

21ST PLENARY MEETING OF THE BPR SUBGROUP OF THE
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

14 MARCH 2024

REMOTE MEETING

BPRS-21 MINUTES

Adopted on 7 June 2024

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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 25 EU Member States with voting rights and the three EEA countries and Switzerland were attending remotely. The Chair informed that the quorum requirement was met.

1.2 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.

1.3 Status of action points and written procedures from BPRS-20

The Chair referred to the document with the results of the written procedures between BPRS-20 and BPRS-21.

The Chair informed the BPRS about the discussions that took place during the meeting with ECHA management on 19 March 2024.

Item 2 – BPRS enforcement activities

2.1 BEF-2

The WG Chair presented to the BPRS members the activities performed during the last months. Specifically, the BEF-2 Practical guide for inspectors is ongoing and its finalisation is expected by the end of April 2024. BPRS members will be invited to comment the document in writing and afterwards to adopt it.

The WG is currently organising the BEF-2 workshop with the ECHA Accredited Stakeholders (ASOs), which will be remotely delivered on 25 March. BPRS members and National Coordinators are invited to attend the event. The ASOs attending the event are: European Chemistry for Textile and Leather (EUCTL); International Association for Soaps, Detergents and Maintenance Products (A.I.S.E.); PETA Science Consortium International (PSCI); European Chemical Industry Council (Cefic); European Man-made Fibres Association (CIRFS); European Beekeeping Coordination (BeeLife).

The BEF-2 mandate was adopted.

2.2 Training for national inspectors 2023

The BPRS Training for national inspectors was remotely delivered on 1 December 2023. The event was focused on Summary of Product Characteristic, biocides borderline issues, and critical/forbidden claims. The training was attended by national inspectors in Member States plus Norway, Iceland, Liechtenstein and Switzerland. The event also attended by HelpNet BPR members, Competent Authorities for biocides, and ECHA experts. About 650 participants remotely attended the training. As follow-up of the training event, material was shared with participants, which will help NEAs in organising national trainings in their countries.

Most of the participants rated the training as 'excellent' and 'good' via the evaluation survey.

2.3 Proposals for BPRS training event 2024

The BPRS decided to focus the next BPRS training for national inspectors on the control of SPC. The task was merged under the BEF-3 WG mandate.

2.4 BEF-3

The WG Chair presented the scope of the BEF-3 as agreed at WG level. Specifically, the BEF-3 will focus on the quality of SPC and related information on labels. When references are made in SPC, elements of SDS will be checked by inspectors. The BPRS members were invited to comment in writing the BEF-3 scope. After adoption, the WG will focus its effort on the preparation of the project manual and questionnaire for inspection (by June 2024).

The WG agreed to take onboard the task of organising the next BPRS Training for national inspectors 2024 together with the Training for national coordinators of the BEF-3.

The BEF-3 mandate was adopted.

Item 3 – Enforcement of BPR in the Member States

3.1 Biocides Enforcement in Cyprus

The BPRS took note of the organisation of the enforcement authorities and their activities in Cyprus.

3.2 Biocides Enforcement in Czech Republic

The BPRS took note of an enforcement case initiated by the Czech authorities on a company selling a non-compliant biocidal product, which was available online also in many Member States. There was cooperation with enforcement authorities of other countries and the European Anti-Fraud Office (OLAF) was contacted to further investigate this company.

HET would liaise with OLAF and check if there would be a follow-up on the case that could be presented at BPRS-22. Moreover, BPRS members were invited to further investigate online offers of this seller and report if any enforcement actions have been taken place.

Item 4 - Updates on developments by the European Commission

4.1 Update from DG SANTE

The BPRS took note of the information shared by COM on the timeline of the Review Programme, derogations under the BPR, updates from the WG on *in-situ* active substances and products, some highlights from seminar on best practices in national authorisations, a proposal under REACH to restrict sensitisers in certain articles and on a new guidance applicability.

