

## **MINUTES**

### **NINTH MEETING OF THE BPR SUBGROUP OF THE FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT**

#### **BPRS-9**

**7-8 NOVEMBER 2019**

**ECHA, Helsinki (FI)**

#### **Contents**

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## Glossary of acronyms and abbreviations

AOB	Any Other Business
ASO	Accredited Stakeholder Organisation
BEF-1	First Biocides Enforcement Project
BPRS	BPR Subgroup, a Subgroup of the Forum which coordinates the BPR enforcement
BPC	ECHA Biocidal Product Committee
CLP	Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
COM	European Commission
DG	Directorate General at the Commission
DG SANTE	Directorate General on Health and Food Safety/European Commission
EU	European Union
FORUM	The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC and BPR regulations in the EU, Norway, Iceland and Liechtenstein
ICSMS	Internet-supported information and communication system for the pan-European market surveillance
MAWP	Multiannual Work Programme
MOC	Manual of Conclusions
MS	Member State
NC	National Coordinator of the Enforcement Project
NEA	National Enforcement Authority
PD-NEA	Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
RAPEX	Rapid Alert System
REACH	Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF	REACH-EN-FORCE, Coordinated Enforcement Project of the Forum
ROPs	Rules of Procedure
SPC	Summary of Product Characteristics
TA	Treated Articles
TF	Task Force of the Forum/BPRS
WG	Working Group of the Forum/BPRS
WIN PPIE	ECHA Work Instruction - Processing Practical Issues for Enforcement

## I. Summary record of the proceedings

The items reported in the minutes refer to the final agenda adopted at the BPRS-9 (Content IV, Annex I).

### DAY 1 - FORUM/BPRS JOINT SESSION

#### Item JS 1 - Welcome and introduction

The Forum Chair welcomed the Forum and BPRS members and its experts to the first joint session.

The participants adopted the agenda of the joint session. The BPRS Chair formally opened the BPRS-9 meeting and announced that the quorum requirement was met.

#### Item JS 2 - Updates on the cooperation between Forum and BPR Subgroup

The Chair of the Forum briefed the BPRS members on the agreements and discussions that took place during Forum-34<sup>1</sup>.

The BPRS Chair summarised the topics which will be discussed during the plenary meeting BPRS-9. The Forum Chair noted with interest the results of the “fact-finding” missions organised by COM in relation to the enforcement of BPR.

#### Item JS 3 - Debriefing of the Forum Chair’s presentation at the Management Board meeting

The Forum Chair informed about the Forum’s yearly report to ECHA Management Board, via a presentation at their meeting in September 2019. In general, the meeting participants reacted positively and the presentation generated much feedback. The Forum enforcement priorities and the proposed way of dealing with future challenges was overall supported.

The issues for further attention and actions highlighted by the meeting were:

- i) on the import controls and cooperation with customs authorities (*e.g.* training customs);
- ii) integrated enforcement, more cooperation with OSH, waste and other authorities, which will bring efficiencies without increase in resources;
- iii) Online sales was seen as a major problem and further efforts in this area were encouraged, which was in line with the Forum’s work (REF-8 project);
- iv) Forum’s advice on enforceability of restrictions should be made more consistent and the Forum planned to review the process and
- v) More transparency and better communication to the society on the Forum and enforcement actions.

The Forum Chair relayed the message agreed at the Forum session that future presentations for Management Board would be shared to Forum/BPRS members prior to the meeting. Replying to a Forum member, the Forum Chair informed that reporting the Forum’s activities to ECHA Management Board was in the context of ensuring the Forum, as an ECHA body, was aiming at the same goals as the ones in ECHA’s work programme/priorities.

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<sup>1</sup> Minutes of the BPRS meetings available in <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2019>

## **Item JS 4 – Debriefing of the meeting with the ECHA Directors**

The Forum Chair debriefed the plenary about the meeting that took place on 4 November at ECHA with the ECHA Directors and the Forum / BPRS Chairs. The key issue tackled during the meeting was the transparency of the two bodies towards the ECHA's Accredited Stakeholder Organisations and the general public.

The Directors acknowledged the actions already taken in 2019 by the two Groups, and welcomed their continuation in order to improve the transparency of the enforcement activities performed by the NEAs.

It was suggested to increase the communication and the promotion to the general public of the outcome of the projects. The involvement of the ECHA Communication Unit was recommended.

Both Chairs appreciated the discussion and committed the Groups for an enhanced transparency.

## **Item JS 5 – Joint enforcement projects**

### **JS 5.1 REF-6 on CLP - Final report**

The WG Chair presented to the plenary the results of the enforcement project on classification and labelling of mixtures.

The reporting phase of the REF-6 was reaching its end and the WG members were finalising the report to be adopted by the Forum and BPRS members after the plenary.

The results indicated that 29 countries participated to the project which consisted of a core section on classification and labelling of mixtures and four optional modules, namely: i) exemptions from labelling and packaging requirements; ii) harmonised classification; iii) liquid laundry detergent capsules (LLDCs); iv) biocides.

A total of 1620 companies were visited in Europe, of which 76% were SMEs. The industries selected for inspection covered different roles along the supply chain: manufacturers, importers, downstream users or distributors. The national inspectors checked 3391 mixtures. During the visits the most controlled product categories were: washing and cleaning, biocidal products, coatings and paints, thinners, and paint removers.

