



Forum-40/M/2022 – PUBLIC

Adopted on 14/06/2022

**Minutes of the
40th meeting of the Forum for Exchange of Information on Enforcement
Remote meeting
15-17 March 2022**

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Welcome and opening by the Forum Chair

The Forum Chair welcomed all the participants and opened the meeting. She announced that the Forum members from the 26 EU Member States with voting rights and the three EEA countries were attending. The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda

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

1.3 Declarations of conflicts of interest with regard to agenda items

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

1.4 Introduction of the future ECHA Director of Submission and Interaction

The Forum was informed that ECHA Director of the Support and Enforcement unit, Jukka Malm will be retiring at the end of April. He appreciated the good collaboration between the ECHA Secretariat and the Forum. The new appointed Director taking over in May 2022 will be Mercedes Viñas and she was looking forward to be more involved in the work of the Forum.

1.5 State of play with action points from Forum-39

The Harmonised Enforcement team (HET) informed the plenary on the status of the action points from Forum-39.

1.6 Results of the written procedures and other issues between Forum-39 and Forum-40

The Chair referred to the document with the results of the written procedures between Forum-39 and Forum-40.

Item 2 - Forum's enforcement activities - Ongoing projects

2.1 Member State reporting

2.1.1 WG progress report

The WG chair highlighted the need to have a harmonised counting method for Member States reporting to provide reliable data on NEAs' activities which will be very valuable for NEAs, ECHA and COM for planning and reporting purposes.

2.1.2 Mandate amendment

The Forum adopted the mandate of the WG ([Annex 2a](#)).

2.2 REF-8 on Online sales

2.2.1 WG progress report

The Forum was informed on the latest activities of the WG after the adoption and publication of the project report in December 2021. The WG started preparing the deliverables of the follow-up phase: the practical enforcement guide for inspectors and the workshop with the stakeholders, which will be held remotely on the morning of 17 May 2022. For the workshop, besides ECHA's Accredited Stakeholders, the WG would invite representatives of the marketplaces¹.

The WG chair gave an update on the status of the agenda of the workshop and on the expected participation.

2.2.2 Mandate amendment

The Forum adopted the updated WG mandate ([Annex 2b](#)).

2.3 REF-9 on Authorisation

2.3.1 WG progress report

The Forum took note that the reporting from the national coordinators was running by the end of March and the WG would start preparing the report afterwards.

It was noted that the operational phase run during the pandemic, which brought additional challenges to the inspectors and that some national coordinators will be reporting at a later stage. It was advised for the Member States submitting the results later to contact the WG and if possible, to send the results at the latest on 30 April. The Chair complemented that the preliminary results of the project might be ready to be presented at Forum-41.

2.3.2 Mandate amendment

The Forum adopted the updated mandate ([Annex 2c](#)).

2.4 REF-10 on Integrated control of products

2.4.1 WG progress report

The Forum took note of the WG's activities since the last Forum meeting. All the deliverables of the preparatory phase were completed, and the national inspections have started on January 2022.

2.4.2 Mandate amendment

The Forum adopted the updated WG mandate ([Annex 2d](#)).

2.5 REF-11 on SDS

2.5.1 WG progress report

The Forum took note of the WG's activities during the preparatory phase of this project.

2.5.2 Mandate amendment

The Forum adopted the updated WG mandate ([Annex 2e](#)).

¹ Post-meeting note: A Member of the European Parliament also attended the workshop.

2.6 Pilot project on classification of mixtures focusing on detergents and cleaning products

2.6.1 Task force progress report

A member of the task force informed the Forum on the approach agreed within the group to firstly collect practical experiences on mixtures classification via principles that go beyond standard summation or additivity approaches, then collect key open questions related to enforcement and then to aim at creating a practical methodology to be used in enforcement cases of this kind.

