



**Forum/M/07/2010 Final – Public
Adopted at Forum-8, 12 October 2010**

**Minutes of the
7th meeting of the Forum for Exchange of Information on Enforcement
European Chemicals Agency,
19-21 May 2010**

I. Summary Record of the Proceeding

Item 1 – Address by Director of Cooperation of ECHA

The Director of Cooperation of ECHA, Mr Andreas Herdina welcomed the participants. He invited the members to take forward the discussions on further Forum steps regarding preparation for enforcement of the CLP Regulation as its new provisions will be operational and subject to enforcement very soon. He encouraged the members to consider if verification of CLP provisions with regard to substances could be taken up in the upcoming project regarding formulators. Regarding the discussion on interlinks between enforcement authorities, MSCAs and ECHA, he noted that after the last meeting the Secretariat had received comments from only six members. He encouraged them to provide more feedback so that a better understanding of members' views in this area is gained and in particular suggestions on cooperation regarding the pending cases. He stressed that enforcement is key to the success of REACH and encouraged the members to ensure good cooperation with the MSCAs. He informed the plenary that he was going to report on the so called Directors Contact Group and its outputs which will henceforth be regularly communicated to the members. He welcomed the effort to bring the finalised output of the Working Group on cooperation with customs to the attention of customs authorities. He stressed that the control of imported substances by customs should start as soon possible as and therefore the work of this WG should be completed soon. He called on the Commission to support this working group with input coordinated between the Directorates and called on the WG Chair to ensure that its outputs are delivered soon afterwards. He thanked also the working group supporting the development of RIPE for its output in the requirements specification early this year.

Item 2 – Welcome and Introduction

a) Welcome by the Chair of the Forum

The Chair of the Forum welcomed the participants, announced two recently appointed members and recalled the apologies from two members not attending the meeting. He announced the proxies given according to Article 5.(4) of the Forum Rules of Procedure. The Forum member from Greece gave the proxy to the Forum member from Cyprus. The Chair announced that the quorum requirement was met and informed the participants that the meeting is recorded for the purpose of writing the minutes. The recordings are destroyed after the minutes are adopted.

The Chair announced that Ms. Raluca Popescu had recently left the Forum Secretariat and ECHA. On behalf of the Forum he thanked her for her valuable contribution to the establishment and the work of the Forum and wished her the best in her new job.

b) Adoption of the agenda and declarations of conflict of interest with regard to agenda points (Chair)

There were no declarations of conflict of interest. The Secretariat explained that document *ECHA/FORUM-7/2010/01* was not prepared because the written procedure had finalised quite recently and the reports on the written procedures were distributed instead as room document number 5 in the Final Agenda. The Agenda was adopted. The Chair announced that a Swiss expert was invited to the second day of the meeting to present the CLEEN projects. He clarified that he was invited in his capacity of

CLEEN representative because Switzerland maintains the CLEEN Secretariat together with Lithuania.

c) Membership renewal and signing the annual declarations

The Secretariat informed the participants that in accordance with Article 86(1) of the REACH Regulation, the term of office of members is three years starting on the date of the first meeting to which they were invited and it shall be renewable. For the members appointed to participate to Forum-1 the term of office will end 10 December 2010. For the others, it will end within three years from the date of appointment by the MS (Member State). ECHA plans to address the MS to remind them that new appointments need to be done before this date so as to ensure that by the end of term all the new members have been appointed and to ensure the continuity of the operations after Forum-8 in October 2010.

*d) Practicalities and brief recapitulation of results of the written procedures between Forum-6 and Forum-7 (Secretariat)
ECHA/Forum-7/2010/1*

The Secretariat informed the members of the practical arrangements of the meeting. The written procedures since Forum-6 concerned the adoption of the agenda for the Forum enforcement workshop with the stakeholder organisations taking place on 18 May 2010, the adoption and the publication of the facts report elaborated for the first Forum coordinated enforcement project (REACH-EN-FORCE-1) and the adoption of the minutes of Forum-6. All the written procedures were concluded with agreement by consensus.

e) State of play with action points from Forum-6 (Secretariat)

The Secretariat informed the plenary that most of the action points from Forum-6 have been dealt with or were covered in Forum-7 Agenda. The outstanding issues, not covered in the agenda are:

Agenda item 3.b) in Forum-6 final agenda: Secretariat has prepared a document compiling all Forum suggestions for REACH amendment including how these suggestions can be taken forward. The document was sent out to Forum members and the COM. Forum members provided comments on the document. A revised version will be done and sent to Forum for adoption. Once adopted in written procedure, the proposals will be handed over to COM. Germany pointed out that proposals are the result of earnest problems realized during enforcing for which a solution has to be found urgently. COM was asked to consider them carefully.

Agenda item 11.b) The work programme (WP) has been revised in March in line with the changes required following Forum-6. The WP has been uploaded on CIRCA. A new revision will be necessary in the light of the CLP Regulation activities to be undertaken by Forum.

Item 3 – Follow up from the discussions with the stakeholders

Room document 1

The Forum felt that the workshop with the stakeholder organisations was a success. The members welcomed the opportunity for longer and more detailed discussions with stakeholders during the workshop and agreed to continue with similar events in the future. Most of the Forum members felt that such events should be organised on average once per year. It was recommended to streamline the agenda to deal

exclusively with issues relevant for the Forum and to adapt the format for the workshops to make the discussions more lively and constructive. Some ideas on how to achieve more lively and constructive discussions were indicated: break out groups, seating arrangements allowing face to face discussions, more participation from Forum members and the advisors, web streaming the event to reach a higher audience. In the Forum's view, the stakeholder organisations should in future events propose more solutions regarding the way industry can comply with the requirements of REACH. The Forum encourages the representatives from SMEs to participate in the workshops and recommends these organisations to get feedback from the national branches on the actual problems SMEs are encountering to comply with the REACH Regulation. It was recommended to organise enforcement discussions with the stakeholder organisations at national level.

Following the discussions in the workshop the Forum agreed that, in general, REACH-focused inspections would be announced to allow for preparation of documentation, especially with the view to checking registration obligations. When the visits are announced, a reasonable period allowing companies for preparation should be given. However, un-announced REACH inspections can also be carried out if there are good reasons for doing so, for example if it relates to conditions of use of substance or safety of the workplace.

The Forum did not reach a common position on the translation of documentation which is not subject to specific REACH requirements and which is not provided in national language. Some MS reported that there are national laws with obligations for companies to present information in national language, if requested by enforcement agencies.

Regarding the language of documentation the Forum concluded that the requirements of REACH must be observed.

The Chair advised the members to liaise with the relevant responsible persons at the national level representing the other networks to be updated on issues relevant for enforcement that are discussed in these networks. The Chair suggested the members to bring additional issues for enforcement at Forum-8 that have not been dealt with and for which there is an interest to reach a Forum harmonised approach.

Item 4 – Update on relevant developments by Commission

a) *Update from CARACAL and information on other enforcement related issues (ENTR)*

COM gave a brief overview of subjects of discussions in CARACAL which were relevant for the Forum and other enforcement related issues. The information covered Annex II, the authorisation process, the defence exemption, the CLP fee regulation and the restrictions. COM informed the plenary that the review of Annex II of REACH taking account the provisions of the CLP Regulation was about to be adopted and published soon after the adoption. Furthermore the publication of the CLP fee Regulation was expected by the beginning of June. COM informed the plenary that the European Defence Agency (EDA) had taken over the work regarding the defence exemption and the mutual recognition of exemptions granted in the MS. COM informed the plenary about the state-of-play with certain restriction dossiers handled by COM, in particular the two new restriction proposals that were under preparation based on risk assessment carried out under the previous legislation according to Article 137(1)a of REACH. These proposals concern acrylamide in grouting applications and cadmium. COM informed the members about the intention to consult the Forum on these two

COM restriction proposals to receive the Forum advice on enforceability. The draft COM regulations would be handed over to the Forum at the end of June. COM informed the plenary that the next CARACAL meeting will take place on 15-17 June 2010.

In discussion COM was asked to inform the members on the pending issues in the REACH Committee regarding the introduction of new CMRs.

b) Follow up and update on the Commission contracts (ENV)

COM gave a brief overview of its contracts. The presentation covered the feedback from the CARACAL workshop that took place on 19 February, the MS reporting format and the review of the scope of REACH as well as the information on other ongoing and planned contracts. COM informed the plenary that the report on MS penalties for REACH infringements was published at the COM website. COM explained the conclusions reached during the MS Workshop on penalties for REACH infringements. The aim of the report was to give an objective and exhaustive overview of the provisions on penalties applicable for infringement of REACH in the MS. However the report doesn't give the full picture of the enforcement regimes in the MS, as it does not examine how the penalties are implemented in practice. More input is necessary to have a better understanding of the REACH enforcement approaches and the legal specificities in the MS. The concept of penalties differs in the MS. COM will continue to monitor closely the enforcement of REACH in the MS taking into account the report on penalties for REACH infringement, the MS reports on the operation of REACH and work undertaken by the Forum. The conclusions from the Workshop are included in the report and in the explanatory note on the website. COM also informed the plenary that the first report according to Article 117 (1) of the REACH Regulation was due by 1st June 2010. DG ENV carried out a project to define a common reporting format and to develop an electronic tool for the MS reporting taking into account efficiency, meaningful reporting and comparability criteria. The format was elaborated in cooperation with MS and the Forum. CARACAL gave a favourable opinion on the electronic questionnaire on January 2010. COM updated the Forum on the progress with the contract aiming the Scope review of the REACH Regulation according to Article 138(6) of the REACH Regulation. The COM explained the methodology which will be followed by the contractor and the timelines. COM will finalise the review by 1 June 2012 by concluding to amend or not REACH. COM gave an overview of the other ongoing and planned contracts related to the REACH Regulation.

In discussion the Chair expressed concerns that the questionnaire prepared by COM for report under Art 117 didn't contain any guidance aiming at facilitating the completion of the relevant parts for enforcement. The Chair reminded that the Forum, through one of its Working Groups, had agreed on the common issues for enforcement to be addressed by the report and this document included definitions and explanatory notes on how to complete the enforcement related questions of the questionnaire. It was agreed that members will provide feedback on the practical use of the questionnaire after the first reporting deadline.

One member asked whether it was planned to streamline the reporting periods for the REACH and the CLP Regulations as the reporting dates will overlap in the future. It would be more practical for the MS to report on the same periods. COM replied that it would be difficult to change the reporting dates for REACH in short notice.

Item 5 – WG Reports

a) Cooperation with customs

The WG Chair reported on the activities of the WG since Forum-6. At Forum-6 the members discussed the procedure for customs controlling REACH prepared by the WG. Some concerns were raised; therefore the document was not adopted. The WG was asked to further develop and revise the procedure considering the comments from the Forum members. The WG met in January and decided to prepare one final output document containing the revised proposal for procedure for customs on how to check obligations of Art 5 for imported substances. In addition the WG worked out an analysis of how REACH can fit into the different customs processes. However, the discussion was reopened in February since some members felt that before making the recommendation to customs it must be verified whether there is sufficient legal basis for the customs to perform any REACH controls and what the scope these controls should be. The WG sought the advice of the Commission on these issues. The Secretariat prepared a first draft of the output document and organised one commenting round. COM has provided partial comments, but not yet arrived at a common position regarding some of the questions raised by the WG. Currently the WG awaits further advice from COM before proceeding with the output document. The WG Chair requested the Forum to prolong the mandate of the WG until Forum-8. Secretariat informed the Forum that COM has sent helpful comments, although the fundamental issues have not been addressed yet. Secretariat encouraged COM to provide input to these questions and thanked COM for the coordination of the answers between three different services.

