

**Minutes of the
9th meeting of the Forum for Exchange of Information on Enforcement
European Chemicals Agency,
1-3 March 2011**

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I. Summary Record of the Proceedings

Item 1 – Welcome and Introduction

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

The Vice-Chair of the Forum welcomed the participants and the eight new members of the Forum and recalled the apologies from two members not attending the meeting. No proxies had been given according to Article 5 (4) of the Forum Rules of Procedure and the quorum requirement was met. He also informed the participants that the meeting was recorded for the purpose of writing the minutes and that the recordings will be destroyed after the minutes are adopted.

- b) *Adoption of the agenda and declarations of conflict of interest with regard to agenda points (Vice-Chair)*
ECHA/Forum-9/2011/A/01 final draft

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

- c) *Composition of the Forum, presentation of new members, competence grid and signing the annual declarations (Forum members, ECHA)*
ECHA/Forum-9/2011/01
Room document 1

The eight new Forum members briefly introduced themselves. The Vice-Chair informed the participants that the competence grid of the Forum had been updated and uploaded on the Forum Interest Group (IG) on CIRCA. The members were invited to submit the annual declarations of interest and commitment. The annual declarations of interest will be published on the ECHA website after the meeting.

- d) *Adoption of minutes of Forum-8 (Vice-Chair)*
ECHA/Forum-9/2011/02

The minutes of Forum-8 were adopted.

- e) *State of play with action points from Forum-8 (ECHA)*

The Secretariat informed the plenary that most of the action points from Forum-8 have been dealt with. The outstanding issues will be covered after the meeting.

- f) *Practicalities and brief recapitulation of results of the written procedures between Forum-8 and Forum-9 (ECHA)*
ECHA/Forum-9/2011/03
Room document 7

The Secretariat informed the members on the practical arrangements of the meeting. Six written procedures were concluded since Forum-8. Five written procedures were concluded by consensus and one was concluded by majority view of the members.

Item 2 – Election of the Chair and Vice Chairs of the Forum

Room document 2

The Forum elected from among the members the new Chair and Vice Chairs of the Forum. Prior to the election, all the candidates explained their motivations to the plenary.

Szilvia Deim (HU) was elected as the Chair starting from 1 March 2011. Tasoula Kyprianidou-Leontidou (CY) was elected as the Vice-Chair starting from 1 March 2011 and Eugen Anwander (AT) was elected as the Vice-Chair starting from 15 May 2011 replacing Nikolay Savov (BG).

The new Chair of the Forum took over the chairing of the meeting.

Item 3 – Update on relevant developments by Commission

a) Update on current Commission studies (COM)

COM gave an update covering the preparations for the review of the scope of the REACH Regulation in 2012. In addition COM informed the Forum about two studies regarding REACH and CLP inspections and on technical assistance to prepare the COM Report on the operation of REACH.

The members raised concerns regarding the purpose of the project on REACH and CLP inspections. The members argued that the Forum has elaborated a Forum enforcement strategy and a best practice document on Minimum Criteria for REACH and CLP Inspections according to the tasks allotted to Forum by the REACH and the CLP Regulation and stressed that in their view establishing enforcement strategies lies in the remit of the MS. Furthermore, Forum discussed in the past that the criteria for REACH inspections would not entirely fit within the criteria for environmental inspections outlined in the COM Recommendation. COM clarified that it is not the intention to duplicate the work made by the Forum and it is not currently foreseen to introduce binding provisions for inspections in the next revision of REACH or to impose a recommendation for REACH inspections in a revision of the Minimum Criteria for Environmental Inspections. The study is one of the tools available to the COM to monitor the implementation of the REACH Regulation together with the MS reports, the study on the penalties and the work carried out by the Forum. COM agreed to share the terms of the contract with the Forum to dissipate the concerns and agreed that the Forum members could comment on the project documents.

b) Update on CARACAL and others (COM)

Room document 10

COM gave an update covering discussions and decisions taken at the last CARACAL meeting, the recent and upcoming publications in the Official Journal regarding amendments of legislation and new legislation and the latest developments on Authorisation. In addition COM gave an update on defence exemption, AMS and RAPEX and informed about the COM position on the 0,1 % threshold applicable to substances in articles. The COM urged six members of the Forum to submit the information on the missing national enforcement systems in their countries to be published on ECHA's website and proposed to invite a representative from the European Defence Agency (EDA) to the next Forum meeting.

Item 4 – Address by the Executive Director of ECHA

The Executive Director of ECHA, Mr Geert Dancet, welcomed the new members of the Forum and congratulated the new elected Chair and Vice-Chairs. A key message from the Executive Director concerned his request to all the members of the Forum to make use of, and enhance if need be, the possible communication channels in their MS to identify issues for enforcement for which solutions have not been found and to discuss these issues within the Forum. This way the Forum will increase its effectiveness in highlighting problems at Community level, an area for which there appears to be some room for improvement according to the results from the satisfaction survey 2010.

Item 5 – Revision of Forum ROPs

ECHA/Forum-9/2011/04

Room document 13

The Forum Secretariat presented the draft revised Rules of Procedure of the Forum. The main changes introduced the possibility for the MS to appoint alternates to the members to increase the operational capacity of the Forum. The alternates would be entitled to vote only when the corresponding Forum member is absent during the meeting. The alternates would be entitled to respond to the written procedures on behalf of a member. In addition, the alternates could be appointed as members and chairs of the working groups of the Forum.

The members debated the proposal. The need for continuity of members to achieve the objectives of the working groups was the major concern raised by some Forum members. Other members found the use of alternates a practical way to get more expertise and resources available as is currently the case in the Member States Committee which has adopted similar rules. ECHA clarified that the alternates can be regulated by the Forum Rules of Procedure since the REACH Regulation is silent on this matter. COM shared this view.

The members agreed with the planning presented by the Forum Secretariat to further proceed with the revision of the Rules of Procedure.

Item 6 – Update on relevant developments by ECHA

a) Facts about submission deadlines (Registration, Notification) and next steps

The ECHA Secretariat gave an overview on the number of registrations and C&L notifications received within and after the first deadlines. The presentation covered information on the lessons learned to get prepared for the next registration deadline and the information available through the OECD eChemPortal.

An issue was raised concerning the number of companies involved in the notification to the C&L inventory which appears to be low, however it was not possible for ECHA to contrast these figures in the absence of official estimates. Regarding the possibility to further break down statistics on registrations, the ECHA Secretariat explained the limitations for REACH-IT relying on IUCLID and CASPER databases to provide specific filtered information. The current IT is being adapted to accommodate, in the next years, the information needs from MSCAs and before this is ready, ECHA will

make use of an interim solution. The members were invited to consult the statistics available on the ECHA website, to liaise with their MSCAs to consult CASPER extracts sent already by ECHA and to communicate to the Secretariat any wishes regarding additional registration statistics.

b) Update on Guidance developments

The ECHA Secretariat gave an update on the activities related to the revision and elaboration of guidance documents. ECHA will consult the Forum on a number of guidance documents and presented the consultation plans for 2011. For each consultation the Forum as well as the Committees will have four weeks to comment on the documents.

The members welcomed the information received and took note of the consultation planning.

c) Information on activities related to Downstream Users (ECHA)

The ECHA Secretariat presented to the Forum information on the activities carried out by ECHA related to DU including the elaboration of the ECHA approach towards DU. Furthermore, ECHA is preparing a leaflet containing the essential requirements applicable to formulators and is planning a consultation with the Forum members and the national coordinators of the REF-2 Forum coordinated project. The comments will be collected by the WG managing the REF-2 project and handed over to ECHA. The final document will be translated into all the official languages of the EEA and distributed to the Forum members and national coordinators in order to promote compliance within the context of the REF-2 project according to national practises. National coordinators will be asked to provide proof-reading to the translated documents to ensure good quality of the leaflet in all languages.

Regarding the elaboration of the leaflet, the Forum agreed on the way forward and appreciated the efforts made by ECHA to address the needs expressed by the WG and the national coordinators of REF-2 as well as the issues raised during the brainstorming session on communication at Forum-8.

d) Information on activities related to notification of substances in articles and to authorisation applications (ECHA)

The ECHA Secretariat informed the participants about the obligations arising from the Candidate List and the Authorisation List including the notification of SVHCs in articles and the applications for Authorisation.

The Forum took note of the useful information received to start preparations for enforcement of these provisions.

Item 7 – Directors’ Contact Group (DCG)

a) New DCG mandate (ECHA)
Room document 5

The ECHA Secretariat informed the participants about the recent developments of the DCG. The new mandate will run from 1 April 2011 to 30 September 2013. The DCG will propose solutions to problems encountered in the run-up to the second registration deadline. ECHA and the MS will establish the solutions to identified problems which

will be consulted beforehand with CARACAL and the Forum as appropriate. The composition of the DCG will not change and the small and medium sized enterprises continue to be represented by UEAPME. The DCG is currently analysing different solutions for possible disruptions in the supply chain which according to the DCG is an issue of major concern for DUs. The DCG is currently analysing gaps between the intended and actual substances registered. If NEAs encounter registrations which seem to cover more than one substance, ECHA may offer assistance in further analysis of these cases. The DCG is also compiling information on the experience with the functioning of the SIEF to get prepared for the next registration deadline. Furthermore, industrial organisations in the DCG have asked DU in their organisations to verify whether the substances registered as intermediates only are used by DUs as non-intermediates. On the basis of the feedback received and the subsequent better understanding about the magnitude of the potential for disruption in the supply chain the DCG will further analyse the potential solutions to mitigate the risks.

The DCG would be willing to consider issues raised by the stakeholder organisations in different fora such as the next stakeholder workshop on enforcement organised by the Forum. In ensuing discussions, participants noted the need to discuss the practicalities of enforcement of intermediates in the MS at the next plenary of the Forum.

