Forum/M/11/2012 final – Public
Adopted on 21/08/2012

Minutes of the 11th meeting of the Forum for Exchange of Information on Enforcement Charlemagne Building, Brussels 28-29 February 2012

I. Summary Record of the Proceedings

Item 1 – Welcome and Introduction

a) *Opening by the Chair of the Forum and welcome to the new members of the Forum*

The Chair of the Forum welcomed the participants and the two new members of the Forum and recalled apologies from one member not attending the meeting. No proxies had been given according to Article 5(4) of the Forum Rules of Procedure and the quorum requirement was met.

b) *Adoption of the agenda and declarations of conflict of interest with regard to agenda points (Chair)*
ECHA/Forum-11/2012/A/01 final draft

The Agenda was adopted. No conflicts of interest were declared.

c) *State of play with action points from Forum-10 (ECHA)*

The Secretariat informed the plenary that most of the action points from Forum-10 had been dealt with. The outstanding issues will be covered after the meeting.

d) *Practicalities and brief re-capitulation of results of the written procedures between Forum-10 and Forum-11 (ECHA)*
ECHA/Forum-11/2012/01

The Secretariat informed the members that six written procedures were concluded since Forum-9. Five written procedures were concluded by consensus and one was concluded by majority view of the members.

Item 2 – Address by the Director of Cooperation in ECHA and address by the Director of chemicals, metals, mechanical, electrical and construction industries, and raw materials of DG Enterprise and Industry at the European Commission.

ECHA's Director of Cooperation addressed the Forum and introduced the key items to be discussed during the meeting. He stressed the necessity of finalising the work on defining the interlinks and highlighted the importance of cooperation with customs in the context of the REF-3 project. The Director also expressed understanding for resourcing difficulties on Member State level and indicated the will to highlight this at the MSCA meeting. Lastly, he commented upon the results of the COM study on the enforcement of REACH and CLP stressing that Member States have the sole competence to enforce REACH and CLP and welcoming COM's involvement in Forum work.

The Director of chemicals, metals, mechanical, electrical and construction industries, and raw materials of DG Enterprise and Industry at the European Commission addressed the Forum. He stressed that the COM sees effective enforcement as crucial to the usefulness of REACH and CLP and encouraged the Member States to make full use of the Forum to increase the efficiency of enforcement. REACH and CLP are new, not only to

inspectors but also to industry, and the enforcement should be proportionate and its purpose should be to reduce the number of non-compliant companies. He also expressed concern regarding the lack of consistency in enforcement in the EU with relation to the interpretation of Articles 7(2) and 33 of REACH and encouraged all Member States to follow the interpretation of the COM. The Director concluded by indicating that with both legislations now mature, enforcement will now receive more attention from COM and economic operators.

Item 3 – Update on relevant developments by the Commission

a) Update on current Commission studies (COM)

COM informed the members that the COM speaker responsible for the study on the requirements for the REACH and CLP inspections could not attend the meeting and the presentation was cancelled. Another COM representative briefly informed the plenary that the study was finalised.

In the ensuing discussion, Forum expressed regret about the absence of the relevant representative from COM and noted that prior to Forum-11 the members only had access to excerpts of the study and so the comments provided so far were insufficient for reflecting the opinion of the Forum. It was agreed that Forum will submit written comments on the findings and conclusions of this study. The ECHA Secretariat will compile these comments and submit them to COM.

It was agreed that the Forum may consider further activities related to the study during the elaboration of the next Work Programme of the Forum and in the next amendments of the Forum enforcement strategy and the Minimum Criteria for REACH and CLP inspections.

b) Update on CARACAL and other issues (COM)

COM gave an update covering discussions and decisions taken at the last CARACAL meeting, the recent and upcoming publications in the Official Journal and informed the Forum about the Enterprise Policy Group on REACH and CLP. In addition, COM presented the RAPEX China initiative and gave an update on the Poison Centres. COM also invited the Forum members to send the updated information for the ECHA website to the ECHA Secretariat when it is available. The Forum took note of the presentation.

Item 4 – Reports from the ECHA Secretariat

a) Manual of conclusions (ECHA)

ECHA/Forum-11/2012/04

ECHA/Forum-11/2012/05

The ECHA Secretariat presented the progress made with the scope of the manual of conclusions (MoC). As the scope of the MoC was adopted in written procedure, the Forum Secretariat prepared the draft MoC with the conclusions from Forum-10 as an example. The Forum Secretariat also

prepared the revised version of Annex 1 for information and discussion, explaining the procedure for maintaining and adding new entries to the document.

In the ensuing discussion, the Forum stressed that the MoC is a very useful tool and agreed on further work on it. The Forum agreed that members will submit the "practical issues for enforcement" for Forum-12 using the template agreed for the MoC. Concern was raised about confidential information for the MoC and it was agreed that the Forum Secretariat will clarify the policy regarding the inclusion of sensitive information in the MoC in Annex 1 after Forum-11. One of the members asked for the MoC to also be made available in RIPE when it is finalised. The Forum members were invited to submit feedback in writing to the revised Annex 1 of MoC to the Forum Secretariat who would then organise a written procedure for the adoption of the revised Annex 1. The MoC with all Forum conclusions from previous meetings will be consulted with the Forum with the view of final discussion at Forum-12.

b) Exchange of inspectors (ECHA)

Two exchange programmes for inspectors have been organised by Italy and the UK in cooperation with ECHA. Inspectors from MT participated in the exchange organised by IT in Rome and inspectors from ES and LT participated in the exchange organised by the UK in Bootle and Sheffield. The exchanges took place between 24-26 January 2012 and inspection visits were organised in both cases. As part of their training activities and to observe the exchange of inspectors, two officials of the Forum Secretariat attended the exchanges.

It was agreed that in cooperation with the participants, the Forum Secretariat will prepare the final reports to be presented to Forum at Forum-12.

The Chair encouraged Forum members and the Member States to continue the activities of exchange of inspectors and to report to the Forum. In terms of financing the programmes, other options apart from the funding by ECHA will need to be further explored.

c) Member State Reports under Article 46(2) of the CLP Regulation

The ECHA Secretariat informed the Forum on the work carried out with the Member State Reports under Article 46(2) of the CLP Regulation.

Article 46(2) of the CLP Regulation requires all Member States to submit a report on the results of the official controls and other measures taken to the Agency by 20 January 2012. By Forum-11, the Forum Secretariat had received reports from 26 countries. The Forum Secretariat will compile the reports and make statistical analyses before forwarding them to COM. The report will be presented to the ECHA management and subsequently provided to COM. The report will also be provided to the Forum members.

In addition, the ECHA Secretariat will distribute the document prepared by the Forum members from DE concerning the definition of the term "official controls" to the Forum members. The Forum members will be invited to provide comments afterwards.

d) Information from the Risk Management Directorate
ECHA/Forum-11/2012/21

The ECHA Secretariat introduced a document with an overview of notifications of substances in articles received by ECHA so far. Thus far, only a low number of notifications were received and the document discussed possible remedies for this.

The Forum took note of the information provided and welcomed the opportunity to receive an update regarding the notification statistics from ECHA every six months. It was agreed that the WG implementation of RIPE would develop the requirements for the statistics reports that the inspectors would need to receive so that they can be made available as screening information in RIPE.