Item 5 - Cooperation with other networks

5.1 Update from Forum activities

The Forum presented the highlights of the Forum-46 meeting (taking place on 19-21 March), where it was expected to set a up a new pilot project on Poison Centre notifications. A discussion on the scope of REF-13 on online sales will provide clarity on which CLP duties to enforce, due to delay with the publication of the CLP Revision. There will be discussions on how to improve the trainings for inspectors and on the process of the communication between ECHA and the NEAs (Interlinks).

Five Member States would present their enforcement activities and others will share their experiences with the enforcement of the Diisocyanate restriction and on the guidance for formaldehyde restriction. The Forum will also discuss the potential Forum advice on the enforceability of new restrictions under the Battery regulation.

ECHA Secretariat will inform on the activities of the regulatory advice team, the dissemination team (introducing the new ECHA dissemination page) and an overview of the visibility of the Forum's outputs from 2023. It will be a topic to come back in the future if there could be more that can be done to improve the visibility of the outputs.

The Forum Chair also reported on two conferences held in ECHA back-to-back where he participated. The "Shaping tomorrow" conference, on 28 February, ECHA's stakeholders and general public (e.g. consultants, representatives from Industry) participated. There was a high-level discussion on the direction of developments of the chemicals legislation and enforcement was mentioned as highly relevant.

Additionally, he attended also in ECHA, on 29 February, the Head of Chemical authorities (HCA) meeting. Several speakers expressed the importance and their appreciation for the Forum/BPRS projects and that the increased of private imports and e-commerce remained an issue. The enforcement activities in small countries were increasingly burdensome and needed to be targeted. The Member States reported they were struggling with recruitment and finding people with the right expertise.

In both meetings, Forum had a stand with some information about the Forum's and BPRS' work and where participants could talk with some HET staff and Forum Chair during the breaks. There was high interest during the ECHA Conference, mainly from consultants and ASOs but lower interest during the HCA.

5.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN)

The BPRS took note of the meeting document with the summary of the various meetings attended by the BPRS Vice-Chair.

Item 6 – AOBs

6.1 BPRS plenary meeting dates in 2025

The BPRS took note of the weeks of the BPRS plenary meetings in 2025:

- BPRS-24: week 24-28 March (Forum-49 on 17-21 March)
- BPRS-25: week 9-13 June (back-to-back with Forum-50) (Helsinki)
- BPRS-26: week 10-14 November (Forum-51 on 17-21 Nov – includes Open session).

6.2 Online sales' non-compliance

The BPRS took note of a company that was selling non-compliant products online. It was a finding also shared by the Czech BPRS member (see agenda point [3.2](#)).

6.3 Labelling of disinfectants with food images

The IE BPRS member informed about the labelling of biocidal products, particularly disinfectants with images of fruit and others. The Irish authority have noted a large increase in applications with excessive amounts of food items such as strawberries, lemons, gingerbread men etc. BPRS members were invited to share experiences in enforcing such products. Moreover, the IE members was invited to consider submitting this issue as a practical issue in order to obtain an harmonised enforcement practice over these kind of products.

II. Conclusions & action points adopted at the BPRS-21

MAIN CONCLUSIONS & ACTION POINTS – BPRS-21 (Adopted at the BPRS-21 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda and declarations of conflict of interest	Agenda was adopted.	
1.3 Action points and written procedures from BPRS-20		
Item 2 – BPRS enforcement activities		
2.1 BEF-2		BPRS members are invited to comment on the draft enforcement guide once ready.
2.1.1 Enforcement Guide		
2.1.2 Mandate amendment	BPRS revised the mandate	
2.2 Training for national inspectors 2023		
2.2.1 Final project report		
2.2.2 Mandate closure	BPRS closed the mandate	
2.3 Proposals for BPRS training event 2024	The BPRS decided to focus the training for trainers on the control of SPC and tasked the BEF-3 WG to prepare it	
2.4 BEF-3		BPRS members are invited to send the comments on the BEF-3 scope by 2 April.
2.4.1 Progress report and discussion of the project scope		BPRS members are invited to nominate the National Coordinators of the BEF-3 by 5 April. WG will send a draft Project manual for consultation by BPRS and National Coordinators in May
2.4.2 Mandate amendment	BPRS revised the mandate	BPRS members are invited to nominate new experts to join the WG BEF-3 by 5 April