Item 8 – Practical issues for enforcement of REACH and CLP

ECHA/Forum-9/2011/05

a) Introduction

The Chair reminded that all members received the list of the issues as a meeting document. In addition to the topics brought by Forum members, the ECHA Secretariat has submitted one additional item.

b) Items submitted by ECHA

Issue 1 - The ECHA Secretariat introduced to the Forum the topic on tonnage downgrade following a draft decision on dossier evaluation. The ECHA Secretariat will send a proposal for a draft letter. Forum members are invited to give advice on the documentation to be requested.

The Forum took note of the issue presented and the WG Interlinks will consider this issue in its work.

c) Items submitted by the Forum members

Issue 2 – The Forum member from SK introduced the issue on hazardous substances in consumer products.

The Forum welcomed the information provided and discussed the experiences with treatment of similar cases in other MS. The Forum members will provide information on the way similar issues are solved in their countries to the member from SK who will report on the follow-up at Forum-10

Issue 3 – The Forum member from NO introduced the issue on late pre-registration and ORs. ECHA presented room document 8.

The Forum took note and discussed the issue. The Forum members will send comments to the member from NO who will make a compilation for distribution by the Forum Secretariat.

Issue 4 – The Forum member from NO introduced the issue regarding the enforcement of the registration provisions when the company has not received the registration number.

The Forum discussed the practicalities involved with the enforcement of this situation.

Issue 5 – The Forum member from PL introduced an issue related to the enforcement of the restriction entry No 56 regarding the supply of protective gloves.

Further to the discussions and at the request from the Forum member from EE, the Forum agreed to progress a survey on the national interpretation on the meaning of “professional users” for enforcement purposes. The Forum member from EE will collect the comments and the Secretariat will distribute the compilation.

Issue 6 – The Forum member from IE raised the issue on the obligation to keep information for a period of 10 years as required by Article 36 of the REACH Regulation.

In ensuing discussions the Forum agreed that all relevant documents should be kept for the period of 10 years and the Secretariat will put this item in the agenda for the next Forum enforcement workshop with the stakeholder organisations.

Issue 7 – The Forum member from NO raised the issue on how the information flow will be managed by the actors through the supply chain for REACH and CLP.

The members discussed the issue and decided to discuss it further with the stakeholder organisations. The Secretariat will put this item in the agenda of the next Forum enforcement workshop with the stakeholder organisations.

The Forum member from NO agreed to compile comments from the members on this issue. The Forum will distribute the compilation.

Item 8 – Practical issues for enforcement of REACH and CLP (continued)

Issue 8 – The Forum member from NL introduced the issue concerning the duty to communicate on substances in articles.

The Forum discussed the issue and exchanged information on the enforcement situation in the Member States. The Forum agreed that awareness rising among the general public and companies about these provisions is important.

The Forum member from SE agreed to report on the result of the national project on substances in articles after it has been completed.

The Forum members agreed to send the comments, experiences and any suggestions for what should be included in the guidance to the Forum member from NL who will compile these comments. The Secretariat will then distribute the compilation.

Issue 9 – The Forum member from CY introduced the topic regarding the arrangements in place in the MS for the implementation of the provisions of Article 45 of the CLP Regulation on the Poison Centres.

The Forum members discussed the issue and exchanged information on poison centres in different MS and agreed to send their comments and experiences to the Forum member from CY. This representative agreed to make a compilation which will be distributed afterwards by the Secretariat. The COM agreed to send information on this issue to the Forum members.

Issue 10 – The Forum member from IE raised the issue regarding the obligation to notify the transitional arrangements under Articles 40 and 61 of the CLP Regulation and the documentation the suppliers will need to show to the inspectors to prove that it was already on the market. ECHA presented room document 9.

The members discussed the issue and exchanged information on the practices in the MS and agreed to submit information on what documents are requested in their countries when enforcing these provisions to the Forum member from IE who will make a compilation to be distributed afterwards by the Secretariat.

Issue 11 – The Forum member from NO raised the issue regarding substance identification. Concerning the sameness check, analytical data may show that substances are different compared to those pre-registered. The necessity to send an inquiry to ECHA has been a discussion point raised by companies. One stakeholder organisation considers that in case where a registrant finds out during the sameness check that a different CAS number better fits his substance an inquiry process with ECHA is not required.

The Forum members exchanged the experiences on enforcing this issue.

Issue 12 – The Forum member from NO raised the issue on the legal status of the “nominated responsible person”.

The Forum took note and exchanged information regarding the enforcement of this issue. The Forum agreed that the members should consider this issue when commenting on the guidance on SDS that will be distributed for consultation.

COM was invited to clarify the issue of the status of nominated responsible person and to inform the Forum about the results.

Issue 13 – The Forum member from DE raised the issue regarding the access to pre-registration information.

The Forum discussed the issue and shared experience about how the issue is handled in the MS. The member from DE was invited to liaise with the Forum Secretariat to receive further information on how the data can be accessed via REACH-IT.

d) *Items submitted by the stakeholder organisations*

One item was a topic submitted by the European Plastic Converters Association (EuPC) to be discussed with the Forum at the enforcement workshop planned to take place back to back with Forum-9 which is postponed until Forum-10.

Issue 14 – The issue concerned the difficulties for recycling companies with proving exemptions for registration and CLP notifications.

The Forum took note of the issue and acknowledged the difficulties faced by the recyclers. The Forum also noted that aside from the issues related to the exemption from registration, the recyclers are also obliged to submit a CLP notification. The members were invited to submit any experiences and national approaches to the Secretariat which will prepare a response to the EuPC on behalf of the Forum.

Item 10 – Work Packages – Activity Reports

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

*a.1) Progress report from the WG Chair
ECHA/Forum-9/2011/06*

The Chair of the WG “Interlinks between ECHA, MSCAs and National Enforcement Authorities” presented to the Forum the activities of the WG since Forum-8 and the recommendations of the WG.

The Forum took note of the information provided and agreed with the overall approach and recommendations of the WG. Some concerns were raised about the workability of the pilot project during the absence of RIPE¹. The pilot project will be run in a practical way to analyse how interlinks work in practice for some specific REACH processes. The mandate of the WG is to develop an inventory of information to be communicated for different REACH and CLP processes and activities, to identify communication weaknesses and to study if an existing IT tool can be used to handle the information flow within the relevant authorities. COM will send further details on the internet based system SOLVIT facilitating the communication between MS and authorities to solve specific issues linked to the functioning of the Internal Market.

a.2) Update on evaluation: pending decisions (ECHA)

The ECHA Secretariat gave an update on the pending requests of MSCAs on Notified Substances. ECHA is preparing to send draft reminder letters to seven MSCAs for the pending decisions whose deadlines have passed. The draft reminder letters will be uploaded on CIRCA Evaluation IG and the MSCAs will be invited to provide feedback on the draft letters. Once the feedback is received, ECHA will send out the reminder letters to the registrants copying in the MSCAs and will inform the Secretariat. The Secretariat will then hand over this information to the Forum members. No specific deadlines will be provided in the reminder letter since the deadlines have already passed. Nevertheless it is expected that the registrants submit the required information as soon as possible after reception of the reminder letters.

Some Forum members expressed readiness in their MS to take action at enforcement level but were waiting for the reminder letters sent by ECHA.

¹ After the meeting some members suggested that the pilot project would also be dependent on EIES

Further on, the ECHA Secretariat gave information on ECHA's screening and evaluation project on intermediates. MSCAs will receive information on the outcomes of the pilot project and Forum members will be invited to liaise with their MSCAs in order to prepare for the enforcement action on this matter. The communication channels for these cases can be further explored by the WG Interlinks between ECHA, MSCAs and National Enforcement Authorities.

The Forum members took note of the information received and expressed interest in receiving further information on the results of the pilot project on intermediates.

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

Final report from the WG Chair

ECHA/Forum-9/2011/07

The Chair of the WG “Electronic Information Exchange System (EIES)” presented to the Forum the final report of the WG. The WG has identified the general functional requirements for EIES for further analysis by ECHA as to the possible ways of implementing EIES. The WG recommends the Forum to estimate the number of users of EIES, to provide training for EIES users and to prolong the mandate of the WG.

The Forum adopted the report and agreed with the recommendations of the WG.

In ensuing discussions, the Secretariat confirmed that the only solution that can be offered by ECHA until an EIES is implemented is the interim solution using encrypted e-mails following the best practices outlined in the document distributed by ECHA in December 2010. Forum agreed that this interim solution would be the primary way of exchanging information between REACH inspectors until a long term system is available. The practicalities of exchanging confidential information through the Interpol were discussed. It was noted that it could be an alternative way for exchanging information for countries which cannot implement the interim solution proposed by ECHA. It was agreed to further investigate the practical implementation of this alternative.

c) B.7 – Cooperation with customs authorities

Final report from the WG Chair

ECHA/Forum-9/2011/08

The Chair of the WG “Cooperation with customs authorities” presented to the Forum the final report of the WG. The WG proposed a procedure for the control of Article 5 of REACH by customs and recommended the Forum to run a pilot project to implement the procedure. Furthermore the WG recommended to support COM efforts on integration of REACH and CLP into TARIC and ECICS and the inclusion of CUS numbers into customs declarations.