Item 5 – Acting as an ECHA body

a) Forum within the institutional frame of the Agency

The Director of Cooperation at ECHA gave a presentation with the aim of enhancing the role of the Forum within the institutional frame of the Agency. According to Article 76(1)(g) of REACH, the Agency shall comprise a Forum for Exchange of Information on Enforcement, which shall coordinate a network of Member State authorities for enforcement of this regulation, thus clearly indicating that the Forum is part of ECHA. He invited members to consider their perception as part of the Forum and suggested that the Forum is not only an inter-governmental meeting between individual National Enforcement Authorities, but also a collective body of the Agency that deals with enforcement of regulatory processes that take place at ECHA. He suggested to make use of this image when sending messages to the National Enforcement Authorities and thus involve them in the Agency's institutional framework when they take part in executing Forum activities.

The Forum took note of the presentation and there were no questions.

b) ECHA's new corporate and visual identity

The Director of Cooperation at ECHA introduced the new corporate visual identity and the values of ECHA are to be an organisation which is transparent, independent, trustworthy, efficient and committed to well-being. He presented the external communication strategy. He also expressed that the Forum, as a service-oriented body, has to show a certain level of transparency and invited members to consider exploring new ways of liaising with stakeholder organisations.

In the ensuing discussion, the Chair decided that the latter point would be tackled further under agenda item 11. There were no further questions.

Item 6 – Practical issues for the enforcement of REACH and CLP
ECHA/Forum-11/2012/06

a) Items raised by the ECHA Secretariat

Issue 1 – Non-qualifying SMEs / pay administrative charge when extended due date has expired.
The ECHA Secretariat suggested an area for possible collaboration with NEAs 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 conducts SME verification of companies which have registered substances and paid reduced registration fees because they claimed to be an SME. It invoices an administrative charge on companies that were not entitled to the fee reduction, on the basis of Article 74(5) of the REACH Regulation, Article 13(4) of the Fee Regulation and Decision MB/D/29/2010 of ECHA's Management Board. The administrative charge should be distinguished from the top-up fee, which covers the difference between the registration fee due and the reduced registration fee for SMEs, which the legal entity in question has paid. As of 14 February 2012, 14 legal entities have exceeded the due date for payment of the administrative charge.

ECHA invited the Forum to explore possibilities for cooperation with enforcement authorities to remind companies that have not paid the administrative charge by the extended due date, of their obligation to do so. This could be done when inspections are carried out in these companies.

It should be kept in mind that some companies may have submitted false information to ECHA on purpose in order to escape fees and obtain an unfair advantage over their competitors. Recital 11 of the Fee Regulation foresees that Member States should impose a dissuasive fine against companies that have submitted false information to obtain a fee reduction. Such a dissuasive fine by a Member State would be complementary to the charge invoiced by ECHA to cover its administrative costs, and does not replace it.

ECHA pointed out that in cases where the Member State has also imposed a fine on the company for the submission of false information, the company could be reminded of its duty to pay the fine imposed by the Member State at the same occasion.

Conclusion:
In the ensuing discussion, the Forum indicated that they can remind companies to pay the outstanding administrative charge in the companies they already visit. However, practical aspects would need to be further explored on how to provide the information on specific cases to the inspectors.

Issue 2 – Moment at which an imported substance or mixture has to be labelled according to CLP
The presentation of the issue was postponed until Forum-12.

Issue 3 – Labelling information on section 2.2. of a safety data sheet (SDS)

The ECHA Secretariat presented the case regarding the label elements that need to be included in section 2.2 of a safety data sheet (SDS) in case of single packages under Article 33(3) of CLP and the analysis on whether it is permissible to include transport pictograms in section 2.1 of an SDS where CLP labels are not affixed because they relate to the same hazards as in the rules for transport of dangerous goods.

Conclusion:

No conclusion was reached and the issue remained open for further discussion.

b) Items submitted by the Forum members

Issue 4 – Duty to communicate information on substances in articles

The Forum member from FR introduced the tentative draft guidance for handling complaints under Article 33.2 and invited members to provide their views on the following questions raised in it.

Question 1: How should an investigation be launched if there is no trace of the receipt of the request? Would the proof of mailing be sufficient? Should it be recommended in item 1 that consumers send their request by mail or email with acknowledgment?

Question 2: When the company is importing articles from outside the EU and the information is not available to the company, what should be the follow-up in the situation where and whether it would be fair to request a chemical analysis of the article from the company?.

The Forum discussed the procedure and agreed to work further on it.

Conclusion:

No conclusion was reached and the issue remained open for further discussion.

Issue 5 – Substances in Articles

The Forum member from the UK gave a summary of the questionnaire submitted to the members after Forum-10. The main findings of this survey are:

1. Members identified the clear duty in Article 33(1) for the supplier to provide information on the presence of SVHCs and the instructions for safe use. However, opinions were divided whether a distributor, having received no information, should ask for this information up the supply chain. The responses and the view of ECHA's legal unit indicate that if distributors have a reasonable suspicion (knowing the types of articles they sell) that there may be an SVHC present they have a duty of care to ask for this information.
2. The majority view is that there is no legal obligation for the supplier to provide a nil response in the case that there are no SVHCs in the articles

as supplied, however members consider it good practice for the supplier to provide such a response, particularly if requested by their customers.
3. The responses indicate that the view of members was that the duty applied at each time the article was placed on the market, using the current candidate list at that time. There was no concept of using the candidate list current at the time when the article was first placed on the market for subsequent supply. Therefore, distributors will need to be proactive in anticipating the possible presence of new SVHCs on the list and ask back up the supply chain. Members noted that the original supplier does not have a duty to provide this information so the distributor may have to resort to other methods to obtain the information.

Conclusion:

Members views are that even when there is no duty to obtain information upstream then the supply chain should adopt a "duty of care" to ask for the information up the supply chain such that they are able to provide it down the supply chain. The Forum agreed that actors in the supply chain need to apply this duty of care.

Issue 6 – RAPEX / The concept of serious risk

The Forum member from CY presented to the plenary the results of the survey among Forum members regarding the interpretation of high risk. The analysis of the information submitted proves that there is no common understanding and no harmonised approach in handling the cases under study among Member States. Most replies recognise that different approaches exist in the interpretation of the "High Risk" term and that REACH and GPDS are not converging to a common approach.

Some members clearly stated that, in their view, products not in conformity with the provisions of Annex XVII of REACH constitute a "High Risk" case. Some members indicated that the "High Risk" decision is a result of a case-by-case examination. There was no clear agreement on the applied practice. Other members suggested making reference to the Consexpo program as a tool for determining "High Risk" and mention its use in their country. Still, other members criticised this tool indicating that it is not suitable for the risk assessment of chemicals because it does not take concentrations, emissions or exposure information into account.

A representative from DG SANCO gave a presentation analysing what a serious risk is in the frame of chemicals in consumer products.

Conclusion:

The Forum concluded that MS current practice with the assessment of the "serious risk" in Member States will continue as before and further discussions will be initiated with COM, if this proves to be necessary.

Issue 7 – Can SDSs contain information from other legislative regimes (e.g. US, Canada)

The Forum member from the UK opened a discussion on whether or not an SDS, which is compliant with REACH, can also include information required in other countries (e.g. US, Canada).