Among the main results reported in the final summary, the WG Chair highlighted that 45% of the inspected companies had at least one non-compliance, and 44% of the mixtures were found non-compliant. These data showed a substantial non-compliance rate.

Moreover, 17% of the mixtures inspected was found with an incorrect classification, which led to incorrect labelling. For 17% of the reported mixtures, the label did not correspond with SDS, and 33% had incorrect labelling. Regarding the Safety Data Sheet (SDSs), 33% were non-compliant.

Regarding the mixtures exempted from classification and labelling requirements, for 32,1% of these mixtures the labelling information was not provided according to Art 17(1) and 8,6% of the labelling elements were not in the official languages of the Member States where the mixture was initially placed on the market.

Concerning the checked LLDCs, 22% of them did not maintain the functionality of the closure of the outer packaging when repeatedly opened and closed during the life span of the packaging.

The biocides module showed that 2,6% of the inspected products lacked a valid authorisation according to the Article 17(1) of BPR, whereas 4,7% of the inspected products lacked a valid authorisation according to national legislations in place in the MSs. Additionally, 5,8% of the labels inspected differed from the respective Summary of Product Characteristic (SPC); and 11,6% of the labels did not comply with the provisions of Article 69(2) of BPR.

The WG Chair mentioned that further details and conclusions are going to be indicated in the final report of the REF-6, which will be published on the ECHA website after its adoption.

A follow-up document called 'Hints and Tips', will be drafted and sent to the Forum and BPRS for adoption in January 2020. The document will be made available to the NEAs in early 2020. The document will help the NEAs in view of future national projects related to the CLP Regulation.

### **JS 5.2 REF-8 - Progress report**

The WG Chair informed the plenary that the final manual and the respective questionnaire of the REF-8 was circulated for written adoption among the Forum and BPRS members. The manual contains a common methodology for the inspections of products sold online for the enforcement of CLP, REACH and BPR.

29 National Coordinators (NCs) were appointed for the operational phase of the project. The countries not participating in the enforcement project were indicated.

The WG prepared and delivered the training for the NCs on 3 October 2019 at ECHA. The event was held back-to-back with the Forum/BPRS Training for Trainers 2019 on online sales.

The Chair informed the plenary that the Forum and BPRS members were requested to indicate the translations needs concerning the manual.

National inspectors will kick off the operational phase of the REF-8 in January 2020.

### **JS 5.3 Member States reporting - Progress report**

The WG Chair informed the plenary about the progress report submitted to the Forum and BPRS members. The comments received on the draft reporting template concerning the BPR section were circulated to the COM for consideration.

A proposal for an annual reporting under the BPR will be discussed after the plenary meeting in November.

A follow-up discussion on the matter will take place at the next Forum / BPRS plenary meetings.

### **Item JS 6 – Demonstration of the Interact portal collaboration module**

A member of the Forum Secretariat demonstrated the new tool and its functionalities. The recently released platform will allow concurrent work on same documents by multiple Group members.

The Forum Secretariat indicated its plan to provide appropriate instructions to the Forum, BPRS and working group members *via* a WebEx training on 3 December 2019.

A 'Meeting' module will be incorporated in the Interact portal, and will replace the current use of SCIRCA-BC (indicatively as of March 2020).

Also the usage of the secure messaging functionality available on the tool for BPRS will be discussed more in detail in 2020.

### **Item JS 7 – AOB**

No other items were proposed during the agenda point.

### **Item JS 8 – Adoption of conclusions from the joint session**

The Forum and BPRS adopted the conclusions and actions points collected for the issues discussed during the joint close session.

### **Item JS 9 – Closing of the meeting**

The Forum and BPRS Chairs thanked the participants, the COM and the ECHA Forum Secretariat for their contributions and support. With that, the Forum-34 was closed, while the BPRS-9 continued the meeting the day after.

## **DAY 2 - BPRS-9**

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

#### **1.1 Opening by the Chair of the BPRS and adoption of the agenda**

The Chair of the BPRS opened the second day of the meeting. The Chair announced that the meeting was recorded for the purpose of writing the minutes. The recordings are going to be destroyed after the minutes are adopted.

The Chair informed the plenary about three room documents circulated to the members.

The final agenda was adopted with the inclusion of two AOBs requested by the BPRS Chair and the French BPRS member. The topics suggested were the election of the new BPRS Chair and Vice-Chair planned for March 2020, and the outcome of the survey on the enforcement of nanomaterials in Member States.

#### **1.2 Declarations of conflicts of interest with regard to agenda items**

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

#### **1.3 State of play with regard to the action points from BPRS-8**

The ECHA Forum Secretariat informed the plenary on the status of the action points from the BPRS-8 (document ECHA/BPRS-9/2019/1.3). Almost all the actions were discharged, and one was to be addressed in the agenda items of the BPRS-9.

The BPRS Chair informed the plenary also on two action points which were pending from the BPRS-6 concerning the mistake in the German translation of Article 58(6) of the BPR. These actions points have been discharged and closed.

#### **1.4 Report of the written procedures and other issues between BPRS-8 and BPRS-9**

The Chair informed the BPRS that a meeting document (i.e. ECHA/BPRS-9/2019/1.4) reported the results of the written procedures that took place since BPRS-8.

## **Item 2 - Updates from Forum Secretariat**

### **2.1 BPRS Vice-chair nomination**

Following the resignation of Dominik Pisarek (PL), an election to fill the position of Vice-chair was held at the BPRS-9.