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
		BPRS members who have experience with practical cases on control of SPC are invited to liaise with the WG to present these practical cases during the training
Item 3 – Enforcement of BPR in the Member States		
		DE and DK BPRS members are invited to prepare an enforcement related topic for BPRS-22.
3.1 Biocides Enforcement in Cyprus		
3.2 Biocides Enforcement in Czech Republic		<p>HET will contact OLAF to check if they are willing to update the BPRS on the case in June and check BPRS can collect information on national actions on the case</p> <p>HET to contact the BPRS summarising the feedback from OLAF.</p> <p>BPRS members are invited to investigate online offers of this seller by end of April</p> <p>BPRS members are invited to report if any enforcement actions have been taken so far with regard to this company by end of April.</p> <p>HET will share the replies received with the involved BPRS members in early May</p> <p>HET will report the replies received in BPRS-22 and discuss if further actions are needed.</p> <p>BPRS members are welcome to contact CZ or FR members or DE BPRS alternate for more details on the case.</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 4 - Updates on developments by Commission		
Item 5 - Cooperation with other networks		
5.1 Update from Forum activities		
5.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN)		
Item 6 AOBs		
6.1 BPRS plenary meeting dates in 2025	BPRS-24: week 24-28 March (Forum-49 on 17-21 March) BPRS-25: week 9-13 June (b2b Forum-50) (Helsinki) BPRS-26: week 10-14 November (Forum-51 on 17-21 Nov – includes Open session)	
6.2 Online sales' non-compliance		
6.3 Labelling of disinfectants with food images		BPRS members are invited to share with IE BPRS member experience enforcement of biocidal products with labels including images of food. IE BPR member is invited to submit the practical issue to be discussed at BPRS-22

III. List of attendees of the BPRS-21

BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	BG	HRISTOVA Viktoriya
4	CH	GRISEL Nadine
5	CY	ELIA Nikos
6	CZ	BEDNAŘÍKOVÁ Růžena
7	DE	VOM HOFE Katja
8	DK	JENSEN Nicholai Daugaard
9	EE	HONGA Aljona
10	EL	MARTIKA Anastasia
11	ES	MARTIN Barbara
12	FI	OLLIKKA Jussi
13	FR	VERDIER Elodie
14	HR	VULJANIĆ Kristina
15	IE	WHELAN Michelle
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	KVIEN Ingvild
25	PL	WAŚIK Romualda
26	RO	CIRLAN Cristiana
27	SE	KARLSSON Jenny
28	SI	HAJRLAHOVIC-MEHIC Semira
29	SK	POCAROVSKA Miriam

Advisers

	Country	Name
1	AT	EDER Brigitte
2	BE	QADARI Ali
3	DE	FRENZEL Stefan
4	DE	TSCHECH Guenter
5	DK	MADSEN Betina
6	HU	BACSÓ János
7	LV	VOITKEVIČA Lilita
8	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	RONTY Kaisu	Support and Enforcement
5	TECCE Nicola	Support and Enforcement

IV. Annexes

Annex 1. Adopted agenda of BPRS-21

Agenda 21st meeting BPR Subgroup of the Forum

BPRS-21 **Remote meeting**

Date: Thursday 14 March 2024
(10:30 - 16:40) (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-20

ECHA/BPRS-21/2024/dA
ECHA/BPRS-21/2024/1.3

For information/adoption

Item 2 – BPRS enforcement activities	<i>10:45-12:30</i>
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- 2.1 BEF-2 (30')
 - 2.1.1 Enforcement Guide
 - 2.1.2 Mandate amendment

ECHA/BPRS-21/2024/Draft_mandates

- 2.2 Training for national inspectors 2023 (15')
 - 2.2.1 Final project report
 - 2.2.2 Closing of the mandate

ECHA/BPRS-21/2024/2.2.1
ECHA/BPRS-21/2024/Draft_mandates

- 2.3 Proposals for BPRS training event 2024 (30')