Conclusion:

In the ensuing discussion, the Forum agreed that additional voluntary information in the SDS is not forbidden but should not contravene the principles of clarity and brevity of the SDS. Such information should also be clearly indicated as additional.

Issue 8 – Multiple emergency numbers in SDSs

The Forum member from IE opened a discussion on whether, in the case where there are more options for emergency service providers, multiple numbers can be provided on the SDS.

Conclusion:

In the ensuing discussion, the Forum concluded that there is no formal limit on the quantity of emergency numbers in the SDS. However, the principle of brevity and clarity needs to be considered. Therefore, in line with pragmatic consensus, the members agreed that only such phone numbers should be mentioned that can provide immediate assistance to the recipients of the SDS. The numbers in the SDS should belong to emergency service providers who are entitled to offer such service. The emergency service should also be offered in the official language of the Member State where the SDS is supplied.

Issue 9 – The cold packs

The Forum member from SE raised the issue regarding the cold packs and more in particular whether the MS considers cold packs as a substance or mixture or as an article and asked the members' advice on how the restriction should be handled in terms of enforcement with regards to cold packs and similar products containing ammonium nitrate.

Conclusion:

The Forum took note of the interpretation in the COM Q&A on the restrictions and the ECHA guidance on substances in articles and it was agreed to further discuss this issue in the next meeting.

Issue 10- the labelling of cement containing Cr VI

The Forum member from EL asked the members whether they agreed with the draft wording for information that should be provided in line with restriction 47 on the packages of cement or cement-containing mixtures when reducing agents are used, which was proposed in the survey among Forum members.

Conclusion:

The Forum concluded on the general understanding that, while the restriction entry specifies what information is necessary, there is no possibility to require the exact wording on the package. Precise wording of the future entry in the MoC will need to be developed.

Issue 11 – Individual registration submissions with read across and data waiving

The Forum member from the UK informed the members that they have been approached by a lead registrant who has submitted a registration for a substance. This is a joint registration on behalf of a number of companies. A different company has independently submitted a registration for the same substance independently of the joint submission. They quoted disproportionate costs as a reason to submit outside the joint registration. This dossier, although it has passed the completeness check, is alleged to contain much read across and data waiving whereas the joint submission contained data to address the end points. After verifying the dossier through REACH-IT/IUCLID, it was confirmed that the dossier is well below the expected standards. The member questioned how this issue can be addressed.

Conclusion:

The Forum concluded that the process for handling such cases should be addressed and further defined via the Forum WG on Interlinks as it entails cooperation between NEAs, MSCAs and ECHA in considering how the compliance check activities are triggered.

Item 8 – Work Packages – Activity Reports

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

a.1) Progress report from the WG Chair including pilot project on interlinks

ECHA/Forum-11/2012/07

The Chair of the Forum informed the plenary about the progress made by the WG since Forum-10. In summary, following the consultations of Forum, MSCAs and ECHA, the WG decided to limit its outputs to "the Inventory" of interlinks (excel document) that briefly describes all identified enforcement related interlinks and the "cover note" which acts as an introduction to the inventory addressing procedural aspects, and not intended to exhaustively describe the interlinks.

The WG proposed organising a workshop with the MSCA representatives to discuss the finalised interlink documents and undertake further process-specific consultations with ECHA. The WG Chair requested the Forum to approve:

- The updated Activity Plan.
- The pilot project within the framework of the interlinks project. This pilot project would be implemented after its adoption by Forum-11 and would be finished after the final report on the interlinks project. The results will be presented as a separate report.

In the ensuing discussion, the Forum took note of the information presented and welcomed the simplification of the documents. It agreed with the execution of the pilot project as recommended by the WG. The

Forum also concluded on the major milestones of the WG activity plan. The Forum welcomed the opportunity of further process-specific consultation with ECHA and agreed to organise a workshop with competent authorities later in 2012.

b) B.12 – Advice on enforceability of proposals for restriction

b.1) Progress report from the WG Chair
ECHA/Forum-11/2012/08

The Chair presented the activities of the WG during the period Forum-10 – Forum-11, which focussed on drafting first advice on enforceability of the restriction proposal regarding four phthalates, preparing the revision of the Guide for Drafting Forum Advice on Enforceability of the Restriction Proposals (GDAERF) and discussing issues related to analytical methods particularly the publication of the inventory of analytical methods.

The WG was in particular interested in Forum feedback about the possibility for the Forum to proactively provide suggestions for improving the restriction proposals, the issue of the presence of impurities and limit values and the definition of placing on the market for the first time.

The WG recommended the Forum to investigate how analytical methods can be recommended and to elaborate a list of recommended analytical methods. To this end, the WG recommended the Forum to organise a workshop with the stakeholder organisations back-to-back to a Forum meeting to discuss possible cooperation on this matter. Lastly, the WG recommended the elaboration of guidance for inspectors on checking compliance with Annex XVII restrictions.

In the ensuing discussion, the Forum endorsed the recommendations from the WG and agreed to provide comments to the issues highlighted in the progress report.

b.2) Update from ECHA
ECHA/Forum-11/2012/09

The ECHA Secretariat introduced a meeting document on the revision of the working procedure of the Forum to elaborate advice on the enforceability of restriction proposals. Following consultation of Forum WG Restrictions, the conclusion of ECHA was that the two most effective options were:

- Option 1: One Forum advice submitted 12-16 weeks after the Annex XV dossier is published for public consultation with further support during the process
- Option 2: Contribution provided by Forum experts, WG and Forum to the RAC and SEAC rapporteurs and ECHA during the opinion forming process of RAC and SEAC and with only one formal Forum advice at a later stage in the development of the opinions. In all cases, the interactions between Forum experts and the RAC and SEAC experts will be conditioned to the mandate of the Forum Chair.

ECHA Secretariat invited the Forum members to provide their views on the proposed options and to indicate their preference.

In the ensuing discussion, the Forum Secretariat informed the plenary about the next steps for finalising the procedure and the Forum agreed to provide their reactions in writing.

b.3) Study on enforcement of restrictions

A representative from MILIEU presented to the Forum the results of the study regarding the Implementation and Enforcement of Restrictions under Title VIII and Annex XVII to REACH in the Member States elaborated by MILIEU at the request of COM in the frame of the review process of the REACH Regulation. The study recommends to draw up an EU list of analytical methods suitable for enforcement of each restriction and to draw up an EU level database of existing laboratory capacities for testing according to existing standards that cover all 27 Member States. The study suggests that the Forum could provide assistance to COM in implementing these recommendations.

