

18TH PLENARY MEETING OF THE BPR SUBGROUP OF THE
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

21 MARCH 2023

REMOTE MEETING

BPRS-18 MINUTES

Adopted on 27 June 2023

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I. Summary record of the proceedings

Item 1 - Welcome and introduction

The BPRS Chair welcomed all the participants and opened the meeting.

Item 2 – Cooperation with ECHA Secretariat

2.1 Update from Forum activities

The Forum Chair summarised the key discussions held in the last Forum plenary meeting (Forum-43, 14-17 March 2023). The Forum agreed to run a pilot project on perfluorocarboxyl acids (PFCA) and related substances focusing on cosmetics. The project REF-9 on authorisations published its report on 8 March and was preparing the Workshop with ASOs, scheduled for the 12th May 2023.

The Forum agreed that Chairs and HET will draft a short Forum's work programme in consultation with the Forum. The 3 year "ECHA programming document" prepared annually does not give a sufficiently good overview of the Forum's work. Moreover, there should be also an alignment of the Forum's work with the EUPCN work programme. The first draft of that Forum/BPRS Work programme will be ready by Forum-44 in June and was proposed for the BPRS chairs to be included by default in the drafting group to address the BPR topics. The BPRS members were invited to participate in this drafting group and to send suggestions for the content.

As agreed Forum-43 in November 2022 more time was dedicated to national presentations – representatives of five Member States informed on national enforcement campaigns, organisation and specific enforcement challenges. The national presentations were of great interest to the Forum and the new practice was appreciated. In addition, the practical issue was discussed in four break-out-groups, which generated much feedback.

2.2 Update on Interact Portal

ECHA Secretariat staff member from the IT External Support team presented the current status of work on Interact Portal and latest release as well as the upcoming updates and release schedule. She updated on the activities with the Stakeholders and the feedback form available in Interact (help section). She thanked the two BPRS volunteers (SE and HU) who offered to take part in the testing group for Interact BPR and reiterated the call to others. Lastly, she invited the BPRS members to join in the Interact User Group, to discuss the tool's functionalities, feedback from authorities, etc.

Interact portal for BPR enforcement authorities will most likely be available in early 2024.

2.3 Improvement of the BPRS meetings

HET presented the improvement proposals to improve BPRS remote plenary meetings based on the changes adopted by the Forum and the feedback from two BPRS members. The BPRS members agreed on the following proposals for improvement, to be implemented in BPRS-19 onwards:

Proposal 1: More discussion on practical enforcement through more involvement of BPRS members – *i.e.* rolling list of contributing countries.

Proposal 2 – "for information" items not addressed in the meeting. WG progress report was optional and only needed if discussion expected. Mandates continue to be reviewed at the meeting.

Proposal 3 - Current length of meetings (half day) was considered appropriate and feedback indicated preference for short sessions.

Proposal 4 – Streamlining the process, simplification of the template for practical issues and making the meeting document available at an earlier time. Moreover, adding more discussion time during the meetings (e.g. in break out groups).

Another initiative to promote the Forum and BPRS engagement was the organisation by HET of a training on Chairing meetings in December 2022. Unfortunately, not many BPRS members participated and were invited to signal if there was interest in having such training available again in the future.

Item 3 - Updates on developments by the European Commission

3.1 Update from DG SANTE

The BPRS took note of the updates given by the representative of DG SANTE. The BPRS members were invited to provide feedback on the enforcement of skin sensitisers and in-can preservatives, in particular on the requirements for gloves to be provided with paints containing isothiazolinones (ISZs).

Item 4 – Practical issues for enforcement

Two ongoing BPRS Practical Issues were presented and discussed: i) labelling of biocidal products (i.e. BPRS-18.1) and concentrations of biocidal products (i.e. BPRS-18.2).

The BPRS members were invited to send to the HET their written comments as discussed at the plenary. The HET was requested to work on the draft conclusion and initiate follow-up rounds of consultations among the BPRS members and DG SANTE.

Item 5 – BPRS enforcement activities

5.1 BEF-2

The WG Chair debriefed the plenary on the activities of the BEF-2. The reporting phase of the project was kicked off in January 2023. NCs have submitted their data via EU Survey (/Interact Portal) to the HET, which checked, corrected, and validated the data. The BEF-2 data will be soon forwarded to the ECHA Biocides Unit to retrieve supplementing information for products inspected via questionnaires n. 1 and n. 3. The relevant information are: product type; user category; active substance names and CAS numbers; authorisation start and end date.

