

19<sup>TH</sup> PLENARY MEETING OF THE BPR SUBGROUP OF THE  
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

15-16 JUNE 2023

REMOTE MEETING

**BPRS-19 MINUTES**

Adopted on 13 October

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## **I. Summary record of the proceedings**

### **Item 1 - Welcome and introduction**

#### **1.1 Welcome and opening the BPRS Chair and Vice Chairs**

The BPRS Chair welcomed all the participants and opened the meeting. He announced that the members from the 26 EU Member States with voting rights and the three EEA countries and Switzerland were attending, physically and remotely. The Chair informed that the quorum requirement was met.

#### **1.2 Welcome by ECHA's Executive Director**

The ECHA's Executive Director introduced herself and welcomed that BPRS and ECHA will continue the good cooperation in the future.

#### **1.3 Adoption of the agenda and declarations of conflicts of interest**

The Chair indicated the changes in the agenda. The agenda was adopted ([Annex 1](#)).

No conflicts of interest were declared at the meeting according to Article 9(2) of the Rules of Procedure.

#### **1.4 Status of action points and written procedures from BPRS-18**

Forum members took note of the status of the action points from the last plenary meeting, where all were done/closed. The Chair referred to the document with the results of the written procedures between BPRS-18 and BPRS-19.

The Chair informed about the discussions that took place during the meeting with the ECHA management on 22 May 2023.

### **Item 2 – Election of the BPRS Chair and Vice Chairs**

The BPRS elected a new chair and vice chair: Helmut de Vos (BE) as chair and Jenny Karlsson (SE) and Eugen Anwander (AT) as vice chairs. They start their roles on 26 June 2023 in a three years mandate.

### **Item 3 – BPRS enforcement activities**

#### **3.1 Forum-BPRS WG Prioritization - discussion and potential decision on the scope of the next BEF project**

The WG chair presented the outcome of the prioritisation of the proposals for BPRS projects received by the WG. The WG concluded on the shortlist of three project proposals for BEF-3.

The BPRS members discussed the options presented and concluded that the next project will focus on the enforcement of the Summary of Product Characteristics (SPC) and possibly the SDSs for biocides during on-site and desktops checks.

### **3.2 Training for national inspectors 2023**

The WG Chair updated the plenary about the progress made by the WG. The preparatory phase of the sixth training event will be held under the umbrella of the BPRS was kicked off in April 2023. The WG members analysed the topics proposed by the BPRS members and submitted to the BPRS-19 a draft agenda of the training.

The event will be focused on Summary of Product Characteristic (SPC) for biocides and related information on labels (basic level); BPR borderline issues; and critical/forbidden claims. The event will be delivered remotely on 1 December 2023 (no prior registration will be needed).

The WG members would consider to involve the ECHA Biocidal Products Committee to better investigate specific aspects of the SPC, and DG SANTE concerning 'potentially misleading terms' and biocides borderline issues.

### **3.3 BEF-2 - presentation of the project's preliminary results**

The WG Chair presented to the BPRS members the preliminary results of the BEF-2. The WG will consult the draft report with the national coordinators and BPRS members in September 2023. The WG aimed at finalising the report by the BPRS-20. BEF-2 findings might be shared with ASOs at the next Open Session in November 2023.

## **Item 4 – Enforcement of BPR in the Member States**

### **4.1 Enforcement practices in BE**

The BPRS took note of the overall enforcement of Biocidal products as part of a closed circuit in Belgium.

### **4.2 Enforcement experience of biocidal products containing active chlorine**

The BPRS took note of the investigation made in Switzerland that was triggered by the increase in quantity and as well in number of different disinfectants but also an extraordinary increase in disinfectants containing active chlorine from new companies.

### **4.3 Enforcement practices in BG**

The BPRS took note of the information on the regime applied by Bulgaria during the transitional period, pursuant the BPR.

## **Item 6 – Break-out group discussions on the results of BEF-2**

The WG Chair introduced the objective of the break-out groups, namely sharing ideas and suggestions to improve the draft BEF-2 report. Discussions were mainly steered questions addressed by the BEF-2 WG members, acting as moderators.