In the ensuing discussion, some Forum members indicated that the study report would benefit from adding a section with clarification of its aim and objectives. Some members proposed that it would be useful to share information on the organisation of laboratories on a national level. It was also suggested to consult the stakeholders about the labs recommended for analyses related to restrictions. Ultimately, it was decided to hold a discussion on the organisation of laboratories in the Member States at Forum-12.

c) A.1 –B.7-B.5 – Forum enforcement projects, cooperation with the customs authorities and guidance on enforcement methods and enforcement practice

c.1) REACH-EN-FORCE-2
ECHA/Forum-11/2012/11

The progress report from the WG Chair was submitted for information to the Forum prior to the meeting. The WG Chair informed the plenary that a meeting of the WG will be organised to prepare the finalisation of the project.
The Forum took note of the progress report and the COM invited all the Member States to participate in the Forum enforcement coordinated projects.

c.2) REACH-EN-FORCE-3
ECHA/Forum-11/2012/12

The Chair of the WG presented the progress report and informed the plenary that the project manual was under elaboration.
In the ensuing discussions, the Forum concluded that restrictions will not be part of the scope of the project. The plenary agreed to start the operational phase of the project including the inspections in 2013 so that cooperation with customs authorities can be organised in the participating countries.

c.3) Horizontal methodology for enforcement projects
ECHA/Forum-11/2012/13

The Chair of the WG presented the progress made in the WG and the consolidated report of the Forum enforcement coordinated project REF-1.
The Forum adopted the consolidated report with the comments provided by the Chair of the Forum during the meeting. After amendment by the WG Chair, the report will be published on the ECHA website.

c.4) PAH project

An invited expert from the Environment Agency in the UK in charge of the coordination of the Forum project, presented the progress made with the Forum enforcement project on PAH in tyres and extender oils and informed the plenary that the draft project report had been recently uploaded on CIRCA BC.
The Forum discussed issues related to the costs and suitability of certain analytical methods used to check compliance with the restriction and issues related to proposals for enforcement projects submitted by interest parties. It was decided to launch a consultation round on the draft Forum project report. The members from participating countries were invited to send feedback on lessons learnt during the execution of the project and the final project report will be adopted at Forum-12.

c.5) Pilot project on intermediates
ECHA/Forum-11-2012/15

The Forum member from DE, in charge of the coordination of the pilot project, informed the plenary about the progress made. The operational phase of the project has not started yet. The scope of the project should cover follow-up actions to the Article 36 letters sent by ECHA to registrants of intermediates. The Evaluation units of ECHA have received responses from almost all of the registrants who received an Article 36 letter and are currently checking whether the information requested in the decision has been provided by the registrant. The activity plan will be redrafted as soon as the evaluation of the responses has been finished. The DE Forum member proposed discussions related to widening the scope of the pilot project as well as the templates elaborated by the ECHA Secretariat.

The Forum did not agree to widen the scope of the project and the members were invited to submit comments to the evaluation templates prepared by the ECHA Secretariat. It was decided to investigate the possibility to hold a meeting with the project participants to clarify the interpretation of strictly controlled conditions.

d) B.3 – Implementation of RIPE

d.1) Progress report from the WG Chair
ECHA/Forum-11/2012/169

The progress report from the WG Chair was submitted for information to the Forum prior to the meeting. The Forum took note of the information provided.

d.2) RIPE progress (ECHA)

The ECHA Secretariat presented the progress of the RIPE 1.5 project listing the completed and upcoming releases and a user acceptance test as well as the preparation of manuals and translations. Discussion on the scope of RIPE 2.0 with the WG "Implementation of RIPE" will take place in the first half of 2012.. User statistics showed that there is low usage of RIPE and ECHA asked the members to advertise its use.

In the ensuing discussions, the members clarified that there may be good reasons for the low use of RIPE and agreed to re-evaluate the use needs in the context of the upcoming user survey. The Forum stressed that RIPE is a very useful tool for inspectors and the project RIPE 2.0 should be authorised, irrespective of the level of use of RIPE 1.0.

The discussion about the scope of data in RIPE also resurfaced. ECHA Secretariat indicated that scope of data can be reconsidered when ECHA discusses the project RIPE 2.0 and the Forum members were invited to send arguments for RIPE enabling access to substance and company information from all Member States.

e) B.4 – Develop an electronic information exchange system

The ECHA Secretariat indicated that it currently has no budget for electronic information exchange system (EIES) as it has been devoted to other priority IT projects. At the earliest, funds might be available in second half of 2012, but this is uncertain. Preparations of the vision document, which will be used as a basis for the decision, have started and the research was ongoing. ECHA received information from COM about COM's long term plans for ICSMS. Further information from COM will be sought and taken into account in the analysis of costs and benefits of EIES options. The vision document is planned to be discussed by ECHA management in April 2012.

In the ensuing discussions, ECHA was invited to ensure that the way towards EIES is clarified by Forum-12. It was also agreed that ECHA will consult the WG EIES on the benefits and drawbacks from the point of view of inspectors on the different options it is considering for EIES.

f) B.6 – Training programme for inspectors / Training for REACH and CLP enforcement trainers

Progress report from the WG Chair

ECHA/Forum-11/2012/17

The progress report from the WG Chair was submitted to the Forum prior to the meeting. The Forum took note of the information provided.

Item 9 – Revision of the Work Programme and WG mandates

a) Revision of the work programme of the Forum for the period 2011 – 2013

ECHA/Forum-11/2012/18

The ECHA Secretariat presented the revised version of the Forum Work Programme of the Forum adopted in 2011 including the new activities agreed since its adoption:

- New WG to elaborate horizontal project methodology including the elaboration of a consolidated project report for REF-1
- New objectives for the WG enforceability of restrictions
- Update on the activities regarding training for enforcement trainers
- New pilot project on intermediates

The Forum members submitted further comments to the revised version of the work programme during the meeting and agreed that after another consultation round the document will be submitted for adoption through written procedure before Forum-12.

b) Review and revise existing WG mandates and composition
Room document 1

The mandates of seven WGs were revised and are included in Annex 2.

Item 10 – Enforcement in the MS

a) Enforcement project on substances in articles carried out in Sweden (SE)

The Forum member from SE presented the results of the project on substances in articles carried out in Sweden. The Forum welcomed the information received and looked forward to the final results of the project in Sweden.

b) Enforcement campaign on air fresheners carried out in Cyprus (CY)

The item was postponed.

c) Proposal for establishing an inventory of enforcement strategies and an inventory of enforcement activities in the Member States

The item was postponed.

Item 11 – Transparency

a) Transparency in the Forum activities and opportunities for mutually fruitful dialogue with stakeholder organisations

The ECHA Secretariat reported on its experience with the enforcement workshops organised so far.

ECHA Secretariat invited the Forum members to consider how to have more interactive dialogues. ECHA Secretariat provided some examples like the organisation of workshops in the middle of the Forum meeting; the organisation of informal discussion for participants to explore an issue in small table groups; to find areas and specific topics where cooperation is

needed (e.g. analytical methods) and to spread more information about Forum work via the ECHA website (as far as it would not hamper enforcement activities).

The Forum took note of the information provided, discussed different options of liaising with stakeholders and concluded that it will be best to make a decision on the method for liaising on a specific case of the next Forum workshop for stakeholders (see item 11.c) . .

b) Feedback from the enforcement workshop in 2011

The members provided feedback from the enforcement workshop organised in 2011.

c) Next enforcement workshop

The Forum decided to schedule time in the agenda of Forum-12 to further discuss the format for the next enforcement workshops.

d) Preparations for the Commission Enforcement Conference on 1 March 2012

COM briefly informed the members about the practicalities to attend the Enforcement Conference on 1 March.

Item 13 – AOB

The Chair requested the members to submit speaking requests related to the Forum in time.