In discussion, COM informed the plenary that the legal questions they are dealing with concern the interpretation of article 2.1(b) regarding the exemptions and the legal clarity of the role of customs in enforcing REACH. COM made suggestions to Forum WG on how to improve cooperation with customs authorities.

Some participants informed that in certain countries good cooperation with customs authorities exist and indicated some examples regarding on-going projects with customs authorities in the area of restrictions and with the substances in the candidate list, as proposed by the WG. Other participants argued that the legal role of customs in enforcing REACH should first be clarified.

Issues regarding the practicability of the procedure proposed by the WG were mentioned. The WG Chair agreed to consider the comments made but advised not to change the current lines of the WG because it might provoke a delay on the outcome of the WG.

The members debated the need to collect input from the stakeholder organisations as well as the possible ways to contribute to the work of the WG. It was agreed to explore ways to collect feedback from the stakeholders as the members were in general not in favour with the full participation of the stakeholders in the WG meetings.

*b) REACH-EN-FORCE 1
ECHA/Forum-7/2010/3*

a. Final report from the WG Chair

The WG Chair presented the WG report and the conclusions and the internal and external recommendations prepared for the project. The WG Chair concluded that the first Forum coordinated project was a success because the number of countries participating to the project exceeded the initial expectations. The number of inspections carried out was judged as an indicator of the success of the project

especially when the results are compared with projects carried out under the umbrella of other chemical networks in the past. It was also judged that the project was an important step towards the harmonisation of the enforcement practices at Community level. The Forum agreed that criteria to judge success of future projects should be developed. The Chair of the WG congratulated all parties contributing to the project: Forum members, members of the WG, national coordinators, the Secretariat and especially the inspectors in the field carrying out the day to day work as well as the EEA-EFTA countries participating in the project.

Two additional recommendations were presented at the plenary. The WG Chair will rephrase the recommendations presented at the plenary taking account the comments received from Forum members. After reviewing the document the conclusions and external recommendations will be submitted to Forum for adoption in written procedure and to seek the agreement of Forum with the publication of the external recommendations from the project in the ECHA's website. The final report of the WG was adopted with the exception of the conclusions and the external recommendations that would be adopted in written procedure.

b. Examination of nature and scope of activities needed to follow-up the experience from REACH-EN-FORCE 1 project

The WG Chair presented the questionnaire for the prolongation of the REACH-EN-FORCE-1 project. The Forum members were asked to indicate their willingness to continue to carry out the project in their countries in the period July 2010-April 2011. The main goal is to continue checking compliance with the registration provisions before and immediately after the first registration deadline so as to ensure follow-up action during the timescale of the project and to dedicate Forum coordinated activities before the operational phase of the second Forum coordinated project and to check quality of SDSs. The WG Chair presented a shortened questionnaire for reporting the results of the inspections.

After discussion it was agreed to use the same questionnaire for the prolongation activities as was used in the initial project, though the analysis of the prolongation activities would only be performed on the basis of the questions in the shorter questionnaire due to resource considerations. MS were invited to complete all the questions in the questionnaire on a voluntary basis. An analysis could be made on the questions included in shortened questionnaire. The Forum agreed with the continuation of Forum coordinated enforcement activities until April 2011. In April 2011, the WG will prepare a new facts report for this period that will be published after adoption by the Forum on the ECHA's website. The Netherlands volunteered to keep the database and to carry out the analysis of the results as well. The indication of the national coordinator for the prolongation of the project will be communicated to the Secretariat as well as to the WG Chair.

It was clarified that enforcement activities carried out in the context of the prolongation of the coordinated project could be reported in the second MS report to COM to be delivered in 2015.

COM encouraged those MS that didn't participate in the project to participate in the prolongation of the project so as to ensure that at the end of the project all the MS would have participated.

*c) Forum project 2010/2011
ECHA/Forum-7/2010/4*

The WG Chair reported to the plenary on the activities of the WG since the previous meeting. At Forum-6, the Forum decided to revise the mandate for the Forum WG requesting that it works on the manual for the second coordinated Forum enforcement project, which will be implemented in 2010/2011. The WG had a meeting on 20 January 2010 and discussed the elaboration of the project manual. A brainstorming session was held taking into account the lessons learnt from the REACH-EN-FORCE 1 project and as a final result the framework structure of the project manual was elaborated. The structure of the project manual as prepared for REACH-EN-FORCE 1 is adequate and does not need to be changed significantly. The WG believes that the most appropriate way of preparation of the project manual for the implementation of the second coordinated Forum enforcement project is to involve closely the enforcement authorities of the MS via the national coordinators for the project. The members of the WG have developed a first draft of the project manual and after revising it they will consult it with the Forum members and national coordinators. After collecting these comments, the WG will convene for a second meeting, scheduled in July 2010. After revising the manual through the summer a second commenting round for Forum members and national coordinators will be organised to collect their final comments and suggestions. The members of the working group agreed the planning for the different phases of the project.

The WG Chair expressed the need to check registration provisions after the end of the first registration deadline on 1 December 2010. The second coordinated project should include in its scope the control of registration provisions of substances in mixtures prepared by formulators and follow-up with suppliers up the supply chain in cases of non-compliance. The inclusion in the project of CLP requirements was also under consideration by the WG.

The Forum welcomed the progress made. Based on the comments by members the WG Chair will consider with the working group the possibilities to prolong the operational phase and to shorten the reporting phase. One member argued that for running the operational phase of the project, communication between inspectors intra- or inter states was necessary especially to follow compliance up in the supply chain. Responding to a proposal from some members, the WG Chair explained that it was not foreseen to elaborate recommended minimum common actions required in cases of non-compliance because of the short timelines to produce the manual but the WG would be willing to make some suggestions when more members are included in the WG. The WG Chair explained that it was not decided yet what system is to be used to report data from inspections. It was agreed that an addition of experts to the WG was required so as to be able to complete the mandate of the WG.

*d) Enforceability of restrictions
ECHA/Forum-7/2010/5*

a. Progress report from the WG Chair

The WG Chair presented the activities of the WG since Forum-6. The WG has prepared the advice to COM on inclusion of analytical testing methods within Annex XVII of REACH. Annexed to this advice the WG has included the inventory of analytical methods used by the NEA (National Enforcement Authorities) to check the different entries in Annex XVII. The WG proposes not to recommend the inclusion of a harmonized method in all entries of Annex XVII but only to produce guidance for suitable analytical methods based on the inventory provided by the NEAs. The WG recommends in first place to use international standards: ISO, CEN. For restricted substances prioritized for coordinated enforcement activities by the Forum it is preferred that COM gives a mandate to CEN to develop an analytical method to be

recommended. The improved inventory could be published as an ECHA or Commission guidance document together with an overview of accredited laboratories in the EU. When COM decides to implement harmonised analytical methods in Annex XVII priority should be given to entries highly prioritised for enforcement and/or entries with limit values below or near the detection limit of the analytical methods employed in MS. The WG has at this moment not any advice on specific entries. The WG proposes to give attention to the method of sampling and the lowest detection limits compared to the limit values. The WG Chair invited the members to endorse the Forum advice to COM.

Then, the WG Chair introduced the checklist under development to elaborate the Forum advice on enforceability of restriction proposals. The approach consists on checking the enforceability and the practicability aspects of the new restriction proposals in Annex XV dossiers. The WG Chair invited the members to provide their input to the further elaboration of the checklist and informed the plenary that the Secretariat will submit to the Forum and its working group the first two Annex XV dossiers. In this regard, he informed the plenary that the first two dialogues between RAC and SEAC (co-) rapporteurs for the first two restriction dossiers will take place on 23 and 30 June and most likely the participation to the dialogues of a member of the WG would be requested.

The Chair congratulated the WG for the work done.

In discussion, COM pointed that it is not in full control of the work of CEN as this is an independent body and moreover there are different DGs in COM which require the services of CEN. One member pointed out that for the purposes of coordinated projects it would be better to have an analytical method available and COM should then give the mandate to CEN to develop the method. One member expressed the concerns regarding the advice of the Forum to COM pointing that recommendations have no legal value and existing problems will remain. The member endeavored to endorse the Forum advice as this issue was already discussed at Forum-6 and the Forum had agreed not to strive for recommending the inclusion of harmonised analytical methods in Annex XVII. One member proposed to elaborate a list of laboratories in the MS with the accreditation for the analysis of the different entries in Annex XVII which can be used in all MS for checking restrictions. One participant suggested that this task could be carried out by the European cooperation for accreditation or respective national accreditation bodies so as to avoid duplication of tasks. One member of the WG recognized that it was not possible for the WG to collect the information on the accredited laboratories within the timescale of the WG mandate. The Forum didn't conclude on this issue.

In conclusion, the Forum endorsed the Forum advice to COM on inclusion of Analytical methods in Annex XVII of REACH. The Forum advice will be handed over to COM.

b. Update on restriction proposals

The ECHA Secretariat gave a brief overview of the different relevant timelines regarding the processing of the Annex XV proposals for restrictions submitted by France on 15 April 2010 regarding lead and its compounds in jewellery and dimethylfumarate in treated articles. The ECHA Secretariat informed the participants that according to the Forum working procedure, the dossier will be submitted to the Forum and published on the internet for public consultation on 21 June 2010. The Forum advice should be adopted within eight weeks starting from the date of publication and was due at the latest on 13 August 2010. The Forum was encouraged to work during the summer period. For these dossiers and following the request from

the WG on Enforceability of Restrictions, the ECHA Secretariat had agreed to submit the dossiers earlier on right after the RAC and SEAC had agreed on the conformity of the restriction proposals in order to allow more time for the Forum WG to prepare its advice.

The members were also informed on the restriction proposals currently in the registry of intentions concerning mercury and phenylmercury compounds to be submitted on 15 June 2010 respectively by ECHA on request from the COM and by Norway. The public consultation for these dossiers, if found in conformity, will start on 21 September 2010.

The Chair thanked the ECHA Secretariat for this information.

e. Electronic information exchange procedure

The Secretariat reported on the progress made since Forum-6. The Forum had requested that ECHA examines the security requirements for the data selected as essential for exchange in EIES. In January, COM had informed that it was decided to use ICSMS for the purposes of Art 23 of the AMS (Accreditation and Market Surveillance) Regulation. COM bought the rights to ICSMS for one year and will pay for adaptations for the purposes of AMS.

Regarding the data security needs of the data to be exchanged by an EIES, the ECHA concluded that any confidential data originating from RIPE (e.g.: substance & company pair and tonnage), if exchanged through another information exchange system, should be provided with the equivalent level of security to RIPE. ECHA inquired about technical security measures as well as organisational and legal arrangements in place for ICSMS. On the basis of information received ECHA concluded that to provide equivalent level of security, the technical measures would have to be improved by implementing hardware security token infrastructure. The user management in ICSMS would need to be centralised because currently ICSMS user administration is allowed independently in each authority. In addition, more clarification would be needed regarding the ownership of the data in the system.