Example of questions touched upon during the meeting were: what are the most difficult problems with biocidal products on national markets; what the WG should highlight in the BEF-2 report; what problems national inspectors encountered during the BEF-2 inspections. Key notes from the discussion will be taken into account when elaborating the BEF-2 report.

## **Item 7 - Updates on developments by the European Commission**

### **7.1 Update from DG SANTE**

The BPRS took note of the information on active substances, in particular about Iodine/PVP iodine and the second renewal anticoagulant rodenticides. The COM representative also informed about the discussion on trade names in the CA meeting and Article 69(2), the union authorisation (finding an evaluating Competent Authority, quality of Summary of Product Characteristic (SPC) and translations) and an update of derogations under Article 55. Additionally, it was brought to the attention of the BPRS a scope issue concerning products with mode of action at molecular level.

The COM clarified that the COM did not intend to draft a guide for enforcers regarding the SPCs. A list of non-allowed terms and legal statements would be available in the CA document. Although it is not a legal document, this type of document serves to harmonise the BPR implementation among Member States.

## **Item 8 – Practical issues for enforcement**

The Chair updated the plenary about the ongoing discussion on the BPRS Practical Issue (i.e. BPRS-18.1) on labelling of biocidal products. The Practical Issue went through two rounds of written consultation, and a revised draft conclusion was submitted to the BPRS-19 accordingly. The BPRS adopted the conclusion, and HET was tasked to include it in the BPRS Manual of Conclusions (which is available in S-CIRCABC). HET also informed that the Manual of Conclusions might be translated over the coming months.

## **Item 9 - Cooperation with other networks**

### **9.1 Update from the Forum activities**

The Forum Chair debriefed the BPRS on the decisions taken at Forum-45. The Forum elected Henrik Hedlund (SE) as chair and Katja vom Hofe (DE) and Maria Orphanou (CY) as Vice-Chairs. The mandate of new chairs will start on 22/06/2023.

The Forum agreed that the new REF project will focus on the enforcement of chemical products sold online and a new WG was set-up to examine impacts on the Forum of the future REACH, CLP revision and Basic Regulation.

The Forum discussed the first draft work programme prepared by the drafting group composed of Forum/BPRS members, NL, IE members and HET. The new work programme will be concise and describe enforcement priorities, meta-priorities and activities in 2-year perspective 2024-2025. The BPRS members were invited to liaise with the Forum members to provide comments on the work programme.

### **9.2 Update from ADCO Chairs meeting and European Product Compliance network (EUPCN)**

The Chair informed about the EUPCN meetings in March and May 2023. He informed that the EU PCN work programme for 2023 and 2024 was adopted and noted that a substantial portion of topics addressed were not of a direct relevance for BPR.

One item of interest was regarding the improvements of ICSMS<sup>1</sup> planned to be complete by 2024. He suggested to schedule a session on ICSMS and its relevance under the BPR at a future meeting.

Some participants shared that information in ICSMS was very incomplete and thus not reliable for reporting purpose. They follow the Forum's recommendation to record in the tool only the non-compliance cases where an in-depth control has been performed. Recording in ICSMS was found to be quite burdensome as in some cases there were also national tools that the inspector needs to be use and fill in.

## **Item 10 – AOBs**

### **10.1 Result of the satisfaction survey 2022**

The BPRS took note of the document with the compiled results of the satisfaction survey, concerning the Forum and BPRS activities during 2022. Forum, BPRS and WG members and alternates were the target audience of this survey.

The results will be assessed by the Forum and BPRS chairs during the summer and brought for the next plenaries for discussion with the members.

### **10.2 Dates of BPRS plenaries in 2024**

The BPRS took note of the dates of the meetings in 2024:

- BPRS-21 on 14-15 March (Forum-46 on 18-22 March)
- BPRS-22 on 13-14 June (Forum-47 on 10-14 June) (Helsinki)
- BPRS-23 on 14-15 November (Forum-48 on 18-23 Nov)

HET will request budget for a second physical meeting in 2024. In case it is approved, one of the meetings (March or November) will be adjacent to the Forum meeting dates.