Item 14 – Closing of the meeting

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

II. Main Conclusions & Action Points - Forum-11, - 28-29 February 2012

(Adopted at the Forum-11 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
Item 1- Welcome and introduction		
-		
1.d Practicalities and brief recapitulation of results of the written procedures between Forum-10 and Forum-11 (Secretariat)	-	-
Item 2 - Address by the Director of Cooperation in ECHA / Address by the Director of chemicals, metals, mechanical, electrical and construction industries; raw materials of DG Enterprise and Industry at the European Commission		
2.a Address by the Director of Cooperation in ECHA	The Forum took note of the points presented.	-

2.b Address by the Director of chemicals, metals, mechanical, electrical and construction industries; raw materials of DG Enterprise and Industry at the European Commission	The Forum took note of the points presented.	-
Item 3 – Update on relevant developments by Commission		
3.a Update on COM studies	-	**Forum members** are invited to submit written comments on the findings & conclusions of the study on REACH&CLP inspections to Forum-S by **16 April** **Forum-S** will compile and submit these to COM and cc to Forum members by 7 May **Forum-S** will forward any reaction provided by the COM to Forum members.

3.b. Update on CARACAL and other issues	The Forum took note of the information presented.	**Forum members** are invited to send the updated information for the ECHA website to Forum-S, when available.
Item 4 — Reports from the ECHA Secretariat		

4.a. Manual of Conclusions.	The Forum took note of the information and stressed that the Manual of Conclusions (MoC) is a very useful tool. The Forum agreed on further work on the manual. The Forum agreed that members will submit the "practical issues for enforcement" for Forum-12 using the template agreed for the Manual of Conclusions (MoC).	**Forum-S** will clarify the policy regarding the inclusion of sensitive information in the MoC in Annex 1. **Forum-S** will ensure that Manual of Conclusions is made available also in RIPE when it is finalised. **Forum members** are invited to submit feedback in writing to revised Annex 1 of MoC to Forum-S by 23 March 2012 **Forum-S** to prepare the written procedure on revised Annex 1 **Forum-S** to include all Forum conclusions from previous meetings in the MoC and send for consultation by 30 April **Forum members** are invited to comment on the draft MoC by 25 May **Forum-S** will revise the MoC and submit it as a meeting document for Forum-12 by 8 June 2012

4.b. Exchange of Inspectors	The Forum took note of the information provided and expressed the satisfaction with the organisation and outcomes of the exchange visits which took place in January 2012.	**Forum-S** will coordinate with the participants of the visits the preparation of the final reports intended as meeting documents for Forum-12
4.c. MS Reports under Article 46 (2) of the CLP Regulation	The Forum took note of the information provided.	**Forum-S** will distribute to Forum members the document from DE concerning the definition of the term "official controls" by 23 March **Forum members** are invited to provide the comments by 13 April
4d. Information from Risk Management Directorate	Forum took note of the information provided. The Forum welcomed the opportunity to receive the update regarding the notification statistics from ECHA every 6 months.	**Forum-S** to convey the comments from the Forum and COM to the Risk Management Directorate by 2 April. **WG on Implementation of RIPE** will consider the requirements for the statistics reports that the inspectors would need to receive so that they can be made available as screening reports in RIPE in its further work.

Item 5 – Acting as an ECHA's body		
5.a. Forum within the institutional frame of the Agency	The Forum took note of the information provided.	-
5.b. ECHA's new corporate and visual identity		
Item 6 – Practical issues for enforcement of REACH and CLP		
Issue 1 –Non-qualifying SMEs / pay administrative charge when extended due date has expired	The Forum indicated that they can remind companies to pay the outstanding administrative charge in the companies they already visit. However practical aspects would need to be further explored on how to provide the information on the specific case to the inspectors.	**Forum members** invited to send suggestions for solutions on how MS can support ECHA in ensuring that administrative charges are paid by 16 April. **Forum-S** to clarify if the registration remains valid in case the company has not paid the correct fee by Forum-12
Issue 2 – When an imported substance/mixture has to be labelled according to CLP?	Postponed to Forum-12.	-
Issue 3 – Labelling information on section	The Forum considered the issue and agreed to further discuss it at Forum-12.	**Forum members** are invited to submit their views whether they support the view elaborated by Ireland and supported by ECHA or whether they support another approach by 16 April

Issue 4 – Duty to communicate information on substances in articles	The Forum discussed the procedure and agreed to work further on it.	**FR Forum member** will revise the document considering the comments given at the plenary and send it to Forum members by 16 March **Forum members** are invited to provide comments on the document to FR Forum member and cc the Forum-S by 16 April **FR Forum member** will revise the document and submit the final version by 8 June so that it can be discussed at Forum 12.

Issue 5 – Substances in Articles	The Forum agreed that actors in the supply chain need to apply the duty of care.	**COM and ECHA** are invited to examine if the analysis relating to the REACH registration of substances in stock can be helpful in resolving this issue by Forum-12 **ECHA** will investigate if this issue can be tackled by providing instructions to companies which address similar cases in the ECHA Guidance
Issue 6 – RAPEX / the concept of serious risk	The Forum concluded that MS current practice with the assessment of the "serious risk" will continue as before. Further discussions will be initiated with COM if it proves to be necessary.	-
Issue 7 – can SDS contain information from other legislative regimes (US, CANADA)	The Forum agreed that additional voluntary information in the SDS is not forbidden but should not contravene the principle of clarity and brevity of the SDS. Such information should also be clearly indicated as additional.	-

Issue 8 - multiple emergency numbers in SDS	The Forum concluded that there is no formal limit on the quantity of emergency numbers in the SDS. However, the general principle of brevity and clarity needs to be considered therefore as the pragmatic consensus the member agreed that only such phone numbers should be mentioned, which can provide immediate assistance to the recipients of the SDS. The services the numbers in the SDS should belong to emergency service providers who are entitled to offer such service. The emergency service should also be offered in the official language(s) of the Member State where the Safety Data Sheet is supplied.	-
Issue 9 – The cold packs	The Forum took note of the interpretation in the COM Q&A on the restrictions and the ECHA guidance on substances in articles. It was agreed to further discuss this in the next meeting.	**Forum-S** will provide the COM Q&A after the meeting by 23 March. **Forum-S** will investigate the Helpex discussion relating to the cold packs and inform the Forum of its results by 16 April. **Forum members** are invited to provide feedback regarding the term "professional activities" used in restriction on ammonium nitrate (58) to SE Forum member and cc to Forum-S by 16 April.

Issue 10- the labelling of cement containing Cr VI	The Forum concluded on the general understanding that there is no possibility to require the exact wording on the package. Precise wording of the future entry in the Manual of Conclusions will need to be developed.	**Forum members** are invited to submit proposals for wording of the Forum conclusion to the EL Forum member and cc the Forum-S by 16 April
Issue 11 – Individual registration submissions with read across and data waiving	The Forum concluded that process for handling such cases should be addressed and further defined via by Forum WG on Interlinks as it entails cooperation between NEAs, MSCAs and ECHA in considering how the compliance check activities are triggered.	**WG Interlinks** will consider this issue/interlink in the inventory it is preparing.
Item 8 – Work Packages – Activity Reports		
8.a.1 – B.2 Interlinks - progress report from the WG Chair including pilot project on interlinks	The Forum took note of the information presented and welcomed the simplification of the document. It agreed to the execution of the pilot project as recommended by the WG. The Forum also concluded on the major milestones of the WG activity plan. The Forum welcomed the opportunity of further process-specific consultation with ECHA and agreed to organise a workshop with competent authorities later in 2012.	**WG Interlinks and Forum-S** will examine if there is sufficient time to amend the activity plan according to the comments from the plenary and inform the Forum about the results. **Forum members** and WG members to inform the Forum-S if they wish to participate in the organisation of the workshop by 16 March