In addition to security related concerns there were also functional concerns, as ICSMS functionalities would need to be adapted for the purposes for REACH. ICSMS team stated that such adaptations are possible and should not be difficult, however the COM clarified that COM will only pay for the adaptations in ICSMS related to AMS and not REACH. Therefore such change would have to be paid by ECHA or the MS. In the light of the COM decision, in order to provide for EIES based on ICSMS, ECHA would need to finance and oversee functional adaptations and adaptations related to security and oversee changes related to user management. On top of that since licence is bought for one year only, ownership of ICSMS in long term is not clear. Considering the above concerns ECHA considered development of an EIES as an expansion of RIPE functionalities

According to ECHA the clear advantage of that solution would be that the security infrastructure – from technical and organization point of view - would already be in place, when RIPE is delivered. Issue of system ownership would not arise, as RIPE would be hosted by ECHA. There would be no additional costs to ensure adequate security of data and the cost of deployment of new IT security and token infrastructure can be considerable. Therefore, if EIES and RIPE were to be merged, the only cost of expanding RIPE would be incurred by developing information exchange functionalities. An additional advantage would be that REACH inspectors will need to use only one system to retrieve data from RIPE and to exchange these data and the system can be

made exactly to specification. The key disadvantage is that such system based on RIPE will take considerable time to create. However, the Secretariat noted that adaptation of ICSMS would also require time.

The Secretariat stressed that the idea is recent and more time is needed to prepare resource and timing estimation to assess the timelines and the costs. In this respect, the Secretariat will provide more information by Forum-8. If it is decided to develop EIES based on RIPE, then once the project starts the Forum WG on EIES will be needed to help preparing functional requirements specification. The Secretariat asked the members whether they would be willing to support such preliminary suggestion of creating an EIES based on RIPE.

One member asked about the cost of this system for the MS. Secretariat replied that if ECHA will host the system it would be prepared to cover the development and maintenance costs. The Secretariat considers that building EIES on basis of RIPE would only require expansion of existing functionalities and not duplicating the security infrastructure, the costs of RIPE-based system would be lower than full adaptation of ICSMS. One member asked whether the WG EIES has had the opportunity to be consulted on the issues discussed and whether the MB had taken already a decision on this regard. The Secretariat replied that this suggestion is a recent development at ECHA and therefore ECHA has not had yet the opportunity to consult the MB or the WG. It was agreed that Secretariat will make sure that the MB is informed about this issue.

The WG EIES is welcomed to provide input, to look into the benefits or disadvantages of using the system in conjunction of RIPE.

The secretariat stressed that while ECHA requires RIPE-level of security for exchanging data obtained from RIPE or REACH-IT, it cannot set any requirements on security level for exchange of information obtained from other sources, independent from ECHA, such as onsite visits.

One of the members argued that the AMS Regulation applies for REACH and AMS provides for two systems: RAPEX and ICSMS. The member wanted to seek clarification if in case a MS doesn't use ICSMS for REACH, whether this MS will be in breach with the AMS Regulation. COM replied that, with reservation of a more in depth legal analysis, using or not using ICSMS for REACH is not against AMS. It is up to Forum to decide on the system to be used to exchange data. Therefore from the COM perspective there is in principle no problem, however COM committed to confirm this statement after the meeting.

The Chair reiterated the members whether they would support the development of a new system. A vast majority of members was in favour of that suggestion and agreed that security implications of data exchange are important aspects to be taken into account. The dissenting views in favour of ICSMS were expressed and are recorded below:

Dissenting view from Germany:

Germany doesn't agree with the ECHA proposal. Germany is in favour of using ICSMS as the EIES to be used by Forum to exchange information resulting from inspections. In its view, the system to be developed by ECHA will take time, there is a need to exchange data from inspections right now and ICSMS is ready to be used. In Germany the security requirements of ICSMS have been controlled at national level. In Germany's view, these security requirements guarantee the security of the exchange

of data from inspections. On top of that, COM has appointed ICSMS as the system to be used under the AMS Regulation and AMS Regulation applies to REACH. Therefore Germany suggests ICSMS should also be used for REACH.

Dissenting view from Austria was provided after the meeting:

ICSMS was tested in Austria too the system would fulfill the requirements in a proper way. The Austrian Forum member stated that enforcement is not only a duty of chemicals inspectors and therefore should be kept in mind that information should be accessible to other enforcement bodies, for instance labour inspectors or customs authorities. According to the Austrian member, this seems not to be ensured by a system based on RIPE, which is provided for use only by chemicals inspectors. Therefore Austria supports the dissenting statement of the German member of the Forum.

*f.a) Access of inspectors to data from REACH-IT
ECHA/Forum-7/2010/6*

The interim WG Chair reported on the activities of the WG and gave a brief overview of the work carried out since Forum-6. The WG focused on providing input during the design phase of the RIPE project at ECHA. The Secretariat has consulted Functional Requirements Specification with the WG. The document describes functionalities that the RIPE application will have. The WG has examined the document, discussed it and provided its comments suggesting addition of several new functionalities and streamlining others. The key proposals of the WG were to implement a new functionality for searching contact details of RIPE users and a functionality for validating of REACH reference numbers (e.g. Registration Numbers). In addition the WG asked the Secretariat to organize a training event not only for MS RIPE user administrators but also for trainers for RIPE. The functionalities were added by ECHA to the Functional Requirements Specification and will be implemented in the RIPE application. The Secretariat also plans to organise training for user administrators and RIPE user trainers. In the reporting period the WG did not undertake other tasks foreseen in its mandate. In particular, it did not provide its comments on the RIPE Security Requirements, because they were not yet provided by ECHA, nor did the WG participate in testing, because the development period has not yet started.

The Forum took note of the progress report and accepted the recommendations of the WG. In addition, ECHA was invited to define the procedures for appointing the MS RIPE Administrators.

f.b) RIPE progress

The Secretariat gave a brief overview of the progress of the RIPE project since Forum-6. The functional requirements specification was consulted with the WG and revised accordingly in February, the next revision will be made when data model is ready in the period June/July. Regarding the architecture and design, the high level design was finalised, the detailed design will be carried out by a senior developer. The first draft for user management procedures was under discussion. Screening reports from CASPER will be integrated in RIPE 1.0 and the advanced search would be tackled when preparing RIPE 2.0 as this is a major project. The Secretariat informed the plenary about the issues that would cause some inevitable delays. The RIPE release date has to be moved to early months of 2011.

Secretariat stated that testing of second iteration of the application by the WG is foreseen in period October-November 2010. The RIPE security recommendations

were reviewed to be easier to implement by NEAs and users. The security recommendation will be distributed shortly for comments to the Forum members. ECHA will invite nomination of MS RIPE administration later in 2010. The members were asked to consider initiating discussion in the summer on national level on where the administrator will be placed.

The Chair thanked the Secretariat for the progress made and encouraged ECHA to ensure that the RIPE is put in place for the purposes of the second Forum coordinated project.

Item 7 – Update on relevant developments by ECHA

- a) *Update from the DCG (Directors' Contract Group)*
ECHA/Forum-7/2010/19
ECHA/Forum-7/2010/20

The Sherpas of the Directors' Contact Group (DCG) introduced the work of the DCG. This group is composed of decision-makers at Director-level of the Commission, ECHA and six industry associations and it started this year to clarify and resolve issues that industry had identified as concerns related to fulfilling their obligations regarding the first REACH registration deadline of 30 November 2010. They introduced the mandate of the DCG and its objectives, tasks and participation.

Only the priority issues and selected discussion points are raised at DCG level, and the work is taken forward through Sherpas appointed by each DCG member. The next meeting of the DCG will take place on 25 May. The DCG had decided to provide identical information on its work to CARACAL, the ECHA Management Board, the HelpNet of national helpdesks and the Forum. The information comprises approved summary records and communiqués and the adopted issue papers would be circulated as appropriate as well as the lines-to-take for contact with public and the media.

The analysis of the issues has revealed that there are elements with enforcement aspects which were brought before Forum-7 with the request to carry the issues forward. The elements for enforcement will be presented later in this agenda point, the documents will be circulated in a package after the DCG of 25 May and the processing of the documents is left to the discretion of the Forum Chair.

The specific issues containing elements for enforcement were designated as Issues No. 3 - Enforcement, No. 10 – Completeness of dossiers, No.11/26 – SIEF/very late activity in SIEF, No.14 – Guidance on SCC for intermediates, No. 15 – Legal Entity Change, No. 18 – Guidance Annex V, Issue No. 20 – Dependency on LR, No. 21 – SIEF without an EU manufacturer and No. 24 – Stability of guidance.

The ECHA Sherpas queried whether the Forum would take a position on the enforcement aspects of these issues and if so whether they would like to provide feedback from the Forum to DCG. They proposed that the process of involving the Forum would be guided by the Forum Chair and coordinated with the ECHA Sherpas via the Forum Secretariat. The goal ideally was to provide clear messages to industry on the stance of enforcement authorities in advance of the registration deadline of 30 November 2010. As enforcement issues are in the discretion of NEAs, the Forum would be well placed to take the opportunity to solicit a harmonised approach

A member welcomed the call for harmonisation but reminded that in certain MS the responsibility to take enforcement-related policy choices falls to the MSCA. Enforcement authorities are responsible for enforcement and are not always in the first line. A serious discussion within MSs, between MS and with NEAs, is needed and this

aspect was not properly tackled in the presentation. Another concern was raised in relation to the view of industry on the current proposals and whether industry considers them as already taken decisions.

The ECHA Sherpas informed the Forum that COM will soon be informing the CARACAL. Discussion and coordination between MSCA and the NEAs in the MS is welcomed before the DCG receives feedback from the Forum after the next CARACAL meeting. The identified solutions would be established in consideration also of feedback received. Members of the contact group would only take action on the basis of the legislation and within the realm of their competencies.

In conclusion, the Forum expressed interest in the issues presented and looked forward to discuss their enforcement related aspects. The Forum also expressed the desire to be involved in the discussion and finalisation of all enforcement related issues and solutions proposed by the DCG. The Forum noted the need for proper discussion of DCG issues with the MSCAs.

b) Update on Guidance developments

The ECHA Secretariat gave a presentation about ECHA's activities related to guidance and thanked the Forum for the comments provided to the draft guidance documents regarding Annex V, the waste and recovered substances and the requirements for substances in articles. The ECHA Secretariat informed the plenary that majority of the MB advised to publish the guidance for Annex V without any footnote referring to the dissenting view. In return, ECHA will organise a suitable discussion platform on the issue of "unprocessed dead organisms" in due time before the revision of the scope of REACH in 2012. The final Guidance for Annex V was published on 1 April 2010. Regarding the waste and recovered substances, Forum gave a positive feedback to ECHA and the final guidance was published on 12 May 2010. The plenary was informed on the state of play with the update of the guidance on IR&CSA.