### **10.3 Austrian NEA observation concerning a biocidal product "B401 CERTAN" made available on the market which acts against wax moths in bee hives**

The BPRS took note of the case brought by the AT BPRS member. The BPRS members were invited to share whether there were similar cases in their countries and what were their enforcement approach.

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<sup>1</sup> ICSMS: Information and Communication System for Market Surveillance

## II. Conclusions & action points adopted at the BPRS-19

### MAIN CONCLUSIONS & ACTION POINTS – BPRS-19

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item 1- Welcome and introduction</b>		
1.2 Welcome by ECHA's Executive Director		
1.3 Adoption of the Agenda and declarations of conflict of interest	Agenda was adopted.	
1.4 Action points and written procedures from BPRS-18		
<b>Item 2 – Election of the BPRS Chair and Vice Chairs</b>		
2.4 Counting of the votes and announcement of the elected Forum Chair and Vice-Chair	The BPRS elected Helmut de Vos as Chair and Jenny Karlsson and Eugen Anwander as BPRS Vice Chairs.	
<b>Item 3 – BPRS enforcement activities</b>		
<b>3.1 Forum-BPRS WG Prioritisation</b>	The BPRS selected the project on controlling the Summary of Product Characteristics and elements of the Safety Data Sheet.	HET will consult the Forum to obtain the mandate for the BPRS to check elements of REACH and CLP.
3.1.1 Discussion and potential decision on the scope of the next BEF project		
3.1.2 Mandate amendment	BPRS revised the mandate	
<b>3.2 Training for national inspectors 2023</b>		The BPRS members are invited to comment in writing the draft agenda of the next training event by 21 June 2023  The HET to launch the written adoption of the agenda afterwards  BPRS members are invited to nominate experts to join the WG, and to share training material and cases.
3.2.1 Progress Report		
3.2.2 Mandate amendment	BPRS revised the mandate	
<b>3.3 BEF-2</b>		The WG will consult the draft BEF-2 Report with the national coordinators and BPRS members by mid-July
3.3.1 Progress Report		
3.3.2 Mandate amendment	BPRS revised the mandate	

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item 4 – Enforcement of BPR in the Member States</b>		
4.1 Enforcement practices in BE		
4.2 Enforcement experience of biocidal products containing active chlorine		
4.3 Enforcement practices in BG		
		BPRS members from AT and CH are invited to prepare an enforcement related topic for BPRS-20
<b>Item 6 - Break out group discussions on the results of BEF-2</b>		
6.3 Wrap-up		BPRS members who have not yet responded to the survey on transitional measures are invited to do so by 21 June
<b>Item 7 - Updates on developments by Commission</b>		
<b>Item 8 - Practical issues for enforcement</b>		
18.1 Enforcement of labelling on authorisation holders in another country	The BPRS has adopted the conclusion of the practical issue.	HET will include the practical issue in the BPRS Manual of Conclusions by mid-July
		BPRS members are invited to submit new Practical Issues to the HET by mid-September 2023.
<b>Item 9 - Cooperation with other networks</b>		
9.1 Update from the Forum activities		BPRS members are invited to liaise with the Forum members to provide BPR-related comments on the draft work programme before 31 July.
9.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN)		BPRS Vice-Chair will prepare a session on use of ICSMS for BPR purposes at the next plenary meeting.
<b>Item 10 AOBs</b>		
10.1 Document for information: Result of the satisfaction survey 2022		HET and the Forum and BRPS Chairs will discuss the results and potentially prepare a discussion at BPRS-20
10.2 Dates of BPRS plenaries in 2024	- BPRS-21 on 14-15 March	

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
	- BPRS-22 on 13-14 June (Helsinki) - BPRS-23 on 14-15 November	
10.3 Austrian enforcement case on product that acts against wax moths in beehives		BPRS members are invited to respond in writing to the questions raised in the presentation and provide any other feedback by 31 August  AT BPRS member will provide an update on the case at BPRS-20