The Forum members would be invited to submit suitable cases using relevant hazard classification principles to be assessed as basis to prepare the manual and questionnaire of the project. Moreover, if there was national expertise on the issue, the Forum members were asked to consider appointing experts to be part of the task force.

2.6.2 Mandate amendment

The Forum adopted the updated the mandate ([Annex 2f](#)). As a chair was not appointed, the group would continue the work as a task force managed by HET².

2.7 Pilot project on recovered substances

2.7.1 WG progress report

The WG chair informed about the actions occurred during the operational phase, which took place between January and December 2021. All the national results had been submitted and the WG would analyse the national results and prepare the report in the upcoming months.

Additionally, the WG chair participated in the training/workshop organised by IMPEL in November 2021, giving a presentation of the Forum project and its status.

The WG would prepare the Workshop with the ASOs, wich was planned to take place during (or combined with) the 2022 Open session, in November.

2.7.1 Mandate amendment

The Forum adopted the updated WG mandate ([Annex 2g](#)).

2.8 Train the enforcement trainers 2022

2.8.1 WG progress report

The WG chair reported on the conclusions of the WG to cover only issues related to the enforcement of SDS and checking their conformity with the requirements of the newest version of Annex II (as in the scope of REF-11 project). The WG would liaise with the WG REF-11 for examples of SDSs to be used in the preparation of the training.

The training event will take place on 24-25 November 2022. The Forum members were invited to nominate two trainees.

2.8.2 Mandate amendment

The Forum adopted the mandate ([Annex 2h](#)).

² Post-meeting note: A chair and vice-chair were appointed for this WG.

2.9 Prioritisation of REF projects

2.9.1 WG progress report

HET reminded the Forum of the deadline for the submission of project proposals for REF-12 was 13 April 2022. Afterwards, the WG will meet in May to review the proposals and will present to the Forum the recommendations for the scope of REF-12 project at Forum-41.

2.9.2 Mandate amendment

The Forum adopted the updated WG mandate ([Annex 2i](#)). A chair was appointed for 2022 and another Forum member volunteered for chairing this WG in 2023.

2.10 Enforceability of Restrictions

2.10.1 Task Force progress report

The HET member reported on the work done in regard to the advice on four restriction proposals and the plans for the future proposals. He informed that the document "Assessment of Enforceability of new REACH Annex XVII restrictions and analysis of Forum advice contribution to development of restrictions" was adopted by the Forum via written procedure.

The subgroup of the task force was assessing the different documents with the view to provide suggestions for changes of the process for developing the Forum advice. The task force planned to liaise with RAC and SEAC secretariats and take into consideration the restriction process in ECHA.

COM representative added that COM was considering different options to enhance the role of the Forum, including an advisory role for the Forum on authorisations.

2.10.2 Mandate amendment

The Forum adopted the updated the mandate ([Annex 2j](#)). As a chair was not appointed, the group would continue the work as a task force managed by HET³.

Item 3 – Debriefing of the meeting with ECHA Directors

The Chairs informed the Forum about the discussions that took place during the remote meeting with the ECHA Directors, on 3 March 2022. The topics addressed were the 1) European Audit Capacity and 2) reflections from the High level round table.

Item 4 – Updates from BPR Subgroup

The BPRS Chair briefed the Forum on the issues to be discussed at the BPRS-15 plenary meeting⁴.

In particular, the speaker updated the members on the state-of-play for the BEF-2 project: its operational phase was kicked off in January 2022 and national inspectors were performing enforcement activities in 30 countries (26 Member States plus Norway, Iceland, Liechtenstein and Switzerland). The scope of the BEF-

³ *Post-meeting note: a Forum member volunteered as chair after the meeting. The task force will become a WG.*

⁴ BPRS-15 meeting agenda and minutes: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2022>

2 focused on biocidal products containing non-approved/approved active substances.

The BPRS Chair reported to the plenary that the 'BPRS training 2021 for national inspectors and national coordinators' took place remotely on 26.11.2021 and it was focused on the BEF-2. More than 370 participants remotely attended the training and the participants submitted via chat over 80 content-related questions during the event.

