the new PIC regulation (ECHA-Secretariat)

5.2 Updates by the European Commission on PIC (COM) (postponed to Forum-14)

5.3 Update on the 20th meeting of Designated National Authorities (ECHA)

For information / discussion

ECHA/Forum-13/2012/5.1

Lunch Break: 12:15- 13:15

Item 6 – Practical issues for enforcement of REACH and CLP

6.1 Items raised by Forum and ECHA (left over(s))

6.2 New items raised by Forum members/COM

Coffee break: 15:00 – 15:30

For information / discussion

ECHA/Forum-13/2012/6

Item 7 – Adoption of conclusions from day 1

For adoption

DAY 2 - 28 November 2012 – CLOSED SESSION

Item 8 – Work Packages - Activity Reports

8.1 Interlinks between ECHA, MSCAs and NEAs (B.2)

8.1.1 Progress report (WG Chair)

8.1.2 Workshop - Report (ECHA-Secretariat)

For information

Room document/Forum-13/8.1.1
Room document/Forum-13/8.1.2
ECHA/Forum-13/2012/8.1.2a
ECHA/Forum-13/2012/8.1.2b

8.2 Forum Enforcement Projects (A1-B.7 and B5)

8.2.1 REF-2 Progress report (draft project report) (WG Chair)

For information

ECHA/Forum-13/2012/8.2.1

8.2.2 REF-3

8.2.2.1 Progress report (WG Chair)

8.2.2.2 REACH and customs- Cooperation within the Commission (COM)

For information

ECHA/Forum-13/2012/8.2.2.1
ECHA/Forum-13/2012/8.2.2.2

Coffee break 10:40-11:10

8.2.3 Horizontal methodology for enforcement projects

8.2.3.1 Progress report (WG Chair)

8.2.3.2 Reporting tool - Update from ECHA (ECHA-Secretariat)

For information

ECHA/Forum-13/2012/8.2.3.1

8.2.4 Pilot project on Intermediates - Progress report (DE Forum Member)

For information / discussion

ECHA/Forum-13/2012/8.2.4a
ECHA/Forum-13/2012/8.2.4b
ECHA/Forum-13/2012/8.2.4c
ECHA/Forum-13/2012/8.2.4d

8.3 Training for the trainers (B.6) - Final report (WG Chair)

For information / adoption

ECHA/Forum-13/2012/8.3

8.4 Implementation of RIPE (B.3)

8.4.1 Progress report (WG Chair)

8.4.2 RIPE progress (ECHA-Secretariat)

For information

ECHA/Forum-13/2012/8.4.1

8.5 EIES (B.4) – Progress report (WG Chair)

For information

ECHA/Forum-13/2012/8.5

Lunch Break: 13:00 – 14:00

Item 9-Transparency in Forum's activities

9.1 Forum's Publication strategy (CHAIR)

9.2 Final report from the Forum's enforcement project on PAH – review for publication (DE Forum member)

For discussion / adoption

ECHA/Forum-13/2012/9.2a
ECHA/Forum-13/2012/9.2b
ECHA/Forum-13/2012/9.2c

Item 10- Update on cooperation with other networks

10.1 Update on SLIC WG CHEMEX projects (Karen Clayton)

10.2 Report on CLEEN conference (ECHA Secretariat)

10.3 IMPEL project proposal on the link between Directive on Industrial Emissions (IED) and REACH (ECHA Secretariat)

For information / discussion

ECHA/Forum-13/2012/10.3

Coffee break: 15:45 – 16:15

Item 11– Preparatory discussion on the open session

11.1 Analytical methods approach (WG Enforceability of Restrictions)

11.2 Other issues (ECHA Secretariat)

For discussion

ECHA/Forum-13/2012/11.1
ECHA/Forum-13/2012/16.1
Room document/Forum-13/11.2

Item 12 – Adoption of conclusions from day 2

For adoption

DAY 3

Open session for Accredited Stakeholder Organisations

29 November 2012

European Chemicals Agency

Helsinki, Finland

Starts at 9:00
Ends at 17:00

Item 13 – Welcome and Introduction

13.1 Welcome by the CHAIR of the Forum

13.2 Presentation of the Agenda (CHAIR)

13.3 Practicalities (ECHA Forum Secretariat)

For information

Item 14 – Address by the Director of Cooperation (ECHA)