### III. List of attendees of the BPRS-19

#### BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	BG	HRISTOVA Viktoriya
4	CH	BUERGY Heribert
5	CY	ELIA Nikos
6	CZ	BEDNAŘÍKOVÁ Růžena
7	DE	SCHROETER Meike
8	DK	JENSEN Nicholai Daugaard
9	EE	HONGA Aljona
10	EL	VAGIAS Vasilis
11	ES	TÉBAR LUJÁN Jorge
12	FI	OLLIKKA Jussi
13	FR	VERDIER Elodie
14	HR	VULJANIĆ Kristina
15	IE	CANTY Mary
16	IS	INGVARSDOTTIR Hafdis
17	IT	LONGO Antonina
18	LI	RELLA-QUADERER Maria-Rosaria
19	LT	HAKAITE Palmira
20	LU	LENTZEN Esther
21	LV	KAMERADE Kristine
22	MT	DEBONO Iain Robert
23	NL	BRAAM Marianne
24	NO	SKJARGARD Cathrine
25	PL	WASIK Romualda
26	PT	DIAS Marina
27	RO	CIRLAN Cristiana
28	SE	KARLSSON Jenny
29	SI	HAJRLAHOVIC-MEHIC Semira
30	SK	POCAROVSKA Miriam

**Advisers**

	Country	Name
1	BE	QADARI Ali
2	CH	GRISEL Nadine
3	DE	TSCHECH Guenter
4	DE	FRENZEL Stefan
5	FR	SIMBELIE Karine
6	HR	PILETIC Kaca
7	HU	BACSÓ János
8	IE	SLATTERY Miachel
9	IT	PERRONE Raffaella
10	LU	ENSCH Svenja
11	NO	KVIEN Ingvild
12	NO	HELGERUD Trygve
13	PL	STULCZEWSKI Dawid

**Members of WG BEF-2**

	Country	Name
1	DE	SCHLEICHER Tobias
2	NL	DE VRIES Hlavacova Mariana
3	NL	DE BOER JAbok

**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	TLOCZEK Magdalena	Support and Enforcement

## IV. Annexes

### Annex 1. Adopted agenda of BPRS-19

#### Agenda 19<sup>th</sup> meeting BPR Subgroup of the Forum

**BPRS-19**  
**15-16 June 2023**  
**Helsinki, Finland**  
**ECHA Conference Centre, Meeting room Voima (K260)**

#### **DAY 1** Thursday, 15 June 2023

<b>Welcome coffee</b>	<i>13:00-14:00</i>
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**Location:** Meeting room area

<b>Item 1 – Welcome and introduction</b>	<i>14:00-14:30</i>
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- 1.1 Opening by the BPRS Chair and Vice Chairs
- 1.2 Welcome by ECHA's Executive Director
- 1.3 Adoption of the agenda and declarations of conflict of interest
- 1.4 Status of action points and written procedures from BPRS-18

*ECHA/BPRS-19/2023/dA  
ECHA/BPRS-19/2023/1.4*

**For information/adoption**

<b>Item 2 – Election of the BPRS Chair and Vice Chair</b>	<i>14:30-15:00</i>
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- 2.1 Presentation of the candidates (5')
- 2.2 Candidates' motivation speeches (10')
- 2.3 Election procedure (10')
- 2.4 Counting of the votes and announcement of the elected Forum Chair and Vice-Chair (5')

*ECHA/BPRS-19/2023/2*

**For adoption**

<b>Item 3 – BPRS enforcement activities</b>	<i>15:00-16:00</i>
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- 3.1 Forum-BPRS WG Prioritisation (45')
  - 3.1.1 Discussion and potential decision on the scope of the next BEF project
  - 3.1.2 Mandate amendment

*ECHA/BPRS-19/2023/3.1.1  
ECHA/BPRS-19/2023/Draft\_mandates*  
**For discussion/adoption**