Regarding the Guidance on requirements for substances in articles, the consultation of the PEG and the Forum and MSC was concluded, the consultation of the CARACAL was still going on and the dissenting views on the 0,1 % threshold still existed. A new section to the guidance document was added because concerns have been expressed about the difficulties companies face to obtain reliable information on the composition of products they are supplied with. The Forum was invited – if there would be a need for it– to take note of the updated guidance and to provide comments on the new section 5.1.2.2 dealing with the evaluation of information received from suppliers

The guidance on risk communication was progressing well and the guidance for the submission of dossiers on harmonised classification and labelling (CLH guidance) of substances was published on 18 May 2010. An update of the chapter dealing with the application of the CLP criteria (hazard labelling) was under preparation.

c) CLP notifications

The ECHA Secretariat gave a presentation about the state of play with the classification and labelling notifications. The plenary was informed that the deadline for C&L notifications was on 3 January 2011. No notification is required if the same information has already been submitted in a registration dossier. The substances subject to registration under REACH and other substances meeting classification criteria on their own or in a mixture above the concentration limit must be notified. There is no tonnage trigger in the latter case. The plenary was informed that IUCLID 5.2 is used to prepare a C&L notification using a CLP notification template and then

the notification is submitted to ECHA via REACH-IT 2.0. It is possible to make a bulk submission as well as a submission on behalf of a group of manufactures or importers. The ECHA was about to release an online notification tool using REACH-IT. The plenary received the links to access additional information and guidance on CLP. The CLP section of ECHA website was updated. At the ECHA's fourth Stakeholders' Day the ECHA launched the official campaign on CLP and dealt with several C&L notification related questions at the face-to-face Q&A session. Millions of C&L notifications are expected at the first deadline.

In discussion, ECHA Secretariat clarified that the C&L inventory will be available to the MSCAs through REACH-IT and the public inventory will be available through the dissemination website. Regarding the availability of data for inspectors, the Secretariat informed that it is foreseen to make available all the notifications in the C&L inventory through RIPE, but the decision was pending from the MB approval. ECHA Secretariat clarified that in cases where the lead registrant has submitted a registration dossier for a substance and has included the information on C&L in the registration dossier, SIEF members with registration deadlines after the first registration deadline will have to submit the C&L notification for the substance. If the Only Representative (OR) submits the registration for a substance, the importers covered by the OR do not need to submit the notification as they are considered as downstream users. OR can not submit a notification if they are not submitting a registration dossier. If the OR is also an importer, the OR can submit a notification on behalf of the group of importers.

One member of the Forum expressed the concerns for the delay in delivering the online notification tool as this appears to be the tool preferred by SMEs to submit the notifications because of the complexity of the IUCLID notification tool. The member encouraged ECHA to make the tool available as soon as possible¹.

*d) Survey about satisfaction of Forum members with support from Secretariat
ECHA/Forum-7/2010/7*

The Secretariat presented the results of the Forum satisfaction survey 2009. The aim of the survey was to monitor the quality of the service the ECHA's Secretariat provides to ECHA's Committees and the Forum and is part of the quality management system ECHA is setting up. 25 Forum members (83 % of total composition) and one COM representative responded to the survey. The questionnaire comprised four sets of questions aiming to assess qualitative aspects of the Forum activities, the organisation of the Forum work, the proceedings of the meetings and the practical arrangements. The methodology applied to assess the results was explained to the participants. The targeted satisfaction levels were reached for most of the questions. The aspects requiring further attention were indicated. In particular the assessment lead to conclude that there was room to improve the effectiveness in the identification of enforcement strategies and best practices in enforcement, the impact the strategies and the coordinated projects have in developing institutional capacity and to improve the way Forum is liaising with industry.

*e) Overview of feedback from 'train the trainers' event and conclusions reached
ECHA/Forum-7/2009/8*

The Secretariat presented the results of the Course evaluation of the Forum "Train the REACH Enforcement Trainers Event" that took place at ECHA on 11 February 2010. 53 participants from 26 countries participated to the event. Three additional countries were represented by the Forum members conducting the training. 39 respondents

¹ The online tool was Available on 31 May when REACH-IT version 2.0.5 was released

participated to the survey (72%). The participants appreciated the training provided by the Forum and supported by ECHA Secretariat and were satisfied with the organisation of the event.. In general the course objectives were met and the participants were satisfied with the content and the course presentations and all of them affirmed to be better equipped to undertake their duties in subjects dealt with in the course and prepare training programmes.

The evaluation of the course led to draw up a number of recommendations for future events. The most useful part of the course was the case studies session. Two important recommendations are to organise a Train the CLP Enforcement Trainers and further REACH training dealing with more practical enforcement issues. The cases should include issues highlighted by the Forum and for which the Forum has agreed on the approaches to follow.

The discussion on the need for training workshop on CLP enforcement was tackled in Item 9.

In conclusion, the Forum took note of the positive results of the surveys and committed to address their conclusions. The Forum Chairs and the Secretariat will consider the results of the surveys when planning the next meetings of the Forum and next training for trainers.

Item 8 – Discussion on further Forum activities

a) PAH in tyres

The UK adviser from the Environment Agency in England and Wales presented the main lines of the draft enforcement manual prepared for assessing compliance with the REACH restriction on polycyclic-aromatic hydrocarbons (PAH) in tyres within participating countries in the EU and EEA-EFTA countries. The project will target entry 50 of REACH Annex XVII. All MS are eligible for participation in the project. The UK Environment Agency will provide further guidance to participating MS. A final report will be produced by the Environment Agency. The benefit for enforcing the restriction is that 100 million passenger tyres (1/3 of total tyres handled by the European market) are imported from countries where there are no restrictions on the use of PAH extender oils in tyres. There is a high risk that tyres manufactured outside the EU may contain a high content of PAH extender oils as there is no immediate incentive to switch to a low PAH extender oil. Companies that may be targeted for the project as well as the analytical methods to be used to check the compliance are indicated in the manual. The adviser invited expert invited the members interested in participating in the project to go through the enforcement manual in particular through the method to target companies proposed in the manual. He informed the participants that the UK was going to advertise the project and in October they will participate in a tyre exhibition and in the meantime they will continue carrying out analysis and will keep the members informed.

The Chair thanked the expert for his presentation and reminded that at Forum-6 members were invited to indicate their wish to participate in the project. Five countries had expressed their interest so far. In total six countries will participate in the project. Other countries may wish to join the project and are invited to communicate their participation to the project leader.

Then the Chair invited the plenary to discuss whether or not this project should become a Forum project. In the absence of agreed criteria for what should be considered as a Forum project the Chair suggested that projects can be considered Forum's in those cases where several MS are working together in one project to

improve harmonised enforcement and share project manuals, approaches and techniques. This is because the Forum is also the appropriate platform to exchange knowledge and experience and facilitating small projects.

Forum concluded that this project should be regarded as a Forum project to be executed in 2010.

Item 9 – Enforcement of the CLP Regulation

- a) Practical implications for the work of the Forum
 - a. Review of existing work
ECHA/Forum-7/2010/10

The Secretariat introduced the paper on enforcement of the CLP Regulation and the practical implications for the work of the Forum. The aim of the document is to assist the Forum in its start-up phase regarding the enforcement of the CLP Regulation and make a number of proposals to be considered by the Forum in order to undertake the tasks assigned to it by the CLP Regulation. The proposals include the update of the Forum working programme, the amendment of the Forum document on Enforcement Strategies and on Minimum Criteria for REACH enforcement, the Member State Report Template according to Article 46(2) of the CLP Regulation, the harmonisation of level of capabilities through enforcement projects, joint inspections and study visits. In addition, the Forum should consider a centralised training to be provided by Forum/ECHA and the development of a basic training tool, the assessment of the questionnaire regarding the status of preparations for enforcement of the CLP Regulation in the MS by a WG, the cooperation with customs authorities and other networks and experts at ECHA and MS level. Projects on CLP should be considered as well as the amendment of the existing guidance on enforcement according to the results of a CLP enforcement project.

- b. Questionnaire regarding the status of preparations for enforcement of the CLP Regulation in the Member States
ECHA/Forum-7/2010/11

Secretariat briefly updated the Forum on the results of the elaboration of the questionnaire on the status of preparations for enforcement of the CLP Regulation in the MS. 19 countries had replied to the questionnaire and the answers have been compiled in the meeting document. Due to the possibility to collect further questionnaires from other MS, the information was not analysed. Forum members were invited to submit the remaining questionnaires. The analysis of the information could be undertaken by a Forum WG as suggested in the previous point.

- c. CLP key articles for enforcement (ENV)

COM gave an update on the feedback provided by MS on the CLP key articles laid down by the COM. The study on penalties on REACH showed some significant differences in the interpretation and application of the enforcement and especially penalties systems. COM wanted to find possible discrepancies in case of the CLP Regulation proactively even before the notification deadline. COM wanted to know the interpretation of MS and try to identify best practices to help the MS in the preparatory phase. COM wanted to know if MS were broadly in agreement with the provisions and main obligations listed, the violations of which should be sanctioned. The list of key articles of CLP Regulation to be enforced was published on CIRCA, it is not a

complete list but was laid down with the aim of helping MS. In addition COM asked MS whether the penalty for non-compliance with Art.4 is sufficient to ensure enforcement with all of titles II, III and IV, if MS consider that a penalty for non compliance with Art.4 is sufficient or whether it is necessary to have a separate penalty for non-compliance with Art.7. All replying MS basically agreed with the list of key points provided by the COM but in certain cases they added other articles to be enforced (e.g. Art. 48 regarding the advertisement for a hazardous substances or Art. 49 regarding the obligation to maintain and provide information). Secondly, most of MS think that the penalty for non-compliance with Art.4 is not sufficient to ensure enforcement with all of titles II, III and IV and most of the countries think that Art.7 should be enforced separately. It was possible to identify MS that intend to enforce the different obligations mostly through the general obligations defined in the paragraphs of Art 4. COM wishes to encourage further contact and discussion between the MS on this issue, which it can facilitate. COM reminded the members the deadline for notification of the penalties legislation.

- d. Discussion on the need for training workshop for CLP enforcement considering the feedback on the train the REACH enforcement trainers event

The Chair reminded the plenary that the feedback provided by the participants to the train the REACH enforcement trainers concluded that a similar training on CLP was necessary. He informed the members that a preliminary analysis of the answers to the questionnaire on status of preparations for enforcement of the CLP Regulation shows that the average inspector knowledge on CLP needs to be improved. There is an opportunity to do so before most of the provisions of the CLP Regulation enter into force and following the same format of the REACH event. ECHA Secretariat will contribute to the organisation of this event. Based on the experience with the previous training, it was concluded that the organisation of this event is quite resource demanding and so the Chair suggested to establish a WG to prepare the training.

The Forum agreed with the organisation of a Train for trainers on CLP Enforcement.

- e. Discussion if Forum WG(s) on CLP issues needed

The Chair asked the members to consider the establishment of two WG(s), one to deal with the elaboration of a train for trainers on CLP enforcement comprising the elaboration of a training programme and the delivery of the training, the other to review the work done by the Forum to identify and prioritise further areas of the work of the Forum requiring attention in the light of the CLP Regulation.

In discussions it was mentioned that the cooperation with customs authorities in the enforcement of the CLP Regulation would need to be considered as well as the possible cooperation with other networks and experts. Secretariat reminded that these aspects had been covered in the paper *ECHA/Forum-7/2010/10* as an opportunity to further elaboration. On the basis of the analysis made by the WG, a certain priority could be assigned to the cooperation with customs authorities, networks and experts.

