



Forum/M/02/2008 Final
Adopted on 13/10/2008

**Minutes of the 2nd meeting of the Forum for Exchange of Information on
Enforcement (Forum-2), 14-15 May 2008**

I. Summary Record of the Proceeding

Item 1 – Welcome and Introduction

Mr Geert Dancet, the Executive Director (ED) of the European Chemicals Agency (ECHA) welcomed participants, gave an overview of the changes in the membership of the Forum and introduced advisers, invited experts and the Norwegian observer attending the meeting. One member was not able to attend, but no proxy was given for the meeting.

The ED gave the floor to Ms Ulrike Kowalski (UK), the provisional Chair of the Forum, who also welcomed the participants and clarified that in her role as a provisional Chair, elected temporarily at the first Forum meeting in December 2007 she will chair the meeting until Agenda Item 3, where the Chair and Vice-Chairs will be elected. UK then gave the floor to ED.

a) Address by the Executive Director of ECHA

The ED stressed the importance of enforcement for the success of REACH and reaffirmed his interest in the proceedings of the Forum. He congratulated the Forum on the successful drafting of the Rules of Procedure (ROPs), which have been adopted by the Management Board (MB) on the 24 April, as well as on the successful work of the three working groups operating since Forum-1. When addressing effective operation of the Forum, he urged the members to elect the Chair and Vice-Chairs and agree on the working procedures prepared by the Forum Secretariat. In addition, he stressed that some funds for the activities of the Forum are reserved in the budget of ECHA. Activities of the Forum which might need financial support from ECHA – such as information exchange systems or exchanges of inspectors - should be identified as soon as possible, so that ECHA could assess any such request. The ED also stressed the ECHA policy of transparency and urged the members to agree on the participation of stakeholder observers in the Forum meetings. He underlined the need for quick development of harmonised enforcement strategy and for focusing on the most pressing issues such as enforcement of the “no data, no market” provisions and the control of the obligations related to the communication in the supply chain.

b) Quorum for the meeting

The quorum as required by Article 17(1) of the Forum ROPs was achieved.

c) Practicalities – reimbursement rules

The Forum Secretariat informed the Forum that the MB had updated the reimbursement rules. In the future, it will be possible in exceptional cases such as prolongation of the meeting, to cover the supplemental fee for rebooking flights. In addition, the hotel allowance was raised from 140 to 160 euro which could apply already for Forum-2, providing that after the calculation of the actual amount to be paid the budget for the meeting is not exceeded. The members were asked to consult the new document available on CIRCA and address the Forum Secretariat with any specific questions.

d) Signing of declarations

The ECHA Secretariat briefly explained how the declarations of commitment, confidentiality and interests annexed to the Forum ROPs should be filled in and signed. While the Forum members must sign all three declarations, advisers, invited

experts and observers of the Forum and its working groups are required to sign the declaration of confidentiality under Article 10(1) of the ROPs. The members were advised to familiarise themselves with the guidance on the conflicts of interest. All parties concerned were encouraged to use coffee and lunch breaks to fulfil these formalities.

e) *Follow up on the ROPs*

The Forum Secretariat reported on the Forum written procedure for the agreement of the Forum on the draft ROPs which was run in March/April 2008. The ECHA Secretariat had sought to harmonise, as far as possible, the ROPs of the different Committees and the Forum. The members had unanimously agreed to the draft prepared by the ECHA Secretariat, with a number of editorial comments to be considered during the first revision of the ROPs. The draft was sent to the MB which adopted the ROPs with one change in Article 6(8) eliminating the possibility that only one member could request the exclusion of certain observer from a meeting, but introducing the explicit mention of holding closed sessions. The MB noted that once the REACH Regulation enters into force in EEA-EFTA States (Iceland, Liechtenstein and Norway), the ROPs of the Forum and ECHA Committees will have to be revised. The MB also emphasised that the harmonisation between ROPs of the Committees and the Forum could be increased and should be addressed at the next revision. The Chair encouraged the Forum to take note of the changes and proceed with the official ROPs from now on.

Item 2 – Adoption of the Agenda

a) *Adoption of the agenda*

The Chair proposed the following changes to the agenda:

1. change the order of agenda item 8.5 (adoption of the Work Programme) and 9 (Working Procedures), to make use of the new working procedures during formation of the working groups.
2. add item 5.b to the agenda concerning the stakeholder observers.

The Chair asked for any points to be dealt under the AOB, but there were no proposals. There were no further changes and the agenda was adopted with the changes indicated.

b) *Declaration of interests with regard to Agenda items*

No member declared interest with regard to any of the agenda items.

Item 3 – Election of the Forum Chair and Vice-Chairs

This agenda item was chaired by the ED. Prior to the meeting the Forum Secretariat had received one proposal for the Chair (Ms Ulrike Kowalski) and three for Vice-Chairs (Mr Joop Blenkers, Mr Richard Bishop and Mr Gernot Wurm). The members were asked for further proposals and Nikolay Savov was proposed as the fourth candidate for Vice-Chair. All candidates accepted the nominations and gave a brief statement of motivation for their candidature. The election was held by secret ballot and two members volunteered as tellers for counting votes.

Ms Ulrike Kowalski was elected as the Chair of the Forum and Mr Joop Blenkers and Mr Nikolay Savov were elected as Vice-Chairs.

Item 4 – Follow up from Forum-1 and report of the Forum Secretariat

a) Adoption of minutes from previous meeting

The minutes were adopted without further comments. The Forum Secretariat asked the Forum if it could agree that in future the minutes of the plenary meetings would be adopted in written procedure to save time during the meeting. The Forum agreed.

b) Curriculum Vitae for web publication

At Forum-1, the members agreed to prepare brief CVs for identifying gaps in the expertise of the Forum with a view to co-opt additional members. The brief CVs will be used as well for publication of members' qualifications on the ECHA website in order to fulfil the requirements of Article 88(1) of the REACH Regulation. The Forum Secretariat had not yet received submissions from 3 members. The members were reminded to send their CVs as soon as possible.

c) Coding of documents

The Forum Secretariat described the system used by the Forum Secretariat for coding Forum meeting documents which take the following form: ECHA/meeting number/year/annual incremental number (e.g. ECHA/Forum-2/2008/01). The Forum Secretariat stressed that the system is subject to change once the ECHA finalises its system for document flow and management. A member suggested that the file names in CIRCA should be identical to the document name on the cover page to facilitate searching and retrieval.

d) Results of the written procedures between Forum-1 and Forum-2

- Recommendation on Minimum Criteria for Environmental Inspections (RMCEI)

Following the discussion in Forum-1 concerning the revision of the Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States (RMCEI), the Commission had sought the opinion of the Forum members on whether the REACH Regulation should be included in the scope of the RMCEI. The consultation was carried out as a written procedure. A majority of the members replied that REACH should not be included under RMCEI, one of the reasons being that the scope of REACH inspections is more extensive as they also cover health and workplace issues. Some members suggested that minimum criteria for REACH should be developed by the Forum itself. The compiled results were passed on to the Commission (COM).

COM took the floor to explain the further steps. COM presented the results of the consultation to the MSCA, which agreed with the general conclusion of the Forum and several CA representatives supported the idea that Forum should develop the criteria independently. COM will nevertheless initiate a public consultation on the revision of RMCEI, including the extension of its scope, to seek the opinion of all the stakeholders. Final decision of COM on the content of the revision will be taken after the public consultation.

The members inquired what exactly will be published in the public consultation, considering that the Forum and MSCA have already given their opinion. COM will

propose to send the exact content of the public consultation and communicate it to the Forum through its Secretariat. COM will also inform the Forum on the starting date of the public consultation. COM asked the Forum to wait with any further comments until the outcome of the public consultation. It was stressed that the Forum may proceed independently on the development of the minimum criteria for REACH, as has already been indicated in the draft work programme.