8.b.1 – B.12 Restrictions - Progress report from the WG Chair	The Forum endorsed the recommendations of the WG. The Forum took note of the information provided and agreed that the WG on Enforceability in liaison with Stakeholders and other relevant bodies will propose a methodology for recommending analytical methods. The members agreed to organise the workshop with the stakeholders to collect their experience on analytical methods used by companies for possible consideration in the Forum list of analytical methods. The Forum agreed that WG will draft a manual intended to assist the control of compliance with Annex XVII.	**Forum members** are invited to send further comments on questions raised in the presentation of WG Chair by 14 March
8.b.2 – B.12 - Update from ECHA on restrictions	The Forum took note of the information provided.	**Forum members** are invited to send reactions about the proposed options for revising the advice procedure to Forum-S by 14 March
8.b.3 – B.12 Study on enforcement of restrictions	The Forum took note of the results of the study. The members in general welcomed the study and appreciated its findings. Organisation of laboratories in the Member States will be discussed at Forum-12.	
8.c.1 – B.8 - REACH-EN-FORCE 2	The Forum took note of the progress report for the WG.	-

8.c.2. B.8 - REACH-EN-FORCE 3	The Forum took note of the progress of the WG. The Forum concluded that restrictions will not be in the scope of REF-3 project and that the operational phase will start in 2013.	-
8.c.3. – B.8 Horizontal methodology for enforcement projects	The Forum welcomed the consolidated REF-1 report and adopted it with comments. The Forum agreed to publish the final report on the ECHA website.	**Forum Chair** to send the comments given in the plenary in writing to WG Chair by 23 March **WG Chair** to integrate the comments by 16 April
8.c.4. B.8 PAH project	The Forum took note and welcomed of the final results of the project.	**Forum members** are invited to submit comments to the report by 31 March **Participating members** are invited to send feedback on "lessons learned" during the execution of the PAH project to Forum-S by 16 April

8.c.5. B.8 Pilot project on intermediates	The Forum took note of the progress of the project and agreed to not to broaden its scope.	**ECHA** will investigate the possibility of having a meeting with the project participants to clarify the interpretation of strictly controlled conditions. **Forum members** are invited to submit the comment on the evaluation templates to DE Forum member and cc to Forum-S by 23 March
8.d.1- B.3 RIPE Progress report from the WG Chair	The Forum took note of the progress report.	-
8.d.2 – B.3 RIPE – progress of the RIPE project	The Forum took note of the progress of the RIPE project. The members clarified that there may be good reasons for the low use and agreed to re-evaluate the use needs in the context of the upcoming user survey. The Forum stressed that RIPE is a very useful tool for inspectors and the project RIPE 2.0 should be authorised, irrespective of the level of use of RIPE 1.0.	**Forum members** are invited to send arguments for RIPE enabling access to substance & company information from all MS to the ES Forum member and Forum-S by 16 April. **ECHA** will implement the acknowledgement or receipt of RIPE tickets.

8.e. – B4 Electronic information exchange system - update	Forum took note of the update regarding the decision making on implementation of EIES. Forum members urged ECHA to complete the cost-benefit analysis and take the decision on the way of implementing EIES as soon as possible.	**ECHA** to ensure that the way toward EIES is clarified by Forum-12 **ECHA** will consult the WG EIES on the pros and cons, from the view-point of inspectors, of the different options it is considering for EIES.
8.f. – B6 Training for trainers - Progress report from the WG Chair	The WG took note of the progress of the WG.	-
Item 9 – Revision of the Work Programme and WG mandates		
9.a. Revision of the work programme of the Forum for the period 2011-2013	The Forum has agreed to have another consultation on the revision of the Work Programme 2011-2013.	**Forum-S** will send the revised Work Programme to the Forum members for comments by 16 March **Forum members** will be invited to send comments by 30 March **Forum-S** will revise the Work programme and initiate the adoption in written procedure by 30 April
9.b. Review and revise existing WG mandates and composition	The Forum has revised the mandates of its working groups.	**Forum members** to send names of invited experts to be sent to the Forum-S by 9 March
Item 10 – Enforcement in the MS		

10.a. Enforcement project on SiAs carried out in Sweden	The Forum took note of the information provided.	
10.b. Enforcement campaign on air fresheners carried out in Cyprus	Postponed to Forum-12.	
10.c. Proposal for establishing an inventory of enforcement strategies and an inventory of enforcement activities in the MS	Postponed to Forum-12.	
Item 11 – Transparency		
11.a. Transparency in the Forum activities and opportunities for mutually fruitful dialogue with stakeholder organisation	The Forum took note of the information provided and discussed different options of liaising with stakeholders.	**Forum-S** will provide schedule time in the agenda of Forum-12 to discuss this further.
11.b. Feedback from the enforcement workshop in 2011	The Forum discussed the impressions from the stakeholder workshop in 2011	**Forum members** are invited to provide feedback on stakeholder workshop that took place in October 2011 by the end March.
11.c Next enforcement workshop	The Forum agreed to hold the next enforcement workshop back to back with Forum-13. Format of the workshop will be discussed at Forum-12.	-
11.d Preparations for the Commission Enforcement Conference on 1 March 2012	The Forum took note of the practical arrangements for the upcoming conference.	-
Item 13 – AOB		

III. List of Attendees

	MS	Forum Members
1	RO	ALBULESCU Mihaiela
2	IT	ALESSI Mariano
3	AT	ANWANDER Eugen
4	DK	BØRGLUM Birte Nielsen
5	PT	CABRITA Rui
6	BE	CUYPERS Paul
7	HU	DEIM Szilvia
8	FI	EKMAN Annette
9	EL	FOUFA Eleni
10	LI	FRICK Manfred
11	CZ	JAROLÍM Oldřich
12	SK	KOLESAR Dušan
13	CY	KYPRIANIDOU-LEONTIDOU Tasoula
14	FR	MAURER Luc
15	IE	MCMICKAN Sinead
16	MT	MIFSUD Shirley
17	SI	NOWAK Vesna
18	LV	PALLO Parsla
19	PL	PAWLAK Dorota
20	LT	PIPIRAITE-VALISKIENE Donata
21	UK	POTTS Mike
22	EE	PROMET Natali
23	ES	SÁNCHEZ PEÑA, Pablo
24	BG	SAVOV Nikolay Stanimirov
25	IS	SKÚLADOTTIR Bergþóra H.
26	NL	VAN DEN BERG Jos
27	DE	VOM HOFE Katja
28	SE	WESTERBERG Agneta
29	NO	WIKHEIM Maren

	MS	Advisers
1	SE	SILLREN Barbro
2	BE	LEYNEN Michel
3	NO	HAGEN Gro
4	IT	POLCI Maria Letizia
5	DK	SCHARFF Ida Lundstein
6	DE	ZEITLER Reinhard
7	DE	FRENZEL Stefan
8	FI	LEIKOSKI Mervi
9	ES	LOPEZ-MANCISIDOR Patricia
10	IT	DI MARZIO Graziella
11	UK	HAWKINS Richard