The only candidate was Helmut De Vos (BE) who was elected by majority by the BPRS members. His mandate as the Vice-chair of the BPRS started on 7 November and will last for three years.

### **2.2 Update from the cooperation between BPRS and BPC on risk management measures**

The Chair of the BPRS updated the plenary about the status of the collaboration between the Biocidal Product Committee (BPC) and the BPRS on the enforceability of risk mitigation measures (RMMs) proposed in BPC opinions on active substance approval and in Union authorisations of biocidal products.

After the BPRS-8, the BPC elaborated a generic list of concerned RMMs / label provisions on which the BPRS was consulted. After the analysis of the comments received, the BPRS Chair tasked the BPC Secretariat to elaborate more background information on the generic phrases that would give the BPRS more context for the comments.

A second round of written consultation with the BPRS members will take place after the revision of the list, when the BPRS members will be asked to provide specific comments *per* phrase and, if relevant, to propose more concrete examples on how the phrases could be made enforceable.

A follow-up discussion on the topic will be tabled at the BPRS-10.

## **Item 3 – Practical issues for enforcement**

### **3.1 Items raised by the BPRS/ECHA/COM**

#### **Issue BPRS 8.1 – Treated articles**

The BPRS Chair introduced the practical issue focused on the enforceability of the labelling requirements for treated articles incorporating the active substance permethrin. After the discussion at the plenary, the BPRS decided that a revision of the conclusion is needed. The Forum Secretariat will follow up the Issue after the BPRS-9.

#### **Issue BPRS 8.2 – refilling or repackaging of biocidal products**

After several rounds of comments the BPRS agreed to tackle the following two questions in the issue: 'Is the refilling or repackaging of an authorised biocidal product already placed on the market allowed under the BPR? Is the refilling or repackaging of products benefitting from transitional arrangements under Article 89 of the BPR allowed under the national system?'

A first round of written comments of the new issue took place before the BPRS-9. At the plenary the BPRS analysed the final text proposed by the Forum Secretariat and agreed on its conclusion.

A written consultation for adoption and inclusion in the Manual of Conclusions of the BPR will take place after the plenary.

### **Issue BPRS 9.1 – Biocidal claim**

The BPRS Chair introduced the practical issue submitted by Denmark. The core question focuses on what constitutes a 'biocidal product', with particular emphasis on the element of 'intent' as defined by the existence of a biocidal claim in the label and/or marketing material.

After an initial discussion at the plenary, the BPRS members were tasked to provide written comments.

The Forum Secretariat together with the ECHA Legal Affair Unit and the Commission will analyse the comments received and revise the conclusion accordingly.

## **Item 4 – Updates on relevant developments by the European Commission**

### **4.1 General updates on the BPR provisions by the European Commission**

The COM representative (DG SANTE) gave an update of the COM's activities that were relevant for the work of the BPRS. In particular the presentation touched upon the status of the on-going work related to the review programme of active substances; the experience gathered so far with the Biocidal Product Family concept (BPF); the status of work on Union Authorisations; the application of Unique Formula Identifier (UFI) to biocidal products; the protection of cultural heritage and the potential derogation pursuant to Article 55(3) of the BPR; and an update on reporting under Article 65(3) of the BPR.

The speaker replied to some questions from the audience clarifying the caveats of the derogation under the Article 55(3) of the BPR. If COM decides to grant a derogation allowing a MS to authorise a product containing a non-approved active substance, an application for the product authorisation must be anyhow submitted by interested parties to the MS where the product needs to be used. It was clarified that is not a fast process, neither a quick solution; a full dossier needs to be presented. The use of the specific technology using the product containing the non-approved active substance is not compliant until the product is authorised in the MS.

Regarding the enforcement of the BPR, the COM acknowledged the difficulties of the NEAs in defining the area for inspections. More experience is needed to comprehend this complex mechanism.

### **4.2 Follow-up discussion on the impact of the Regulation 2019/515 on mutual recognition of goods on the BPR mutual recognition mechanism**

At the BPRS-8, the COM was tasked to investigate the impact of the new Regulation 2019/515 on mutual recognition of goods on the BPR mutual recognition mechanism.

The COM clarified that the principle of the special laws overriding the general laws applies in this circumstance. Specifically, the BPR mutual recognition mechanism is not affected by the Regulation 2019/515.

## **Item 5 - BPRS enforcement activities (on-going projects)**

### **5.1 - First BPR enforcement project BEF-1**



### 5.1.1 WG progress report

The Chair of the BPRS WG “First BPRS enforcement project on Treated Articles (BEF-1)” introduced the work done by the WG since June 2019 (BPRS-8).

The BEF-1 is approaching the end of its operational phase, and the WG members are supporting the NCs when needed. Inspections of treated articles are currently taking place in the MSs involved in the project.

On 19 June 2019 afternoon the WG delivered to the BPRS members and NCs an *ad hoc* workshop focused on the best practices of the BEF-1. The workshop was useful for the BPRS members / NCs to share their problems and discuss the national practices in enforcing treated articles. The most common challenge was the decision whether a product is a treated article or a biocidal product.

As main outcome of the BEF-1 workshop the WG elaborated and circulated to the attendees a record of the discussion that took place during the event in order to support the NCs in their duties during the course of the inspections in 2019.