The WG will meet over the next months to proceed with the analysis of the BEF-2 data and elaboration of statistics. NCs and BPRS members will be invited to comment in writing the draft progress report. Preliminary results might be presented at the BPRS-19.

5.2 Training for national inspectors 2022

The WG Chair updated the plenary on the final report of the BPRS training event held on 2 December 2022. The training focused on 'CLP for biocides, in situ generation systems, and BPR borderline issues', and the target audience were the national inspectors plus HelpNet BPR members, Competent Authorities for biocides, and ECHA internal Units. More than 400 participants remotely attended the event. The participants submitted via chat over 50 content-related questions, the majority of which were tackled live. Several WebEx

polls were used to interact in real time on specific case studies. Case studies with the correct reasonings and solutions were made available after the event.

Most of the participants rated the training as 'excellent' and 'good' via the evaluation survey sent after the event. The BPRS members closed the WG mandate accordingly.

5.3 Training for national inspectors 2023

The BPRS established a new WG for the organisation of the next BPRS Training event 2023. The BPRS noted that the training topics collected in the evaluation survey of the last BPRS Training event 2022 were: i) in situ generation systems and ozone devices, ii) CLP for biocides, iii) biocides borderline issues, iv) critical/forbidden claims of biocidal properties/functions, v) ECHA dissemination for biocides, vi) biocides in drinking water, vii) biocidal products families and their properties, viii) SPC for biocides and related information on labels, ix) acceptable information on disposal, and leaflets for biocides, x) union authorisations.

The BPRS members were invited to submit further topic proposals and to nominate experts to join the WG. The HET will soon kick off the preparatory phase of the next Training event with the appointed WG members.

5.4 Forum-BPRS WG Prioritization

The Chair reminded the plenary about the open call for project proposals of the BEF-3. The same call was ongoing also among the ASOs. Based on the inputs collected, the 'Forum-BPRS WG Prioritization' will prioritize and short list the topics will be submitted at the BPRS-19 for voting. The preparatory phase of the BEF-3 will be kicked off in January 2024.

Item 6 - Activities in Member States and cooperation with other networks

6.1 Update from ADCO Chairs meeting and European Product Compliance network (EUPCN)

The BPRS members took note of the updates from the Chair on the issues discussed in the EUPCN meetings, regarding the role of the Single Liaison Officers, the EUPCN work programme 2023/2024 and the work regarding the digital product passport.

6.2 New BE legislation on fumigations

The BPRS members took note on the fumigation legislation in Belgium and the new Royal Decree on fumigations. The presenter raised some questions regarding the national enforcement practices of such type of legislations and its potential harmonisation. The BRPS members and COM were invited to send the feedback on the issues presented.

Item 7 – AOBs

7.1 Election of BPRS Chair and Vice-chair in June

The Chair reminded the BPRS members there will be elections for the Chair and Vice-chair of the BPRS at the beginning of the BPRS meeting in June 2023. The BPRS members were invited to send the nominations to HET by 26 May 2023. Nominees will have the opportunity to accept or decline the candidature. The accepting candidates will be invited to attend the remote pre-meeting of BPRS-19.

7.2 WebEx Legislate

The BPRS members tested the connection of the new WebEx Legislate platform that will be used by ECHA for all its meetings, discontinuing the current WebEx.

II. Conclusions & action points adopted at the BPRS-18

Agenda point	Conclusion / Decisions / Minority opinions	Action requested after the meeting
1.2 Adoption of the Agenda and Declarations of conflict of interest	Agenda was adopted.	
1.3 State of play with action points from BPRS-17 & Written procedures between BPRS-17 and BPRS-18		
Item 2 – Cooperation with ECHA Secretariat		
2.1 Update from Forum activities		BPRS members are invited to provide preliminary suggestions for content and signal if they want to participate in the drafting group of the Forum work programme by 7 April.
2.2 Update on Interact Portal		BPRS members are invited to volunteer for the BPR Interact portal testing exercise in 2023 by 24 March.
		BPRS members are invited to signal if they would like to participate in the Interact User group by 7 April.
2.3 Improvement of the BPRS meetings	<p>The BPRS agreed to improvements for its future plenary meetings:</p> <ol style="list-style-type: none"> 1) More discussion on practical enforcement through regular involvement of BPRS members 2) More flexible reporting by WG 3) Meeting frequency unchanged, shorter daily sessions 4) Streamline the practical issues <p>The approach will be reviewed in 2024.</p>	<p>HET to implement the proposals from BPRS-19 onwards.</p> <p>BPRS members are invited to indicate if they are interested in future training for chairing meetings by 14 April.</p>