- Participation of observers from EEA-EFTA countries

Prior to Forum-2, and in view of the forthcoming incorporation of the REACH provisions into the EEA Agreement, the Forum Secretariat has initially invited Norway, Iceland and Liechtenstein to participate in its work and sought the agreement of the Forum for the participation of observers from these countries to its meetings. The Forum had unanimously agreed on the participation of observers from EEA-EFTA states and the representatives of Norway, Iceland and Liechtenstein had been invited to Forum-2.

e) Report on relevant developments (EEA Agreement)

The ECHA Secretariat explained that the amendment to the EEA Agreement will enter into force most probably in summer 2008. The date is not known yet, as the ratification has to be completed by all EEA-EFTA States (Norway, Iceland and Liechtenstein) and it depends on their Parliaments. Once the amendment is in force, the three countries will be able to participate in the Management Board, the ECHA Committees and the Forum as members, but without voting rights.

Post meeting note: the amendment of the EEA Agreement entered into force on 5 June 2008.

Item 5 – Observers: other enforcement networks and stakeholders

a) Observers from other enforcement networks – report from the written procedure and discussion

The Forum Secretariat reported on the results of the written procedure on the presence of observers from CLEEN, IMPEL, SLIC-CHEMEX WG and ROHS network, which was initiated by the Forum Secretariat upon request by a Forum member. The Forum did not reach consensus, as required by Article 6(6) of the ROPs and observers from the other networks were not invited. Members indicated the need for further discussion.

The Chair opened the floor for discussion. The members, generally, all agreed on the need for cooperation, exchange of information and of using the experience of other networks for the benefit of the Forum and vice versa. However, there was no agreement on whether the presence at Forum meetings of observers from these networks was the best solution to ensure such cooperation. Some members saw no added value of the presence of regular observers and suggested inviting them, like experts, only when needed. This would ensure that their expertise is used when necessary. Other members suggested that their regular participation to the Forum meetings would make the cooperation easier and faster ensuring that all Forum members would be informed of the developments. In addition, the observers would be able to indicate themselves where there are overlaps in experience. The members favoured in particular cooperation with formally established networks, namely SLIC-CHEMEX and IMPEL. The issue of co-option of members was also raised, but it was

clarified that the co-option should happen on a personal basis for specific expertise only.

In conclusion, it was agreed that cooperation with the networks is very important, but the way to arrange it will need to be further investigated. To this end, representatives from CLEEN, IMPEL, SLIC-CHEMEX and ROHS networks will be invited to Forum-3, where the Forum will be able to learn more about their expertise and assess how to best organise the cooperation. The issue will be then discussed again. The Chair and the Forum Secretariat will also investigate the criteria for co-opting members and the question of the necessary expertise will be revised at the next meeting.

The Forum was also informed that the Forum Secretariat had received a letter from SLIC regarding the cooperation with the Forum. The letter and the arguments were provided to the members. In addition, the Forum Chair and Secretariat were invited to and will participate in the 9th CLEEN Conference which will take place 29-30 May, in Oslo, Norway.

b) Stakeholder observers .

The ECHA Secretariat reported on the stakeholder policy adopted by the MB in February, which emphasises the need for transparency, efficiency and independence. In March, the ECHA Secretariat had published a call for expressions of interest for the participation in the work of ECHA by stakeholders organisations. The call remains open, but at first the ECHA Secretariat considers expressions of interest received until 30 April. Until that date it has received around 60, out of which 30 were regarded as eligible according to predefined criteria published on the ECHA website and that will be discussed by the MB. Out of the 30 eligible, the following 8 organisations explicitly expressed interest in the work of the Forum: BusinessEurope, CEFIC, Eurometaux, European Association of Chemical Distributors, European Trade Union Confederation, European Environmental Bureau, Friends of the Earth Europe, European Coalition to End Animal Experiments.

In addition, the ECHA Secretariat stressed that for full representation of stakeholder interest for the sake of equal treatment, it would recommend that the Forum considers also a well known organisation representing SMEs and the association of companies dealing with waste management. The ECHA Secretariat recommends the Forum to consider UEAPME, which is EU level association of SMEs, but has not expressed their interest so far. For waste management sector, the European Federation of Waste Management, which has expressed interest but did not target the Forum, is recommended. The ECHA Secretariat requested the Forum to consider opening their meetings, or at least parts of them, to stakeholder observers. Several options for this opening were proposed, such as one day per meeting.

Members appreciated the need for openness and transparency requested by the MB, but expressed that the presence of stakeholder observers in the Forum meetings is not the only solution to achieve that. Other ways of being transparent include the publication of minutes and web-streaming of meetings, which may be possible in the ECHA conference centre as of 2009. It was nevertheless argued that physical presence of observers may facilitate liaising with industry and SMEs, as required under Article 77(4)(g) of the REACH Regulation. It was also argued that the Forum will discuss enforcement plans and penalty issues, where the stakeholder observers should not be present, therefore their presence should always be judged case by case. It was also stressed that contacts with stakeholder organisations could be undertaken in the

context of specific Forum activities, such as coordinated projects covered under work package B8 of the draft work programme.

In conclusion, to accommodate the need for transparency and openness with the need to maintain confidentiality of enforcement issues, the Forum agreed that organisations that have expressed interest in the work of the Forum may be invited to an open session of the Forum, which will be one day per year. The open session and the organisations to be invited will be confirmed by the Forum in a written procedure prior to the relevant meeting.

Item 6 – Status of preparations for REACH Enforcement

a) *Tour de table - status of preparations for enforcement and implementation of provisions on penalties into national legislation in Member States*

The Forum Secretariat explained that prior to the meeting it had distributed a template with several questions on the status of preparations for enforcement, implementation of the penalties legislation in accordance with Article 126 of the REACH Regulation. The members had been asked to prepare written submissions, which the Forum Secretariat would compile and make available for information to all other members.

The members and the observer from Norway presented the state of play of preparations in the respective country. Compilation will be made available to the members after the meeting.

The Chair concluded that a majority of Member States have designated their competent authorities and are well on track with implementing the penalty legislation. The Member States seem to apply a similar range of penalties – fines and imprisonment. Nevertheless, there are differences in the level of penalties. The Chair expressed her wish that in the future the Forum members could play a role in the revision of penalties in order to harmonise them. It was also remarked that the MSCA meeting had raised the issue of companies giving untruthful information about their SME status. The MSCA have also been asked to take this into account when planning the penalties legislation. It was agreed that the Forum Secretariat will make an analysis of the submissions from members and present the data in a comparative way.

Item 7 – Issues relevant for enforcement of REACH

a) *Issues in enforcement of registration*

The Forum Secretariat presented several issues for the consideration of the Forum concerning the enforcement of “no data, no market” provisions and possible discussion in the Forum work programme. The Forum Secretariat proposed that a distinction is made between 1) verification if the relevant information was submitted and 2) whether the information that was submitted is compliant with the requirements of the REACH Regulation. The former task may only be done by enforcers, while the latter should be done by ECHA and MSCA, in accordance with the scope and purpose of dossier evaluation and substance evaluation foreseen in REACH.

The first issue proposed concerned verification of pre-registration and the possibilities for enforcers to verify the phase-in status of a substance, as the verification of phase-in status can not be carried out by ECHA. The verification of the phase-in status by inspectors would be possible by checking if the pre-registered substance is present in

EINECS or if there is appropriate documentation available for phase-in substances without an EINECS number.