The Chair of the BPRS reminded the BPRS members and the NCs to send to the WG BEF-1 any reflection or observation coming from the experience in enforcing treated articles.

The NCs will start sending the data concerning the inspections of treated articles in their MSs as of January 2020 (reporting phase of the BEF-1).

The National Inspectors involved in the BEF-1 are invited to answer to the Webropol on Section X of the questionnaire (i.e. overall assessment), which was sent via email by the Forum Secretariat to the NCs.

## 5.2 BPRS Training for Trainers 2019

### 5.2.1 WG progress report

One member of the BPRS WG “Training for Trainers 2019” briefed the plenary on the second training event under the umbrella of the BPRS, which was held on 2 October 2019 at ECHA.

The topic of the training was biocides online sale and BPR borderline issues. It was chosen to support the harmonized enforcement project REF-8.

The WG elaborated the training material (presentations and case studies) via written consultation before the training event at ECHA.

The training consisted of a joint session together with the Forum WG Training for Trainers 2019 which was also focused on e-commerce. The topic of the joint session was the methodology for control of internet sales.

A total of 26 inspectors/trainees nominated by the BPRS members physically participated at the training event. Additionally 96 inspectors/trainees followed remotely part of the training which was broadcasted via WebEx.

The WG sent after the event a feedback form to all the attendees. Based on the responses collected, the training was highly appreciated (i.e. 100% of the responders evaluated the training excellent or good).

The collaboration with the Forum/BPRS WG REF-8 on online sale and the Forum WG Tft 2019 was smooth and beneficial for the purpose of the training.

The WG shared with the participants the material with answers revised based on the discussion that took place at the event.

At the BPRS-9, the BPRS adopted the final report of the BPRS WG Tft 2019, and closed the mandate.

### **5.3 Training for Trainers 2020**

#### **5.3.1 Discussion on the scope of a potential Tft 2020**

The BPRS decided to organise a training for enforcement trainers in 2020.

#### **5.3.2 Potential establishment of a new WG**

The BPRS established an *ad hoc* WG to prepare the training for enforcement trainers in 2020. The BPRS members wishing to appoint members to the WG were invited to indicate their names to the Forum Secretariat. The BPRS members were also asked to submit their suggestions for topics to cover during the future training related to the BPR.

### **5.4 Implementation of the Interact (BPR)**

#### **5.4.1 WG progress report**

A Forum Secretariat representative informed the plenary that the majority of the WG members (and related Forum WG) are currently testing the collaboration module of the Interact Portal. It will enable simultaneous working on a document online for BPRS/Forum Members and the BPRS/Forum WG members. The release of the functionality is planned for November 2019.

The WG together with the Forum WG is also conducting some testing on the meeting module of the Interact Portal, which will be made available only to the Forum and BPRS members; the functionality is planned to be used for the upcoming BPRS meetings, potentially starting already in March 2020.

The speaker informed the audience that the delivery of the BPR data in Interact for BPR NEA will be postponed until Q4 of 2020.

By the time of BPRS-10, the WG will potentially also start testing of the Consultation module; the testing is currently planned to take place in February 2020.

It was clarified that no information on active substances will be shown in the final tool.

The activities of the WG will continue for the rest of 2019, in view of the release of the new platform for the NEAs in 2020. An update on the work and timeline will be provided at the next plenary meeting, i.e. BPRS-10.

### **Item 6 – National enforcement policies / Cooperation with other networks**

#### **6.1 Enforcement case: Third party advertisement for biocidal products**

A BPRS invited expert presented some examples of advertisement for biocidal products sold online on the European market.

### **Item 7 – Any Other Business**

#### **7.1 New election of the BPRS Chair and Vice-Chair in March 2020 at the BPRS-10**

The BPRS Chair clarified the planning for the election of the new BPRS Chair and Vice-Chair in March 2020. The new Vice-Chair elected during the BPRS-9 will stay in charge for three years starting from the 7 of November.

#### **7.2 Practises on the enforcement of biocides nanomaterial: result of the survey – French BPRS member**

The French NEA started investigating nanomaterials included in products and articles currently placed on their MS market.

The speaker followed up on the open action point from the BPRS-8, and shared with the audience the input sent by the BPRS members on the practises that currently are in place in their countries on the enforcement of nanomaterials.

The future line-to-take on the investigation of biocides nanomaterial in the French market was outlined by the NEA representative.

A follow-up discussion on the subject will take place in 2020 within the BPRS.