The Forum adopted the final report from the WG, agreed with the recommendations and agreed with the inclusion of aspects of cooperation with customs elements in the third coordinated project of the Forum to test the proposed procedure.

d) B.14 – Advice on enforceability of proposals for restrictions

d.1) Progress report from the WG Chair

ECHA/Forum-9/2011/09

Room document 12

The Chair of the WG “Enforceability of Restrictions” updated the Forum on the activities undertaken since Forum-8 and the recommendations of the WG to streamline the work of the Forum on advising matters. The WG prepared four draft advices for the four Annex XV restriction proposals. Furthermore the WG revised the checklist and the guidance document to prepare Forum advice on enforceability. A number of recommendations have been proposed, some of them addressed to ECHA and the dossier submitters of Annex XV proposals. The WG recommends to continue discussions with the COM on restriction matters and to publish the inventory of analytical methods used by the NEAs to check compliance of restrictions in Annex XVII that was elaborated by the WG.

The Forum agreed with the recommendations from the WG, agreed to publish the inventory of analytical methods in April 2011 and to revise the mandate of the WG. In addition the Forum agreed to further develop the Forum guidance document and to send the recommendations to ECHA as proposed by the WG.

d.2) Update from Commission (ECHA)

Room document 11

COM explained to the participants that many competences in the area of restrictions are taken over by ECHA. COM presented the terms of the project it is launching to consider the implementation and enforcement of restrictions and invited the Forum to provide input to identify the ten restrictions to be covered by the project.

d.3) State of play concerning the current restriction proposals and new dossiers (update of RoI) (ECHA)

The ECHA Secretariat provided information on the state of play with regard to the current restriction proposals and the proposals on the registry of intentions as well as the timelines for the Forum to provide its advices according to the working procedure of the Forum.

The members were invited to comment on the presentation provided by ECHA.

e) B.3 - Implementation of RIPE

e.1) Progress report from the WG Chair

ECHA/Forum-9/2011/10

The Chair of the WG “Implementation of RIPE” updated the Forum on the activities of the WG since Forum-8. The WG drew up a number of conclusions and recommendations and expressed some concerns regarding the implementation of RIPE. The WG asked the Forum to support the concern about lack of functionalities in RIPE for consolidating data from registration dossiers of lead registrants and non-lead registrants and advised the Forum to remain involved in the development of RIPE version 2 and intermediate versions.

The Forum took note of the information received and agreed with the conclusions and recommendations of the WG.

e.2) RIPE progress (ECHA)

The Forum Secretariat updated the Forum on the progress made with the RIPE project since Forum-8 and gave feedback on the testing session with the WG taking place in February. The Secretariat informed about the plans for further User Acceptance Test (UAT) and introduced the arrangements for User Management and delivery of the tokens. The Secretariat also informed the Forum on the results of the consultation on security recommendations. After the meeting, members will receive the RIPE security recommendations and the declarations for enforcement authorities for comments. The Secretariat reminded the members about the need to appoint the MS administrators for 12 remaining countries as soon as possible since the training will take place in May or June. The Forum was requested to support the User Acceptance Testing (UAT) in April and the specification of requirements for a RIPE version 2.0. The Forum took note of the progress made, agreed to support the UAT and to expand the scope and duration of the mandate of the WG.

After this presentation the Secretariat made a demonstration of the RIPE application.

Item 10 – Work Packages – Activity Reports (continued)

f) B.1 Strategies for REACH Enforcement

Final report from the WG Chair

The Chair of the working group “Preparation of Forum Work Programme 2011-2013 and review of best practices documents” presented the following documents:

f.1) Revised Forum Enforcement Strategies

ECHA/Forum-9/2011/11

f.2) Revised Minimum Criteria for REACH and CLP Inspections

ECHA/Forum-9/2011/12

f.3) Revised criteria for the prioritisation of Forum coordinated projects

ECHA/Forum-9/2011/13

In discussions it was clarified that the document on prioritisation of Forum coordinated projects is a guide to assist the Forum and its working groups each time the Forum needs to decide on a concrete Forum coordinated project.

The Forum adopted the documents and agreed to revise them every three years. The Forum agreed with the publication of the revised Forum enforcement strategies and the revised Minimum Criteria for REACH and CLP Inspections on ECHA’s webpage.

The Chair encouraged the Forum members to use and to promote the Forum Enforcement Strategies and the Minimum Criteria for REACH and CLP Inspections in their MS as a tool to harmonise efficient enforcement practices across the EEA.

g) B.8 – Forum projects

g.1) REACH-EN-FORCE 1

Update from the WG

The Forum member from NL gave an update covering the activity plan for 2011 of the WG managing the REF-1 Forum coordinated project on registration, pre-

registration and SDS and the reporting questionnaires sent to the WG by the national coordinators before Forum-9. 21 countries are participating in the prolongation phase of the REF-1 project and in total 530 inspections have been reported by nine countries since the beginning of the prolongation phase in June 2010. The operational phase of the prolongation including the inspections will finish on 31 March and all the national coordinators are invited to submit the inspection questionnaires by 30 April.

The countries participating in the prolongation phase of the project are: CY, FR, BE, DK, EL, IS, LV, PL, SI, SK, UK, DE, ES, IT, MT, NL, NO, LU, IE, EE, PT² but not all of them have reported the progress results to the WG. SE is reporting inspections carried out in the frame of other activities in SE.

The WG will analyse the data and prepare a final facts report of the project. The facts report and the accompanying press release informing on the results of the prolongation phase will be consulted with the Forum members and will indicate the total number of inspections carried out, a number which in some countries is much higher than the figures reported within the frame of the project. The total number of inspections should reflect the efforts made in MS to enforce pre-registration and SDS provisions, the core areas of the REF-1 project.

The possibility to report additional information was considered during the meeting. The WG is planning to analyse exclusively the information required in the questionnaire according to the manual. The prolongation of the project was decided at Forum-7. At this moment it was agreed that the WG will prepare a facts report after the end of the operational phase on 31 March 2011.

It was raised whether it is necessary to set out in the Forum projects benchmarks for the number of inspections to be undertaken in participating countries in order to reflect in an objective way that proportional efforts are made by MS on the basis of the size of the countries. Additionally it was questioned whether this is appropriate based on the number of dutyholders with activities in the MS under the scope of the project. In terms of lessons learnt it should be considered to focus on future inspection campaigns being more targeted.

REF-1 was considered a successful project and the right basis to build up experience for further coordinated projects. The number of inspections reported during the prolongation phase reflects well the importance the MS have given to this project and the commitment of the Forum to keep on-going activities before REF-2 project starts.

g.2) REACH-EN-FORCE 2

Progress report from the WG Chair

ECHA/Forum-9/2011/14

The Chair of the WG managing the REF-2 Forum coordinated project on enforcement of the obligations of DU – Formulators of mixtures presented to the Forum the activities of the WG since Forum-8. He also presented the recommendations

² The participation of PT was confirmed after the meeting.

following the training of the national coordinators of REF-2 that took place at ECHA on 26 January 2011.

In discussions related to the concerns raised by some stakeholder organisations with regard to the REF-2 project, it was suggested that in order to further promote compliance with the requirements applicable to DU and in addition to the informative leaflet prepared by ECHA with the support from the Forum, inspection services could inform the dutyholders about the existence of a self control tool prepared by an industrial organisation. This tool was presented to Forum at Forum-6 and is available on the Forum IG on CIRCA.

g.3) PAH project

Progress by UK

ECHA/Forum-9/2011/15

The invited expert from the Environment Agency in the UK facilitating the coordination of the Forum's project on restriction entry 50 – PAH in extender oils and tyres, presented the outcome of the project in the UK. She gave an overview of the campaign and a series of issues identified related to the suitability of analytical methods for checking compliance with the conditions of the restriction. Duty holders are using alternative analytical methods to verify compliance with the restriction. Discrepancies in the results using the obligatory and the alternative methods are observed but no conclusive results on the comparability of methods can be laid out. The analysis of PAH in extender oils using IP346 method can be distorted by the presence of asphaltene petroleum fractions and this can cause unreliable results. It's not known if this causes an increase or decrease in the concentrations of measured PAH. Cases of extender oils exceeding the legal threshold resulting in compliant tyres have been found. Accessibility to suitable laboratories as well as the financial burden for industry resulting from the analysis regime imposed by the restriction are considered as limiting factors for the implementation of the restriction. Actions to mitigate these problems were suggested. Furthermore, the issue has been raised by the ETRMA informing on a relatively large proportion of non-compliant tyres on the European market. ETRMA calls for action at European level.

The members discussed the practicability for enforcement of this restriction including the costs and suitability of the analytical methods imposed by the restriction. Cooperation with customs authorities is a possibility to check compliance of imported tyres. However, intelligence on non-compliance can be gathered by different means and the issue has been left open to Forum members participating in the project or supporting the activities of the project.

The members recognised that the importance for the Forum is to advise on the enforceability of new restriction proposals as well as on the limitations found when the analytical methods are imposed by a certain restriction. If analytical methods are not included in the Annex XVII entry, the methods can be adapted to technical progress without the need to change the legislation, allowing more flexibility. It was suggested that entry 50 could be one of the ten restrictions to be covered by the COM's study on implementation of the restrictions.

The UK agreed to prepare a questionnaire to collect the results from participating countries including the planning for the next steps and to report back on the Forum's project results in Forum-11. Participating countries were asked to submit the necessary information to the UK PAH project team. Forum members not participating in the project but gathering intelligence from different means were invited to share the results of their findings with the PAH team for the benefit of the outcome of the Forum's project.

h) B.6 & C.2 – Training programme for inspectors: Train the CLP Enforcement Trainers

Final report from the WG Chair

Room document 6

ECHA/Forum-9/2011/16

The Forum member from AT presented the final report of the WG "Train the Trainers on CLP Enforcement" including the results of the course evaluation. It was noticed that these activities organised by the Forum with the support from ECHA are an important mean to spread common understanding of the REACH and CLP provisions and to spread good enforcement practices. The Forum Secretariat will launch in September 2011 a survey among the participants to assess the impact of this event in multiplying the expertise in the MS and will report back at the next meeting of the Forum. The WG recommended the organisation of a third training for trainers in 2012.