The Forum agreed to establish two WG(s) and agreed with the general lines suggested by the Chair for their mandates.

- b) CLP enforcement questions from the ECHA Helpdesk and Helpnet

The ECHA Secretariat introduced a number of CLP issues of interest regarding questions posed to the ECHA Helpdesk including the legal basis provided by the ECHA Helpdesk for their resolution. The ECHA Secretariat explained to the participants the specific questions related to generic areas of the scope of the CLP

Regulation, the new testing versus available information, R&D substances, OR versus importers, Registration versus notification, Labelling and “empty diamonds”, labelling and use of languages and alternative ways of labelling.

The Forum took note of the information provided.

In discussion one member asked whether there was the necessary legal basis to request re-labelling substances and mixtures, that need to carry a CLP hazard label and which are placed on the market in a different MS in the national language(s) of the supplier’s MS. This issue was not solved during the discussions and it was suggested to bring the question at the next plenary meeting in the section dedicated to issues for enforcement to seek for a harmonised approach. The Chair reminded that one of the tasks of the Forum is to highlight issues at Community level and this applies also to CLP.

Another member raised the issue regarding the labelling of substances and mixtures in small containers, how this can be solved in practice as it seems rather difficult to do it. The question was not solved during the meeting and the Secretariat committed to further investigate the issue within ECHA.

c) CLH opinions adopted by RAC

The RAC Chair gave a brief presentation on the RAC opinions on harmonised classification and labelling. He introduced the tasks of the Committee stressing that RAC is responsible for preparing the opinion of the Agency for different processes as well as for those relevant questions relating to risks to human health or the environment. Then he introduced a summary of the CLH process. The process starts with the information through the registry of intentions and further dossier submission, the dossier goes to accordance check and then RAC elaborates its opinion. The draft opinion is submitted for public consultation, discussed and adopted by RAC and then communicated to COM together with the background document and the document compiling the response to comments. The RAC opinion is published. COM decides on the final classification on the basis of the RAC opinion and only then the substance is included in Annex VI of CLP. The Chair presented the concluded CLH opinions undertaken by RAC and invited the members to consider in their enforcement activities the RAC recommendations placed on diantimony trioxide with the aim to adequately control the risks of adverse effects in workers exposed to fumes or dusts containing this substance in hot, sweaty conditions. Before COM decides on the proposals, the RAC opinion represents the ECHA’s opinion and could be used on voluntary basis for self-classification by industry.

The Forum took note of the information provided.

Item 10 – Further steps regarding the thought starter on the interlinks between ECHA, MSCAs and Enforcement

a) *Update from Evaluation Workshops*

The ECHA Secretariat gave a presentation on the feedback from the Workshop on examination of testing proposals taking place at ECHA on 27-28 April 2010. The ECHA Secretariat explained the evaluation processes regarding dossier evaluation carried out by ECHA and substance evaluation carried out by MSCAs. The examination of testing proposals was explained to the members. Members of MSC, MSCAs, COM and ECHA Secretariat participated to the Workshop with the aim to have a common understanding and to avoid general discussions in connection with

individual test proposals decisions. The main conclusions and recommendation from the workshop were presented to the plenary.

The Forum took note of the information provided.

*b) Feedback on the comments received from the Forum members (ECHA)
ECHA/Forum-7/2010/12*

The Secretariat introduced the background information regarding the thought-starter for communication and division of tasks between ECHA, the MSCAs and the NEAs in the context of REACH and CLP enforcement presented at Forum-6. At that meeting, the Forum members were invited to provide their comments in writing. Before starting the discussion at CARACAL level the Forum members were encouraged to steer the discussion with their relevant MSCAs. When gathered all the information the thought starter could be further elaborated with the aim to report back to next Forum meeting and to present it at CARACAL level for consideration and supporting the effectiveness of enforcement of REACH and CLP.

As only six members had commented on the paper, the ECHA invited the Forum members and to COM to comment on the document focusing on clarifying the issues highlighted in the paper, proposing additional interactions and indicating if the presented division of tasks is clear and appropriate. Members were invited to be broad in their comments and to make new proposals for interaction, provide ideas on cooperation and further define the role of the actors. With this regard members were invited to consider how they intend to enforce the high number of pending requests of further information that have already passed the given deadlines. These requests have been made by MSCAs under the previous legislation and are now regarded as ECHA's decisions under REACH. This would be the first case to see how the information flow and responsibilities for enforcement can be better organised among MSCAs and NEAs at country level. Comments provided by the six responding members could be taken as the basis for comments to be provided by the other members.

b.a. Pending requests from MSCA and ECHA

The ECHA Secretariat introduced the pending requests of MSCAs on notified substances. More than 230 pending requests made by MSCAs to notifiers under Directive 67/548/EEC. There are about 234 pending decisions for which the requested information is still to be provided in the form of a dossier update. 181 pending decisions failed to meet the deadline set by the MSCA in the decisions and in the case of 45 pending decisions, no deadline was set. The countries with decisions where the deadline has passed without an update were shown to the plenary. ECHA will submit to MSCAs via CIRCA an updated list of decisions that have passed the deadline. MSCA will deal with cases of notifiers requesting for an extension of the deadline. An efficient information exchange and collaboration between MSCAs and national Enforcement Authorities would be required. The elements for the feedback by Forum could consist on providing information on the flow and collaboration among NEAs and MSCAs at country level, how to prioritise enforcement action, how to handle requests of registrants to extend deadlines set in the decisions, what type of enforcement strategy and measures are taken in different MSCAs and the needs for cross-country collaboration.

In discussions participants asked details on the pending requests in the countries and when the list will become available to MSCAs and ECHA replied that MSCAs should have an idea on the number and details of pending cases they submitted to ECHA

because there is constant communication between ECHA and MSCAs and informed that the communication of the list in an aggregated table of pending cases will be done soon.

One member pointed out that the issue on pending cases could be discussed first in the CARACAL meeting, but how it will be handled at national level is a national duty. Furthermore, one member raised the concern on the enforceability of Art. 135 of REACH referring to Art. 51, a procedural article for which there is no duty placed on any dutyholder. The member objected that in certain legal regimes, this type of Article maybe difficult to enforce. From ECHA and COM's perspective there are other mechanisms allowing for enforcement of the pending decisions like the general duty placed on the dutyholders to provide the required information to comply with the regulations under the national penalties legislation and/or the validity of an administrative act that hasn't been fulfilled.

Forum members agreed to consider they intend to enforce the pending requests for information.

Item 11 – Update on cooperation with other networks

a) Update on CLEEN projects
ECHA/Forum-7/2010/13

A representative from the CLEEN Secretariat introduced the CLEEN project under preparation on chemicals internet trade. He explained the participants that the project was building on the experience gained during the first e-commerce project run in the period 2004-2007. He briefly introduced the design of the project and its legal basis. He explained that different national regulations on restrictions, other than REACH, apply in some countries. He informed the plenary that the project could include REACH Annex XVII substance(s), if the Forum wished to join in the project. The problems of internet trade were indicated. He informed on the timelines of the project as well as the foreseen strategy for running the project and asked the Forum members whether they wish to participate in this project.

b) Forum participation at CLEEN projects

The Chair thanked the CLEEN representative for his presentation and stated that a joint Forum and CLEEN project in this area would be beneficial, since internet trade in substances subject to Annex XVII restriction is a known problem. Inclusion of REACH restrictions in the project would allow a coordinated enforcement action in this area with the minimum investment of Forum resources as the project would be organised by CLEEN. He invited the members to indicate whether they would be interested in including REACH in the CLEEN project and work jointly, to indicate their willingness to participate in the project and the potential areas of REACH that could be included in the project.

In discussions, one member indicated the willingness to participate in the CLEEN project. A member indicated willingness to participate in a CLEEN-Forum joint project. However, the majority of the members expressed the preference not to include REACH in CLEEN projects given that about half of the Forum members are also CLEEN members and human resources on national level dedicated to REACH (Forum) projects and CLEEN projects are the same therefore the members would prefer that these resources are prioritised for Forum activities.

In conclusion, the Forum expressed the willingness to cooperate with other networks including CLEEN. However the Forum decided not to participate in the e-commerce project organised by CLEEN because it wishes to reserve the enforcement projects dealing with REACH obligations for the Forum. The project was found to be of interest for Forum members and the Forum looked forward to receiving information on the results of the project and advised CLEEN to contact Forum members in those cases where possible cases of non-compliance with the REACH or CLP Regulations are suspected. The Forum invited the CLEEN to provide information on the progress of its projects.

Item 12 – Practical issues for enforcement

a) Discussions raised by the Forum members and ECHA

The Chair reminded that all members received the list of the issues as meeting document. In addition to issues raised by Forum members, the ECHA Secretariat has submitted two additional items.

2) Enforcement of Article 5 of the REACH Regulation

The Forum exchanged views on practicalities of enforcement of Article 5.

3) Competencies of Only Representative

The Forum further discussed practicalities related to enforcement of Only Representative obligations begun at the previous Forum meeting.

4) REACH Compliance Certificates

The Chair gave the floor to one of the members who presented the issue on REACH compliance certificates issued by some organisations.

The Forum agreed that any “REACH certificates” in themselves are not evidence of compliance and are not required by REACH.

5) Single point for compliance issues

One of the members introduced the issue on single point for compliance. Currently people who have concerns about issues to do with REACH compliance must go to the enforcing authorities of the relevant Member States. In case a person has concerns about the compliance of a dutyholder or dutyholders that are relevant to a number of Member States (e.g. a restricted substance being placed on the market in five different countries), then this means they have to contact all these different enforcing authorities. While it is not the Forum’s responsibility to ensure that enforcing authorities progress such matters, industry has suggested that a single EU-wide point of contact on enforcement would be useful. Correspondence received in this way could be disseminated to the relevant Member State much faster and more simply than if the person with the concerns had to do this themselves.

The members discussed the proposal of single point of contact for collecting compliance concerns, but it was clear that a single point of contact for the entire EEA is not feasible at this stage. Members agreed to investigate at national level and share the contact details of such national single contacts points where they are established.

6) Scope of REACH duties

One member introduced the issue related to the scope of REACH.

The issue concerns whether REACH is applicable to activities of individuals acting in a private capacity or if it only applies to activities of businesses. To document the problem, the member presented examples on restrictions and on registration.

The Forum didn't conclude on this issue as it was judged to be primarily of legal nature. Members were asked to submit their reactions and Forum invited the Commission to provide feedback on this issue at Forum-8.

Item 14 – Work Programme progress check

a) Review of existing WG mandates, if necessary

The mandates for the following WGs were revised:

- WG “Access by inspectors to data from REACH-IT” (B3)
- WG “Electronic Information Exchange Procedure” (B4)
- WG “Cooperation with customs authorities” (B7)
- WG “Preparation of Forum enforcement project for 2010/2011” (B8)
- WG “Forum coordinated REACH enforcement project on registration, pre-registration and SDS” (B8)
- WG “Enforceability of restrictions” (B14)

The following WGs were established during the meeting:

- WG “Forum activities on CLP enforcement” (C1)
- WG “Training for trainers on CLP enforcement” (C2)

Members were asked to communicate the names of new experts within two weeks. The revised mandates are included in Annex 2.

b) Necessity for updating the WP

The Secretariat will update the WP (Work Programme) to reflect the changes taking account the revision of the mandates of the working groups and the establishment of the two new groups as agreed at Forum-7. In order to execute the tasks regarding the enforcement of CLP, additional work packages will need to be added to the Forum WP. The next revision of the WP will reflect the output from the WG on CLP activities for enforcement.