The BPRS Chair also mentioned that the BPRS members were analysing a list submitted by the European Ozone trade Association (EuOTA) of (potentially) non-compliant ozone generating devices currently marketed in the EU. Some NEAs indicated that national investigations could take place in the near future, and depending on the outcome of these investigations, the BPRS will then discuss the need for further actions (especially in the case widespread compliance problems with ozone generating devices falling under the BPR are potentially identified in the EU).

Item 6 – Discussion on the enforcement of specific REACH restrictions entries

6.1 Restriction of hazardous substances used in tattooing inks and permanent make up

The Chair summarised the replies of the Forum members regarding the plans for the enforcement of this restriction as well as the methods for chemical analysis of tattoo inks.

Countries planning enforcement actions in 2022/2023, these Forum members were invited to share experiences and findings from the controls of tattoo inks with the Forum.

6.2 Diisocyanates

The Chair welcomed the feedback from the Forum members regarding the practical approach on the requirement to provide information on the label concerning training requirement, with effect from 24 February 2022. The main requirement of the restriction was on training, *i.e.* users must undergo and successfully complete training on safe handling of the diisocyanates/mixtures containing diisocyanates.

The Forum discussed a potential harmonisation of enforcing the requirement (meaning of 'successful completion of training'), the content of the training, training providers, and grade for successful completion. The Forum would continue this discussion and invited COM to inform on the plans or ongoing work on the guidance for training required under the diisocyanates restriction.

6.3 Survey on availability of analytical methods for chlorinated paraffins

An ECHA representative reminded the Forum to reply to the running survey to collect the available analytical methods in use by enforcement authorities for detecting and quantifying the presence of some chlorinated paraffins/alkanes in substances, mixtures and articles placed on the market in the EEA.

Item 7 – Update on relevant developments by the Commission

7.1 Update on the High-Level Round Table break-out-session on enforcement

The DG GROW representative informed that the High-Level Round table meeting in November 2021 adopted a report with numerous recommendations and actions. A dedicated follow-up meeting with the Sherpas was organised on 23 February 2022, to tackle the recommendations related to enforcement. It was discussed, among other things, actions to combat illegal online sales, market surveillances regulation pilots, how to improve cooperation between the civil society and public authorities, testing and analytical methods and access to justice.

A second break-out session was envisaged for April 2022, to address remaining issues such as the priorities and role of the Forum.

Replying to some Forum members about the representation of the Forum in the break-out-group on enforcement, the COM stressed that the high-level round table was an advisory group for the COM in the implementation of the CSS, composed by business and NGOs (civil society). The outputs of the discussions in such group were not binding and would be analysed and discussed internally by the COM.

The Forum Chair encouraged COM to make use of the assistance and expertise offered by the Forum during the follow-up.

7.2 Updates on the study on the EU Audit Capacity

Representatives from Milieu, the organisation realising the study on the European Audit Capacity (EAC) ordered by COM, gave the Forum the preliminary results of the study and provided some basic information on the proposed options to design the EAC as well as the proposed criteria.

Based on the limited information available, the Forum members discussed the proposals and highlighted the potential national challenges that may incur with the options and criteria presented. Some Forum members criticised that an option on not having the EAC was not included in the proposal but will be included as the “base line” option of the study.

A representative from DG ENV appreciated the Forum’s input for the work on EAC on short notice during December 2021 and welcomed more feedback from the Forum on the final report, once ready. He stressed that the proposal presented included a modular perspective giving some flexibility to the options and that further assessments will take place at a later stage.

The Forum would wait for the final report, which will be commented by the Forum members within the time frame of 2 weeks. Afterwards, COM would consider organising a dedicated workshop with the Forum members to discuss the open issues and the way forward.