The Forum adopted the final report and agreed with the establishment of a new WG. The members were asked to submit suggestions for issues to be covered in the training for trainers in 2012. The Chair recognised the usefulness of this training event and invited the members to implement training activities in their countries.

COM reminded the participants that a number of MS had not yet notified to the COM the legislation on penalties for non-compliance according to Article 47 of the CLP Regulation.

Item 12 – Work Programme 2011 – 2013

Final report from the WG Chair

ECHA/Forum-9/2011/17

12.1 Work programme 2011-2013

The Chair of the working group "Preparation of Forum Work Programme 2011-2013 and review of best practices documents" presented the draft work programme of the Forum for the period 2011-2013.

After the presentation, a Director at ECHA provided some comments to the Forum's work programme resulting from the last Director's Coordination Meeting (DCM). The Directors suggested to the Forum to reconsider some of the priorities assigned to different work packages because many of them were rated from high to very high. Another comment concerned the need to align the Forum's work programme with the ECHA annual work programme to ensure that the deliverables are feasible within a certain period. This is particularly relevant for new IT applications since ECHA needs to allocate the necessary resources to these projects. The management suggested to

clarify one of the titles of the work packages subject to different interpretations and advised to highlight the coordination of enforcement projects as one of the most important deliverables of the Forum.

The Chair welcomed the feedback received from the Directors of ECHA. The Chair agreed on the highly added value of the Forum's coordinated projects. Nevertheless, to ensure that such coordinated projects are possible, work needs to be done beforehand and this explains that priorities for a number of work packages must turn around the objective to carry out coordinated projects.

Some Forum members suggested that in future exercises distinction should be made between urgent and important tasks instead of rating the priorities from low to very high.

In discussions, the Forum agreed to change some of the priorities and to take on board as far as possible the comments provided by the DCM. The title and the scope of the work package subject to interpretation were clarified during the meeting. These changes were noted and it was decided to incorporate them in the revised version of the draft Forum's work programme to be distributed after the meeting to the Forum members. The working group in charge of the work programme will compile the comments from the Forum members and deliver a final version to be adopted by the Forum in written procedure. The work programme will then be forwarded to ECHA's Management Board. The members agreed to revise the work programme at least once a year to take stock on the progress made and to revise if need be the list of priorities.

12.2. MS Report under Article 46 (2) of the CLP Regulation

Further to the discussions on the draft work programme of the Forum, the Chair introduced the possibility for the Forum to agree on the common issues related to enforcement to be covered in the MS report to the Agency foreseen in Article 46 (2) of the CLP Regulation. This exercise was previously done by Forum for the MS report to the COM foreseen in Article 117 (2) of the REACH Regulation.

In discussions some of the members raised concerns about carrying out this task because of the little impact the Forum's opinion had on the questionnaire agreed by the MSCA for the first MS report to the COM foreseen in Article 117 (2) of the REACH Regulation. In terms of optimal use of resources, it would then be necessary that the MS take account of the work of the Forum for the next reporting exercise.

The Forum agreed to establish a working group to agree on the common enforcement related issues to be covered in the MS reports under Article 46 (2) of the CLP Regulation.

12.3 Exchange of inspectors

The Secretariat reminded the participants that one of the tasks of the Forum is to coordinate the exchange of inspectors and joint inspections. This was not highly prioritised in the first work programme but the REACH Regulation has allotted this task to the Forum. In order to start these activities, ECHA has committed some financial resources to run a number of pilot projects during 2011. The projects would

need to be selected for their relevance, the quality of the programme and the organisational aspects. The details on how to apply for these pilot projects and further information will be provided by the Forum Secretariat after the meeting. The Secretariat reminded the participants that ECHA would cover part of the costs of the projects and the rest would need to be covered by the hosting and sending countries. ECHA stressed that COM and the MS would need to investigate ways to support these activities in the future.

12.4 Other issues

COM informed the plenary about the possible enforcement conference that may be organised in 2012 in Brussels before the Commission assesses whether or not to amend the scope of the REACH Regulation. The participation of the Forum would be welcomed and Forum may wish to propose some topics for discussion to be covered in this event.

Item 13 – Forum working group mandates

The mandates for the following WGs were revised:

- WG “Preparation of Forum Work Programme 2011-2013 and review of best practices documents” (A1)
- WG “Interlinks between ECHA, MSCAs and Enforcement Authorities” (B2)
- WG “Implementation of RIPE” (B3)
- WG “Electronic Information Exchange System” (B4)
- WG “Forum coordinated REACH enforcement project on registration, pre-registration and SDS” (B8)
- WG “Enforceability of restrictions” (B14)

The following new WGs were established during the meeting:

- WG “Member States Report to the Agency under Article 46 (2) of the CLP Regulation”
- WG “Preparation of Coordinated Enforcement Project REACH-EN-FORCE-3” (B8)
- WG “Training for Enforcement Trainers 2012”

Members were asked to communicate the names of new experts by 22 March 2011. The mandates of the working groups are included in Annex 2.

Item 14 – Enforcement in the MS

a) Presentation of an enforcement project in the United Kingdom: pre-registration of ELINCS substances (UK)

An advisor from the UK introduced to the Forum the UK enforcement project regarding pre-registration of ELINCS substances. The advisor explained to the participants the valuable benefits in carrying out this project, the actions undertaken as well as the issues identified and the main conclusions of the project.

After the presentation, the participants briefly discussed the practicalities regarding enforcement of companies not established within the EEA submitting pre-

registrations. Difficulties regarding enforcement of so-called “ghost companies” officially established within the EEA with all activities taking place outside the EEA are experienced. The issue was raised concerning the potential impacts for DU relying on non-valid pre-registrations made by companies not established within the EEA. No specific impacts had been identified in the context of this project.

b) Recent developments on enforcement of chemicals legislation in Cyprus (CY Forum member)

The Forum member from Cyprus shared with the participants some recent developments on enforcement of chemicals legislation in Cyprus. The presentation covered information on the outcome of targeted campaigns, prosecutions and legal cases, the cooperation with the customs department and the future inspection and implementation plans of the competent authority.

After the presentation, it was indicated that the most frequent RAPEX notifications concern phthalates in toys, nickel in jewellery, azocolorants in cloths, glues containing benzene, toluene and chloroform. The use of asbestos in sky lanterns and technical applications to reduce the dissipation of heat such as thermos has also been the issue of several complaints. Those experiences may be beneficial for the identification of the restrictions to be covered in COM study.

The Chair welcomed the useful information provided by the UK and CY and encouraged the members to continue to share within the Forum information on enforcement projects, practises and strategies in the MS. Four members indicated their willingness to report on enforcement related information in their MS at Forum-10.

Item 15 – Reports from the Forum Secretariat

a) Survey about satisfaction of Forum members with support from Secretariat ECHA/Forum-9/2011/18

The Secretariat summarised the results of the survey sent to the Forum members at the end of 2010. The level of satisfaction remained as high as in 2009 and some items requiring further attention have been identified. For these items, a number of actions have been proposed to increase the level of satisfaction and these were communicated at different moments during the meeting. For informative and possible comparative purposes, the Secretariat will make the results of the satisfaction surveys of the ECHA Committees available to the Forum.

b) Feedback from the Management Board (ECHA) ECHA/Forum-9/2011/19

The Forum-S briefly reported on the positive feedback from the MB regarding the Forum Report submitted by the Forum Chair, the Vice Chairs and the previous chair.

c) Member States report – Art. 117 (1) (ECHA)

Concerning the report under Art. 117 (2), the Forum Secretariat reminded the participants that the Forum, as part of ECHA, can submit its ideas and comments on the functioning of the REACH Regulation. The Secretariat invited the Forum members to address their remarks to the Article 117 (1) MS reports which are

available on CIRCA. The Forum Secretariat will make a summary of the feedback received and communicate it to the relevant business units in ECHA.

Item 16 – Update on cooperation with other networks

This agenda item was cancelled due to time constraints

Item 17 – Communication

- a) Feedback from survey at Forum-8 (ECHA)
ECHA/Forum-9/2011/20
Room document 4

Regarding communication needs, the ECHA Secretariat provided an overview of the five top priority areas of work with highest impact identified by the members based on the different suggestions formulated at Forum-8. The members were invited to send further feedback on the document prepared by ECHA in order to reassess the priorities. This should take into account the current projects at ECHA and the WGs on these matters as well as an assessment of further work needed in the light of the communication strategy established in the draft Work Programme of the Forum for the period 2011-2013.

A second interesting project that could be carried out in the short term is the publication of interviews of enforcement actors in the MS in ECHA's Newsletter. The members were invited to indicate the name of any person interested to present the enforcement perspective of the implementation of REACH and CLP. In addition the members were invited to share with ECHA any publication and communication materials available in national languages.

It was suggested that any press release involving information about the Forum should be consulted first with the Forum members.

Item 18 – Conclusions and action points

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

Item 19 – AOB

- a) *Proposal for a Forum Stakeholder Workshop at Forum-10 (ECHA)*

The Forum agreed with the proposal to organise an enforcement workshop with the stakeholder organisations in October 2011 back to back with Forum-10.

- b) *Number of meetings in 2012 (ECHA)*

The Forum Secretariat informed the participants that the members have indicated in the satisfactory survey 2010 that there is room for improvement regarding the time allocated for discussions during the meetings. The Secretariat plans to organise three plenary meetings in 2012 in order to accommodate this wish to discuss more issues.

Two Forum members expressed preference to hold two meetings per year instead of three and suggested to prolong the meetings from three to four days or prioritise the information items to be covered in the agenda.

The Forum concluded on the organisation of three meetings in 2012.