Item 15 – Communication

a) Updates of the Forum section on ECHA website

The Secretariat informed the plenary that 23 members had sent to the Secretariat the forms including the information on the organisation of the enforcement of REACH in their MS. In some cases the Secretariat made some editorial corrections or consulted again the member when changes needed were more substantial. The work was finalised and had been recently submitted to the web team. The publication on the ECHA's website was expected soon. Members were invited to submit the remaining information for their MS.

b) Communication practice at ECHA

The Head of Unit of Communications at ECHA introduced to the plenary the current communication practice of ECHA. The external communications team runs campaigns, makes publications and newsletters, manages relationships with stakeholders, translates materials into 22 languages and organises visits and briefings. The press office builds relationships with journalists with the aim of trying to achieve a balanced and accurate coverage in the media. The office is in charge of media relations, press releases, e-news, media monitoring and press briefings. The internal communication team facilitates the flow of information within the Agency by managing information screens, weekly e-news, a monthly Newsletter and providing daily updates on the intranet. Finally, the digital team manages the external website and intranet. ECHA offered to the members of the Forum the possibility to cooperate in areas of communication and invited them to find and consider ways of cooperation.

In discussions, some participants congratulated ECHA for the good services provided and good practice in communication. One participant pointed that some room for improvement could be made regarding the accessibility of contact details of staff within ECHA.

The Forum recognised that communication is a relevant aspect for the enforcement activities and its importance has been expressed in the Forum's enforcement strategies document which is published on the ECHA website. Members showed interest for the cooperation proposal and the Forum agreed to address communication issues on its next meeting.

Item 16 – Conclusions and action points

The conclusions and action points of the meeting were adopted by the Forum and included in section II of the present document.

Item 17 – AOB

The members decided to hold two meetings in 2011. The first meeting would take place earlier in 2011 in order to ensure an adequate time space between two consecutive meetings, and a quicker response to any urgent issues arising from the 1 December 2010 registration / notification deadline. The actual dates of the meeting will be set at Forum-8.

Item 18 – Closing of the meeting

The Chair thanked the participants and the ECHA Secretariat for their contributions and support and closed the meeting.

II. Main Conclusions & Action Points - Forum-7, 19-21 May 2010
(Adopted at the Forum-7 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
AP 1 – Address by the Director of Communication		
AP 2 – Welcome and introduction		
2.a) Welcome by the Chair of the Forum	-	-
2.b) Adoption of agenda and declaration of interests	Agenda has been adopted.	
AP 3 – Follow up from the discussions with stakeholders		
3.) Follow up from discussions with stakeholders	<p>The Forum felt that the workshop was a success. The members welcomed the opportunity for longer and more detailed discussions with stakeholders during the workshop and concluded to continue with similar events in the future.</p> <p>Most of the Forum members felt that such events should be organised on average once per year.</p> <p>Following the discussion in the workshop the Forum agreed that, in general, REACH-focused inspections would be announced to allow for preparation of documentation, especially with the view to checking registration obligations.</p> <p>However un-announced REACH inspection can also be carried out if there are good reasons for doing so, for example if it relates to conditions of use of substance or safety of the workplace.</p> <p>The Forum did not reach a common position on the translation of documentation which is not subject to specific REACH requirements and which is not provided in national language.</p>	-

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
	Regarding the language of documentation the requirements of REACH must be observed.	
AP 4 – Update on relevant developments by the Commission		
4.a) Update from CARACAL and regarding other issues	<p>The Forum took note of the update and welcomed the opportunity for providing advice on enforceability of restrictions which are handled by the Commission.</p> <p>The Forum noted that more input from the Commission would be welcome regarding interlinks between the Commission, MSCAs and the Forum.</p> <p>Forum members are also encouraged to actively liaise with their MSCAs.</p>	The Commission will consult the Forum on restrictions on cadmium and acrylamide which are foreseen for June 2010.
4.b) Follow up and update on the Commission contracts	The Forum took note of the update by the European Commission.	<p>Forum members will submit comments/experiences regarding the MS reporting after submitting the national reports to the Secretariat by 2 July 2010</p> <p>The Secretariat will collate and forward the comments to COM by 16 July 2010.</p>
AP 5 – WG Reports		
5.a) Cooperation with Customs	<p>Forum took note of the progress and prolonged the mandate of the WG until Forum-8.</p> <p>WG will explore ways to collect feedback from stakeholders.</p> <p>Some Forum members voiced their concerns about the full participation</p>	Secretariat and WG will explore the ways in the feedback can be collected from stakeholders before the next WG meeting.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
	of stakeholders in the working group.	
5.b.a) Final Report from REF1	The Forum welcomed the final report from the project and agreed that it has been a success due to unprecedented scale of participation and a number of inspections carried out.	<p>WG Chair will revise the conclusions and recommendations and deliver them to Secretariat by 11 June</p> <p>The Secretariat will organise a written procedure for adoption of the conclusions and recommendations by 18 June</p> <p>The Secretariat will publish the conclusions and recommendations after they are adopted.</p>
5.b.b) Examination of nature and scope of activities needed to follow-up the experience from REACH-EN-FORCE 1 project	<p>The Forum discussed the possibilities of continuation of R-E-F-1 and decided that inspection activities will continue.</p> <p>WG Chair REF-1 will prepare a report of the REF-1 continuation after the activities in the project continuation in 2011.</p>	Forum members will indicate their willingness to participate in REF-1 continuation by 11 June 2010.
5.c.) Forum project 2010/2011	The Forum took note of the progress of the project and extended the mandate of the WG until Forum-8.	-
5.d.a) Enforceability of restrictions – progress report	The Forum took note of the progress of the working group.	<p>Secretariat and Chair will prepare a formal letter to the Commission and send the Forum advice concerning the test methods to the Commission by 11 June 2010.</p> <p>The Forum members will send comments</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		on the checklist for preparing advice on restriction proposals by 11 June 2010
5.d.b) Update on restrictions proposals by ECHA	-	ECHA Secretariat will submit Annex XV dossiers earlier, as soon as they will be adopted by RAC/SEAC, which is foreseen by 3 June 2010
5.e) Update on EIES	<p>The Forum took note of the ECHA proposal to deliver an electronic information exchange system based on RIPE, which would be financed by the Agency.</p> <p>Majority of the Forum is in favour of that proposal and agrees that security implications of data exchange are important aspect to be taken into account. Dissenting views in favour of ICSMS were expressed and recorded.</p>	<p>Commission will confirm if the use of the EIES built by ECHA is not in contradiction with the provisions of the AMS regulation and REACH by 2 July</p> <p>Secretariat will forward this issue to the Executive Office of ECHA for consideration of the next Management Board meeting.</p>
5.f.a) Progress report from WG RIPE	Forum takes note of the progress report. It accepts the recommendations of the WG.	ECHA to define procedures for appointing the MS RIPE Administrators by Forum-8.
5.f.b.) Update on RIPE progress	Forum takes note of the progress of Ripe project.	<p>Secretariat will distribute RIPE Security recommendations by end of May.</p> <p>The Forum members to discuss the nomination of MS Ripe Administrators during summer 2010</p>
AP 7 - Update on relevant developments by ECHA		
7.a) Information	The Forum expressed interest in the issues presented and looks forward	The Chair and Secretariat will

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
from the DCG (Directors' Contact Group)	<p>to discussing the enforcement related issues.</p> <p>The Forum also expressed the need to be involved in the discussion and resolution of all enforcement related issues addressed and solutions proposed by the DCG.</p> <p>The Forum noted the need for proper discussion of the DCG issues with the MSCAs.</p>	<p>investigate how the issues forwarded by DCG can be discussed in practice by 9 July 2010</p> <p>The Forum will consider and look to respond to the issues forwarded by the DCG by Forum-8.</p>
7.b) Update on guidance developments	The Forum took note of the information on guidance developments.	-
7.c) CLP notifications	The Forum took note of the information on CLP notifications provided by ECHA.	-
7.d) Survey about satisfaction of Forum members	The Forum took note of the positive results of the surveys and committed to address their conclusions.	
7.e) Overview of feedback from train the Trainers and conclusions reached	Forum Chairs and Secretariat will consider the results of the surveys when planning the next meetings of the Forum and next trainings for trainers.	-
AP 8 – Discussion of further Forum activities		
9. PAHs in tyres	<p>The Forum welcomed the proposal and appreciated the thorough preparatory work done by the United Kingdom.</p> <p>The project was formally recognised as a Forum project to be executed in 2010.</p>	Forum members willing to participate in the project should inform the Secretariat by 2 July 2010, unless they have already done so.
AP 9 – Enforcement of the CLP regulation		
9.a.a Practical implications for the work of the Forum - Review of existing work	The Forum took note of the considerations regarding the CLP-related work.	-
9.a b.) Questionnaire regarding the status of	The Forum took note of the results of the questionnaire.	Forum members who have not yet submitted the replies to the questionnaire

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
preparations for enforcement of the CLP Regulation in the MS		are invited to do so by 2 July 2010
9.a c.)CLP key articles for enforcement	The Forum took note of the intervention by the Commission.	-
9. a.d.) Discussion on the need for training workshop for CLP enforcement	The Forum agreed that there is a need for urgent training for trainers on CLP enforcement.	-
9.a.e.) Discussion	The Forum agreed that two working groups will be established one working on the training event, the other on the CLP work programme for the Forum.	-
9.b) CLP enforcement questions from the ECHA Helpdesk and Helpnet	The Forum took note of the information provided by ECHA.	The Forum Secretariat will deliver clarification regarding the labelling of small articles to the Forum once received from the ECHA Helpdesk.
9.c) CLH opinions adopted by RAC	The Forum took note of the information provided.	-
AP 10 – Further steps regarding the thought starter on the interlinks between ECHA, MSCAs and Enforcement Authorities		
10.a) Update from evaluation workshops	The Forum took note of the information provided by ECHA.	-
10.b) Feedback on the comments received from the Forum members a. Pending requests from MSCA and ECHA	The Forum took note of the information provided by ECHA. The Forum noted the importance of more active participation in the discussions and providing input.	Forum members will submit further comments on the thought starter on interlinks between EAs, MSCAs and ECHA by 15 July 2010 , unless they have already done so.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		<p>Forum members will consider and inform the Secretariat how they intend to enforce the pending requests for information for NONs by 15 July 2010</p> <p>ECHA will verify the list of pending cases and inform the Forum members by 11 June 2010</p>
AP 11 – Update on cooperation with other networks		
11.a. Update on CLEEN projects	The Forum took note of the information provided by the CLEEN Secretariat.	-
11.b. Forum participation at CLEEN projects	<p>The Forum is willing to cooperate with other networks including CLEEN.</p> <p>However the Forum decided not to participate in the e-commerce project organised by CLEEN because it wishes to reserve the enforcement projects dealing with REACH-obligations for the Forum.</p> <p>The Forum invited the CLEEN to provide information on the progress of their projects.</p>	-
AP 12 – Practical issues for enforcement		
Enforcement of compliance check decisions – Substance ID	<p>The Forum took note of the proposal from ECHA and discussed the various practical aspects of verifying the identity of the substance.</p> <p>The Forum agreed to explore these issues further and reply to ECHA at a later time.</p>	
<i>Enforcement of Article 5</i>	The Forum exchanged its views on practicalities of enforcement of Article 5.	