Item 3 – Updates on developments by COM		
3.1 Update from DG SANTE		BPRS members are invited to provide written feedback to COM regarding the enforceability of the requirement for gloves to be provided with paints containing ISZ by 14 April
Item 4 – Practical issues for enforcement		
		BPRS members are invited to submit new Practical Issues to the HET by mid-April 2023
18.1 Labelling of biocidal products		BPRS members are invited to comment on the issue by 14 April
18.2 Concentrations of biocidal products		BPRS members and COM representative are invited to comment on the issue by 14 April
		COM is invited to send feedback regarding the potential flexibility in specifying the concentration by 14 April.
Item 5 – BPRS enforcement activities		
5.1 BEF-2		
5.1.1 Progress Report		
5.1.2 Mandate amendment	The BPRS revised the mandate of the WG	
5.2 WG on Training for national inspectors 2022		
5.2.1 Final report		
5.2.1 Closure of the mandate	The BPRS closed the mandate of the WG	
5.3 WG Training for national inspectors 2023		
5.3.1 Working group set-up	The BPRS established a working group to prepare a BPR training for trainers in 2023.	BPRS members are invited to nominate experts for the WG by 4 April
		HET will share the preferred topics for the training with the BPRS by 24 March.
		BPRS members are invited to submit topic proposals for the next training event by 4 April
		The HET will kick off the preparatory phase of the next Training for Trainers event

		with the newly established WG
5.4 WG Forum-BPRS WG Prioritization		BPRS is invited to submit project proposals for the BEF-3 by 14 April.
		BPRS members are invited volunteer to take part in prioritisation of the BEF-3 project in the WG prioritisation by 14 April
5.4.1 Mandate amendment	The BPRS closed the mandate of the WG	
Item 6 – Activities in Member States and cooperation with other networks		
6.1 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN)		BPRS members, alternates or invited experts willing to get involved in the activities of the EUPCN task force are invited to express interest by 14 April.
6.2 New BE legislation on fumigations		BPRS members and COM representative are invited to send feedback to BE BPRS member on the questions raised in the presentation by 28 April.
Item 7 – AOB		
7.1 Election of BPRS Chair and Vice-Chair in June		BPRS members are invited nominate themselves or other BPRS members as Chair and Vice-Chair by sending an email to HET by 26 May.

III. List of attendees of the BPRS-18

BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	CH	GRISEL Nadine
4	CY	ELIA Nikos
5	CZ	BEDNAŘÍKOVÁ Růžena
6	DE	SCHROETER Meike
7	DK	DAUGAARD JENSEN Nicholai
8	EE	HONGA Aljona
9	EL	VAGIAS Vasileios
10	ES	TEBAR LUJAN Jorge
11	FI	TAURIALA-RAJALA Terhi
12	FR	VERDIER Elodie
13	HR	VULJANIC Kristina
14	HU	NEMET Balazs
15	IE	CANTY Mary
16	IT	LONGO Antonina
17	LI	RELLA-QUADERER Maria-Rosaria
18	LT	HAKAITE Palmira
19	LU	LENTZEN Esther
20	MT	FARRUGIA Bernice
21	NL	BRAAM Marianne
22	NO	SKJARGARD Catherine
23	PT	DIAS Marina
24	PL	WAŚIK Romualda
25	RO	CIRLAN Cristiana
26	SE	KARLSSON Jenny
27	SI	HAJRLAHOVIC-MEHIC Semira
28	SK	POCAROVSKA Miriam

Advisers

	Country	Name
1	AT	EDER Brigitte
2	DE	FRENZEL Stefan
3	DE	TSCHECH Gunther
4	DK	MADSEN Betina
5	EL	MARTIKA Anastasia
6	ES	ESCALADA AGUILERA Jesus
7	FR	SIMBELIE Karine
8	HR	SKUGOR Dunko
9	LT	STULGIENE Ingrida
10	NL	DE BOER Jabik
11	PL	STULCZEWSKI Dawid