	MS	Invited experts
1	PT	PRAZERES Telmo
2	LV	KAZEROVSKA Kristine
3	HU	MAROSVÖLGYI Nikoletta
4	PL	OSÓWNIAK Martę
5	LT	SESKAUSKAS Viktoras
6	FR	ALFANO Anne-Catherine
7	DK	PETERSEN Pia Gitte
8	UK	HANLEY Elisabeth
9	ES	TARANCON Maria
10	AT	WURM Gernot
11	EE	KARRO Marina
12	MT	CASSAR Michael

	MS	Observers
1	HR	KREKOVIC Dubravka Marija

	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	HERDINA, Andreas	A2 – Guidance and Forum Secretariat
5	KOWALSKI Ulrike	A2 – Guidance and Forum Secretariat
6	NOUWEN Johan	A2 – HoU Guidance and Forum Secretariat
7	TLOCZEK Magdalena	A2 – Guidance and Forum Secretariat

	DG	Commission
1	ENTR	AGUADO Miguel

IV. List of Annexes

Annex I – Final agenda Forum-11

29 February 2012
ECHA/Forum-11/2012/A/01 final

Final Agenda
Eleventh meeting of the
Forum for Exchange of Information on Enforcement
(Forum-11)
28-29 February 2012

Charlemagne Building
Rue de la Loi, 170
Brussels, Belgium
28 February: starts at 9:00
29 February: ends at 17:45

DAY 1

Item 1 – Welcome and Introduction

a) Opening by the Chair of the Forum and welcome to the new members of the Forum
b) Adoption of the Agenda and declarations of conflict of interest with regard to Agenda points *(Chair)*
c) State of play with action points from Forum-10 *(ECHA Secretariat)*
d) Practicalities and brief recapitulation of results of the written procedures between Forum-10 and Forum-11 (*ECHA Secretariat*)

For information/adoption
ECHA/Forum-11/2012/A/01 final draft

ECHA/Forum-11/2012/01

Item 2 – Address by the Director of Cooperation at ECHA / Address by the Director of Chemicals, metals, mechanical, electrical and construction industries; Raw materials of DG Enterprise and Industry at the European Commission

Item 3 – Update on relevant developments by Commission

a) Update on current Commission studies (*COM*)
b) Update on CARACAL and others *(COM)*

For information
ECHA/Forum-11/2012/02
ECHA/Forum-11/2012/03

Item 4 – Reports from the ECHA Secretariat

a) Manual of Conclusions
b) Exchange of inspectors
c) MS reports under Article 46 (2) of CLP Regulation
d) Information from Risk Management Directorate

For information
ECHA/Forum-11/2012/04
ECHA/Forum-11/2012/05
ECHA/Forum-11/2012/21

Item 5 – Acting as an ECHA body

a) Forum within the institutional frame of the Agency (*Andreas Herdina*)
b) ECHA's new corporate and visual identity (*for information*) (*ECHA Secretariat*)

For information

Item 6 – Practical issues for enforcement of REACH and CLP

a) Items raised by ECHA Secretariat
b) Items raised by members

For discussion/adoption

Item 7 – Adoption of conclusions from day 1

For adoption

DAY 2

Item 8 – Work Packages - Activity Reports

a) B.2 - Interlinks between ECHA, MSCAs and Enforcement Authorities

a.1) Progress report from the WG Chair including pilot project on interlinks

ECHA/Forum-11/2012/07
For information/ adoption

b) B.12 – Advice on enforceability of proposals for restriction

b.1) Progress report from the WG Chair

b.2) Update from ECHA (*ECHA Secretariat)*

b.3) Study on enforcement of restrictions (*COM*)

For information /endorsement
ECHA/Forum-11/2012/08
ECHA/Forum-11/2012/09

c) A.1 – B.7 and B.5. – Forum enforcement projects, cooperation with the customs authorities and guidance on enforcement methods and enforcement practice

c.1) REACH-EN-FORCE 2
Progress report from the WG Chair

For information/endorsement
ECHA/Forum-11/2012/11

c.2) REACH-EN-FORCE 3
Progress report from the WG Chair

For information/endorsement
ECHA/Forum-11/2012/12

c.3) Horizontal methodology for enforcement projects
Final report project REF-1

for adoption
ECHA/Forum-11/2012/13

c.4) PAH project
Project Report (*UK*)

For information

c.5) Pilot project on Intermediates
Report on the progress (*Germany*)

For information / endorsement
ECHA/Forum-11/2012/15

d) B.3 - Implementation of RIPE

d.1) Progress report from the WG Chair
For information/endorsement
ECHA/Forum-11/2012/16

d.2) RIPE progress *(ECHA Secretariat)*

For information

e) B.4 - Develop an electronic information exchange system
Update from ECHA (*ECHA Secretariat*)

For information

f) B.6 – Training programme for inspectors: Training for REACH and CLP enforcement trainers

Progress report from the WG Chair

For information/ endorsement
ECHA/Forum-11/2012/17

Item 9 – Revision of the Work Programme and working group mandates

a) Revision of the Work Programme of the Forum for the period 2011-2013 (*ECHA Secretariat*)

For adoption
ECHA/Forum-11/2012/18

b) Review and revise existing WG mandates and composition (*ECHA Secretariat*)

Room document 1
For adoption

Item 10 – Enforcement in the MS

a) Enforcement project on Substances in Articles carried out in Sweden *(Sweden)*

b) Enforcement campaign on air fresheners carried out in Cyprus (*Cyprus*)

c) Proposal for establishing an inventory of enforcement strategies and an inventory of enforcement activities in MS *(Chair)*

For information
ECHA/Forum-11/2012/19

Item 11 – Transparency

a) Transparency in the Forum activities and opportunities for mutually fruitful dialogue with stakeholder organisations (*Andreas Herdina*)
b) Feedback from the enforcement workshop in 2011 (*Chair*)
c) Next enforcement workshop (*Chair*)
d) Preparations for the Commission Enforcement Conference on 1 March 2012 (*Chair)*

For information

Item 12–Conclusions and action points from meeting

Conclusions of the meeting and list of action points *(Chair / ECHA Secretariat)*

For adoption

Item 13 – AOB

Item 14 – 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-11)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members
Nikolay SAVOV (BG)
Jos VAN DEN BERG (NL)
Eugen ANWANDER (AT)
Shirley MIFSUD (MT)
Luc MAURER (FR)
Pablo SÁNCHEZ PEÑA (ES)

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

Commission
Bartlomiej BALCERZYK (COM)

Objective:
- Prepare 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

Timeline:
- Subject proposals and prioritisation: 1 September 2010
- Approval of the REF-3 subject : Forum-10
- Project manual: Forum-12

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-11

Composition:

Chair: Luc MAURER (FR)

Forum Members
Katja VOM HOFE (DE)
Mike POTTS (UK)
Birte BØRGLUM (DK)
Paul CUYPERS (BE)
Rui CABRITA (PT)

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

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**
- Propose a draft document retracing this methodology : **Forum-14**

Annex II c.