7.3 General updates by the European Commission

COM representative updated the Forum on the status of the revision of CLP and REACH, in particular about the enforcement provisions in these regulations. He mentioned the REACH public consultation and invited the Forum members to participate and comment on the enforcement aspects. COM was preparing impact assessments as basis to make a concrete proposal for the revision of REACH and CLP.

In a separate legal instrument called “Basic regulation for ECHA”, will include the horizontal issues such as the opinion makers RAC and SEAC. It was foreseen to add

a provision on the Forum, currently under Article 86. Revision of existing provisions will not always be necessary.

He described planned actions, triggered by CSS, that could require a change in the REACH regulation:

- 1) Revocation of the registration numbers in case of non-compliance;
- 2) EAC (see agenda point [7.2](#)): if at the end, the EAC would introduce binding requirements, REACH (and potentially other legislations) would need to be revised;
- 3) Targeting of illegal online sales: Digital Services Act was in the final stages of Council and Parliament. It will clarify the role of online platforms and other intermediaries online. Moreover, COM was considering introducing in the CLP revision a new actor (EU sole responsible person for compliance, and in some cases it could be the online platform) and to clarify and improve the legal text of CLP Article 48 on the online sales/advertisement.

The chair of REF-8 WG highlighted that the liability exemption laid in the E-commerce Directive would continue to be in place and more so with the Digital Service Act, meaning that online sellers/platforms were responsible to take down the non-compliant offer only after they were aware of the non-compliance but there was no obligation for them to do it proactively. Therefore, in order to actually improve the situation, the CLP text would need to be more stringent. COM added that although it seemed that the changes in CLP/REACH would be somehow conservative, it would raise the awareness of the actors dealing with chemicals.

- 4) Issues related to Customs: Work was being developed by DG TAXUD, using as basis the study to support REACH aspects into Customs legislation, with the view to translate the recommendations from the study into new powers for the Customs. If that was seen as beneficial, REACH would then need to reflect this aspect of working with Customs. Alternatively, it could also be explored on a dedicated implementing legislation.

A Forum member informed that his REACH authority had good cooperation with their Customs and offered to provide input on their experiences to DG TAXUD.

- 5) The proposal of the CSS was to expand the powers of OLAF to focus also on the infringement of chemical legislation. The presenter mentioned the proposal from 17 Nov 2021 on the amendment of shipment of waste regulation, which included a specific section on the mandate of OLAF, and could be the example of the text that could be included in REACH.
- 6) Penalties for non-compliances: COM was exploring whether the penalties could be more harmonised in the EU, referring to the example set by the Environmental Crime Directive.
- 7) Role and tasks of the Forum: Article 77(4) text could be modernised and assessed if it was still fit for purpose (e.g. IT tools' references). Moreover, there was a proposal for the Forum to have an advisory role on the enforceability of restrictions and authorisations decisions during the decision-making process.

A Forum member welcome the new role of the Forum and noted that, nationally, his NEA provided advice on the draft authorisation decision upon request of the responsible national bodies. The Forum members were invited to signal whether they were consulted at the national level on the enforceability of conditions in draft authorisation decisions.

7.4 Debriefing of the meeting between COM and Forum Chairs

The Chair referred to the meeting document which was the minutes of the meeting between the representatives from COM, the Forum Chairs and HET.

The Chair note that HET provided to COM, as per request from COM, a compilation of areas of non-compliances identified in the Forum's projects and welcomed that compilation to be provided also to Forum members.

Item 8 – Cooperation with other networks

8.1 Forum's contribution to the Product Compliance Network (EUPCN) and the ADCO Chairs' meetings

The Forum took note of the information from the EUPCN meetings attended by the Chairs.

The Chair highlighted that the workload in the EUPCN and its partners groups increased and that the issues discussed have great impact on the NEAs. The Chairs would seek additional support from the Forum by communicating important issues and ask for involvement of Forum members or support from WGs on ad-hoc EUPCN consultations. The Chairs would propose a structured approach for the Forum involvement in the EUPCN issues in the Forum-41 meeting.