## II. MAIN CONCLUSIONS & ACTION POINTS - Adopted at the BPRS-9 (Public version)

### MAIN CONCLUSIONS & ACTION POINTS – BPRS-9 8 November 2019 (Adopted at the BPRS-9 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item 1- Welcome and introduction</b>		
1.3 Adoption of the Agenda	The BPRS adopted the agenda.	
<b>Item 2 – Updates from the Forum Secretariat</b>		
2.1 Election of the Vice Chair	The BPRS elected the BE member as its Vice Chair.	
2.2. Update from the cooperation between BPRS and BPC on risk management measures		<p><b>BPC-S</b> will elaborate more background information on the origin of the generic risk management measures to provide better context for the comments of the BPRS.</p> <p><b>Forum-S</b> will distribute the revised list to the BPRS and ask for written feedback.</p> <p><b>BPRS</b> members will provide specific comments per phrase and – where relevant (e.g. for restrictions) - also propose more concrete examples how the phrase could be made more enforceable.</p>
<b>Item 3 – Practical issues for enforcement</b>		
Practical issue B-9.1 – Algae products		<b>BPRS members</b> are invited to submit feedback on the national enforcement practice regarding algae products by 22 November.
Practical issue 8.2 - refilling or repackaging of an authorised biocidal product	The BPRS adopted the conclusion of the practical issue	<b>Forum-s</b> will implement the conclusion in “Supplement of the MoC” and send for editorial consultation by 15 November.
Practical issue 8.1 – treated article labelling for permethrin treated carpets		
<b>Item 4 – Relevant updates from the European Commission</b>		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item 5 – BPRS enforcement projects</b>		
<b>Item 5.1 BEF-1 on treated articles</b>		
5.1.1 WG Progress report		<p><b>BPRS members</b> are invited to liaise with the NCs and submit to the Forum-s any difficulties they encountered or practises used during the inspections of BEF-1 by end of February 2020.</p> <p><b>BPRS members</b> to encourage the inspectors to answer to the questionnaire on general assessment of the BEF-1 by January 2020.</p>
5.1.2 Mandate amendment	The BPRS revised the mandate of the WG.	
<b>Item 5.2 Training for Trainers 2019</b>		
5.2.1 WG Progress report		
5.2.2 Mandate closure	The BPRS closed the mandate of the WG.	
<b>Item 5.3 Training for Trainers 2020</b>		
Discussion on the scope of a potential Tft 2020		<p><b>BPRS members</b> are invited to submit written proposals for the topics of the training for trainers 2020 by 6 December.</p> <p><b>BPRS members</b> nominating experts are invited to confirm the names by 29 November</p> <p><b>DK BPRS</b> member to confirm availability for the WG by BPRS-10.</p>
5.2.2 Mandate closure	The BPRS established a WG to prepare the BPR Training 2020.	
<b>Item 5.4 Implementation of the Interact (BPR)</b>		
5.4.1 WG progress report		
5.4.2 Mandate amendment	The BPRS revised the mandate of the WG.	
<b>Item 6 – National enforcement policies / Cooperation with other networks</b>		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Enforcement case from DE: Third party advertisement for biocidal products		<p><b>BPRS members</b> are invited to share experiences with enforcing similar cases to the Forum-s by 6 December</p> <p><b>Forum-s</b> will share this feedback with the BPRS by 20 December.</p>
<b>Item 7 – AOB</b>		
7.1 Election of Chairs at BPRS-10		<p><b>Forum-s</b> will request the BPRS members to nominate the Chair and Vice chair by email by 22 November.</p> <p><b>BPRS members</b> are invited to nominate the next BPRS Chair and Vice Chair by 14 February 2020.</p> <p><b>Forum-S</b> will contact the nominees and confirm whether they will accept to be a candidate. The candidates would be invited to join the pre-meeting of BPRS-10.</p>
7.2 FR feedback on the survey of enforcement of nanomaterials		<p><b>FR BPRS member</b> to send the feedback received to the Forum-s who will distribute it to the BPRS</p>
<b>Item 10 – Adoption of conclusions and action points</b>		

### III. List of attendees of the BPRS-9

#### BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	BG	HRISTOVA Viktoriya
4	CH	BURGY Heribert
5	CY	GAVRIEL Alexandros
6	CZ	JAROLIM Oldrich
7	DE	SCHROETER Meike
8	DK	HANSEN Lise Bach
9	EE	LINNO Annemari
10	EL	PAPATHANASIS Thanasis
11	ES	VAZQUEZ Margarita
12	FI	KARNANI Päivi
13	FR	VERDIER Elodie
14	HU	NEMET Balazs
15	IE	WHELAN Michelle
16	IT	RAVAIOLI Francesca
17	LT	HAKAITE Palmira
18	LU	HERMES Joe
19	LV	ELFERTE Sintija
20	NO	SKARGARD Cathrine
21	RO	CIRLAN Cristiana
22	SE	KARLSSON Jenny
23	SK	POCAROVSKA Miriam

#### Invited Experts

	Country	Name
24	PT	DIAS Maria

#### Advisers

	Country	Name
25	DE	WURSTHORN Sibylle
26	DE	FRENZEL Stefan

#### European Commission representative

	Country	Name
27	DG SANTE	NEGULICI Ligia

**ECHA's Forum Secretariat Staff**

	<b>ECHA</b>	<b>Unit</b>
1	ANNYS Erwin	Support and Enforcement
2	BARANSKI Maciej	Support and Enforcement
3	CALVO TOLEDO Juan Pablo	Support and Enforcement
4	FRONTINI Ales	Support and Enforcement
5	MATEUS Tania	Support and Enforcement
6	NIKULA Terhi	Support and Enforcement
7	TECCE Nicola	Support and Enforcement
8	TLOCZEK Magdalena	Support and Enforcement
9	TUOMAINEN Anita	Support and Enforcement



#### **IV. List of Annexes**

Annex 1. Final agenda of BPRS-9 (as adopted at the plenary)

Annex 2. List of mandates of Forum WGs/BPRS WGs

- 2 a. BPRS WG - First BPR enforcement project – BEF-1
- 2 b. BPRS WG - Training for enforcement trainers 2019
- 2 c. BPRS WG - Training for enforcement trainers 2020
- 2 d. BPRS WG – Implementation of Interact BPR NEA
- 2 e. Forum/BPRS WG - REF-6
- 2 f. Forum/BPRS WG - REF-8
- 2 g. Forum/BPRS WG - MSs Reporting