- 3.2 Training for national inspectors 2023 (15')
  - 3.2.1 WG progress report
  - 3.2.2 Mandate amendment

*ECHA/BPRS-19/2023/3.2.1*  
*ECHA/BPRS-19/2023/Draft\_mandates*

**For information/adoption**

**Coffee break 16:00-16:30**

**Item 4 – Enforcement of BPR in the Member States** *16:30-18:00*

- 4.1 Enforcement practices in BE (30') – *BE alternate member*
- 4.2 Enforcement experience of biocidal products containing active chlorine (30') – *CH BPRS member*
- 4.3 Enforcement practices in BG (30') – *BG BPRS member*

**For information**

**Item 5 – Conclusions and action points from day 1** *18:00-18:15*

**For adoption**

**End of day 1** *18:15*

**Social event**

**DAY 2** Friday, 16 June 2023

**Item 3 – BPRS enforcement activities (cont.)** 09:00-09:15

- 3.3 BEF-2 (15')
  - 3.3.1 Presentation of the project's preliminary results
  - 3.3.2 Mandate amendment

*ECHA/BPRS-19/2023/3.3.1\_room\_doc*  
*ECHA/BPRS-19/2023/Draft\_mandates*

**For information/adoption**

**Item 6 – Break out group discussions on the results of BEF-2** 09:15-11:30

- 6.1 Introduction (15')
- 6.2 Discussion in groups (60')

**Break (10:30-11:00)**

- 6.3 Wrap-up (30')

*ECHA/BPRS-19/2023/3.3.1\_room\_doc*

**For discussion**

**Item 7 – Updates on developments by Commission** 11:30-12:00

- 7.1 Update from DG SANTE on BPR provisions (30')

**For information**

**Item 8 – Practical issues for enforcement** 12:00-12:40

*ECHA/BPRS-19/2023/8*

**For discussion**

**Item 9 – Cooperation with other networks** 12:40-13:15

- 9.1 Update from the Forum activities (15') – *Forum Chair*
- 9.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN) (20') – *BPRS Chair*

*ECHA/BPRS-19/2023/9.2\_room\_doc*

**For information**

**Item 10 – AOBs**

13:15-13:35

- 10.1 Document for information: Result of the satisfaction survey 2022
- 10.2 Dates of BPRS plenaries in 2024
- 10.3 Austrian NEA observation concerning a biocidal product “B401 CERTAN” made available on the market which acts against wax moths in bee hives (10’) – *AT BPRS member*

*ECHA/BPRS-19/2023/10.1*

**For information**

**Item 11 – Conclusions and action points from day 2**

13:35-14:00

**For adoption**

**End of BPRS-19 plenary meeting**

14:00

## Annex 2. List of BPRS WG mandates adopted at BPRS-19

“BEF-2”

### BPRS - BEF-2 Working Group

#### “BPR Enforcement project on biocidal products containing non-approved/approved active substances”

(mandate adopted at BPRS-19)

**Chair:** Jenny KARLSSON (SE)

#### **BPRS Members/Alternates**

- Heribert BUERGY (CH)
- 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 2023”**

**BPRS - Working Group**

**“Training for national inspectors 2023”**

(mandate created at BPRS-19)

**Chair:** De Vos Helmut (BE)

**BPRS Members/Alternates :**

- Eugen ANWANDER (AT)
- Aljona HONGA (EE)
- Jussi OLLIKKA (FI)

**Invited Experts:**

- Sylvie Van Nieuwenhove (BE)
- Birgit Lünemann (DE)
- Anna GRONWALD-MACEDO (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-44 and BPRS-19)

**Chair:** Maria ORPHANOU (CY) - rotating Chair

**Vice-Chair:** Jenny KARLSSON (SE) – for BPR topics

**Forum Members/Alternates**

- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- 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):

- 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 and BEF projects, the WG shall:

1. Review annually a list of proposals for REF and BEF, when needed, 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 and BEF projects
3. Draft a recommendation proposing the subject for the next REF and BEF 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 and BEF 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-44
- Shortlist of subjects for BEF-3 by BPRS-19.