The second issue referred to the changed interpretation on the aggregation of tonnage by an only representative (OR). According to the new interpretation, the OR has to submit a separate registration or pre-registration of the given substance for each non-Community manufacturer they represent. The OR would have to submit registrations using slightly altered name. Consequently, the inspectors would need to ask for the names used in submission to verify if the OR has complied with the registration obligations.

The third issue referred to the enforceability of the “no data, no market” provision with respect to downstream users (DU), who place substances on the market. It was proposed that the enforcers may ask the DU for the pre-registration or registration number of their suppliers as a proof that the substances the DU is placing on the market have been registered or pre-registered.

Lastly, the Forum Secretariat stressed that notifiers of substances under Directive 67/548/EEC will receive registration numbers by 1 December 2008. Therefore, in the meantime the inspectors may ask the notifiers for the notification number received under Directive 67/548/EEC.

The members indicated a need for further examination of the issues presented and it was concluded that proposals for solutions in the presentation will be checked with national approaches and communicated to the Forum Secretariat by 6 June 2008. In addition, the Forum agreed that the issues concerning the enforcement of the “no data, no market” provisions should be addressed in the Work Programme under work package B.8.

b) Pre-registration awareness campaign and proposal for involvement of enforcement authorities

The Chair gave the floor to the ECHA Secretariat that presented a pre-registration awareness campaign currently implemented by the COM and ECHA. The campaign was initiated because the level of REACH awareness is still rather low. The campaign communicates the crucial importance of pre-registration for staying in business via different channels – through a special website, printable publications, IT manuals and guidance as well as events, trainings and media activities. The Forum Secretariat stressed that inspectors could also play a very important role in the dissemination of the information during visits to companies. The Forum Secretariat urged on the members to communicate to local inspectors that information material is available on the ECHA website (especially the three pre-registration brochures) and could be easily distributed by the inspectors.

One of the members asked about the pre-registration information material, where the last date of pre-registration is given as 1 December 2008, when the memo of the COM excludes 1 December from the pre-registration window. DG ENTR clarified that the pre-registrations on 1 December are still possible.

Item 8 – Introduction to Forum Work Programme (WP)

a) Brief report from the WG on Work Programme in preparation of the next agenda points

The Chair gave the floor to Karin Thoran, the Chair of the Working Group (WG) preparing the draft work programme. The WG Chair gave an overview of the draft report prepared by the WG. The draft programme is composed of 16 work packages, each describing a general area of interest for enforcers. The Forum may decide to initiate one or more activities under each work package as appropriate. The work packages are divided in two groups – (A) Forum conclusions, dealing with procedural or operational matters for the Forum and MSs and (B) Enforcement issues dealing with areas of practical relevance to inspectors. The WG Chair presented all work packages and recommendations for each one of them regarding the priority and possible formation of the WGs. She also stressed that some of the issues included in the programme were already covered by the agenda of Forum-2.

After the presentation, the COM suggested to include a work package dealing with the enforcement of existing restrictions in the work programme. COM (DG ENV) informed the Forum that it will launch a call for tenders related to the provisions on penalties in the second half of the year and proposed to assist the Forum in its work concerning the work package on "MS provision on penalties" by sharing the outcome of the project with it. COM added that the input of the Forum to the technical annex of the tender is welcome.

Item 8.1 – WP package B7 – Cooperation with customs

a) Presentation by DG TAXUD

The Chair gave the floor to a DG TAXUD (Directorate General Taxation and Customs Union) representative who gave an overview of difficulties in the customs control of chemicals. Although the customs control would be an ideal place to control chemicals being imported into the EU, the main problem is the tracing of specific chemicals DG TAXUD representative indicated eight major difficulties in the control of import of chemicals, one of the most significant relating to the customs classification of chemicals. The classification system is based on the WCO's Harmonised Commodity Description and Coding system (HS) and is further developed in the EU's Combined Nomenclature (CN) and the integrated tariff (TARIC) which goes up to 10 digits allowing the differentiation of the most important chemicals. Despite some 2000 TARIC subheadings for chemicals, a vast majority of chemicals would be classified in the subheadings "other". This means that an effective traceability of chemicals is almost impossible. As a result, customs authorities could face difficulties in the enforcement of REACH with regard to imports of the 30,000 substances concerned. One possibility of improvement would be the combined use of substance identifiers used in chemicals legislation (such as CAS RN, reference number) and TARIC codes in the customs declaration. The current update of the ECICS (European Customs Inventory of Chemical Substances) database aims at solving a first step by gathering the information used by the various stakeholders.

The first part of the discussion focused on the differentiation between the obligations of (and definition of) importer in the REACH Regulation and the Community Customs Code. Members stressed that in many cases it is not clear who is responsible for fulfilling obligations for importer under REACH and who should fulfil the obligations of an importer under the Customs Code. There is a definition of an importer in REACH, but not in the Customs Code. DG ENTR, DG ENV and DG TAXUD representatives clarified that the obligations of the two legislations should be regarded separately and DG ENTR added that it is always a case-by-case decision on

who is responsible to fulfil the obligations under REACH and the Customs Code. It was also stressed that due to the need of case-by-case decisions it is not possible to have a definitive answer at the general level, but only some specific examples could be given in the guidance documents.

Several members stressed the difficulties they have encountered in the past during cooperation with the customs authorities at the national level. Some members suggested creating a working group to develop ways of cooperation between the customs inspectors and the chemical inspectors. It was also suggested to approach the issue of cooperation at the Community level by writing a letter to DG TAXUD with a proposal to signal to national customs authorities that cooperation with the REACH enforcers is needed. A DG ENTR representative clarified that Member States are free to set up their own priorities and COM has no mandate to change them. The DG ENTR representative further explained that the competence of the COM and MS are clear. COM emphasized that it is up to the MS to manage relations between the authorities at national level. The COM cannot intervene in that respect. The Chair suggested that members to look for the report of the project undertaken in the 90s concerning the cooperation between the customs and the enforcement authorities, which was launched at after the publication of the 7th amendment of Directive 67/548/EEC. DG ENTR suggested that the proposal for a Regulation of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products may be helpful in facilitating interaction, but its provisions and usefulness for that purpose will have to be evaluated further under Forum activities under work package B7 on cooperation with customs.

Several members expressed the view that there is a strong need for the customs authorities and REACH enforcers to co-operate. It was decided that a first step will be to send a formal letter to DG TAXUD asking them to signal to the national customs authorities the importance and need for cooperation with chemical inspectors. Formal letters will also be sent to DG ENTR and DG ENV asking to assist the Forum on this issue by contacting DG TAXUD and stress the importance of cooperation of customs with other REACH enforcement authorities. In addition, the members were encouraged to seek possibilities for cooperation at national level. A working group investigating practical possibilities for cooperation will be considered later.

b) Presentation by the Finnish Customs Laboratory

The Chair gave the floor to a representative of the Finnish Customs laboratory who gave an overview of the provisions regulating the customs control on the border. The Forum was informed about the state of play on the preparation of the Modernised Community Customs Code (MCCC), which will provide options for electronic exchange of information before the goods are shipped or arrived. This will be functional in all the 27 MS by 1 July 2009. The role of the customs laboratories as providers of scientific expertise to the customs authorities was also explained on the specific example of the Finnish Customs Laboratory dealing not only with the standard tasks related to protection of customs revenues and control of illicit import, but also controlling the safety of consumer goods and food. Some examples of control technologies used during the border controls were also presented. It was also suggested that the cooperation between the customs authorities and the REACH enforcement should focus on risk management, allowing the customs to target their controls more effectively.

In discussion the members asked the representative of the Finnish Customs Laboratory about the experience of cooperation between the customs and other authorities in Finland. So far there were only specific cases where the customs authorities contacted the environmental inspections. It was explained that for the flow of information between the customs and other authorities, the customs must always have a legal base for requesting specific information and transmitting it to other authorities.