## Annex 1. Final agenda of BPRS-9 (as adopted at the plenary)

European Chemicals Agency - Helsinki, Finland

7 November 2019 from 13:30 to 15:30

8 November 2019 from 09:00 to 15:15

ECHA meeting rooms: Guido Sacconi/Margot Wallstrom

### DAY 1 – JOINT SESSION with Forum members

<b>Item JS 1 – Welcome</b>	<i>13:30-13:35</i>
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Welcome to the joint session – *Forum/BPRS Chairs*

Kick-off of the BPRS-9

*For information*

<b>Item JS 2 – Updates on the cooperation between Forum and BPR Subgroup</b>	<i>13:35-13:50</i>
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Reports from Forum and BPRS Chairs

*For information*

<b>Item JS 3 – Debriefing of the Forum Chair's presentation at the Management Board meeting</b>	<i>13:50-14:00</i>
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*For information*

<b>Item JS 4 – Debriefing of the meeting with ECHA Directors</b>	<i>14:00-14:10</i>
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*For information*

<b>Item JS 5 – Joint enforcement projects</b>	<i>14:10-14:50</i>
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JS 5.1 REACH-EN-FORCE-6 on CLP (20')

JS 5.1.1 WG final report - *WG Chair*

JS 5.1.2 Mandate closure - *ECHA Forum Secretariat*

JS 5.2 REACH-EN-FORCE-8 on on-line sale (10')

JS 5.2.1 WG progress report - *WG Chair*

JS 5.2.2 Mandate amendment - *ECHA Forum Secretariat*

JS 5.3 Member States reporting (10')

5.3.1 WG progress report – *WG Chair*

5.3.2 Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-34\_BPRS-9/2019/JS5.1

ECHA/Forum-34\_BPRS-9/2019/JS5.2

ECHA/Forum-34\_BPRS-9/2019/JS5.3\_room\_doc

***For information/adoption***

<b>Item JS 6 – Demonstration of the Interact portal collaboration module</b>	<i>14:50-15:20</i>
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***For information***

<b>Item JS 7 – AOB</b>	<i>15:20-15:25</i>
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<b>Item JS 8 - Adoption of conclusions from the joint session</b>	<i>15:25-15:30</i>
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***For adoption***

<b>Item JS 9 – End of the joint session with Forum</b>	<i>15:30</i>
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## DAY 2 – BPRS plenary

### Item 1 – Welcome and Introduction

09:00-09:45

- 1.1 Opening by the Chair of the BPRS and adoption of the Agenda – *BPRS Chair*
- 1.2 Declarations of conflict of interest - *BPRS Chair*
- 1.3 State of play with action points from BPRS-8 – *ECHA Forum Secretariat*
- 1.4 Report of the written procedures and other issues between BPRS-8 and BPRS-9 – *BPRS Chair*

ECHA/BPRS-9/2019/1.3

ECHA/BPRS-9/2019/1.4

***For information/adoption***

### Item 2 – Updates from the Forum Secretariat

09:45-11:00

- 2.1 BPRS Vice Chair nomination (40') – *ECHA Forum Secretariat*

***Coffee break 10:25 – 10:55 (30 minutes)***

- 2.2 Update from the cooperation between BPRS and BPC on risk management measures (35') – *BPC Chair*

ECHA/BPRS-9/2019/2.2\_RMMs\_room doc

***For information/discussion/adoption***

### Item 3 – Practical issues for enforcement

11:30-12:15

- 3.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda) (45') - *ECHA Forum Secretariat*

ECHA/BPRS-9/2019/3.1

ECHA/BPRS-9/2019/3.1\_BPRS-9.1\_room doc

***For discussion/adoption***

### Item 4 – Updates on relevant developments by the European Commission

12:15-13:00

- 4.1 General updates on the BPR provisions by the COM (30')
- 4.2 Follow-up discussion on the impact of the Regulation 2019/515 on mutual recognition of goods on the BPR mutual recognition mechanism (15')

***For information/discussion***

***Lunch break from 13:00 until 14:00***

**Item 5 – BPRS enforcement activities**

14:00-14:50

- 5.1 First BPR enforcement project, BEF-1 (10')
  - 5.1.1 WG progress report - *WG Chair*
  - 5.1.2 Mandate amendment - *ECHA Forum Secretariat*
- 5.2 Training for Trainers 2019 (15')
  - 5.2.1 Final presentation of the WG activities - *WG Chair*
  - 5.2.2 Mandate termination - *ECHA Forum Secretariat*
- 5.3 Discussion on the needs for future BPRS trainings (15')
  - 5.3.1 Discussion on the scope of a potential TtT 2020 - *ECHA Forum Secretariat*
  - 5.3.2 Mandate creation (if needed) - *ECHA Forum Secretariat*
- 5.4 Implementation of Interact BPR-NEA (BPR) (10')
  - 5.4.1 WG progress report - *WG Chair*
  - 5.4.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/BPRS-9/2019/5.1  
ECHA/BPRS-9/2019/5.2  
ECHA/BPRS-9/2019/5.4

***For information/discussion/adoption***

**Item 6 – National enforcement policies / cooperation  
with other networks**

14:50-15:10

- 6.1 Enforcement case: Third party advertisement for biocidal products – *DE BPRS member* (20')