Item 20 – Closing of the meeting

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

II. Main Conclusions & Action Points - Forum-9, 1-3 March 2011

(Adopted at the Forum-9 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
Item 1: Welcome and introduction		
1.b) Adoption of the agenda and declarations of conflict of interests with regard to agenda points	The agenda was adopted.	-
1.c) Composition of the Forum	The Forum took note of the information provided	Forum-S to distribute the list of Forum members with their terms by 4 March 2011
1.d) Adoption of Minutes of Forum-8	The minutes were adopted.	-
1.e) State of play with the action points	The Forum took note of the information provided.	Forum members are invited to submit information related to open Forum-8 action points by 1 April
Item 2 – Election of the Chair and Vice-Chairs of the Forum		
2. Election of the Chair and Vice-Chairs of the Forum	The Forum elected: <ul style="list-style-type: none"> o Szilvia Deim (HU) as Chair starting from 1 March 2011 o Tasoula Kyprianidou-Leontidou (CY) as Vice-Chair starting from 1 March 2011 o Eugen Anwander (AT) as Vice-Chair starting from 15 May 2011 	-
Item 3 – Update on relevant developments by Commission		
3.a Update on current Commission studies	<p>The Forum took note of the information provided.</p> <p>The Forum requested further information on study on REACH and CLP inspections proposed by the COM.</p> <p>The Forum expressed concerns about the purpose of the project and the potential that its outputs may be a duplication of the work that the Forum has already done.</p>	<p>COM will provide to Forum-S project documents and contact details of the project manager on REACH and CLP Inspections by 7 March 2011</p> <p>Forum-S to distribute the these documents to Forum members by 9 March</p> <p>Forum members to submit the questions</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		<p>and comments regarding these documents to the Forum-S by 31 March.</p> <p>Forum-S to compile the comments and forward to COM by 8 April.</p> <p>COM to respond to Forum questions and comments by 6 May</p>
3.b. Update on CARACAL and others	The Forum took note of the information provided.	<p>Forum members who did not yet provide information on enforcement (or wish to update it) for the ECHA website are asked to do so by 31 March.</p> <p>Forum-S to update the information on the ECHA website by 15 April.</p> <p>Forum-S, in liaison with the COM, to arrange EDA presentation at Forum-10.</p>
Item 4 — Address by the Executive Director of ECHA		
Item 5 – Revision of Forum ROPs		
5. Revision of Forum ROPs	The Forum discussed the draft changes in the Rules of Procedure, in particular the addition of the new provisions concerning alternates.	Forum members are invited to provide comments to the draft ROPs by 22 March 2011
Item 6 – Update on relevant developments by ECHA		
6.a. Facts about submission deadlines (registration, notification) and next steps	The Forum took note of the information provided.	<p>Forum-S to send the Forum the link to the registration statistics by 4 March</p> <p>Forum members to liaise with MSCAs and communicate any wishes regarding</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		additional registration statistics to the Forum-S by end of March
6.b. Update on developments in ECHA's guidance	The Forum took note of the information provided, particularly regarding the deadlines and planning of the Forum consultations.	-
6.c. Information on activities related to downstream users	The Forum welcomed the ECHA initiative to produce the DU leaflet. It agreed to participate in review of content and translations of the ECHA leaflet and its distribution through the REACH-EN-FORCE-2 project according to national practices.	<p>Forum members to ensure that the leaflet is</p> <ol style="list-style-type: none"> 1) reviewed, 2) proof-read and 3) distributed by REF-2 by national coordinators and/or other involved actors . This should be completed before the start of the operational phase of REF-2 in May 2011. <p>Forum-S to distribute the EN leaflet for review directly to Forum members and national coordinators.</p> <p>Forum-WG REF-2 to compile and coordinate the feedback on content from the members and coordinators.</p> <p>Forum-S to compile and coordinate the feedback on translation quality from the national coordinators.</p> <p>Forum-S will deliver the planning of the leaflet consultation to the Forum members when the draft leaflet is first distributed.</p>
6.d. Information on activities related to notification of substances in articles and to authorisation	The Forum took note of the information provided.	-

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
applications		
Item 7 – Director’s Contact Group (DCG)		
7.a. New DCG mandate	The Forum took note of the information provided.	Forum-S will reserve time for discussion of enforcement of intermediate use by DUs at the Forum10.
Item 8 – Practical issues for enforcement of REACH and CLP		
8.a Introduction		
<i>8.b. Items raised by ECHA</i>		
Issue 1. tonnage downgrade	The Forum took note of the issue presented.	<p>Forum-S will upload the draft letter on CIRCA by 22 March</p> <p>Forum WG on interlinks will consider this issue in its work.</p> <p>COM will provide legal input on this issue as soon as possible.</p>
<i>8.c. Items raised by the members</i>		
Issue 2: hazardous substances in consumer products	<p>The Forum welcomed the information provided by the Slovak Forum member.</p> <p>The Forum discussed the experiences with treatment of similar cases in other Member States.</p>	<p>NL Forum member is invited to investigate the importer in the Netherlands.</p> <p>Forum members are invited to submit information and experience on how similar issues were solved to the SK Forum Member.</p> <p>SK Forum member is invited to inform the Forum on follow up of this issue at Forum-10</p>
Issue 3: late pre-registration and ORs	The Forum took note and discussed the issue.	<p>Forum members are invited to send comments on this issue to NO Forum member by 22 March</p> <p>NO Member to collect and collate and compile the comments and</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		<p>submit to Forum-S by 1 April</p> <p>Forum-S to distribute the compilation by 8 April</p>
Issue 4: permission to import before reception of registration number	The Forum took note and discussed the issue.	-
Issue 5: Entry 56 of Annex XVII - supply of protective gloves	The Forum took note and discussed the issue.	<p>EE Forum member will invite members to submit the national interpretations on the meaning “professional users” for enforcement purposes by 7 March</p> <p>Forum members are invited to send the national interpretations to EE Forum member by 23 March</p> <p>EE Member to collect and collate and compile the comments and submit to Forum-S by 1 April</p> <p>Forum-S to distribute the compilation by 8 April</p>
Issue 6 – retention of documents for 10 years	The Forum agreed that all relevant documents should be kept for the period of 10 years.	Forum-S will put this item in the agenda of the next Forum Stakeholder Workshop.
Issue 7 – documentation	The Forum took note of the issue, discussed it and decided to discuss it further with the stakeholder organisations	<p>Forum-S will put this item in the agenda of the next Forum Stakeholder Workshop.</p> <p>Forum members are invited to send comments on this issue to NO Forum member by 22 March</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		<p>NO Member to collect and collate and compile the comments and submit to Forum-S by 1 April</p> <p>Forum-S to distribute the compilation by 8 April</p>
Issue 8 – communicating information on SiA	<p>The Forum discussed the issue and exchanged information on enforcement situation in the Member States.</p> <p>The Forum agreed that awareness rising among the general public and companies about these provisions is important.</p>	<p>SE Forum member to report on the result of the national project on this issue after it is completed.</p> <p>Forum members are invited to send the comments, experiences and any suggestions for what should be included in the guidance to NL Forum member by 28 March</p> <p>NL Forum member to compile the comments and deliver it to Forum-S by 8 April</p> <p>Forum-S will distribute the document by 14 April</p>
Issue 9 – Poison Centres under CLP	The Forum discussed the issue and exchanged information on the situation with poison centres in different Member States.	<p>COM is invited to send the documents regarding the poison centres to the Forum-S by 11 March.</p> <p>Forum members are invited to submit any comments and experiences to the CY Forum member by 28 March.</p> <p>CY Forum member to compile the comments and deliver it to Forum-S by 8 April</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		Forum-S will distribute the document by 14 April
Issue 10 – Documentation under CLP	The forum discussed the issue and exchanged the information on practices in the Member States.	<p>Forum members are invited to submit information on what documents were requested in their countries when enforcing these provisions to the IE Forum member by 28 March.</p> <p>IE Forum member to compile the comments and deliver it to Forum-S by 8 April</p> <p>Forum-S will distribute the document by 14 April</p>
Issue 11 – Substance identification in pre-registration in registrations	The Forum members exchanged the experience on enforcing this issue.	-
Issue 12 – Nominated responsible person in SDS	<p>The Forum took note and exchanged information regarding the enforcement of this issue.</p> <p>The Forum has agreed that the members should consider this issue when commenting the guidance on SDS that will be distributed for consultation shortly.</p>	COM is invited to clarify the issue of the status of the nominated responsible person and inform the Forum about the results
Issue 13 – Access to pre-registration information	The Forum discussed the issue and shared experience about how the issue is handled in the Member States.	<p>DE Forum Member to liaise with FR member to discuss the details of the case.</p> <p>DE Forum member to liaise with Forum-S to clarify how the data is accessible via REACH-IT</p>
Issue 14 - Recycling	The Forum took note of the issue and acknowledged the difficulties faced by the recyclers.	Forum members are invited to submit any experiences and

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
	The Forum also noted that aside from the issues related to the exemption from registration, the recyclers are also obliged to submit a CLP notification.	national approaches to the Forum-S by 22 March Forum-S will prepare a response to the EUPC on behalf of the Forum by 5 April.
Item 10: Work Packages – Activity Packages		
10. a.1) Progress report from WG on Interlinks	The Forum has taken note of the progress made by the Working Group.	-
10.a.2) Update on evaluation: pending decisions	The Forum took note of the information provided and expressed readiness to take enforcement action after reception of the information from ECHA.	ECHA to forward the expected timetable for the pilot project on enforcing the pending decisions. Forum-S will deliver the information to the Forum as soon as it is received. Forum members are invited to liaise with their MSCAs in order to prepare for the enforcement action in this matter.
10.b. Final report from the WG Electronic Information exchange system	The Forum took note of the report of the Working Group, agreed with the recommendations and adopted the General Description of Functional Requirements. The Forum agreed that the Interim Solution laid out by ECHA should be used until the final EIES is available.	Forum-S to liaise with the UK adviser to further investigate the exchange of information capabilities offered by Interpol and provide the information to the Forum members. Forum members are invited to estimate the number of EIES users and send the information to Forum-S by 28 March. Forum members are invited to indicate if they will use the Interim Solution by the 28