Item 8.2 - WP package B4 – Information exchange system for enforcement

a) Introduction

The ECHA Secretariat stressed that according to Article 77(4)(f) of the REACH Regulation one of the Forum tasks is to develop an electronic information exchange procedure. In order to fulfil this task, the Forum will have to consider several aspects: the partners involved in the information exchange (e.g. Forum members, REACH inspectors within EU), the information to be exchanged, the format for collecting the information and the IT platform to be used.

b) Relevant existing systems (EUVICHEM, ICSMS, RAPEX)

In order to support the Forum members, several presentations regarding existing electronic information exchange systems for enforcers were given by ECHA, one Forum member and one invited expert, as examples:

- **EUVICHEM** (**EU**ropean **V**oluntary **I**nformation Exchange System on **CHEM**icals)
EUVICHEM is a form developed through a CLEEN project that can voluntarily be used by enforcers of chemicals legislation within CLEEN to exchange information on non-compliance cases.

- **ICSMS** (The internet-supported information and communication system for the pan-European market surveillance of technical products, see www.icsms.org). The system can be used for chemicals legislation as it is already done in Germany. It is used by both consumers and authorities (public and restricted areas). Information - also information not for publication like investigation reports - can be exchanged directly between all authorities using ICSMS. Following states are currently using it: Austria, Belgium, Estonia, Germany, Luxemburg, Malta, Slovenia, Sweden, Switzerland, The Netherlands and United Kingdom. The expert representing ICSMS also offered the Forum members a free trial access to ICSMS until the end of the year. The practicalities concerning the trial access will be investigated by the Forum Secretariat and communicated to the Forum members.

- **RAPEX** (Rapid Alert System for Non-Food Products)

RAPEX is the EU rapid alert system for all dangerous consumer products, with the exception of food, pharmaceutical and medical devices. It allows the rapid exchange of information between Member States and the Commission of measures taken to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers. It is not used for chemicals dangerous to the environment.

- **RASFF** (**R**apid **A**lert **S**ystem for **F**ood and **F**eed)

- **RAS** (**R**apid **A**lert **S**ystem) and **NUIS** (**N**on **U**rgent **I**nformation **S**ystem)

- ¹RAS (Rapid Alert System)

The need for an information exchange system between enforcers was recognised and the establishment of a WG was proposed. The decision on the establishment of a WG was postponed for agenda item 8.5.

Item 8.3 - WP package B3 – REACH-IT & enforcement

a) *Report from the Forum WG on REACH-IT and presentation of the document on the enforcement needs from REACH-IT (WG Chair)*

The Chair gave the floor to Stéphanie Viers, the Chair of the WG, who first explained the background of the WG which was set up to identify the needs of enforcement authorities from REACH-IT. Such document would allow the ECHA to analyse the possibilities for a technical solution, which would give the inspectors access to specific data from REACH-IT. The WG Chair gave an overview of the report prepared by the WG. The report is composed of a general presentation of the subject (background, context and expectations) and annexes. The output of the WG consists of the data requirements inventory specifying the information needed per REACH provisions (Annex I to WG report). The inventory indicates that much data is indeed needed by enforcers to control REACH regulation on-site. These data are both non-confidential and confidential (according to article 119 of REACH).

In addition to the analysis of the data needs, the WG had also prepared two recommendations regarding the implementation of the solution for enforcement authorities. They were presented by a WG member present at the meeting as an invited expert. The first recommendation (Annex III to WG report) refers to standard queries, which describe how the information could be retrieved from REACH-IT. The idea is that there are standard questions that enforcers ask. All inspectors will have to enforce one set of obligations specified in REACH even though there are different organisations and divisions of responsibilities in the MS. The standard queries sort the information on the basis of subject areas, for example company identification or information from the Chemical Safety Report. With the use of different query types the inspector should be able to answer around 80% of all questions needed.

The second recommendation (Annex II to WG report) refers to the specific architecture of the technical solution for enforcers. The WG has developed a recommendation for “RIPE” (REACH Information Portal for Enforcement). RIPE is a proposal on how the access for enforcers should be arranged. The WG foresees that in 80% of cases all the information is retrieved by the inspectors directly, while the remaining 20% would be handled by the MSCA.

The WG also plans to deliver to Forum and ECHA information about enforcement access needs – both with respect to physical locations and estimated number of users. A request for this information will be sent to the Forum after the meeting with the deadline of 1 July.

To conclude the presentation, the chair indicated the perspectives for next steps of work of the WG. The WG report, when adopted by the Forum members, will be submitted to ECHA for analysis and elaboration of the proposal for a technical

¹ There are two systems with the same name: RAS, set up and maintained by different organisations and for different purposes. The first is used in the European Union and EFTA States and the second in the Western Pacific Region.

solution for the access by enforcers. The WG would need the prolongation of its mandate to assist ECHA in analysis of the report. The WG Chair proposed that ECHA starts its work over the summer so that the possible technical solution could be presented, for consultation, to the Security Officers Network during its meeting in autumn. It was proposed that ECHA should present the progress of its work at Forum-3.

The ECHA Secretariat clarified that it will take the recommendations into account, but the final proposal for the technical solution will depend on the analysis of data needed, access needs and the resources available to ECHA. Therefore the ECHA Secretariat stressed that at this stage it cannot make commitments as to what extent the recommendations will be incorporated in ECHA's proposal for technical solution for enforcement. The WG has clarified that the idea behind RIPE is that in principle all inspectors (regional, local and from different enforcement authorities etc.) could access the system and it is up to each MS to select the staff it wants to have access. The members also commented on the size and complexity of the report and its annexes and raised questions about the implementation of the proposal in practice. It was clarified that the proposal is a concept – practical solutions are in the hands of ECHA.

After the discussion the report was adopted in its current form and it was agreed to be sent to ECHA. However, it was agreed that the members will still have time to examine the annexes in detail and suggest further standard queries or comments. The estimation of access needs will have to be submitted by 1 July, therefore any comments to the annexes could be submitted in the meantime. It was also agreed to prolong the mandate of the WG until Forum-3 in order to cooperate with ECHA and answer any further questions arising during the analysis.

b) *Brief update from the ECHA on the state of implementation of REACH-IT*

The Chair gave the floor to the member of the IT team in the ECHA Secretariat who informed the Forum that the final release of REACH-IT was unveiled on 13 May. It has reduced functionality, containing the company creation and sign-up and pre-registration. The Forum was also informed that the status of connection of the MS is in relatively early stages with only five MSCA connected. Many MSCA have not yet sent even the preliminary configuration information. Considering the experience in time needed to finalise connection, it was foreseen that many MSCA would not be connected on 1 June.

8.4 - WP package B10 – Enforceability of Annex XVII

a) *Report from the Forum WG Annex XVII of REACH Regulation – Advice on enforceability*

The Chair gave the floor to Joop Blenkers, the WG Chair. According to Article 77 (4) (h), the Forum shall examine proposals for restrictions with a view to advise on enforceability. COM is currently working on the revision of the restrictions under Directive 76/769/EEC, incorporated into Annex XVII of REACH, which will be in force as of 1 June 2009. The Forum decided to establish a WG to provide advice on the enforceability of that first draft revision. When COM provided the draft revision of Annex XVII, it specified that the scope of restrictions should be fully preserved and

should not lead to any substantial amendments of restrictions, unless the amendments are thoroughly prepared. The WG output were general reactions about enforceability and specific comments to particular entries drafted in track changes directly on the draft revision of Annex XVII. One of the general conclusions of the WG was that there is a contradiction between the requirement to fully preserve the original scope of restrictions and provide the advice on enforceability. The WG also recommended that all valid test methods should be added to the revised Annex XVII. In addition, a large number of exceptions from restrictions reduce the overall enforceability. The WG also noted that it is difficult to enforce the provisions of restrictions related to “intended use”, because it is impossible to always determine the destination of substances. The WG Chair also gave an overview of the comments provided for specific entries in the annex.