***For information/discussion***

**Item 7 – Any Other Business**

15:10-15:15

- 7.1 Any Other Business

***For information/discussion***

**Item 8 – Adoption of conclusions/action points**

15:15

**Item 9 – End of plenary**

15:15

## Annex 2. List of mandates of BPRS/Forum WGs

### Annex 2 a BPRS WG - First BPR enforcement project – BEF-1

**BPRS Working Group**  
**“BPR enforcement project on treated articles”**  
(Mandate adopted at BPRS-9)

**Chair:** Jenny KARLSSON (SE)

**Vice Chair:** Jabik DE BOER (NL)

**BPRS Members/Alternates:**

- Francesca RAVAIOLI (IT)
- Heribert BURG (CH)
- Marianne BRAAM (NL)

**Invited Experts**

- Karin PFAFF (DE)
- Nadine GRISEL (CH)
- Serge PICCOLO (FR)
- Fiona TCHANAKIAN (FR)

**ECHA:** Nicola TECCE

**Objective:** Conceive and manage the first major BPRS enforcement project on treated articles

**Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Prepare and deliver, if needed, the training for project national coordinators
3. Management of the Operational phase
4. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
5. Cooperate with WG Train the trainers 2018 during the preparation and delivery of the content of the training
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
7. Elaborate a questionnaire on gathering information on national enforcement activities from the BPRS members
8. Design and deliver an ad hoc workshop focused on the best practises of the BEF-1, if appropriate

**Timeline:**

- Assessment of needs and proposals to facilitate the project: Q1 2018
- Approve the scope by the BPRS: Q2 2018
- Project manual: Q4 2018
- Prepare and deliver the training for project national coordinators: Q4 2018
- Operational phase: 2019
- Reporting phase: Q1 2020
- Questionnaire to be run after the BPRS-3
- BEF-1 workshop in June 2019

## **Annex 2 b BPRS WG - Training for enforcement trainers 2019**

### **BPRS Working Group “Training for enforcement trainers 2019” (Mandate closed at BPRS-9)**

**Chair:** Dominik PISAREK (PL)

**BPRS Members/Alternates:**

- Francesca RAVAIOLI (IT)
- Heribert BURG (CH)

**Invited Experts:**

- Nils MANEGOLD (DE)
- Markus KLAR (SE)
- Nadine GRISEL (CH)

**ECHA:** Nicola TECCE

**Objective:** Prepare and deliver the training for trainers on the enforcement of BPR in the fourth quarter of 2019.

**Mandate:**

1. Examine the training subjects relevant for enforcement in the fourth quarter of 2018 and prepare the priority topics for agreement by BPRS-7
2. Specify the envisaged level of the content of the training
3. Prepare materials necessary for the training such as presentations or documents
4. Cooperation with the Forum WG Tft 2019 and REF-8 on online sales
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

**Timeline:**

- By the BPRS-7: conclude on list of subjects and prioritisation, adopt the agenda of the training event
- BPRS-9: final report

## **Annex 2 c BPRS WG - Training for enforcement trainers 2020**

### **BPRS Working Group “Training for enforcement trainers 2020” (Mandate adopted at BPRS-9)**

**Chair:** Helmut DE VOS (BE)

**BPRS Members/Alternates:**

- Heribert BURGY (CH)
- Eugen ANWANDER (AT)

**Invited Experts:**

- CH
- IT

**ECHA:** Nicola TECCE

**Objective:**

- Prepare and deliver the training for trainers on the enforcement of BPR in the fourth quarter of 2020.

**Mandate:**

7. Examine the training subjects relevant for enforcement in the fourth quarter of 2020 and prepare the priority topics for agreement by BPRS-10
8. Specify the envisaged level of the content of the training
9. Prepare materials necessary for the training such as presentations or documents
10. Cooperation with the Forum WG Tft 2020
11. Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics as necessary
12. Collect, summarise and evaluate the recommendations and reactions of participants

**Timeline:**

- By the BPRS-10: conclude on list of subjects and prioritisation, adopt the agenda of the training event
- BPRS-12: final report



## **Annex 2 d Interact Portal**

### **BPRS Working Group “Implementation of Interact BPR NEA” (Mandate adopted at BPRS-9)**

**Chair:** Eugen ANWANDER (AT)

**BPRS Members/Alternates:**

- Francesca RAVAIOLI (IT)
- Brigitte EDER (AT)

**Invited Experts:**

- Natalija UMBRASIENE (LT)
- Jurgen SCHMID (DE)

**ECHA**

- Jolanta STASKO (D2)
- Anita TUOMAINEN

**Objective:** Support the implementation of the Interact Portal for NEAs for biocides (Interact BPR NEA) allowing inspectors access to data on biocidal products submitted to ECHA.

**Mandate:**

1. Analyse the requirements for the BPR inspectors;
2. Provide input during the further development and implementation of Interact BPR NEA;
3. Verify that the UAT conditions are implemented and follow up the implementation of the WG improvement requests;
4. Provide training on the use of the Interact BPR NEA to MSs;
5. Support the production of a Manual for using the Interact BPR NEA.