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		<p>March</p> <p>Forum-S will investigate the possibilities for organising the training for EIES users once the system is ready, by Forum-10.</p>
10.c. Final report from the WG on Cooperation with Customs	The Forum took note of the final report of the working group and adopted the output document with the additional comments to be considered in future work in this area.	IE and UK Forum members are invited to submit any further comments to the Forum-s by 28 March
10.d.1. Progress report from the WG Advice on enforceability of proposals for restriction	The Forum took note of the final report of the working group and adopted the checklist and the guidance document.	-
10.d.2. Update from the Commission	The Forum took note of the information provided.	<p>Forum members are invited to provide feedback and proposals for restrictions to be included in the COM study by 22 March</p> <p>Forum-S to compile the list of restrictions to be submitted to COM and Forum by 4 April</p>
10.d.3. State of play concerning the current restriction proposals and new dossiers (update of RoI)	The Forum took note of the information on the proposals provided.	Forum members may send comments regarding the presentation to Forum-S by 16 March
10.e.1. Progress report from the WG Implementation of RIPE	The Forum took note of the progress of the WG.	-
10.e.2. RIPE progress	The Forum took note of the progress of the RIPE project.	Forum-S to distribute the RIPE SR and the EA declaration for comments by 22 March

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		Forum members to submit comments on the declaration by 5 April
10.f1, 10.f2, 10.f3 Revision of Forum Enforcement Strategies, Minimum Criteria for REACH and CLP inspections and criteria for the prioritisation of Forum coordinated projects	The Forum welcomed the revised documents and adopted them.	Forum-S to publish the revised Strategies and Minimum Criteria documents by 28 March.
10.g.1. REF-1: Update from the WG	The Forum took note of the progress of the WG.	Forum members are invited to ensure that national coordinators submit the results of the project to NL Forum Member by 30 April
10.g.2. REF-2: Progress report from the WG Chair	The Forum took note of the progress of the WG.	FR Forum member to submit their answer to CEFIC letter to Forum-S by 22 March
10.g.3 PAH project	The Forum took note of the progress of the project.	UK PAH Project Team is invited to prepare a questionnaire and document with future planning for the project, including the timelines for the collection of results from other Member States by 28 March UK PAH Team is invited to produce a follow up documentation summarising the project's finding from all participating countries by Forum-11
10.h. Final report from the WG Train the CLP	The Forum welcomed the information from the WG, adopted the report and agreed to start preparation for new training for enforcement trainers.	Forum members are invited to submit suggestions for issues to be covered in the

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
Enforcement Trainers		training for trainers to the new WG by 28 March
Item 12 – Forum Work programme 2011-2013		
12. Final report from the WG Chair	<p>The Forum took note of the report of the WG.</p> <p>The Forum decided to make further improvements to the Work Programme.</p> <p>The Forum welcomed the possibility to organise the pilot exchanges of inspectors.</p>	<p>WG WP to send a draft with revisions made on the meeting to the Forum members by 4 March</p> <p>Forum members and ECHA are invited to provide any further feedback in track changes to WG Chair and Forum-S by 11 March</p> <p>WG WP is invited to incorporate the comments provided members and ECHA and send it to the Forum-S by 28 March</p> <p>Forum-S will send the revised draft to the Forum for adoption in Written procedure by 1 April.</p> <p>Forum-S to prepare a document describing how the requests for exchange of inspectors should be documented by 28 March.</p> <p>Forum members are invited to submit to Forum-S the requests for pilot exchanges of inspectors by 2 May.</p> <p>Forum-S to distribute the information on exchange of inspectors submitted by EE Forum Member by 11 March.</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
Item 13 – Forum working group mandates		
13. Review and revise existing WG mandates and composition	<p>The Forum revised the mandates of the existing Working groups and established three new groups as follows:</p> <ol style="list-style-type: none"> 1. Member States report to the Agency under Article 46(2) of the CLP Regulation” 2. Preparation of coordinated enforcement project REACH-EN-FORCE-3 3. Training for enforcement trainers 2012 	<p>Forum members are invited to send the names of additional testers by 11 March</p> <p>Forum members are invited to send the names of experts by 22 March</p>
Item 14 – Enforcement in the MS		
14.a. Presentation of an enforcement project in the UK: preregistration of ELINCS substances	The Forum took note of the enforcement activities in the UK.	<i>Forum-S to investigate the practicalities involved with deletion of pre-registrations by ECHA and inform the Forum by 28 March</i>
14.b. Recent developments in the enforcement of chemicals legislation in Cyprus	The Forum took note of the enforcement activities in Cyprus.	-
Item 15 – Reports from the Forum Secretariat		
15.a. Satisfaction Survey 2010	The Forum took note of the information provided.	Forum-S to share the results of the satisfaction surveys of the ECHA Committees when available.
15.b. Feedback from the Management Board	<i>cancelled</i>	
15.c. MS report – Art.117 (1)	The Forum took note of the information provided	<p>Forum members are invited to submit any remarks on reports by 28 March 2011</p> <p>Forum-S will prepare a summary of this feedback and communicate to relevant ECHA operational units in early April</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
Item 16 – Update on cooperation with other networks		
16.a. Update on SLIC WG: CHEMEX projects	<i>cancelled</i>	
16.b. Update on CLEEN	<i>cancelled</i>	
Item 17– Communication		
17. Feedback from survey at Forum-8	The Forum took note of the information provided.	<p>Forum members to provide the information materials/leaflets produced at the national level to Forum-S by when they are available.</p> <p>Forum members are invited to provide contact details of enforcement representatives in their MS who would be willing to be interviewed by ECHA Communications Unit by 15 April</p> <p>Forum members to provide feedback on the priorities by 15 April</p>
Item 18– Conclusions and action points from meeting		
18. Conclusions and actions points from the meeting	The Conclusions and action points were adopted.	
Item 19– AOB		
19.a. Proposal for a Forum Stakeholder Workshop at Forum-10	The Forum agreed to hold the Forum Stakeholder Workshop	Forum members are invited to submit any further the proposals for such workshop by 30 June
19.b. Number of meetings in 2012	The Forum discussed the number of meetings and, on balance, did not object to holding 3 plenary meetings in 2012.	

III. List of Attendees

	MS	Forum Members
1	RO	ALBULESCU Mihaiela
2	IT	ALESSI Mariano
3	AT	ANWANDER Eugen
4	DK	BØRGLUM Birte Nielsen
5	PT	CABRITA Rui
6	BE	CUYPERS Paul
7	HU	DEIM Szilvia
8	FI	EKMAN Annette
9	EL	FOUFA Eleni
10	CZ	JAROLÍM Oldřich
11	SK	KOLESAR Dušan
12	IS	KRISTJANSDOTTIR Sigridur
13	CY	KYPRIANIDOU-LEONTIDOU Tasoula
14	FR	MAURER Luc
15	MT	MIFSUD Shirley
16	IE	O'SULLIVAN Tom
17	LV	PALLO Parsla
18	PL	PAWLAK Dorota
19	UK	POTTS Mike
20	EE	PROMET Natali
21	ES	SÁNCHEZ PEÑA, Pablo
22	BG	SAVOV Nikolay Stanimirov
23	LT	ŠEŠKAUSKAS Viktoras
24	NL	VAN DEN BERG Jos
25	DE	VOM HOFE Katja

26	LU	WEBER Jill
27	SE	WESTERBERG Agneta
28	NO	WIKHEIM Maren

	MS	Advisers
1	UK	BEMBRIDGE Hannah (Mike Potts)
2	IT	DI MARZIO Graziella (Mariano Alessi)
3	DE	FRENZEL Stefan (Katja Vom Hofe)
4	NO	GRO Hagen (Maren Wikheim)
5	UK	HAWKINS Richard (Mike Potts)
6	FI	KUTILAINEN Annika (Annette Ekman)
7	FI	LEIKOSKI Mervi (Annette Ekman)
8	IT	LETIZIA POLCI (Mariano Alessi)
9	BE	LEYNEN Michel (Paul Cuypers)
10	ES	LÓPEZ-MANCISIDOR Patricia (Pablo Sánchez Peña)
11	NO	NYGREEN Beryl C. (Maren Wikheim)
12	DK	PETERSEN Pia Gitte (Birte Børglum)

13	SE	SILLREN Barbro (Agneta WESTERBERG)
14	FR	VIERS Stéphanie (Luc MAURER)
15	DE	ZEITLER Reinhard (Katja Vom Hofe)

	MS	Invited experts
1	UK	COX Claire

	DG	Commission
1	ENTR	AGUADO Miguel
2	ENV	BALCERZYK Bartłomiej

	ECHA	Unit
1	ANFALT Lisa	D2 – Risk Management
2	BARANSKI Maciej	A2 – Guidance and Forum Secretariat
3	CALVO TOLEDO Juan Pablo	A2 – Guidance and Forum Secretariat
4	CARLON Claudio	E - Evaluation
5	DANCET Geert	ED - Executive Director
6	FEEHAM Margaret	E - Evaluation
7	HAUTAMAKI Anne	B2 - Legal Affairs
8	KOWALSKI Ulrike	A2 – Guidance and Forum Secretariat
9	LEFEBRE Rémi	D2 – Risk Management
10	MAKELA Petteri	A3 – Communications (HoU)
11	MALM Jukka	B – Director Regulatory Affairs
12	MÁRQUEZ CAMACHO Mercedes	A2 – Guidance and Forum Secretariat
13	MERELLE Frédéric	A2 – Guidance and Forum Secretariat
14	NOUWEN Johan	A2 – HoU Guidance and Forum Secretariat
15	POLLARD Kevin	C1 – HoU Dossier Submission & Dissemination
16	WALIN Laura	C0 - Registration