In discussion one member remarked on the use of the word “object” in Annex XVII, which is not defined in REACH and it is not clear whether the word “article” is always a suitable substitute for the word “object”. In some cases the word “object” was replaced by the word “article” and in some cases by another wording. The WG clarified that it has not introduced these changes, as the wording is most appropriate for the consistency between the REACH Regulation and its Annexes. The WG was then invited to take the comments into account in preparing the Forum general advice for the COM.

Some members asked why the WG has removed the derogation on the use of lead in paints. The WG explained the reason was to harmonise the implementation of the restriction throughout the EU. However, it was pointed out that this derogation is going to be used by some MS (for example in paints used for renovation of historic artefacts). Such change is not a question of enforceability but of scope of the restriction. It was also pointed out that some other derogations in other restrictions were left in and in some cases new exceptions were introduced by the WG.

The COM also commented that the aim of the work on the revision of Annex XVII is not changing the scope of the restrictions, but only make some adaptations to make sure that the restrictions can be applied taking into account the change of terminology inherent in REACH. Changes in scope of restrictions are possible only according to legal procedures foreseen in the REACH Regulation (Article 68). Removing exceptions always implies a change in scope, so exceptions cannot be removed under the current revision. As regards the use of the words “intended”, it is standard to ensure legal certainty of manufacturers that legal provisions (in this case restrictions) apply to uses that particular products were manufactured for. Otherwise the suppliers would be held accountable also for uses of their products, which were not foreseen or intended. COM also remarked that under REACH the obligation to register is triggered by any manufacture or import, not by first placing on the market as notifications under Directive 67/548/EEC. Therefore, if the restriction was to apply only to first placing on the market, it should be clarified. The WG explained that it was clear that as a result of some proposed formulations, the implementation and enforceability are very complex and sometimes even impossible. This was appreciated by the COM, but it was clarified that the scope of the legislation was agreed by the MS and could not be amended to make them easier to enforce.

The Chair suggested that the WG should not propose to change the scope of the restrictions in Annex XVII, but the conclusions about the problems with enforceability of certain provisions could be forwarded to the COM as a list of general

conclusions. It was concluded that the draft report raised some concerns; therefore WG should investigate these comments. The Forum members were invited to send their comments by 16 June 2008. The WG will revise the report, which will be sent for agreement by the Forum in written procedure to be adopted and send to the COM before 15 September 2008.

b) *Further steps before adoption of Annex XVII (DG ENTR)*

This item was not discussed during the meeting due to lack of time.

Item 8.5 - WP package A1 - Forum Work Programme

a) *Discussion of the draft programme*

Following the presentations under agenda item 8, the Chair had gone through the document to collect comments and prepare for adoption. It was agreed that the revision of the work programme (WP) will be carried out at least once a year at the plenary meeting. It may be carried out more often, if necessary. Also, at each plenary brief progress checks could be done for the work packages, which are currently in progress. The Forum Secretariat will prepare the revisions of the WP following the decisions in the plenary.

The majority of the work packages (A2, A3, B1, B2, B4, B6, B9, B11 and B13) were agreed as recommended by the WG developing the Work Programme, with only editorial changes to reflect the current status as agreed at Forum-2.

Three work packages (A1, B3 and B10) refer to activities initiated by WGs at Forum-1. As regards Work Package A1 on developing the Forum Work Programme it was understood that the WG preparing the first draft WP has now completed its task and may dissolve once the programme is adopted. Consequently, the Forum Secretariat will update the work package A1 from the work programme indicating that the activity was completed. As discussed under agenda items 8.3 and 8.4 the working groups established under Work Package B3 on (access to information from REACH-IT) and B10 on (advise on enforceability of restrictions) will have their mandates prolonged until Forum-3. The Forum Secretariat will introduce editorial changes to reflect the current status agreed Forum-2.

Specific conclusions were taken with regard to the following work packages:

B5 - guidance for enforcement: It was agreed that guidance is needed urgently, but in order to ensure the availability of the Forum resources it was agreed that preparation of the enforcement guidance will be coupled with the preparation of a specific Forum harmonised project under item B8, where the project experience could be used as direct input to the guidance. Work package B5, will be left as a separate package in the WP in order to cover these guidance documents, which may not be directly related to specific projects.

B7 - cooperation with the customs: Following the conclusions reached under agenda item 8.1 concerning the preparation of a letter from Forum to DG TAXUD, it was agreed to revise the work programme accordingly indicating that further action is needed.

B8 - coordinated enforcement projects: The description of the activity lists a number of projects without a clear prioritisation. It was decided to establish a WG that would proceed as suggested in Annex B8 of the WG report to develop a list of possible projects for the period of 2008-2010 and develop detailed proposal first pilot project

or projects for 2009. In addition, the work package will cover preparation of guidance documents. The description of the work package will be amended as appropriate.

B12 - cooperation with other enforcement networks: The recommendation in the work programme will be revised according to the conclusions reached under agenda item 5a. The activity will be kept in the WP until final conclusions are taken by the Forum regarding cooperation with other enforcement networks.

The Forum had also intended to establish a WG for work package B4 on developing an electronic system for information exchange, but due to lack of resources, the fourth WG was not established. The Forum agreed upon the necessity to establish a WG to further analyse the information needs and possible solutions, considering experiences from other alert and information systems already in place and to prepare proposals for information system for REACH enforcers. An activity leader could not be found at this time. The WG shall now be established at Forum 3.

In addition, during the discussions members also voiced a number of general comments. To ensure most efficient use of experts it was suggested to conduct the work via tele- and videoconferences. It was clarified that meetings are not always necessary and the WG always decides on the mode of work, depending on the availability and facilities available to the members. In addition, all members will always be able to comment on the work of the WG during the discussion of the WG output during the plenary.

It was also commented that too many work packages had a “very high” priority meaning that effectively they were not prioritised. The WG Chair has explained that the work programme was designed as multi-annual (2008-2010) with the activities to be executed over the covered time period. In addition, it was suggested to bundle activities of several work packages together, such as B5 (guidance), B6 (training materials) could be done together with a specific enforcement project (B8). It was also stressed that not all “high priority” packages necessitate the formation of the WG.

b) Adoption of the Work Programme

The work programme was adopted with the amendments indicated above.

c) Division of tasks

The Forum agreed to **prolong the mandate of the WGs** established under work packages:

1. B3 - “Information needed by enforcers from REACH IT”
2. B10 - “Annex XVII of REACH Regulation – Advice on enforceability”

The Forum **established three new WGs** dealing with work packages:

3. A2 - “Member States report to the Commission”
4. B1 – “Strategies for REACH enforcement”
5. B8 - “Coordinated Forum Projects”

Decisions establishing the mandate and composition of the working groups are annexed to the minutes (Annex II a)-e)).

In addition, the **Forum Secretariat and the Chair** have undertaken tasks under activities

- A3 - Criteria for co-opted members (the Chair and the Secretariat)

- B2 - Clarification of borderlines between ECHA, CA and MS enforcing authorities (the Forum Secretariat)
- B7 – preparation of the letter to DG TAXUD (the Chair and the Secretariat, written procedure adoption by the Forum)

Item 9 – Working Procedures

- a) *Working Procedure mapping for the Forum and ECHA proposals for Working Procedures (ECHA)*

This item was postponed to Forum-3.