Item 15 – Challenges with compliance with REACH and CLP

15.1 Experience in Norway with enforcement of SMEs (NO invited expert)

15.2 Assistance to Recyclers in the Plastics Chain (EuPC)

15.3 Update on Forum enforcement coordinated projects (WG chairs of REF-2 and REF-3)

Coffee Break: 10: 45 – 11:15

15.4 Pilot project on intermediates (DE Forum member)

15.5 Need for enforcement authorities to interact with competent authorities (CEFIC)

15.6 Update on project Interlinks (ECHA Secretariat)

15.7 Implementation of Exposure Scenarios: Update from industry on practical difficulties and issues indentified (CEFIC)

15.8 ENES Group - Meeting report (ECHA)

For discussion

ECHA/Forum-13/2012/15.2

Lunch Break: 12:45 – 13:45

Item 16 – Restrictions and analytical methods

16.1 Progress report from the WG Enforceability of Restrictions report (WG Chair)

16.2 Compliance with Annex XVII restrictions – Analytical methods (WG Chair)

Coffee Break: 15:15 – 15:45

16.3 Some Commission experience with Analytical methods, standards and laboratories (COM)

16.4 Organisation of laboratories in Germany (Martha Stappen)

For information

ECHA/Forum-13/2012/16.1
ECHA/Forum-13/2012/16.3

Item 17 – Conclusions

17.1 Conclusions from the open session (ECHA / CHAIR)

17.2 Feedback on the open session with Stakeholder Organisations (All participants)

For adoption

Item 18 – Closing of the open session

Closing by the CHAIR

DAY 4 - 30 November 2012 – CLOSED SESSION

Item 19 – Debriefing over the open session

For discussion

Item 20 – Revision and establishment of Working Groups

20.1 A1 “Preparation of coordinated enforcement project REACH-EN-FORCE-3”

20.2 A.1 "REACH-EN-FORCE-2 project: Obligations of Downstream Users - formulators of mixtures"

20.3 A.1, B.1 and B.5 “Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects”

20.4 B.2 "Interlinks between ECHA, MSCAs and Enforcement Authorities"

20.5 B.3 "Implementation of RIPE”

20.6 B.4 “Electronic Information Exchange System”

20.7 B.12 “Enforceability of restrictions”

20.8 New Working groups for 2013:

20.8.1 Training for enforcement trainers 2013

20.8.2 Work Programme 2014-2016

For discussion / Adoption

Room document/Forum-13/20

Coffee break: 10:30 – 11:00

Item 21 – Planning of Forum plenary meetings for 2013

Forum's meeting calendar for 2013

For information / discussion

ECHA/Forum-13/2012/21

Item 22 – Relevant developments by ECHA

22.1 Conflict of Interest

22.2 Dossier Evaluation Process

22.3 Updates on ECHA Guidance documents

For information / discussion

ECHA/Forum-13/2012/22.1
ECHA/Forum-13/2012/22.2a
ECHA/Forum-13/2012/22.2b

22.4 Progress on pending NONs

22.5 Workshop "Chemicals at the workplace: REACH and OSH in practice" (3/10/12): Report

22.6 Animal Testing without a Regulatory Decision on Testing Proposals

For information

ECHA/Forum-13/2012/22.4
ECHA/Forum-13/2012/22.6
Room document/Forum-13/22.6

Item 23 – AOB

For information

Item 24 –Conclusions and action points from Day 4

For adoption

Item 25 – Closing of the meeting

Closing by the CHAIR

Annex II a

Forum Working Group
"Preparation of coordinated enforcement project REACH-EN-FORCE-3"

Work Package A.1
(Mandate revised at Forum-13)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members

Jos VAN DEN BERG (NL)
Eugen ANWANDER (AT)
Shirley MIFSUD (MT)
Pablo SÁNCHEZ PEÑA (ES)
Anne-Catherine ALFANO (FR alternate)

Invited Experts

Alfred EBNET (DE) (customs)
Paivi SIMPANEN (FI) (customs)
Panagiotis GIMNAOU (CY)
James GUERRIER (FR) (customs)
Ruta Birute DAUKSIENE (LT) (customs)
Maria Letizia POLCI (IT)
Andrew BUTTIGIEG (MT) (customs)
Sibyle WURSTHORN (DE)
Viktoras SESKAUSKAS (LT)

Commission
Janusz Zielinski (COM)

Objective:

- conceive and manage the third major Forum enforcement project

Mandate:

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

Timeline:

- Subject proposals and prioritisation: 1 September 2010
- Approval of the REF-3 subject : Forum-10
- Project manual: Q3 2012 (written procedure)
- Prepare and deliver the training for project national coordinators:Q4 2012 – Q1 2013
- Operational phase: 01 February 2013 – 31 August 2013
- Reporting phase (National Coordinators): 01 September - 31 October 2013
- Evaluation phase: 01 November – 31 December 2013
- Final report with the WG recommendations: 01 February 2014 (Forum 17)

Annex II b

Forum Working Group
"Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects"

Work Packages A.1, B.1 and B.5
(Mandate established at Forum-10)
First revision – Forum-12

Composition:

Chair: Mike POTTS (UK)

Forum Members
Katja VOM HOFE (DE)
Birte BØRGLUM (DK)
Paul CUYPERS (BE)
Rui CABRITA (PT)
Agneta WESTERBERG (SE)

Invited Experts
Andrea MAYER-FIGGE (DE)
Nikoletta MAROSVOGYI (HU)
Aleksandra MOCZULAK (PL)
Gisela HOLZGRAEFE (IMPEL)

Commission
Miguel AGUADO-MONSONET (COM)

Objectives:

- Draft the consolidated final report of the REACH-EN-FORCE-1 (REF-1) project **(completed)**

- Set up a methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects. This methodology would take into account the experience gathered on enforcement methods and enforcement practice when dealing with REF-1, REF-2 and PAH projects (and later on with REF-3 and potentially other projects)
- Elaborate a draft document (to be adopted by the Forum) retracing this methodology

Mandate:

- Compile the facts reports regarding REF-1 project and draft a final project report considering the revision of conclusions and recommendations from the WG REF-1 adopted by Forum **(completed)**

- Set up a methodology for a harmonised elaboration (including selection, prioritisation, manual elaboration, identification of success criteria), management (including implementing, training, assistance to the national coordinators), reporting (including reporting tools, data analysis and drawing of conclusions and recommendations for further actions) and

evaluation (including indicators) of Forum coordinated enforcement projects.
- Draft, in cooperation with the ECHA Forum Secretariat, a document retracing this methodology. It will include a procedure reflecting the method adopted (including time-schedule).
- Liaise with national coordinators from REF-1, REF-2, ex-members of REF-1 and members of the WG REF-2 as far as possible. Later on, liaise also with members of REF-3 and potentially other projects.

Timeline:
- Draft the consolidated REF-1 Project Report : **December 2011 (completed)**
- Present to Forum a progress report on setting up the methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects : **Forum-12, Forum-13, Forum-14**
- Propose a draft document retracing this methodology : **Forum-15**

Annex II c.

Forum Working Group
"Implementation of RIPE"
(Mandate revised at Forum-13)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members

- Eugen ANWANDER (AT)
- Eleni FOUFA (EL)

Invited Experts

- Barbro SILLREN (SE)
- Paolo IZZO (IT)
- Andrea MAYER-FIGGE (DE)
- Søren JAKOBSEN (DK)
- Telmo PRAZERES (PT)
- Georg HERB (DE)

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 2.0
- Prepare specification for any further screening or statistics reports.

Timeline:

- Forum 16

Annex II d.

Forum Working Group
"Electronic Information Exchange System"
(Mandate reviewed at Forum-13)

Composition:

Interim Chair: Birte BORGLUM (DK)

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

Invited Experts
- Tone Line FOSSNES (NO)
- Maria TARANCON (ES)
- Søren JAKOBSEN (DK)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)
- (DE)

Commission
- Peter BARICIC

Objectives:

1. Assess to what extent ICSMS fulfills the general functional requirements for the electronic information exchange system (EIES), judge if this extent is sufficient for to satisfy the needs of EIES and define any needed adaptations

Mandate:
- Test ICSMS and prepare a document listing which general requirements of the EIES are satisfied by ICSMS as it currently is, indicating also to what extent these requirements are fulfilled
- Prepare a justified recommendation for the Forum indicating if and why this degree of compliance with the EIES general functional requirements is sufficient to serve as EIES for inspectors
- Prepare a prioritized list of change requests indicating what adaptations need to be made to ICSMS in its further adaptations so that it suits the EIES requirements better
- Consider if general functional requirements for EIES or the data list need to be reviewed

Timeline: Forum-14

Annex II e.