Forum Working Group
"Implementation of RIPE"
(Mandate revised at Forum-11)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members
- Eugen ANWANDER (AT)

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

Additional testers for User Acceptance Testing (Q1/Q2 2012)
1. Gro HAGEN (NO)
2. Jeremy TARMOUL (FR)
3. Gunther BAUER (AT)
4. Natali PROMET (EE)
5. Matthew HALLAM (UK)
6. Luigia SCIMONELLI (IT)
7. Maria TARANCON ESTRADA (ES)
8. Georg HERB (DE)

Objective: Support the implementation of the REACH Information Portal for Enforcement (RIPE) allowing inspectors access to data from REACH-IT

Mandate:
- Provide input during the development and implementation stage of the application
- Participate in testing of the application
- Provide input to documents defining the security and audit needs for RIPE and the security and audit guidance, if necessary
- Provide input to RIPE manuals
- Provide input during preparation of functional requirements specification of RIPE 2.0
- Collect and summarise the arguments for RIPE enabling access to substance and company information from all Member States. This summary will be presented for adoption by the Forum in order to forward it to ECHA for consideration of potential review of its policy regarding data made available in RIPE.

Timeline:
- Forum – 13
- progress reports at plenary meetings in between

Annex II d.

Forum Working Group
"Electronic Information Exchange System"
(Mandate revised at Forum-11)

Composition:

Interim Chair: Birte BORGLUM (DK)

Forum Members
- Pablo SÁNCHEZ PEÑA (ES)

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

Commission
- Peter BARICIC

Objectives:
1. Identify general functional requirements for the system of electronic exchange of information for REACH and CLP enforcement, in order to fulfill the Forum task in Article 77 (4) (f).

Mandate:
- Provide answers to questions on the functional requirements documents from ECHA or ICSMS team.
- Discuss any open issues regarding the functional requirements for EIES, if needed
- Provide comments on the advantages and disadvantages of the EIES implementation options considered by ECHA, from the point of view of end users (inspectors)

Timeline: Forum-12

Annex II e.

Forum Working Group
"Enforceability of restrictions"
Work Package B12
(Mandate revised at Forum-11)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members
- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)

Invited Experts
- Karin RUMAR (SE)
- Rachael ALLEN (UK)
- Tone Line FOSSNES (NO)
- Leonello ATTIAS (IT)
- Uwe LICHT-KLAGGE (DE)
- Mervi LEIKOSKI (FI)
- Marek DUSZYNSKI (PL)

European Commission
- Giuseppina LUVARA (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
- Facilitate the elaboration of a revised Forum working procedure for developing Forum advice on enforceability of restrictions in close cooperation with ECHA.
- Revise the Forum guidance document for preparing the Forum advice on proposals for new restrictions in Annex XVII
- 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

Timeline:
31 December 2013, reporting at each plenary meeting

Annex II f.

Forum Working Group
"Training for enforcement trainers 2012"
(Mandate revised at Forum-11)

Composition:

Chair: Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members
- Eugen ANWANDER (AT)
- Natali PROMET (EE)
- Mariano ALESSI (IT)
- Mihaiela ALBULESCU (RO)

Invited Experts
- Michael KAUFHOLD (DE)
- Susanna NORTHON-RISBERG (SE)
- Cathrine SKJÆRGÅRD (NO)
- Kristine KAZEROVSKA (LV)
- Celsino GOVONI (IT)
- Patricia LOPEZ-MANCISIDOR (ES)
- Maria ORPHANOU (CY)
- Nathan KUPER (NL)

Objective:
- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in second half of 2012

Mandate:
- Examine the training subjects relevant for enforcement for second half of 2012 and prepare a subject proposal to the Forum (**completed**)
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, as necessary
- Collect and summarise the reactions of participants and formulate recommendations for next trainings

Timeline:
- Forum-10: list of subjects and prioritisation (**completed**)
- Forum-13 or 14 – final report, depending on the date of the training

Annex II g.

Forum Working Group
"Interlinks between ECHA, MSCAs and Enforcement Authorities"
(Mandate revised Forum-11)

Composition:

Chair: Mihaela ABULESCU (RO)

Forum Members
- Maren WIKHEIM (NO)
- Oldrich JAROLIM (CZ)
- Jos VAN DEN BERG (NL)
- Anette EKMAN (FI)
- Katja VOM HOFE (DE)
- Sinead MCMICKAN (IE)
- Eugen ANWANDER (for prep, of the WS with MSCAs)

Invited Experts
- Barbro SILLRÉN (SE)
- Pia PETERSEN (DK)
- Cedric MESSIER (FR)
- Rosemarie GREIWE (DE)

COM
- Jacek ROZWADOWSKI (COM)

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

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:
    - 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
- Make the cover note and the inventory more coherent, and consider in particular that:
  - 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,
- 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 August/September 2012,.
- Coordinate the execution of this pilot project with the participating countries and elaborate the final project report

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

Timeline: Cover Note and inventory: Forum-12

Progress report regarding the pilot project: Forum-12
Pilot project report: Forum-13
Include result of Pilot Projects in Cover Note: Forum-14

Annex III

List of meeting documents and room documents for Forum-9

AP	Document	Number
1.b	Final draft agenda	ECHA/Forum-11/2012/A/01 final draft
1.d	Written procedure reports	ECHA/Forum-11/2012/01
3.a	Current Commission studies	ECHA/Forum-11/2012/02 ECHA/Forum-11/2012/03
4.a	Manual of Conclusions	ECHA/Forum-11/2012/04 ECHA/Forum-11/2012/05
4.d	Information from Risk Management Directorate	ECHA/Forum-11/2012/21
6	Practical issues for enforcement	ECHA/Forum-11/2012/06
8.a	WG progress report - Interlinks	ECHA/Forum-11/2012/07
8.b.1	WG progress report – restrictions	ECHA/Forum-11/2012/08
8.b.2	Update from ECHA	ECHA/Forum-11/2012/09
8.c.1	WG progress report – REF-2	ECHA/Forum-11/2012/11
8.c.2	WG progress report – REF-3	ECHA/Forum-11/2012/12
8.c.3	WG project methods-REF-1 report	ECHA/Forum-11/2012/13
8.c.5	Pilot project on intermediates	ECHA/Forum-11/2012/15
8.d.1	WG progress report – RIPE	ECHA/Forum-11/2012/16
8.f.	WG progress report – training 2012	ECHA/Forum-11/2012/17
9.a	Revision of work programme	ECHA/Forum-11/2012/18
9.b	Review existing WGs	Room document 1
10.b.	Enforcement project on Air fresheners	ECHA/Forum-11/2012/19

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
CEN: European Committee for Standardisation
CIRCA IG: CIRCA Interest Group
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
EDA: European Defence Agency
EEA: European Economic Area
EFTA: European Free Trade Agreement
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
MB: the Management Board of ECHA
MS: Member States
MSC: Member States Committee
NEAs: National Enforcement Authorities
PBT: Persistent, Bioaccumulative, Toxic substances
PEG: Partners Expert Group
PVC: Polyvinyl chloride
RAC: Risk Assessment Committee
RAPEX: EU rapid alert system
R&D: Research and Development
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REACH-EN-FORCE 1: 1st Coordinated Enforcement Project of the Forum focusing on pre(-)registration and SDSs provisions of REACH
REACH-EN-FORCE 2: 2nd Coordinated Enforcement Project of the Forum
REACH-EN-FORCE 3: 3rd Coordinated Enforcement Project of the Forum
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RMM: Risk Management Measures
SDS: Safety Data Sheet
SEAC: Socio Economic Analysis Committee
SIEF: Substance Information Exchange Forum
SME: Small and Medium Sized Enterprises
vPvB: very Persistent and very bioaccumulative substances

WG: Working Group of the Forum
WP: Work Programme of the Forum