Item 10– Organisation of enforcement in Member States

- a) *Organisation of enforcement in Germany*

This item was postponed to Forum-3.

- b) *Organisation of enforcement in Poland*

This item was postponed to Forum-3.

Item 11– AOB

- a) *Tentative meeting dates for 2008 & 2009*

The next Forum meeting is scheduled to take place 2-4 December 2008. The tentative meeting dates for 2009 will be announced at Forum-3 as the number of the meetings foreseen for 2009 might increase from 2 to 3.

Item 12 – Closing of the meeting

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

The conclusions and action points from the meeting were adopted as included under the table in section II. Editorial changes were made after the meeting and the table was agreed to be disseminated to the Forum via CIRCA as soon as possible.

II. Conclusions and action points

Forum-2 ACTION POINTS & MAIN CONCLUSIONS – 14-15 May 2008 (adopted at the Forum-2 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
1. Welcome and introduction		
2 d) Declarations	All declarations completed and collected, expect for the member that was absent.	The member that was absent will be requested to fill in and sign the 3 declarations in Forum-3 at the latest.
3 – Election of Chair and Vice-Chairs	Chair: Ulrike Kowalski Vice – Chairs: Joop Blenkers and Nikolay Savov	
4 – Follow up from F1 and report from the Forum Secretariat a) Adoption of F1 minutes	- Minutes of the Forum-1 adopted - In future the minutes of the Forum meetings can be adopted in written procedure	Minutes to be published on ECHA website (SECR/ASAP)
b) CV for web publication		<ul style="list-style-type: none"> • Submission of the missing CVs (members / 22 May) • Publication of the CVs on ECHA website, after receiving all CVs (SECR/ASAP)
c) Coding of documents		
d) Results of written procedures	Forum to decide whether minimum criteria for REACH enforcement should be developed (within the Forum Work Programme – decide to include it under Work Package B1). Reaction on internet consultation will be necessary by Forum.	<ul style="list-style-type: none"> • RMCEI – announce the Forum Secretariat when the public consultation is launched (Commission / -) • Chair will sent out a reminder in due time.
e) Report on relevant developments		<ul style="list-style-type: none"> •
5. Other enforcement networks a) Observers from enforcement networks	- Cooperation between the Forum and other enforcement networks is important - Representatives of the CLEEN, SLIC - CHEMEX, IMPEL, ROHS are invited as observers to a session of Forum-3 to learn more about their experience and	<ul style="list-style-type: none"> •

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
	<p>expertise and to assess how to best organise cooperation</p> <p>- The issue of inviting permanent observers or co-opting members from the enforcement networks will be discussed at a future meeting</p>	
b) Stakeholder organisation observers	- The participation of the eight stakeholder organisations that have registered and expressed their interest in the Forum work may be invited as observers to open sessions (one day per year) of the Forum.	<ul style="list-style-type: none"> • A written procedure launched (SECR/ASAP)
6 – Tour de table	<p>There are differences in the state of preparation of the Member States as well as regarding the structure of enforcement authorities. The differences in the level of penalties planned or implemented are of concern in view of the level playing field on the internal market.</p> <p>Forum should identify most urgent fields for harmonization at its next meeting.</p> <p>Forum stressed the importance of pre-registration to manufacturers and importers.</p>	<ul style="list-style-type: none"> • Submission of the written reports (if not sent already) to the Forum Secretariat (Forum members / 22 May) • Analysis of the information received (SECR/end of July) identify most urgent fields for harmonization (Forum – Forum-3)
7. Issues relevant for enforcement of REACH a) Issues for enforcement	Issues concerning the enforcement of the “no data, no market” provisions should be addressed in the Work Programme (activity B.8)	<ul style="list-style-type: none"> • Check if the proposals for solutions made in the presentation are in accordance with national approach (Forum members / reactions / 6 June)
c) Pre-registration awareness campaign	<ul style="list-style-type: none"> • Forum members should facilitate spreading and utilising the available campaign material in their MSs if they haven’t done this already to the possible extent in order to raise awareness of the need to pre-register in the coming 6 months. 	<ul style="list-style-type: none"> • Contact the Forum Secretariat to receive information materials and website banner on pre-registration. (Forum members / when needed)
8– Introduction to Forum Work Programme (WP)	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
8.1 – WP package	<ul style="list-style-type: none"> • The Forum recognizes that the 	<ul style="list-style-type: none"> • A letter from the

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
<p>B7 – Cooperation with customs a) Presentation by DG Taxud</p>	<p>current level of cooperation with the Customs Authorities does not facilitate effective and adequate enforcement of the requirements of the REACH Regulation towards the import of substances.</p> <ul style="list-style-type: none"> • In order to improve the cooperation and the involvement of the Customs authorities clear signals from COM/DG TAXUD are needed. The message could indicate that there is a need for better cooperation and identification and implementation of other appropriate measures such as best practices. • Members should seek ways to improve the cooperation at the national level between REACH enforcers and the customs authorities • WG will be established later on to develop areas for practical cooperation 	<p>Forum to the Commission (TAXUD, ENTR and ENV) to be drafted (Chair, SECR) and sent for approval to the members in a written procedure</p>
<p>b) Presentation by Finnish customs laboratory</p>	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Verify if report of the “CAs project on the cooperation with customs services” is available and submit to SECR (participants to the meeting / 6 June)
<p>c) discussion</p>	<ul style="list-style-type: none"> • see conclusions of 8.1.a 	
<p>8. 2 - WP package B4 – Information exchange procedure for enforcement</p>	<ul style="list-style-type: none"> • It is necessary to establish WG to further analyse the information needs and possible solutions, considering experiences from other alert and information systems already in place and to prepare proposals for information system for REACH enforcers. 	
<p>8.3 - WP package B3 – REACH-IT & enforcement a) Report from WG</p>	<ul style="list-style-type: none"> • The WG report was adopted; the information needs and proposals for queries can still be further elaborated. • The mandate of the WG extended until Forum-3 	<ul style="list-style-type: none"> • Submit the report to ECHA REACH IT team as Forum proposal (Forum Secretariat / 20 May) • Proposals for additional standard queries to be

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
		<p>submitted to WG Chair (Stephanie Viers) and the Forum Secretariat. (Forum members / 1 July)</p> <ul style="list-style-type: none"> • Submit evaluation on access points and users needed (Forum members / 1 July)
b) brief update on status of implementation or REACH-IT		
<p>8.4 - WP package B10 – Enforceability of Annex XVII</p> <p>a) Report from WG</p>	<ul style="list-style-type: none"> • The report was not ready for adoption and the mandate of the WG was extended by 15 September to finalise the report, which will be then adopted by the Forum in written procedure. 	<ul style="list-style-type: none"> • Written comments to the WG Report (Forum members / 16 June) • Adoption of the Revised WG Report by written procedure (Forum members / -) • Submission to COM / WG on Restrictions (the Forum Secretariat / 15 September)
b) further steps before adoption of Annex XVII		
<p>9 - Working Procedures</p> <p>a) Forum WGs</p>		<ul style="list-style-type: none"> • Draft working procedures to be sent for comments to the Forum (the Forum Secretariat/-)
<p>8.5 Forum Work Programme</p> <p>a) discussion of WP</p>	<ul style="list-style-type: none"> • Amendments were needed for several work packages in the work programme. 	
b) adoption of WP	<ul style="list-style-type: none"> • Report of the WG and at the same time the multi-annual (2008-2010) WP were adopted with amendments • WP is to be revised at least once a year at plenary meetings. 	<ul style="list-style-type: none"> • Amended WP to be circulated (SECR / -) • Progress update will be made at every plenary meeting (the Forum Secretariat / -)
c) division of tasks	1. Mandates continued for: 1. WG on REACH-IT needs	<ul style="list-style-type: none"> • Identify invited