Forum Working Group
"Enforceability of restrictions"
Work Package B12
(Mandate revised at Forum-13)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members/Alternates
- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)
- Maria Letizia POLCI (IT Alternate)
- Mervi LEIKOSKI (FI Alternate)

Invited Experts
- Karin RUMAR (SE)
- Rachael ALLEN (UK)
- Tone Line FOSSNES (NO)
- Leonello ATTIAS (IT)
- Uwe LICHT-KLAGGE (DE)
- Marek DUSZYNSKI (PL)
- Philipp HOHENBLUM (AT)
- Werner ALTKOFER (DE)
- Durk SCHAKEL (NL)
- Siru VILJAKAINEN (FI)
- Skirmante AMBRAZIENE (LT)

European Commission
- Patricia HUALDE GRASA (COM)

Objective:
- Facilitate the elaboration of the Forum advice on enforceability of restrictions

Mandate:
- Prepare the draft Forum advice on enforceability of proposals for restrictions within Annex XV dossiers that are in conformity with the REACH requirements, taking into account the comments of the Forum members
- 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 stakeholders and other relevant bodies.
- Propose a manual intended to assist the control of compliance with Annex XVII restrictions in close cooperation with ECHA
- Preparing the terms of reference on the further work on Analytical Methods to be presented and for adoption at Forum-14

Timeline:
31 December 2014, reporting at each plenary meeting

Annex II f.

Forum Working Group

"Training for enforcement trainers 2013"
(Mandate drafted at Forum-13)

Composition:

Chair: *Eugen ANWANDER (AT)*

Forum Members

- *Mariano ALESSI (IT)*
- *Mihaiela ALBULESCU (RO)*

Invited Experts
- *Celsino GOVONI (IT)*
- *Louise HANLEY (UK)*
- *Hubert RÖCKER (DE)*
- *(BE)?*
- *(NO) tbc*
- *(PL) tbc at Forum-14*

Commission

Objective:
- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in second half of 2013

Mandate:
- Examine the training subjects relevant for enforcement for second half of 2013 and prepare a subject proposal to the Forum 14
- 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 and summarise the recommendations and reactions of participants and formulate a draft training programme for the next training, such as Intermediates…

Timeline:
- before Forum-14: conclude on list of subjects and prioritisation
- Forum-16 or Forum-17: final report, depending on the date of the training

Annex II g.

Forum Working Group
"Interlinks between ECHA, MSCAs and Enforcement Authorities"
(Mandate accomplished
Forum-13)

Composition:

Chair: Mihaela ABULESCU (RO)

Forum Members
- Oldrich JAROLIM (CZ)
- Jos VAN DEN BERG (NL)
- Anette EKMAN (FI)
- Katja VOM HOFE (DE)
- Sinead MCMICKAN (IE)
- Eugen ANWANDER (AT)

Invited Experts
- Barbro SILLRÉN (SE)
- Pia PETERSEN (DK)
- Cedric MESSIER (FR)
- Rosemarie GREIWE (DE)
- Maren WIKHEIM (NO)

COM
- Jacek Rozwadowski (COM)

Objective:
- Draft the Forum's position on Interlinks between ECHA, MSCAs and National Enforcement Authorities, for enforcement comminication purposes. The Forum will use that document to launch and facilitate a discussion with ECHA, COM and MSCAs: FULFILLED

Mandate:
- Update the "Cover Note and the tables for communication, cooperation and coordination between ECHA and the Member States authorities in the context of REACH and CLP enforcement", by differentiating two parts thereof: DONE
    - A cover note with general remarks and explanations and
    - An inventory table which describes in a synthetic way the communication channels between ECHA, MSCAs and NEAs from the perspective of enforcement of REACH and CLP processes
    - Consulting any other relevant documents dealing with similar subject, such as items discussed at Forum-10
    - Consulting MSs and ECHA with regards to their need for communication among themselves and also with the enforcement authorities, including bilateral dialogues: DONE
    - Make the cover note and the inventory more coherent, and consider in particular that: DONE

- The inventory has to serve as a road map which has to clarify the role and tasks between the main actors involved in the process of communication, cooperation and coordination for the purposes of enforcement,

o Support the workshop with the MSCAs representatives on the subject of communication, cooperation and coordination between ECHA and the Member States authorities in the context of REACH and CLP enforcement in Q4 (9 October) 2012: DONE

- Consult the document with the Forum and the MSCAs, at least once before Forum 12 and submitting it for adoption to the Forum: DONE

Timeline: Cover Note and inventory: Forum-12 (Written procedure after F-12): DONE

Interim Pilot project report: Forum-13: DONE

Continuation of the Pilot project on PPORD and Ors:

- The coordination and the execution of the pilot project with the participating countries and elaboration of the final project report will be performed as a "pilot project" by the participants under the LEAD of: NL and RO ???
- Proposals for inclusion of the result of Pilot Projects in Cover Note: Q 3 2013
- Taking into account the interlinks it might happen that in some cases an interaction with ECHA PPORD project with MSCA can take place. The procedure may look like:

1. RIPE should be used to send requests for follow-up - in case PPORD notifiers failed to respond to ECHA's request for further information - from **ECHA Focal point to MS Focal Point(s)**.