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
<i>Only representative</i>	The Forum discussed the practicalities related to enforcement of Only Representative obligations.	
<i>REACH tonnage coverage certificates</i>	The Forum discussed the issue of tonnage certificates provided by some Only Representatives. The Forum agreed that any “REACH certificates” in themselves are not evidence of compliance.	-
<i>Late pre-registration and ORs</i>	-	
<i>Single point for compliance issues</i>	The members discussed the proposal of single point of contact for collecting compliance concerns and agreed to share the contact details of such contacts points where they exist.	The Forum members will submit the contact details of their national single points of contact to the Secretariat by 2 July 2010 Secretariat will collate and distribute that list to Forum members by 16 July 2010.
<i>Scope of REACH duties</i>	The Forum discussed the applicability of REACH provisions to private persons.	
<i>Verification of SME status</i>	-	-
AP 14 – Work programme progress check		
14.a) Work Programme progress check	The Forum revised existing mandates of the working groups and established new working groups: <ul style="list-style-type: none"> - Forum activities on CLP enforcement - Training for trainers on CLP enforcement 	-

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
14.b) Necessity for updating the WP	-	-
AP 15 – Communication		
15.a) Updates of the Forum section on ECHA website	The Forum took note of the information provided by ECHA.	Forum members who have not yet submitted a contribution to ECHA enforcement website are invited to do so by 2 July 2010.
15.b) Communication practice at ECHA	Forum took note of the presentation by ECHA and agreed to address communication issues on its next meeting.	
AP 17 – AOB		
17.a Meetings in 2011	The Forum decided to hold two meetings in 2011.	-

III. List of Attendees

	MS	Members
1	RO	ALBULESCU Mihaiela
2	IT	ALESSI Mariano
3	PT	BARROQUEIRO Álvaro António
4	UK	BISHOP Richard
5	NL	BLENKERS Joop
6	DK	BØRGLUM Birte Nielsen
7	BE	CUYPERS Paul
8	HU	DEIM Szilvia
9	FI	EKMAN Annette
10	LI	FRICK, Manfred
11	DE	GRUNWALD Guido
12	CZ	JAROLÍM Oldřich
13	SI	JERAJ PEZDIR Mojca
14	SK	KOLESAR Dušan
15	CY	KYPRIANIDOU-LEONTIDOU Tasoula
16	PL	MIĘGOĆ Edyta
17	MT	MIFSUD Shirley
18	IE	O'SULLIVAN Tom
19	LV	PALLO Parsla
20	EE	PROMET Natali
21	ES	SÁNCHEZ PEÑA, Pablo
22	BG	SAVOV Nikolay Stanimirov
23	LT	ŠEŠKAUSKAS Viktoras
24	SE	THORÁN Karin

25	FR	VIERS Stéphanie
26	LU	WEBER Jill
27	NO	WIKHEIM Maren
28	AT	WURM Gernot

	Invited experts	Replacing
1	HLIDKVIST SKULADOTTIR Bergpora	KRISTJANSDOTTIR Sigridur (ICE)

	MS	Advisers
1	IT	DI MARZIO Graziella (Mariano Alessi)
2	IT	LETIZIA POLCI (Mariano Alessi)
3	UK	HAWKINS Richard (Richard BISHOP)
4	UK	POTTS Mike (Richard BISHOP)
5	NL	VAN DEN BERG Jos (Joop BLENKERS)
6	DK	PETERSEN Pia Gitte (Birte BØRGLUM)
7	DK	THORUP MARK Louise (Birte BØRGLUM)
8	BE	LEYNEN Michel (Paul Cuypers)
9	FI	FORSBACKA Anna (Annette

		EKMAN)
10	FI	LEIKOSKI Merci (Annette EKMAN)
11	DE	FRENZEL Stefan (Guido GRUNWALD)
12	DE	ZEITLER Reinhard (Guido GRUNWALD)
13	LV	KAZEROVSKA Kristine (Parsla PALLO)
14	ES	TARANCÓN ESTRADA María (Pablo SÁNCHEZ PEÑA)
15	ES	LÓPEZ-MANCISIDOR Patricia (Pablo SÁNCHEZ PEÑA)
16	SE	SILLREN Barbro (Karin THORÁN)
17	FR	ROUSSEAU Jean-Luc (Stéphanie VIERS)
18	NO	NYGREEN Beryl C. (Maren WIKHEIM)
19	NO	ORVIK Ragnhild (Maren WIKHEIM)

	DG	Commission
1	ENTR	AGUADO Miguel
2	ENV	BALCERZYK Bartłomiej

	ECHA	Unit
1	BARANSKI Maciej	A2 – Committees (Forum Secretariat)
2	CALVO TOLEDO Juan Pablo	A2 – Committees (Forum Secretariat)
3	CARLON Claudio	B2 - Evaluation
4	DANCET Geert	ED - Executive Director
5	HAUTAMAKI Anne	Legal Affairs Unit
6	HERDINA Andreas	A – Cooperation (Director)
7	IBER Andrea	Legal Affairs Unit
8	JACKSON Lindsay	A3 – Communications (HoU)
9	KARJALAINEN Antti	B2 – Evaluation
10	KOWALSKI Ulrike	A2 – Committees (Team leader Forum Secretariat)
11	KULJUKKA-RABB Terhi	B3 – Classification & Labelling
12	MUSSET Christel	C – Registration and IT Tools (Director)
13	NOUWEN Johan	A1 – Guidance team (Team leader)
14	SIHVONEN Kirsi	B2 – Risk Management
15	SOSNOWSKI Piotr	A1 – Helpdesk team
16	TARAZONA José	A2 – Committees (RAC Chair)
17	YLA-MONONEN Leena	A2 – Committees (HoU)

	Enforcement Networks (Invited Expert)	Representative
1	CLEEN	BÜRGY Heribert

IV. List of Annexes

ANNEX I. Final agenda Forum-7

ANNEX II. Revision and Establishment of mandates of Forum WGs

ANNEX II a) – Revised mandate of WG “Access by inspectors to data from REACH-IT”

ANNEX II b) – Revised mandate of WG “Electronic Information Exchange Procedure”

ANNEX II c) – Revised mandate of WG “Cooperation with customs authorities”

ANNEX II d) – Revised mandate of WG “Preparation of Forum enforcement project for 2010/2011”

ANNEX II e) – Revised mandate of the WG “Forum coordinated REACH enforcement project on registration, pre-registration and SDS”

ANNEX II f) – Revised mandate of the WG “Enforceability of restrictions”

ANNEX II g) – Mandate of the WG “Forum activities on CLP enforcement”

ANNEX II h) – Mandate of the WG “Training for trainers on CLP enforcement”

ANNEX III. List of meeting documents and room documents for Forum-7

ANNEX IV. Glossary of acronyms and abbreviations used in the minutes

Annex I – Final agenda Forum-7



19 May 2010
ECHA/Forum-7/2010/A/01 final

Final Agenda

Seventh meeting of the Forum for Exchange of Information on Enforcement

(Forum-7)

19-21 May 2010

European Chemicals Agency

Helsinki, Finland

19 May: starts at 9:00

21 May: ends at 12:45

DAY 1

Item 1 – Address by the Director of Cooperation of ECHA

Item 2 –Introduction

- a) Opening by the Chair of the Forum
- b) Adoption of the Agenda and declarations of conflict of interest with regard to Agenda points (*Chair*)
- c) Membership renewal and signing the annual declarations (*ECHA*)
- d) Practicalities and brief recapitulation of results of the written procedures between Forum-6 and Forum-7 (*ECHA*)
- e) State of play with action points from Forum-6 (*ECHA*)

For adoption

ECHA/Forum-7/2010/A/01 final draft

For information

Room document 5

Item 3 – Follow up from the discussions with stakeholders

Room document 1

For discussion

Item 4 – Update on relevant developments by Commission

- c) Update from CARACAL and information on other enforcement-related issues (*ENTR*)
 - a. Annex II
 - b. Defence exemption
 - c. CLP fee regulation
 - d. Restrictions

- d) Follow up and update on the Commission contracts (*ENV*)
 - a. Member State Penalties for REACH infringements” – feedback from the CARACAL workshop, 19 February
 - b. Member States reporting format (Article 117 REACH)
 - c. Review of the scope of REACH (Article 138 (6) REACH)

For information

Item 5 – WG Reports

- a) Cooperation with customs
Progress report from the WG Chair

ECHA/Forum-7/2010/2

For information

Item 5 – WG Reports (continued)

- b) REACH-EN-FORCE 1
 - a. Final report from the WG Chair
 - b. Examination of nature and scope of activities needed to follow-up the experience from REACH-EN-FORCE 1 project

ECHA/Forum-7/2010/3

For adoption

- c) Forum project 2010/2011
Progress report from the WG Chair

ECHA/Forum-7/2010/4

For information

Item 5 – WG Reports (continued)

- d) a. Enforceability of restrictions
Progress report from the WG Chair

- b. Update on restriction proposals (*ECHA*)

- e) Electronic information exchange procedure

ECHA/Forum-7/2010/5

For adoption/information

Briefing from ECHA

For information

- f) Access of inspectors to data from REACH-IT
 - a. Progress report from the interim WG Chair
 - b. RIPE progress (*ECHA*)

ECHA/Forum-7/2010/6

For information

Item 6 – Adoption conclusions day 1

DAY 2

Item 7 – Update on relevant developments by ECHA

- f) Update from the DCG (Directors' Contact Group) (*ECHA*)
- g) Update on Guidance developments (*ECHA*)
- h) CLP notifications (*ECHA*)
- i) Survey about satisfaction of Forum members with support from Secretariat
- j) Overview of feedback from 'train the trainers' event & conclusions reached (*ECHA*)

ECHA/Forum-7/2010/19

ECHA/Forum-7/2010/20

ECHA/Forum-7/2010/7

ECHA/Forum-7/2010/8

For information

Item 8 – Discussion on further Forum activities

- a) PAH in tyres

ECHA/Forum-7/2010/9

For discussion/adoption

Item 9 – Enforcement of the CLP Regulation

- a) Practical implications for the work of the Forum
 - a. Review of existing work (*ECHA*)
 - b. Questionnaire regarding the status of preparations for enforcement of the CLP Regulation in the Member States (*ECHA*)
 - c. CLP key articles for enforcement (*ENV*)
 - d. Discussion on the need for training workshop for CLP enforcement considering the feedback on the train the REACH enforcement trainers event (*ECHA*)

- e. Discussion if Forum WG(s) on CLP issues needed (*Chair*)
- b) CLP enforcement questions from the ECHA Helpdesk and Helpnet (*ECHA*)
- c) CLH opinions adopted by RAC (*ECHA*)

ECHA/Forum-7/2010/10
ECHA/Forum-7/2010/11
For discussion/information

Item 10 – Further steps regarding the thought starter on the interlinks between ECHA, MSCAs and Enforcement