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
	<p>(B3) until Forum-3</p> <p>2. WG providing advice on enforceability of Annex XVIII (B10) until Forum-3</p> <p>2. WGs established:</p> <ol style="list-style-type: none"> 1. For developing the template and common enforcement issues to be addressed in the report required under Article 117 of REACH (A2) until Forum-3 2. For developing the enforcement strategy(ies) (B1) until Forum-3 3. For developing the pilot enforcement project(s) (B8) until Forum-3 	<p>experts for the WGs (Forum members expression interest in participation in the WGs/30 May)</p>
<p>10 – organisation of enforcement in MS</p> <p>a) Germany</p>		
<p>b) Poland</p>		
<p>11 – AOB</p> <p>a) meeting dates</p>	<ul style="list-style-type: none"> • the length of the meeting to be increased up to 3 days • amount of meetings in 2009 to be increased from 2 to 3 if necessary • Forum-3: 2-4 December 2008 	<ul style="list-style-type: none"> • circulate the revised tentative meeting calendar (SECR/ASAP)
<p>b) REHCORN update</p>		
<p>c) information materials</p>		
<p>General</p>		<ul style="list-style-type: none"> • all PP-presentations to be uploaded to CIRCA (SECR/by 19 May)

III. List of Attendees

	MS	Members
1	IT	ALLESİ Mariano
2	ES	ALONSO FERNÁNDEZ Rosario
3	EL	ANGELOPOULOU Ioanna
4	EE	PROMET Natali
5	PT	BARROQUEIRO Álvaro António
6	UK	BISHOP Richard
7	NL	BLENKERS Joop
8	DK	BORGLUM Birte Nielsen
9	BE	CUYPERS Paul
10	FI	EKMAN Annette
11	CZ	FORINT Pavel
12	RO	ALBULESCU Mihaiela
13	SK	KOLESAR Dušan
14	DE	KOWALSKI Ulrike
15		KYPRIANIDOU LEODIDOU
	CY	Tasoula
16	HU	MAJOR Jenő
17	PL	MIEGOC Edyta
18	IE	O' SULLIVAN Tom
19	LV	PALLO Parsla
20	SI	PEZDIR Mojca Jeraj
21	BG	SAVOV Nikolay Stanimirov
22	LU	SCHMIT Gaston
23	LT	SESKAUSKAS Viktoras
24	SE	THORAN Karin
25	FR	VIERS Stéphanie
26	AT	WURM Gernot

	Invited experts	Agenda Item
1	BAUMANN Kurt	8.2 – ICSMS
2	HÖPKER Kai	8.3 – REACH-IT
3	NIEMINEN Janne	8.1 - Customs

	State	Observers from EEA-EFTA countries
1	NO	WIKHEIM Maren (Norway)

	MS	Advisers
1	NL	VAN DEN BERG Jos (<i>Joop Blenkens</i>)
2	BE	LEYNEN Michel (<i>Cuypers Paul</i>)
3	SE	SILLREN Barbro (<i>Thorán Karin</i>)
4	LT	DAUKSIENE Ruta Birute (<i>Seskauskas Viktoras</i>)
5	HU	DEIM Szilvia (<i>Major Jenő</i>)
6	FI	MOILANEN Marianne (<i>Ekman Annette</i>)
7	UK	HAWKINS Richard (<i>Bishop Richard</i>)
8	LU	WEBER Jill (<i>Schmit Gaston</i>)
9	DK	PETERSEN Pia Gitte (<i>Borglum Birte</i>)
10	DE	ZEITLER Reinhard (<i>Kowalski Ulrike</i>)
11	IT	DI MARZIO Graziella (<i>Alessi Mariano</i>)

	DG	Commission
1	ENTR	CORDIER Laurence
2	ENTR	AGUADO-MONSONET Miguel
3	ENV	NAM Andrea
4	ENTR	SALVADOR ROLDAN Rocio
5	TAXUD	SCHEPERS Herve

	ECHA	Unit
1	AJAO Charmaine	A1 - Helpdesk
	BARANSKI	
2	Maciej	A2 – Committees
3	DANCET Geert	Executive Director
		B2 – Procedures testing
4	DE BRUJN Jack	
5	ENDEN Petri	R3 – ICT
	HAUTAMAKI	
6	Anne	OED – legal team
	KREYSA	Director –
7	Joachim	Directorate A
	LIPKOVA	
8	Adriana	A2 – Committees
9	MAURER Diana	A2 – Committees
		A3 -
10	MAKELA Petteri	Communication
	POPESCU	
11	Raluca	A2 – Committees
	YLA-MONONEN	
12	Leena	A2 – Committees

IV. List of Annexes

ANNEX I. Final agenda

ANNEX II. Decisions of the Forum revising the existing working groups for work packages B3 and B10 ones establishing working groups for work packages A2, B1 and B8

ANNEX III Documents submitted to Forum-2

Final Agenda
Second meeting of the Forum for Exchange of Information on
Enforcement
(Forum-2)

14-15 May 2008
Hotel Restaurant Linna, Lönnrotinkatu 29, Helsinki, Finland
14 May: starts at 9:00
15 May: ends at 18:00

Item 1 – Welcome and Introduction

- f) Welcome by the Provisional Chair of the Forum and address by the Executive Director of ECHA
- g) Quorum for the meeting
- h) Practicalities – reimbursement rules
- i) Signing the annual declarations
- j) Follow up on the ROPs

Item 2 – Adoption of the Agenda

- b) Adoption of the agenda
- c) Declaration of interests with regard to Agenda points

For adoption

ECHA/Forum-2/2008/A/01 draft Rev.1

Item 3 – Election of the Forum Chair and Vice-Chairs

Discussion / proposals and voting

Item 4 – Follow up from Forum-1 and report of the Forum Secretariat

- f) Adoption of minutes from previous meeting
- g) Curriculum Vitae for web publication
- h) Coding of documents
- i) Results of the written procedures between Forum-1 and Forum-2 –

- Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) – concluded, report
 - i. Follow up information on update of RMCEI (DG ENV)
- Observers from EEA-EFTA countries – concluded, report
- j) Report on relevant developments (EEA agreement)

For information: ECHA/Forum-2/2008/2
ECHA/Forum-2/2008/3

Item 5 - Other enforcement networks

- c) Observers from other enforcement networks – report from the written procedure and discussion
- d) Stakeholder observers

For discussion: ECHA/Forum-2/2008/4

Item 6 – Status of preparations for REACH Enforcement

- a) Tour de table - status of preparations for enforcement and implementation of provisions on penalties into national legislation in Member States

For information: ECHA/Forum-2/2008/5

Item 7 – Issues relevant for enforcement of REACH

- c) Issues for enforcement (ECHA)
 - a. Pre-registration, registration, helpdesk input
- d) Pre-registration awareness campaign and proposal for involvement of enforcement authorities (ECHA/COM)

For information and discussion: ECHA/Forum-2/2008/6

Item 8 – Introduction to Forum Work Programme (WP)

- b) Brief report from the WG on Work Programme in preparation of the next agenda points (WG Chair)

For information: ECHA/Forum-2/2008/7

Item 8.1 – WP package B7 – Cooperation with customs

- c) Presentation by DG TAXUD
- d) *Presentation by national customs officer*
- e) Discussion

For discussion / information

Item 8.2 - WP package B4 – Information exchange system for enforcement

- c) Introduction
- d) Relevant existing systems (EUVICHEM, ICSMS, RAPEX)
- e) Existing information exchange systems in other areas (ECHA)
- f) An example of existing harmonisation tool at ECHA – REACH Helpdesk Exchange Platform - RHEP (ECHA)