**Timeline:** BPRS-10 (Q1 2020)

**Annex 2 e Forum/BPRS WG - REF-6**

**Forum Working Group**  
Work Package A.1  
**“Coordinated enforcement project REACH-EN-FORCE-6”**  
(Mandate closed at Forum-34 and BPRS-9)

**Composition:**

**Chair:** Henrik HEDLUND (SE)

**Forum Members and Alternates**

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIAN TINOU (EL)
- Graca BRAVO (PT)
- Žilvinas UŽOMECKAS (LT)
- Markus MAKI (FI)

**Invited Experts**

- Petra SCHLAG (DE)
- Panagiota SKAFIDA (EL)
- Adhemar ROG (NL)
- Harm VOERMAN (NL)

**BPRS Members and Experts**

- Viktoriya HRISTOVA (BG); Anna MASLARSKA (BG)

**ECHA**

- Outi TUNNELA (B4); Ales FRONTINI; Anita TUOMAINEN

**Objective:** conceive and manage the sixth major Forum enforcement project REF-6

**Mandate:**

1. Management of the Operational phase
2. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
3. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
4. Include biocides in the scope of the project in collaboration with the appointed BPR experts
5. Define the scope of enforcement activities under Art 45 and Annex VIII of CLP
6. Address in the manual the issue of mechanical compression strength of the LLDCs

**Timeline:**

- Project manual: Q4 2017
- Prepare and deliver the training for project national coordinators: Q4 2017
- Define the scope of enforcement activities under Art 45 and Annex VIII of CLP: Q2 2018
- Operational phase: 2018
- Reporting phase (National Coordinators): Q1 2019
- Evaluation phase: Q3 2019
- Draft report: Q4 2019
- Adoption of the report: Q4 2019
- Tips and hints for inspectors: Q1 2020

**Annex 2 f Forum/BPRS WG - REF-8****Forum Working Group**Work Package A.1**“Coordinated enforcement project REACH-EN-FORCE-8”**

(Mandate adopted at Forum-34 and BPRS-9)

**Chair:** Karin RUMAR (SE)**Forum Members and Alternates**

- Eugen ANWANDER (AT)
- Martin MARKO (CZ)
- Maria Leticia POLCI (IT)
- Maria PALEOMILITOU (CY)

**Invited Experts**

- Kevin BUCKLEY (IE)
- Sara YASSINE (DK)
- Timea TARNOCZAI (HU)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)
- Lotta KAILA (FI)
- Olivier COUTURAUD (FR)

**BPRS Members and Experts**

- Cathrine SKJÆRGÅRD (NO) (BPRS member)
- Francesca RAVAIOLI (IT) (BPRS member)
- Jenny KARLSSON (SE) (BPRS alternate)
- Brian MURPHY (IE) (BPRS alternate)
- Jabik DE BOER (NL) (BPRS alternate)
- Fiona TCHANAKIAN (FR) (BPR expert)
- Anne HORN (DE) (BPR expert)

**ECHA**

- Tania MATEUS
- Ales FRONTINI
- Nicola TECCE

**Objective:** Conceive and manage the eighth major Forum enforcement project REF-8 ‘Enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold on-line’.

**Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project, taking into account the learnings from previous Forum projects “control of internet sales” and “REF-4” and others at EU level;
2. Define the specific duties to be covered in the project;
3. Prepare and deliver the training for project national coordinators
4. Management of the Operational phase
5. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

**Timeline:**

- Project manual: Q4 2019
- Prepare and deliver the training for project national coordinators: Q4 2019
- Operational phase: 2020
- Reporting phase (National Coordinators): Q1 2021
- Evaluation phase: Q3 2021
- Draft report: Q4 2021
- Adoption of the report: Q4 2021
- Tips and hints for inspectors: Q4 2021

**Annex 2 g Forum/BPRS WG - MSs Reporting****Forum Working Group**  
**“Member States reporting”**  
(Mandate adopted at Forum-34 and BPRS-9)

**Chair:** Sinead MCMICKAN (IE)

**Forum Members/Alternates**

- Katja VOM HOFE (DE)
- Markus MAKI (FI)
- Elena ZIDAROVA (BG)
- Emilie RASOOLY (FR)

**BPRS Members/Alternates**

- Francesca RAVAIOLI (IT)
- Annemari LINNO (EE)

**Invited Experts**

- Andrea MAYER-FIGGE (DE)
- Monika AVIZIENE (LT)

**Commission**

- Ligia NEGULICI (DG SANTE)

**ECHA**

- Maciej BARANSKI
- Ales FRONTINI

**Objectives:**

- Prepare the pilot for the Member States annual reports on enforcement as defined in Forum WP 2019-2023 and comment on the templates of the the Reports prepared by the Commission

**Tasks:**

- Review the templates for the reports to the European Commission required under Article 117(1) of REACH and Article 46(2) of CLP, Art 22(1) of PIC and art 65(3) of the BPR
- Liaise with COM consultant preparing the review reporting templates under the Art 117 of REACH, Art 46 of CLP and art 65(3) of BPR
- Draft the reporting template for annually reporting the Member States Enforcement activities under REACH and CLP
- Liaise with WG Interlinks regarding any data on interlinks to be included in the reports
- Start the pilot phase of the annual reporting exercise
- Examine MS Report template under Art 65(3) and use it to draft a template for annually reporting the Member States Enforcement activities under BPR, for further consideration by the BPRS in November 2019
- Prepare the template for the report to the European Commission required under Article 13(1)(a) of the POPs Regulation

**Timeline:** Forum-35 (March 2020)