- a) Update from Evaluation Workshops (*ECHA*)
- b) Feedback on the comments received from the Forum members (*ECHA*)
 - a. Pending requests from MSCA and ECHA

ECHA/Forum-7/2010/12
For information/discussion

Item 11 – Update on cooperation with other networks

- a) Update on CLEEN projects (*CLEEN*)
- b) Forum participation at CLEEN projects (*Chair*)

ECHA/Forum-7/2010/13
For information/discussion

Item 12 – Practical issues for enforcement

Discussions raised by the Forum members and ECHA

ECHA/Forum-7/2010/14
ECHA/Forum-7/2010/15
ECHA/Forum-7/2010/16
ECHA/Forum-7/2010/17
ECHA/Forum-7/2010/18
room document 3
room document 4
For discussion

Item 13 – Adoption conclusions day 2

DAY 3

Item 12 - Practical issues for enforcement (continued)

For discussion

Item 14 – Work Programme progress check

- c) Review of existing WG mandates, if necessary
- d) Necessity for updating the WP

For adoption

Item 15 – Communication

- a) Updates of the Forum section on ECHA website (*ECHA*)
- b) Communication practice at ECHA (*ECHA*)

For information

Item 16 – Conclusions and action points

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

For adoption

Item 17 – AOB

Item 18 – Closing of the meeting

Closing by the Chair

Annex II a

Forum Working Group “Access by inspectors to data from REACH-IT”

Composition:

Chair: Stephanie VIERS (FR)

Forum Members

- Pablo SÁNCHEZ PEÑA (ES)
- Nikolay SAVOV (BG)
- Paul CUYPERS (BE)

Invited Experts

- Barbro Sillren (SE)
- Paolo Izzo (IT)
- Andrea Mayer-Figge (DE)
- Eugen Anwander (AT)
- Beryl C. Nygreen (NO)
- Samuel Brunet (FR)
- Blaithin Tarpey (IE)

Objective: Support the implementation of the application allowing inspectors access to data from REACH-IT

Mandate:

- Provide input during the development and implementation stage of the application
- Participate in testing and implementation of the application
- Provide input to documents defining the security needs for RIPE and the security guidance, if necessary

Timeline:

- Forum – 10
- interim reports at Forum-8 and 9

Annex II b.

Establishment of the Forum Working Group “Electronic information exchange procedure”

Composition:

Chair: Gernot WURM (AT)

Forum Members

- Pablo SÁNCHEZ PEÑA (ES)
- Birte BORGLUM (DK)

Invited Experts

- Tone Line FOSSNES (NO)
- María TARANCON (ES)
- Marta OSOWNIAH (PL)
- Ludwig FINKELDEI (DE)
- Søren Jakobsen (DK)

Commission

Peter BARICIC

Objectives:

1. Investigate as soon as possible if the information exchange system established under Article 23 of AMS can be made suitable for the electronic exchange of information for REACH and CLP enforcement, in order to fulfill the Forum task in Article 77 (4) (f).

Mandate:

- Consult any experts that the WG may find appropriate
- Discuss with the builders/administrators of the information exchange system established under Article 23 of AMS if the system can be tailored for the use of exchange of REACH and CLP information.
- Define basic data sets and main data fields to be translated in national languages
- Investigate the possibility of links between EIES and other electronic information systems of other authorities enforcing particular sections of REACH

Timeline: Forum-7

Annex II c.

Forum Working Group B7 “Cooperation with customs authorities”

Composition:

Chair: Viktoras SESKAUSKAS (LT) – Forum member

Forum Members

Mariano ALESSI (IT)
Ioanna ANGELOPOULOU (GR)
Paul CUYPERS (BE)
Tasoula KYPRIANIDOU-LEODIDOU (CY)

Invited Experts (customs authorities)

Andrea KÜRBS (DE)
Päivi SIMPANEN (FI)
Gerlin KALLAS (EE)
Ruta Birute DAUKSIENE (LT)
Henrich CERNUSKO (SK)

Commission

Bartłomiej BALCERZYK (DG ENV)

Supporting team:

Jan OOMEN (NL)
Jorn SORENSEN (DK)
Sylvie DRUGEON (FR)
Johnny CAPPELLE (BE)
Filippo TOMMASO (IT)
Panagiotis THEODOTOU (CY)
Patrick JANKOWIAK (FR)
Gerhard MAROSI (AT)

Objectives: Investigate the needs and areas for cooperation between customs authorities and other REACH enforcers

Mandate:

1. Prepare a document examining the customs control procedures according to Community Customs Code and identifying which are relevant for REACH enforcement and, if needed, clarifying other questions that may be relevant for customs
2. Investigate possibilities and make recommendations for practical control of imports of chemicals by the customs authorities, especially with regard to REACH obligations to be checked and data required during control
3. Draft Forum recommendations regarding the working method between customs authorities and other REACH enforcers at national level
4. Enter into cooperation with DG TAXUD, as far as possible

Timeline: Forum-8

Annex II d.

Forum Working Group
“Preparation of Forum enforcement project for 2010/2011”

Composition:

Chair: Nikolay SAVOV (BG)

Forum Members

- Maren WIKHEIM (NO)

Invited Experts

- Marta OSOWNIAK (PL)
- Cecilia WESTOO (SE)
- Nikoletta MAROSVOLGYI (HU)
- Lutz Erdmann (DE)
- Maria TARANCÓN ESTRADA (ES)
- Hannah BEMBRIDGE (UK)
- Kristina KAZEROVSKA (LV)

Objective:

- Prepare the second Forum enforcement project for implementation in 2010/2011

Mandate:

- develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the second Forum enforcement project, taking into account the project manual of the first Forum enforcement project

Timeline:

- Second Forum project manual: Forum-8

Annex II e.

Establishment of the Forum Working Group “Forum coordinated REACH enforcement project on registration, pre- registration and SDS”

Composition:

Chair: Joop BLENKERS (NL)

Forum Members

- Mihaiela ALBULESCU (RO)
- Stephanie VIERS (FR)

Invited Experts

- Jos VAN DER BERG (NL)
- Andrea MAYER-FIGGE (DE)
- Magdalena NOGANSKA (PL)
- Hannu Thomas KOKKO (FI)

Objective:

- Coordinate and manage the operational and reporting phase of the continuation of REACH-EN-FORCE-1

Mandate:

- Prepare the report of the continuation activities in 2010 and 2011 and present it to the Forum plenary

Timeline:

- Report on REACH-EN-FORCE-1 continuation activities: Forum 10 or the first plenary meeting after cease of project continuation activities.

Annex II f.

**Establishments of the Forum Working Group
“Enforceability of restrictions”**

Composition:

Chair: Joop BLENKERS (NL)

Forum Members

- Karin THORAN (SE)
- Mariano ALESSI (IT)
- Paul CUYPERS (BE)

Invited Experts

- Jos VAN DER BERG (NL)
- Karin RUMAR (SE)
- Richard HAWKINS (UK)
- Tone Line FOSSNES (NO)
- Leonello ATTIAS (IT)
- Uwe LICHT-KLAGGE (DE)

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
- Prepare the draft Forum advice on enforceability of restrictions on cadmium and acrylamide delivered by the Commission

Timeline: 31 December 2010, in principle reporting at each plenary meeting

Annex II g.

**Forum Working Group
“Forum activities on CLP enforcement”**

Composition:

Chair: Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members

- Mariano ALESSI (IT)
- Maren WIKHEIM (NO)
- Ioanna ANGELOPOULOU (EL)

Invited Experts

- Rog ADHEMAR (NL)
- Eugen ANWANDER (AT)
- Barbro SILLRÉN (SE)
- Maria Letizia POLCI (IT)
- Zsuzsanna KISS (HU)
- Andrea Mayer-Figge (DE)
- Anna FORSBACKA (FI)

Objective:

- Identify work which should be undertaken by the Forum to coordinate the enforcement of CLP Regulation in line with its statutory tasks

Mandate:

- Prepare a document identifying and prioritising the activities which should be undertaken by the Forum in context of the CLP Regulation. The WG shall refer to the document ECHA /Forum-7/2010/10. These prioritised activities should include:
 - o Review of Enforcement Strategies
 - o Review of the Minimum Criteria for REACH Inspections
 - o Other activities, as deemed needed by the WG
- Draft the revision of the Forum Work Programme in accordance with its findings

Timeline: Forum-8

Annex II h.

**Forum Working Group
“Training for trainers on CLP enforcement”**

Composition:

Chair: Karin THORAN (SE)

Forum Members

- Szilvia DEIM (HU)

Invited Experts

- Colin SMITH (IE)
- Anne AUDIC (FR)
- Susanna NORRTHON RISBERG (SE)
- Kristina KAZEROVSKA (LV)
- Eugen ANWANDER (AT)
- Celsino GOVONI (IT)

Objective:

- Prepare and deliver the training for trainers on the enforcement of CLP Regulation by 1 December 2010

Mandate:

- Prepare the agenda of the training
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, as necessary
- Collect and summarise the reactions of participants and formulate recommendations for next trainings

Timeline:

- Forum-9, with progress report at Forum-8

Annex III**List of meeting documents and room documents for Forum-7**

AP	Document	Number
2b	Final draft agenda	ECHA/Forum-7/2010/A/01 final draft
2d	Written procedure reports	Room document 5
3	Follow-up from the discussions with stakeholders	Room document 1
5a	Progress report of the Forum WG “Cooperation with customs authorities”	ECHA/Forum-7/2010/2
5b.a & 5b.b	Final report of the Forum WG “Forum & coordinated REACH enforcement project on registration, pre-registration and SDS”	ECHA/Forum-7/2010/3
5c	Progress report of the Forum WG “Preparation of Forum enforcement project for 2010/2011”	ECHA/Forum-7/2010/4
5d	Progress report of the Forum WG “Enforceability of restrictions”	ECHA/Forum-7/2010/5
5f	Progress report of the Forum WG “Access of inspectors to data from REACH-IT”	ECHA/Forum-7/2010/6
7a	Information from the Directors Contact Group (DCG)	ECHA/Forum-7/2010/19
7a	Information from the Directors Contact Group (DCG)	ECHA/Forum-7/2010/20
7d	Forum satisfaction survey 2009	ECHA/Forum-7/2010/7
7e	Course evaluation of the Train the REACH Enforcement Trainers Event	ECHA/Forum-7/2010/8
9a.a	Enforcement of the CLP Regulation	ECHA/Forum-7/2010/10
9b.b	Compilation of answers on the CLP questionnaire submitted by Forum members	ECHA/Forum-7/2010/11
10b	Feedback on comments on thought starter for communication and division of tasks between ECHA and the Member States authorities in the context of REACH and CLP enforcement	ECHA/Forum-7/2010/12
11a	Decision Minutes of the first meeting on the CLEEN Project on Chemicals Internet Trade/E-Commerce & Draft project manual on E-commerce	ECHA/Forum-7/2010/13

Annex IV. Glossary of acronyms and abbreviations used in this minutes

AMS: Regulation (EC) No 765/2008 concerning the Accreditation and Market Surveillance
CARACAL: REACH and CLP Competent Authorities Expert Group
CEN: European Committee for Standardisation
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
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 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
NEA: 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
RIPE: 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
WP: Work Programme of the Forum