For information / discussion ECHA/Forum-2/2008/8

8.3 - WP package B3 – REACH-IT & enforcement

- a) Report from the Forum WG on REACH-IT and presentation of the document on the enforcement needs from REACH-IT (WG Chair)
- b) Brief update from the ECHA Secretariat on the state of implementation of REACH-IT (ECHA)

For discussion / adoption ECHA/Forum-2/2008/9

8.4 - WP package B10 – Enforceability of Annex XVII

- a) Report from the Forum WG on advice on enforceability of Annex XVII (WG Chair)
- b) Further steps before adoption of Annex XVII (DG ENTR)

For discussion / adoption ECHA/Forum-2/2008/10

Item 8.5 - WP package A1 - Forum Work Programme

- a) Discussion of the draft programme
- b) Adoption of the Work Programme
- c) Division of tasks

For discussion / adoption: ECHA/Forum-2/2008/7

Item 9 – Working Procedures

- a) Working Procedure mapping for the Forum and ECHA proposals for Working Procedures (ECHA)

For discussion and adoption ECHA/Forum-2/2008/11

Item 10– Organisation of enforcement in Member States

- b) Organisation of enforcement in Germany

- c) Organisation of enforcement in Poland

For information and discussion

Item 11– AOB

- b) Tentative meeting dates for 2008 & 2009

Item 12 – Closing of the meeting

- a) Conclusions of the meeting and list of action points (ECHA / Chair)
- b) Closing by the Chair

**Revision of the Forum Working Group
“Information needed by enforcers from REACH IT”**

Composition:

Chair: Stephanie VIERS (FR)

Forum Members

Rosario ALONSO FERNANDEZ (ES)

External Experts

Samuel BRUNET (FR)

Eugen ANWANDER (AT)

Paolo IZZO (IT)

Kai Hoepker (DE)

Barbro SILLREN (SE)

Objective: Implementation of an IT tool dedicated to REACH enforcers

Mandate:

- answer any questions from ECHA related to the Forum proposal on REACH IT and data needed by enforcers
- test / implement the IT tool
- collect additional requests / standard queries from the Forum members

Timeline: Forum-3

**Revision of the Forum Working Group
“Annex XVII of REACH Regulation – Advice on enforceability”**

Composition:

Chair: Joop BLENKERS (NL)

Forum Members

Nikolay SAVOV (BG)

Ioana ANGELOPOULOU (EL)

Invited Experts

Jos V.D. BERG (NL)

Mario NICHELATTI (FR)

Samuel BRUNET (FR)

Objectives: Enforceability of Annex XVII

Mandate: Continue the work regarding the enforceability of the draft revision of Annex XVII of REACH according to Forum-1 conclusion

Timeline: 15 September

**Establishment of the Forum Working Group
“Member States report to the Commission”**

Composition:

Chair: Richard BISHOP (UK)

Forum Members

Rosario ALONSO FERNANDEZ (ES)

Mihaiela ALBULESCU (RO)

Tom O’SULLIVAN (IE)

Invited Experts

Anna FORSBACKA (FI)

Lutz ERDMANN (DE)

Pia PETERSEN (DK)

Names of some invited experts were communicated to the ECHA after the meeting.

Objective: Agree on the common issues regarding enforcement to be covered in the Article 117 report to the Commission and to develop a report template accordingly

Mandate: Prepare and present the documents necessary for the execution of the project in accordance with the objectives and the updated Annex A2 of the Work Programme

Timeline: Forum-3

**Establishment of the Forum Working Group
“Strategies for REACH enforcement”**

Composition:

Chair: Nicolay SAVOV (BG)

Forum Members

Richard BISHOP (UK)

Ulrike KOWALSKI (DE)

Birte BORGLUM (DK)

Annette EKMAN (FI)

Gernot WURM (AT)

Invited Experts

Richard Hawkins (UK)

Barbro SILLREN (SE)

Raphael CHEVALLIER (FR)

Eline van der HOEK (NL)

Names of some invited experts were communicated to the ECHA after the meeting.

Objective: Identify enforcement strategies for REACH as well as best practice in enforcement, including minimum criteria for REACH enforcement

Mandate: Prepare and present for adoption draft documents on strategy(ies) for enforcement of REACH and on minimum criteria for REACH enforcement

Timeline: Forum-3

**Establishment of the Forum Working Group
“Coordinated Forum Projects”**

Composition:

Chair: Joop Blenkers (NL)

Forum Members

Viktoras SESKAUSKAS (LT)

Stephanie VIERS (FR)

Jeno MAJOR (HU)

Invited Experts

Ruta Birute DAUKSIENE (LT)

Magdalena NOGAŃSKA (PL)

Nikoletta MAROSVÖLGYI (HU)

Hannu-Tuomas KOKKO (FI)

Jos VAN DEN BERG (NL)

Andrea MAYER-FIGGE (DE)

Antje LUDWIG (DE)

Names of some invited experts were communicated to the ECHA after the meeting.

Objective: Develop the plan for the pilot coordinated enforcement project(s) including the project checklist and guidance document for the execution of the project. Guidance document may be used for other projects in future

Mandate: Prepare and present the documents necessary for the execution of the project in accordance with the objectives and the updated Annex 2, activity B8 of the Work programme

Timeline: Forum-3

Annex III

Documents uploaded to CIRCA for Forum-2

Final Draft Agenda (Agenda Item 2)	ECHA/Forum-2/2008/A/01 draft Rev.1
Report on the Written procedure on the final draft Forum Rules of Procedure (Agenda item 1.e)	ECHA/Forum-2/2008/1
Replies from the Forum members to the Commission note on update of the RMCEI recommendation (Agenda item 4.d)	ECHA/Forum-2/2008/2
Report on the written procedure on participation of observers from EEA-EFTA countries (Agenda item 4.d)	ECHA/Forum-2/2008/3
Report on the written procedure on participation of observers other enforcement networks (Agenda item 5.a)	ECHA/Forum-2/2008/4
Letter from SLIC regarding cooperation with Forum (Agenda item 5.a)	ECHA/Forum-2/2008 ROOM DOCUMENT 1
Stakeholder organisations having expressed their interest to participate in the work of echa and regarded as eligible (Agenda item 5.b)	ECHA/Forum-2/2008 ROOM DOCUMENT 6
Template for Preparation for <i>Tour de table</i> on Status of preparations for REACH enforcement in the Member States (Agenda item 6.a)	ECHA/Forum-2/2008/5
Issues relating to the enforcement of pre-registration and registration provisions of the REACH Regulation (agenda item 7.a)	ECHA/Forum-2/2008/6
NL comment regarding the REACH-IT Pre-registration module (agenda item 7.a)	ECHA/Forum-2/2008 ROOM DOCUMENT 2
Draft Forum Work Programme (agenda item 8)	ECHA/Forum-2/2008/7
Information exchange system for enforcement (Agenda item 8.2)	ECHA/Forum-2/2008/8
EUVICHEM example: Report Number: ES-0001-07 (Agenda item 8.2)	ECHA/Forum-2/2008 ROOM DOCUMENT 3
EUVICHEM example: Report Number: ES-0002-07 (Agenda item 8.2)	ECHA/Forum-2/2008 ROOM DOCUMENT 4
EUVICHEM report form (Agenda item 8.2)	ECHA/Forum-2/2008 ROOM DOCUMENT 5
Draft Report of the Forum WG on REACH-IT needs (Agenda item 8.3)	ECHA/Forum-2/2008/9
Draft Report of the Forum WG on enforceability of Annex XVII (Agenda item 8.4)	ECHA/Forum-2/2008/10
Forum Working Procedures (Agenda item 9)	ECHA/Forum-2/2008/11