2. RIPE, should also be used for sending ECHA's **decisions** on the imposition of conditions in line with **Article 9(4)**, which we already addressed in the inventory.

3. ECHA decisions on PPORDs would be sent to notifiers and MSCAs through **REACH-IT** dossier annotations, which are currently not available in RIPE and hence need to be sent manually. However, MSCAs and NEAS have to work in close cooperation in those cases.

Annex II h.

Forum Working Group

"REACH-EN-FORCE-2 project:
Obligations of Downstream Users - formulators of mixtures"
Work Package A.1
(Mandate revised at Forum-13)

Composition:

Chair: Natali PROMET (EE)

Forum Members/Alternates
- Marta OSOWNIAK (PL)

Invited Experts
- Hannah DOHERTY (UK)
- Lutz ERDMANN (DE)
- Marina KARRO (EE)
- Nikoletta MAROSVOLGYI (HU)
- Maria TARANCÓN ESTRADA (ES)
- Cecilia WESTOO (SE)
- Maren WIKHEIM (NO)

Objective:
- Coordinate and manage the operational and reporting phase of the REACH-EN-FORCE-2 project

Mandate:
- Revise the project manual further to comments submitted at Forum-8
- Coordinate and provide consulting assistance to the national project coordinators from the participating countries within 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
- Elaborate guidance for REACH & CLP enforcers on the basis of manual and experience obtained in the project

Timeline: Q2 2013, reporting to the Forum at each plenary
Interim results from the project – Forum-13
Draft project report + statistical analysis – Forum-14
Final project report (for publication) and guidance – Forum-15

Annex II i.

Forum Working Group on
"Preparation of Forum Work Programme 2014-2016 and review of best practice documents"
(Mandate established at F-13)

Composition:

Chair: *Katja VOM HOFE (DE)*

Forum Members

- *Tasoula KYPRIANIDOU-LEONTIDOU (CY)*
- *Gro HAGEN (NO)*
- *Agneta WESTERBERG (SE)*
- Eugen ANWANDER (AT)
- Mike POTTS (UK) Vice Chair
- Vincent DESIGNOLLE (FR)
- Annette EKMAN (FI)

Invited Experts
- *Hannah DOHERTY (UK)*
- *Pia Gitte PETERSEN (DK)*

Commission
- Miguel AGUADO-MONSONET DG ENTR

Objective:
- Review and prepare the Forum Work Programme for years 2014-2016
- Ensure that the Forum's multi-annual work programme is consistent , where applicable, with the emphasis spelt out in the Agency's Multi-Annual Work Programme 2014 to 2018
- Provide input to the updates of the MAWP and the Annual Work Programmes of ECHA
- Consider the Commission's view regarding the review of REACH, where applicable
- Review, prioritise and update the best practise documents taking into consideration the PIC regulation (based on the feedback from Forum Members)

Mandate:
- On the basis of the review, finalise the Forum Work Programme 2014-2016;

Timeline: Forum-16, October 2013 – Finalise the Work Programme in line with comments received at Forum and from ECHA Management and send for adoption in written procedure with aim to have the Work programme in 2014 operational