IV. List of Annexes

ANNEX I. Final agenda Forum-9

ANNEX II. Revision and Establishment of mandates of Forum WGs

ANNEX II a) – Revised mandate of WG “Preparation of Forum Work Programme 2011-2013 and review of best practices documents” (A1)

ANNEX II b) – Revised mandate of WG “Interlinks between ECHA, MSCAs and Enforcement Authorities”

ANNEX II c) – Revised mandate of WG “Implementation of RIPE”

ANNEX II d) – Revised mandate of WG “Electronic Information Exchange System”

ANNEX II e) – Revised mandate of the WG “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 “Member States Report to the Agency under Article 46 (2) of the CLP Regulation” (A2)

ANNEX II h) – Mandate of the WG “Preparation of Coordinated Enforcement Project REACH-EN-FORCE-3”

ANNEX II i) – Mandate of the WG “Training for Enforcement Trainers 2012”

ANNEX III. List of meeting documents and room documents for Forum-9

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

Final Agenda

Ninth meeting of the Forum for Exchange of Information on Enforcement

(Forum-9)

1-3 March 2011

European Chemicals Agency

Helsinki, Finland

1 March: starts at 9:00

3 March: ends at 17:30

DAY 1

Item 1 – Welcome and Introduction

- a) Opening by the Vice Chair of the Forum and welcome to the new members of the Forum
- b) Adoption of the Agenda and declarations of conflict of interest with regard to Agenda points (*Vice Chair*)
- c) Composition of the Forum, presentation of new members, competence grid and signing the annual declarations (*Forum members, ECHA*)
- d) Adoption of Minutes of FORUM-8 (*Vice Chair*)
- e) State of play with action points from Forum-8 (*ECHA*)
- f) Practicalities and brief recapitulation of results of the written procedures between Forum-8 and Forum-9 (*ECHA*)

For adoption/information
ECHA/Forum-9/2011/A/01 final draft
ECHA/Forum-9/2011/01
Room document 1
ECHA/Forum-9/2011/02
ECHA/Forum-9/2011/03

Room document 7

Item 2 – Election of the Chair and Vice Chairs of the Forum

Room document 2

Item 3 – Update on relevant developments by Commission

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

*Room document 10
For information*

Item 4 – Address by the Executive Director of ECHA

Item 5 – Revision of Forum ROPs

Revised Rules of Procedure of the Forum (*ECHA*)

*ECHA/Forum-9/2011/04
Room document 13
For discussion*

Item 6 – Update on relevant developments by ECHA

- a) Facts about submission deadlines (Registration, Notification) and next steps (*ECHA*)
- b) Update on developments in ECHA's guidance (*ECHA*)
- c) Information on activities related to Downstream Users (*ECHA*)
- d) Information on activities related to notification of substances in articles and to authorisation applications (*ECHA*)

For information

Item 7 – Directors' Contact Group (DCG)

- e) New DCG mandate (*ECHA*)

*Room document 5
For information*

Item 8 – Practical issues for enforcement of REACH and CLP

ECHA/Forum-9/2011/05

Room document 8

Room document 9

For discussion

Item 9 – Adoption of conclusions from day 1

For adoption

DAY 2

Item 8 – Practical issues for enforcement (continued)

For discussion

Item 10 – Work Packages - Activity Reports

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

a.1. Progress report from the WG Chair

a.2. Update on evaluation: pending decisions) (*ECHA*)

ECHA/Forum-9/2011/06

For discussion

b) B.4 - Develop an electronic information exchange system

Final report from the WG Chair

ECHA/Forum-9/2011/07

For discussion / adoption

c) B.7 - Cooperation with customs authorities

Final report from the WG Chair

ECHA/Forum-9/2011/08

For discussion/ adoption

d) B.14 – Advice on enforceability of proposals for restriction

d.1) Progress report from the WG Chair

d.2) Update from COM (*COM*)

d.3) State of play concerning the current restriction proposals and new dossiers (update of RoI) (*ECHA*)

ECHA/Forum-9/2011/09

Room document 11
Room document 12
For discussion/adoption

e) B.3 - Access to information from REACH IT needed by enforcement authorities in MS

e.1) Progress report from the WG Chair

e.2) RIPE progress (*ECHA*)

ECHA/Forum-9/2011/10
For information

Item 11 – Adoption of conclusions from day 2

For adoption

DAY 3

Item 10 – Work Packages - Activity Reports (continued)

f) B.1 Strategies for REACH Enforcement

f.1) Revision of Forum Enforcement Strategies – report from the WG Chair

f.2) Revision for Minimum Criteria for REACH and CLP Inspections

f.3) Revision of criteria for the prioritisation of Forum coordinated projects

Final report from the WG Chair

ECHA/Forum-9/2011/11
ECHA/Forum-9/2011/12
ECHA/Forum-9/2011/13
For adoption

g) B.8 – Forum projects

g.1) REACH-EN-FORCE 1

Update from the WG

g.2) REACH-EN-FORCE 2

Progress report from the WG Chair

g.3) PAH project

Progress by UK

ECHA/Forum-9/2011/14
ECHA/Forum-9/2011/15
For information

- h) B.6 & C.2 – Training programme for inspectors: Train the CLP Enforcement Trainers**
Final report from the WG Chair

Room document 6
ECHA/Forum-9/2011/16
For adoption

Item 12 – Work Programme 2011-2013

The Forum Work Programme 2011-2013
Final report from the WG Chair

ECHA/Forum-9/2011/17
For discussion / adoption

Item 13 – Forum working group mandates

Review and revise existing WG mandates and composition (participation of new members)

Room document 3
For discussion/adoption

Item 14 – Enforcement in the MS

- a) Presentation of an enforcement project in the United Kingdom: pre-registration of ELINCS substances (*UK*)
- b) Recent developments in the enforcement of chemicals legislation in Cyprus (*CY Forum member*)

For information

Item 15 – Reports from the Forum Secretariat

- a) Satisfaction Survey 2010 (*ECHA*)
- b) Feedback from the Management Board (*ECHA*)
- c) Member States report - Art.117 (1) (*ECHA*)

ECHA/Forum-9/2011/18

Item 16 – Update on cooperation with other networks

- a) Update on SLIC WG: CHEMEX projects (*ECHA*)
- b) Update on CLEEN (*ECHA*)

For information

Item 17 – Communication

Feedback from survey at Forum-8 (*ECHA*)

ECHA/Forum-9/2011/20
Room document 4
For information

Item 18 – Conclusions and action points from meeting

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

For adoption

Item 19 – AOB

- a) Proposal for a Forum Stakeholder Workshop at Forum-10 (*ECHA*)
- b) Number of meetings in 2012 (*ECHA*)

For discussion

Item 20 – Closing of the meeting

Closing by the Chair

Annex II a

Forum Working Group on “Preparation of Forum Work Programme 2011-2013 and review of best practice documents”

Composition:

Chair: Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members

- Mariano ALESSI (IT)
- Maren WIKHEIM (NO)
- Katja VOM HOFE (DE)
- Agneta WESTERBERG (SE)
- Eugen ANWANDER (AT)

Invited Experts

- Maria Letizia POLCI (IT)
- Zsuzsanna KISS (HU)
- Andrea MAYER-FIGGE (DE)
- Anna FORSBACKA (FI)

Commission

- Karola GRODZKI

Objective:

- Review and prepare the Forum Work Programme for years 2011-2013

Mandate:

- On the basis of the review, finalise the Forum Work Programme 2011-2013;

Timeline: May 2011 – Finalise the Work Programme in line with comments received at Forum and send for adoption in written procedure

Annex II b.

Forum Working Group “Interlinks between ECHA, MSCAs and Enforcement Authorities”

Composition:

Chair: Mihaela ABULESCU (RO)

Forum Members

- Maren WIKHEIM (NO)
- Oldrich JAROLIM (CZ)
- Jos VAN DEN BERG (NL)

Invited Experts

- Barbro SILLRÉN (SE)
- Sinead MCMICKAN (IE)
- Pia PETERSEN (DK)
- Cedric MESSIER (FR)
- Annika KUTILAINEN (FI)
- Rosemarie GREIWE (DE)

COM

- Miguel AGUADO-MONSONET (COM)

Objective:

- Draft the Forum’s position on interlinks (particularly communication channels and procedures) between ECHA, MSCAs and Enforcement Authorities, which are relevant for enforcement. The Forum will use that document to launch and facilitate a discussion with ECHA, COM and CARACAL

Mandate:

- Prepare the document on interlinks between ECHA, MSCAs and EAs by:
 - o Reviewing and elaborating the thought starter on interlinks prepared by ECHA, considering and evaluating the existing proposals and ideas for cooperation
 - o Consulting any other relevant documents dealing with similar subject, such as those prepared for CARACAL
 - o Consulting MSs and ECHA with regards to their need for communication among themselves and also with the enforcement authorities
 - o Identifying for which relevant processes and activities coordination, cooperation and communication between the different actors is warranted Further describing the relevant processes and indicating division of tasks and timelines
- Consult the document with the Forum, at least once before submitting it for adoption

Timeline: Forum-11, with progress report at Forum-10

Annex II c.