8.2 Follow-up from the 2021 Open session's discussion with BEUC regarding collaboration with national consumer organisations

After the 2021 Open session, Forum members were invited to indicate the potential for cooperation in REF-10 as well as any potential challenges and solutions in cooperation with consumer organisations in gathering evidence for enforcement.

In some Members States participating in the REF-10 project there was discussions on their involvement and agreement on the intention to work with the national consumer organisations under REF-10. However, it was too early for Forum members to concretise on the type of cooperation expected as well as the efficacy of such cooperation.

The Forum agreed for HET to reply to BEUC and encouraged the members to continue the national cooperation under the REF-10 and report to the Forum their experiences.

8.3 Updates from SLIC-CHEMEX

The Forum took note of the document with the summary of the SLIC-CHEMEX activities. An ECHA representative attending the SLIC-CHEMEX meetings highlighted its new way of working and its new subgroup REACH/OSH, focusing mainly on REACH review action 3. He presented at their meeting a status report from ECHA, including a report of the Forum's projects. The sub-group decided not to take part in the working group of REF-11 because the topic was not part of their expertise. However, if requested, was available to give input.

Item 10 – Enforcement in the Member States

10.1 Registration of UVCBs by oil terminals

The Estonian Forum member presented their investigations on a case concerning the registration of petroleum UVCB substances that were distilled at oil terminals.

It highlighted the chemical legislation and its potential inaccuracy when looking at the process from the chemistry perspective. Thus, she welcomed to improve the definition of UVCB in REACH Article 3 during the current REACH review.

Some Forum members shared some similar experiences and supported the recommended practices presented.

Item 11 – Practical issues for enforcement of REACH, CLP, PIC and POPs

The Chair informed that there were three issues re-opened in the HelpEx tool.

The Forum agreed that issues adopted at the meeting, will undergo a written consultation after the meeting for editorial comments, but these editorial changes will not need to be re-adopted afterwards via a written procedure.

Forum discussed the practical issues relevant to enforcement. Members were invited to submit new practical issues by 25 April 2022.

Issue 21.2 - Who is responsible for the compilation and provision of a Safety Data Sheet (SDS) when an only representative (OR) is appointed?

HET presented the conclusion with the remarks made during the last consultation.

The Forum adopted the conclusion showed on screen. Written consultation for additional editorial changes would follow.

Issue 36.3 – Where a professional user buys a chemical in a retailer, such as a hardware store, which provision of REACH applies regarding the requirement to supply the SDS Article 31(1) or Article 31(4)?

The issue was sent for written procedure in January 2022. Nine members voted in favour and one against. Written procedure was suspended by the Chair and the conclusion was revised to accommodate the comment of the objecting member. The Forum members were invited to submit written comments to the revised conclusion.

Issue 39.2 – How do inspectors react when aerosol dispensers placed on the market do not meet the requirements of standard EN ISO 11683:1997?

The issue was revised after liaising with European Federation of Aerosols (EFA) and consulted with the Forum. Among the comments received, one member suggested changes and the revised version was proposed for adoption.

The Forum members agreed with the new version and adopted the conclusion.

Issue 40.1 – How should we handle the issue of unintentional versus intentionally added substances in POPs Regulation restrictions of PFOS and PFOA?

The issue was submitted after the deadline hence the draft conclusion was under preparation. The Forum members were invited to submit comments to the conclusion once launched.

Item 12 – Updates from the ECHA Secretariat

12.1 Board of Appeal decision impacting enforcement

The Chair of the Board of Appeal (BoA) presented the decision concerning the case A-009-2020, which was an appeal against a follow-up of a compliance check (CCH) decision and confirmed the Agency's position that registrants who cease manufacture after the final CCH decision remained bound by information requirements and CCH decision issued before the cease of manufacture. The BoA decision was being challenged before the General Court.