Annex III

List of meeting documents and room documents for Forum-13

Documents uploaded on CIRCA BC

AP	Document	Number
1.2	Final draft agenda	ECHA/Forum-13/2012/A/ final draft
1.3	State of play w/ action points from F12	ECHA/Forum-13/2012/1.3
4.1	MoC	ECHA/Forum-13/2012/4.1
4.3	SMEs initiatives in the Member States	ECHA/Forum-13/2012/4.3
4.3	SMEs initiatives in the Member States	ECHA/Forum-13/2012/4.3
5.1	Enforcement issues related to the new PIC regulation	ECHA/Forum-13/2012/5.1
6	Practical issues for enforcement of REACH and CLP	ECHA/Forum-13/2012/6
8.1.2	Interlinks- List of Focal points+translations	ECHA/Forum-13/2012/8.1.2a
8.1.2	Interlinks- Workshop Report _ CARACAL Doc	ECHA/Forum-13/2012/8.1.2b
8.2.1	REF-2 -Progress report	ECHA/Forum-13/2012/8.2.1
8.2.2.1	REF-3 -Progress report	ECHA/Forum-13/2012/8.2.2.1
8.2.2.2	REACH and customs- Cooperation within the Commission (COM)	ECHA/Forum-13/2012/8.2.2.2
8.2.3.1	Horizontal methodology: Progress report	ECHA/Forum-13/2012/8.2.3.1
8.2.4	Pilot project on intermediates	ECHA/Forum-13/2012/8.2.4a
8.2.4	Pilot project on intermediates -Report of SCC workshop	ECHA/Forum-13/2012/8.2.4b
8.2.4	letter to ECHA	ECHA/Forum-13/2012/8.2.4c
8.2.4	letter to CEFIC	ECHA/Forum-13/2012/8.2.4d
8.3	Training for the trainers	ECHA/Forum-13/2012/8.3
8.4.1	Implementation of RIPE - project report	ECHA/Forum-13/2012/8.4.1
8.5	EIES	ECHA/Forum-13/2012/8.5
9.2	Final report from the Forum's enforcement project on PAH	ECHA/Forum-13/2012/9.2a
9.2	Final report PAH - track changes	ECHA/Forum-13/2012/9.2b
9.2	Revision Final report on PAH -background info	ECHA/Forum-13/2012/9.2c
10.3	IMPEL project proposal on the link between Directive on Industrial Emissions (IED) and REACH	ECHA/Forum-13/2012/10.3
11.1	Analytical methods approach	ECHA/Forum-13/2012/11.1 ECHA/Forum-13/2012/16.1
15.2	Assistance to Recyclers in the Plastics Chain	ECHA/Forum-13/2012/15.2
16.1	Progress report from the WG Enforceability of Restrictions report	ECHA/Forum-13/2012/16.1
16.3	Development of standards	ECHA/Forum-13/2012/16.3
21	Forum's meeting calendar for 2013	ECHA/Forum-13/2012/21
22.1	Conflict of Interest	ECHA/Forum-13/2012/22.1
22.2	Dossier Evaluation Process	ECHA/Forum-13/2012/22.2a
22.2	RCOM- Forum's comments	ECHA/Forum-13/2012/22.2b
22.4	Progress on pending NONs	ECHA/Forum-13/2012/22.4

Room documents

AP	Document	Number
4.3	SMEs initiatives in the Member States	Room document 4.3
8.1.1	Interlinks- WG progress report	Room document 8.2.1
8.1.2	Interlinks- Workshop Final report	Room document 8.2.1
15.5	Need for enforcement authorities to interact with competent authorities	Room document 15.5
15.7	Implementation of Exposure Scenarios + info on ENES group	Room document 15.7
22.6	Letter for invitation to investigate potential non-compliances concerning animal testing	Room document 22.6
23.1	IPA agenda meeting	Room document 23.

Annex IV. Glossary of acronyms and abbreviations

AMS: Regulation (EC) No 765/2008 concerning the Accreditation and Market Surveillance
CARACAL: MSCA Committee for REACH and CLP
C&L: Classification and Labelling
CLH: Harmonised Classification and Labelling
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
CMR: a substance or mixture which is carcinogenic, mutagenic or toxic to reproduction
COM: European Commission
DG: Directorate General at Commission
DU: Downstream Users
ECHA: European Chemicals Agency
EEA: European Economic Area
EIES: Electronic Information Exchange System
ENTR: DG Enterprise and Industry at the European Commission
ENV: DG Environment at the European Commission
EU: European Union
ICSMS: The internet-supported information and communication system for the pan-European market surveillance of technical products
ISO: International Standards Organization
IUCLID: the International Uniform Chemical Information Database
JRC: Joint Research Centre
MB: the Management Board of ECHA
MS: Member States
MSC: Member States Committee
NEAs: National Enforcement Authorities
RAPEX: EU rapid alert system
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF-1: REACH-EN-FORCE 1, 1st Coordinated Enforcement Project of the Forum focusing on pre(-)registration and SDSs provisions of REACH
REF-2: REACH-EN-FORCE 2, 2nd Coordinated Enforcement Project of the Forum
REF-3: REACH-EN-FORCE 3, 3rd Coordinated Enforcement Project of the Forum
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RoP: Rules of Procedure
SDS: Safety Data Sheet
SME: Small and Medium Sized Enterprises
TAXUD: Taxation and Customs Union
WG: Working Group of the Forum
WP: Work Programme of the Forum