- 2.4 BEF-3 (30')
 - 2.4.1 Progress report and discussion of the project scope
 - 2.4.2 Mandate amendment

ECHA/BPRS-21/2024/Draft_mandates

For information/adoption

Break (12:30-13:30)

Item 3 – Enforcement of BPR in the Member States 13:30-14:30

3.1 Biocides Enforcement in Cyprus (30') – *CY BPRS Alternate member*

3.2 Biocides Enforcement in Czech Republic (30') – *CZ BPRS member*

For information

Item 4 – Updates on developments by Commission 14:30-15:10

4.1 Update from DG SANTE on BPR provisions (40')

For information/discussion

Break 15:10-15:30

Item 5 – Cooperation with other networks 15:30-16:15

5.1 Update from Forum activities (15')

5.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN) (30')

ECHA/BPRS-21/2024/5.2_room_doc (tbc)

For information/discussion

Item 6 – AOBs 16:15-16:25

6.1 BPRS plenary meeting dates in 2025 – *HET*

6.2 Online sales' non-compliance – *DE BPRS Alternate*

6.3 Labelling of disinfectants with food images – *IE BPRS member*

For information

Item 7 – Conclusions and action points 16:25-16:40

For adoption

End of BPRS-21 plenary meeting 16:40

**Annex 2. List of BPRS WG mandates adopted at BPRS-21
"BEF-2"****BEF-2 Working Group****"BPR Enforcement project on biocidal products containing non-
approved/approved active substances"**
(mandate adopted at BPRS-21)

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 closed at BPRS-21)**

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

“BEF-3”

BEF-3 Working Group

“BPR Enforcement project on controlling the Summary of Product Characteristics for biocides and elements of the Safety Data Sheet”

(mandate to be adopted at BPRS-21)

Chair: Jenny KARLSSON (SE)

BPRS Members/Alternates

- Helmut DE VOS (BE)
- Eugen ANWANDER (AT)
- Antonina LONGO (IT)
- Nadine GRISEL (CH)

Invited Experts

- Heribert BUERGY (CH) (member of the WG until end of August 2024)
- Ivonne DETTMANN (DE)
- Anna MACEDO (DE)
- Rien VAN DIESEN (NL) (member of the WG until end of 2024)
- Sylvie VAN NIEUWENHOVE (BE) (member of the WG until end of 2024)
- Brigitte EDER (AT) (member of the WG until end of 2024)

ECHA: Nicola TECCE; Kaisu RONTY

Objective:

- Conceive and manage the third BPRS enforcement project on controlling the Summary of Product Characteristics and elements of the Safety Data Sheet
- Prepare and deliver the training for national inspectors for the enforcement of the BPR focusing it on BEF-3

Mandate:

1. Define the scope of the BEF-3 in agreement with the BPRS members
2. Develop the project manual (guidance document, checklist, planning) for the execution of the project
3. Prepare and deliver the BEF-3 Training for national coordinators and training for national inspectors 2024
4. Prepare agenda and materials necessary for the training for national inspectors 2024 (presentations and case studies) focusing on the scope of the BEF-3
5. Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics, as necessary
6. Collect, summarise and evaluate the recommendations and reactions of participants to the training for national inspectors 2024
7. Management of the operational phase supporting the national coordinators
8. Management the reporting phase: collect the results and draft project report
9. Elaborate a Practical guide for inspectors based on the relevant outcomes from the project
10. Design and deliver an ad hoc workshop with the BPRS members and national coordinators focused on the best practises and problems encountered by inspectors during the operational phase
11. Prepare and organize a workshop for ECHA ASOs to present the results and recommendations from the project

Timeline

- Defining BEF-3 scope: Q1 2024
- Drafting of project manual: Q3/Q4 2024
- BEF-3 training for national coordinators and training for national inspectors 2024: Q3/Q4 2024
- Operational phase of the project: 2025
- BEF-3 workshop with BPRS members and national coordinators: Q2 2025
- Reporting phase: 2026
- Workshop with ASOs: Q4 2026