European Commission representatives

	Country	Name
1	DG SANTE	NEGULICI Ligia

ECHA staff

	ECHA	Unit
1	ANNYS Erwin	Head of Unit Support and Enforcement
2	BARANSKI Maciej	Support and Enforcement
3	MATEUS Tania	Support and Enforcement
4	NIKULA Terhi	Support and Enforcement
5	TECCE Nicola	Support and Enforcement
6	TUOMAINEN Anita	Support and Enforcement

IV. Annexes

Annex 1. Adopted agenda of BPRS-18

Agenda 18th meeting BPR Subgroup of the Forum

BPRS-18

Remote meeting

Date: Tue 21 March 2023 (10:30- 15:45) (Helsinki time)

Item 1 – Welcome and introduction	<i>10:30-10:45</i>
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- 1.1 Opening by the BPRS Chair and Vice Chairs
- 1.2 Adoption of the agenda and declarations of conflict of interest
- 1.3 Action points and written procedures from BPRS-17

*ECHA/BPRS-18/2023/dA
ECHA/BPRS-18/2023/1.3*

For information/adoption

Item 2 – Cooperation with the ECHA Secretariat	<i>10:45-11:40</i>
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- 2.1 Update from Forum activities (10')
- 2.2 Update on Interact Portal (15')
- 2.3 Improvement of the BPRS meetings (30')

ECHA/BPRS-18/2023/2.3

For information/discussion/adoption

Break 20'

Item 3 – Updates on developments by Commission	<i>12:00-12:30</i>
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- 3.1 Update from DG SANTE on BPR provisions (30')

For information/discussion

Item 4 – Practical issues for enforcement

12:30-13:10

- 4.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda)

ECHA/BPRS-18/2023/4_room_doc

For discussion/adoption

Break 20'

Item 5 – BPRS enforcement activities

13:30-14:05

- 5.1 BEF-2 (15')
- 5.1.1 Progress Report
 - 5.1.2 Mandate amendment
- 5.2 Training for national inspectors 2022 (5')
- 5.2.1 Final report
 - 5.2.2 Closure of the mandate
- 5.3 Training for national inspectors 2023 (10')
- 4.3.1 WG set-up
- 5.4 Forum-BPRS WG Prioritization (5')
- 5.4.1 Mandate amendment

*ECHA/BPRS-18/2023/5.2.1
ECHA/BPRS-18/2023/Draft_mandates*

For information/adoption

Item 6 – Activities in Member States and cooperation with other networks

14:05-15:15

- 6.1 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN) (40')

Break 10'

- 6.2 New BE legislation on fumigations (20') – *BE BPRS member*

ECHA/BPRS-18/2023/6.1_room_doc

For information/discussion

Item 7 – AOBs

15:15-15:30

- 7.1 Election of BPRS Chair and Vice-chair in June
- 7.2 WebEx Legislate: June 2023 onwards

For information

Item 8 – Conclusions and action points

15:30-15:45

For adoption

End of BPRS-18 plenary meeting

15:45

Annex 2. List of BPRS WG mandates adopted at BPRS-18

“BEF-2”

BPRS - BEF-2 Working Group

“BPR Enforcement project on biocidal products containing non-approved/approved active substances”
(mandate adopted at BPRS-18)

Chair: Jenny KARLSSON (SE)

BPRS Members/Alternates

- Heribert BUERGY (CH)
- Cathrine SKJAERGARD (NO)
- Eugen ANWANDER (AT)
- Helmut DE VOS (BE)
- Antonina LONGO (IT)
- Jabik de Boer (NL)

Invited Experts

- Nadine GRISEL (CH)
- Catherine BERTSCHY (CH)
- Tobias SCHLEICHER (DE)
- Mariana DE VRIES (NL)
- Raffaella PERRONE (IT)

ECHA: Nicola TECCE

Objective: Conceive and manage the second BPRS enforcement project on biocidal products containing non-approved/approved active substances

Mandate:

1. Defining the detailed scope of the BEF-2 in agreement with the BPRS members
2. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
3. Prepare and deliver the BPRS Training 2021 for national inspectors and national coordinators focused on the BEF-2
4. Management of the operational phase
5. Management the reporting phase: follow-up operational phase, collect the results and draft project evaluation
6. Elaborate a Practical guide for inspectors based on the relevant outcomes from the project
7. Design and deliver an *ad hoc* workshop focused on the best practises and problems encountered by inspectors during the operational phase, if appropriate
8. Prepare and organize a workshop for ECHA ASOs to present the results and recommendations from the project