Following the query of the presenter, some Forum members shared their national experiences when encountering such situations.

12.2 Update on the preparation of the Union overview report on POPs

The Forum took note of the section about the enforcement of POPs included in the draft Union Overview Report. The data included in the report pertains to the period from 2019 onwards. Since not all countries submitted data for all years, the results were necessarily partial.

ECHA intended to publish the first version of the report after addressing the feedback from the COM, POP CAs and the Forum in Q2 2022.

The Forum members were invited to submit comment on the draft section on enforcement.

12.3 Update of ECHA screening of registrations to verify update duties

The Forum took note on the actions undertaken by ECHA concerning the screening campaign on SVHC substances. The analysis of the responses was ongoing and ECHA would inform the NEAs of cases for follow-up. It was still to be decided whether another campaign would be run and the support of the NEAs was welcomed.

12.4 ECHA's experience with enforcement of Dossier evaluation decisions

ECHA representative summarised a few cases of Dossier Evaluation decision that were sent to the NEAs for enforcement during the last years.

The presenter encouraged the Forum members/Focal points to contact ECHA and discuss the approach taken or the issues found. Other ways to address these issues could be via practical issues or workshops.

Item 13 – Updates from the ECHA Harmonised Enforcement team

13.1 Follow-up of ECHA Decisions: updates from ECHA

The Forum took note on the statistics about the cases sent to the Member States Focal points until 15 February 2022.

13.2 Actions on the Forum member's engagement

The Forum was informed on status of the actions for HET derived from the discussions on the Forum's engagement during 2021.

HET confirmed the possibility to organize a training in chairing meetings remotely. Thus, the Forum members and alternates interested were invited to in signal it to HET in order to procure enough sessions.

In order to emphasize the importance of the Forum's work, the Executive Director invited the Management Board and CA members to highlight the importance of harmonised enforcement and appropriate resourcing of Forum work and allow for more robust resourcing of the Forum and the Committees.

Some Forum members were interested in a letter to be sent to their hierarchy with a similar message. After internal discussion, ECHA Secretariat proposed for such letter to be sent to all countries and co-signed by ECHA's Executive Director and Forum Chair. Forum Members were invited to indicate the best addressee of such letter in their country.

HET prepared an induction package for Forum and WG members explaining the rights and responsibilities of chairs and members, mode of work and expected workload. This will provide more information to members and experts to facilitate volunteering for WGs. Forum members were invited to submit their feedback on the document.

Item 14 – A.O.B.

No A.O.B. were raised at the meeting.

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-40

15-17 March 2022

(Adopted at the Forum-40 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda	Agenda was adopted.	
1.5 State of play with action points from Forum-39		
1.6 Results of the written procedures and other issues between Forum-39 and Forum-40		
Item 2 – Forum’s enforcement activities - Ongoing projects		
<i>2.1 Member State reporting</i>		
2.1.1 WG Progress report		
2.1.2 Mandate amendment	The Forum revised the mandate.	Forum members appointing new WG members are invited to send names by 8 April
<i>2.2 REF-8 on online sales</i>		
2.2.1 WG Progress report		
2.2.2 Mandate amendment	The Forum revised the mandate.	
<i>2.3 REF-9 on Authorisation</i>		
2.3.1 WG Progress report		National Coordinators who are not able to submit the data by 30 April are invited to inform the WG and agree on a date to submit the missing national results.
2.3.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.
<i>2.4 REF-10 on Integrated control of products</i>		

2.4.1 WG progress report		
2.4.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.
<i>2.5 REF-11 on SDS</i>		
2.5.1 WG Progress report		Forum members are invited to nominate the national coordinators for the REF-11 project by 30 May .
2.5.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.
<i>2.6 Pilot project on classification of mixtures focusing on detergents and cleaning products</i>		
2.6.1 WG Progress report		The WG will invite the Forum members to submit cases with application of relevant classification principles, specifying the deadline. Forum members are invited to submit cases with application of relevant classification principles and invite to appoint their national experts as WG members. Appointments should be sent by the same deadline as submission of cases
2.6.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.
<i>2.7 Pilot project on recovered substances</i>		
2.7.1 WG Progress report		
2.7.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.