Forum Working Group “Implementation of RIPE”

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members

- Paul CUYPERS (BE)
- Eugen ANWANDER (AT)

Invited Experts

- Barbro SILLREN (SE)
- Paolo IZZO (IT)
- Andrea MAYER-FIGGE (DE)
- Beryl C. NYGREEN (NO)
- Stephanie VIERS (FR)

Additional testers for User Acceptance Testing (April 2011)

1. Heiko Herbrand (DE)
2. Gro HAGEN (NO)
3. Jeremy TARMOUL (FR)
4. Gunther BAUER (AT)
5. Natali PROMET (EE)
6. Matthew HALLAM (UK)
7. Luigia SCIMONELLI (IT)
8. Søren Jakobsen (DK)
9. Maria TARANCON ESTRADA (ES)

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

Mandate:

- Provide input during the development and implementation stage of the application
- Participate in testing of the application
- Provide input to documents defining the security needs for RIPE and the security guidance, if necessary
- Provide input to RIPE manuals
- Provide input during preparation of functional requirements specification of RIPE 2.0

Timeline:

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

Annex II d.

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

Composition:

Interim Chair: Birte BORGLUM (DK)

Forum Members

- Pablo SÁNCHEZ PEÑA (ES)

Invited Experts

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

Commission

- Peter BARICIC

Objectives:

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

Mandate:

- Provide answers to questions on the functional requirements documents from ECHA or ICSMS team.
- Discuss any open issues regarding the functional requirements for EIES, if needed

Timeline: Forum-10

Annex II e.

Forum Working Group “Training for enforcement trainers 2012”

Composition:

Chair: Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members

Eugen ANWANDER (AT)

Natali PROMET (EE)

Invited Experts

Michael KAUFHOLD (DE)

Susanna NORTHON-RISBERG (SE)

Cathrine SKJÆRGÅRD (NO)

Kristine KAZEROVSKA (LV)

Objective:

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

Mandate:

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

Timeline:

- Forum-10: list of subjects and prioritisation
- Forum-12 or 13 – final report, depending on the date of the training

Annex II f.

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

Composition:

Chair: Paul CUYPERS

Forum Members

Nikolay SAVOV (BG)
Jos van den BERG (NL)
Viktoras SESKAUSKAS (LT)
Eugen ANWANDER (AT)

Invited Experts

Alfred EBNET (DE)
Lauri ERVOLA (FI) (customs)
Panagiotis GIMNAOU (CY)
James GUERRIER (FR) (customs)
Ruta Birute DAUKSIENE (LT) (customs)

Commission

Miguel AGUADO-MONSONET (COM)

Objective:

- Prepare the third major Forum enforcement project

Mandate:

- Prepare a document identifying and proposing priority of possible subjects for third Forum enforcement project, considering the project prioritisation criteria
- Subject proposals shall include an aspect where the procedure of cooperation with customs could be tested
- After the subject is approved by the Forum, develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the third Forum enforcement project

Timeline:

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

Annex II g.

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

Composition:

Chair: Mihaela ABULESCU (RO)

Forum Members

- Jos VAN DEN BERG (NL)

Invited Experts

- Andrea MAYER-FIGGE (DE)
- Hannu Thomas KOKKO (FI)
- Stephanie VIERS (FR)

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

Annex II h.

Forum Working Group “Enforceability of restrictions”

Composition:

Chair: Paul CUYPERS (BE)

Forum Members

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

Invited Experts

- Karin RUMAR (SE)
- Rachael ALLEN (UK)
- Tone Line FOSSNES (NO)
- Leonello ATTIAS (IT)
- Uwe LICHT-KLAGGE (DE)
- Karin THORAN (SE)
- Mervi LEIKOSKI (FI)

European Commission

- Laurence Cordier (COM)

Objective:

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

Mandate:

- Prepare the draft Forum advice on enforceability of proposals for restrictions within Annex XV dossiers that are in conformity with the REACH requirements, taking into account the comments of the Forum members
- Facilitate the elaboration of a revised Forum working procedure for developing Forum advice on enforceability of restrictions in close cooperation with ECHA.
- Revise the Forum guidance document for preparing the Forum advice on proposals for new restrictions in Annex XVII
- Examine COM’s response to the Forum advice on inclusion of analytical methods in Annex XVII and if required, draft a Forum’s position considering the input from the Forum members

Timeline:

31 December 2012, reporting at each plenary meeting

Forum-10 – Evaluate and revise Forum guidance document for preparing advice

Annex II i.

**Establishment of the Forum Working Group
“Member States report to the Agency under Article 46(2) of the CLP
Regulation”**

Composition:

Chair: Katja VOM HOFE (DE)

Forum Members

Maren WIKHEIM (NO)

Invited Experts

Wolfgang LEITICH (AT)

Andrea ENGELHARDT (DE)

Miklós CZÉKUS (HU)

Elise VIGIER (FR)

European Commission

Bartłomiej BALCERZYK (COM)

Objective:

Agree on the common issues regarding enforcement to be covered in the Member State report to the Agency under Article 46(2) of the CLP regulation and to develop a report template accordingly.

Mandate:

1. Prepare the list of common issues to be covered by the MS Report under Article 46(2) of the CLP
2. Prepare a report template, based on the experience of the previous MS reports
3. Liaise with the ECHA and COM as appropriate

Timeline: Forum 10

Annex III

List of meeting documents and room documents for Forum-9

AP	Document	Number
	List of documents for Forum-9	Room document 0
1.b	Final draft agenda	ECHA/Forum-9/2011/A/01 final draft
1.c	Composition of the Forum Competence Grid	ECHA/Forum-9/2011/01 Room document 1
1.d	Draft Minutes Forum-8	ECHA/Forum-9/2011/02
1.f	Written procedure reports	ECHA/Forum-9/2011/03 Room document 7
2	Election of Chair and Vice-Chairs of the Forum	Room document 2
3.b	Update of Commission opinion on substances in Articles	Room document 10
5	Draft revised Rules of Procedure of the Forum	ECHA/Forum-9/2011/04 Room document 13
7	Director's Contact Group (DCG)	Room document 5
8	Practical issues for enforcement – issues for discussion	<i>ECHA/Forum-9/2011/05</i> Room document 8 Room document 9
10.a.1	Progress report from the Chair of the WG on Interlinks between ECHA, MSCAs and Enforcement Authorities	ECHA/Forum-9/2011/06
10.b	Final report from the Chair of the WG on Electronic Information Exchange System	ECHA/Forum-9/2011/07
10.c	Final report from the Chair of the WG on Cooperation with Customs Authorities	ECHA/Forum-9/2011/08
10.d.1	Progress report from the Chair of the WG on Enforceability of Restrictions/ follow up actions agreed after the discussions	ECHA/Forum-9/2011/09 Room document 12
10.d.2	Summary of the specifications of the study on implementation and enforcement of restrictions	Room document 11
10.e.1	Progress report from the Chair of the WG on Implementation of RIPE	ECHA/Forum-9/2011/10
10.f.1	Revised Forum Enforcement Strategy	ECHA/Forum-9/2011/11
10.f.2	Draft Minimum Criteria for REACH and CLP Inspections	ECHA/Forum-9/2011/12
10.f.3	Revised criteria for the prioritisation of Forum coordinated projects	ECHA/Forum-9/2011/13
10.g.2	Progress report from the Chair of the WG on REF-2 Forum coordinated project	ECHA/Forum-9/2011/14
10.g.3	PAH project	ECHA/Forum-9/2011/15
10.h	Final report from the Chair of the WG on Training for Trainers on CLP Enforcement	ECHA/Forum-9/2011/16 Room document 6
12	Final report from the Chair of the WG on Preparation of Forum Work Programme 2011- 2013 and review of best practice documents– draft Work Programme 2011-2013	ECHA/Forum-9/2011/17
13	Templates for establishment and revision of WG	Room document 3

	mandates	
15.a	Satisfaction survey 2010	ECHA/Forum-9/2011/18
15.b	Feedback from the Management Board	ECHA/Forum-9/2011/19
17	Feedback from survey at Forum-8 on communication issues	ECHA/Forum-9/2011/20 Room document 4

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

AMS: Regulation (EC) No 765/2008 concerning the Accreditation and Market Surveillance

CARACAL: MSCA Committee for REACH and CLP

CEN: European Committee for Standardisation

CIRCA IG: CIRCA Interest Group

C&L: Classification and Labelling

CLH: Harmonised Classification and Labelling

CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures

CMR: a substance or mixture which is carcinogenic, mutagenic or toxic to reproduction

COM: European Commission

DG: Directorate General at Commission

DU: Downstream Users

ECHA: European Chemicals Agency

EDA: European Defence Agency

EEA: European Economic Area

EFTA: European Free Trade Agreement

EIES: Electronic Information Exchange System

ENTR: DG Enterprise and Industry at the European Commission

ENV: DG Environment at the European Commission

EU: European Union

ICSMS: The internet-supported information and communication system for the pan-European market surveillance of technical products

ISO: International Standards Organization

IUCLID: the International Uniform Chemical Information Database

MB: the Management Board of ECHA

MS: Member States

MSC: Member States Committee

NEAs: National Enforcement Authorities

PBT: Persistent, Bioaccumulative, Toxic substances

PEG: Partners Expert Group

PVC: Polyvinyl chloride

RAC: Risk Assessment Committee

RAPEX: EU rapid alert system

R&D: Research and Development

REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals

REACH-EN-FORCE 1: 1st Coordinated Enforcement Project of the Forum focusing on pre(-)registration and SDSs provisions of REACH

REACH-EN-FORCE 2: 2nd Coordinated Enforcement Project of the Forum

RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RMM: Risk Management Measures
SDS: Safety Data Sheet
SEAC: Socio Economic Analysis Committee
SIEF: Substance Information Exchange Forum
SME: Small and Medium Sized Enterprises
vPvB: very Persistent and very bioaccumulative substances
WG: Working Group of the Forum
WP: Work Programme of the Forum