Timeline:

- Approval of BEF-2 scope: Q1 2021
- Project manual: Q4 2021
- BPRS training 2021: Q4 2021
- Operational phase: 2022

- BEF-2 workshop: Q2 2022
- Reporting phase: 2023
- Workshop with ASOs: Q2 2024

“BPR - Train the enforcement trainers 2022”

BPRS - Working Group

“Training for national inspectors 2022”

(mandate closed at BPRS-18)

Chair: De Vos Helmut (BE)

BPRS Members/Alternates :

- Anwander Eugen (AT)
- Hermes Joe (LU)
- Élodie Verdier (FR)
- Jabik de Boer (NL)

Invited Experts:

- Yannick Herremans (BE)
- Sylvie Van Nieuwenhove (BE)
- Birgit Lünemann (DE)

ECHA: Nicola TECCE

Objective:

- Prepare and deliver the training for national inspectors for the enforcement of the BPR

Mandate

1. Examine the training subjects relevant for enforcement and prepare the draft agenda for agreement by Q2 2022
2. Specify the envisaged level of the content of the training
3. Prepare materials necessary for the training (presentations and case studies)
4. Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline

- Draft agenda for agreement by Q2 2022
- Delivery of the training: Q3 2022
- Final report adopted: Q4 2022

“BPR - Train the enforcement trainers 2023”

BPRS - Working Group

“Training for national inspectors 2023”

(mandate created at BPRS-18)

Chair: De Vos Helmut (BE)

BPRS Members/Alternates :

- Eugen ANWANDER (AT)
- Aljona HONGA (EE)
-

Invited Experts:

- Sylvie Van Nieuwenhove (BE)
- Birgit Lünemann (DE)

ECHA: Nicola TECCE

Objective:

Prepare and deliver the training for national inspectors for the enforcement of the BPR

Mandate

1. Examine the training subjects relevant for enforcement and prepare the draft agenda for agreement by end of Q2 2023
2. Specify the envisaged level of the content of the training
3. Prepare materials necessary for the training (presentations and case studies)
4. Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline

Draft agenda for agreement by end of Q2 2023

Delivery of the training: Q3/Q4 2023

Final report adopted: Q4 2023/Q1 2024

“Prioritisation of REFs”

Forum Working Group Work Package A.1
“Prioritisation of REF Projects”
(Mandate adopted at Forum-43 and BPRS-18)

Composition**Chair:**

Maria ORPHANOU (CY) - rotating Chair

Forum Members/Alternates

- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Markus MAKI (FI)
- Oldrich JAROLIM (CZ)
- Abdulqadir SULEIMAN (NO)

Invited Experts

- Tamas KOVACS (HU)
- Laura WILMS (DE)
- Andrea SANTOS (PT)

Ad-hoc invited experts from BPRS (cooperating in the elaboration of the Registry of legal obligations subject to previous enforcement projects and BEF-3 topics):

- Jenny Karlsson (SE)
- Helmut de Vos (BE)
- Anna GRONWALD-MACEDO (DE)

ECHA:

- Magdalena TLOCZEK;
- Nicola TECCE

Objective: Propose annually the subject for the next harmonised enforcement project coordinated by the Forum and BPRS (i.e. REF and BEF Projects)

Mandate: According to the working procedure for the prioritisation and selection of REF projects, the WG shall:

1. Review annually a list of proposals for REF projects submitted by Forum members, ECHA Secretariat, the Commission and the Stakeholder Organisations accredited by ECHA (ASOs);
2. Prioritise the subjects by applying Forum’s methodology for the prioritisation, selection and management of REF projects
3. Draft a recommendation proposing the subject for the next REF project
4. Elaborate and update an inventory of project recommendations and a registry of legal obligations subject to previous enforcement projects in the following regulatory areas: REACH, CLP, PIC, POP, BPR.
5. Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.
6. In addition, the WG will revise, when needed, the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum.

The WG will operate from Forum-31 (November 2018) until the end of 2023 (end of the Forum MAWP 2019 – 2023). The mandate of the WG can be renewed to operate after this period.

Timelines:

- The basic timeframes are regulated by the Forum Methodology on Prioritisation and Selection of Project Proposals and the working procedure for the prioritisation and selection of harmonised enforcement projects coordinated by the Forum
- Shortlist of subjects for REF-13 by Forum-45.