2.8 Train the enforcement trainers 2022		<p>Forum members are invited to inform the WG in case they have SDS in new format available</p> <p>Forum members are invited to nominate two participants per MSs for the training by 30 May 2022.</p> <p>WG TFT will liaise with WG REF-11 to collect the examples of SDSs received from the ASOs for use in preparation of the training.</p>
2.8.1 WG Progress report		
2.8.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.
2.9 Prioritisation of REF projects		
2.9.1 WG Progress report		Forum members are invited to submit project proposals for REF-12 by 13 April 2022.
2.9.2 Mandate amendment	The Forum revised the mandate.	Forum members are invited to nominate Forum member to the WG by 8 April.
2.10 Enforceability of Restrictions		
2.10.1 WG progress report		
2.10.2 Mandate amendment	The Forum revised the mandate.	<p>COM and Forum members are invited to nominate members to the WG by 8 April.</p> <p>Forum members are strongly encouraged to volunteer to chair WG Restrictions.</p>
Item 3 – Debriefing of the meeting between Forum Chairs and ECHA Directors		
Item 4 – Updates from BPR Subgroup		

Item 6 – Discussion on the enforcement of specific REACH restrictions entries		
6.1 Restriction of hazardous substances used in tattooing inks and permanent make up		Forum members who undertake enforcement actions on tattoo inks in 2022/2023 are invited to share experiences and findings from the controls in the future plenaries or in writing with HET.
6.2 Diisocyanates		COM is invited to inform on the plans or ongoing work on the guidance for training required under the diisocyanates restriction.
6.3 Survey on availability of analytical methods for chlorinated paraffins		<p>Forum members are invited to respond to the survey by 31 March.</p> <p>Forum members are invited to coordinate with their experts in analytical methods when responding to the survey.</p> <p>HET will share the survey with the experts on analytical methods in WG Restrictions by 18 March.</p>
Item 7 – Update on relevant developments by the Commission		
7.1 Update on the High-Level Round Table break-out-session on enforcement		<p>COM is invited share the minutes of the first break out group of the HLRT and the table of follow up actions for HLRT recommendations when they are finalised.</p> <p>Forum members are invited to provide comments on these documents within two weeks.</p> <p>COM is invited to update the Forum on further HLRT developments at the Forum-41 plenary</p>
7.2 Updates on the study on the EU Audit Capacity		COM will provide the final report of the study to Forum when it is ready.

		<p>Forum members will comment on the report within two weeks of receipt of the report.</p> <p>HET will compile the feedback, send it to the Forum</p> <p>HET and Chairs will organise an ad hoc workshop to discuss the feedback from the Forum.</p> <p>COM will consider an ad hoc workshop with interested Forum members to discuss aspects of EAC to support the preparation of its proposal.</p>
7.3 General updates by the European Commission		<p>Forum members are invited to consider providing feedback in the public consultation on REACH revision by 15 April.</p> <p>Forum members are invited to indicate whether NEAs are consulted on the national level on the enforceability of conditions in draft authorisation decisions by 15 April</p>
7.4 Debriefing of the meeting between COM and Forum Chairs		HET will share with the Forum the compilation of areas of non-compliance identified in Forum projects, which was sent to the COM by 18 March.
Item 8 – Cooperation with other networks		
8.1 Forum's contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs' meetings	Chairs will inform and involve the Forum members or Working Groups in the EUPCN consultations until end of June 2022.	Chairs will propose a more structured approach towards cooperation with EUPCN at Forum-41.
8.2 Follow-up from the 2021 Open session's discussion with BEUC regarding collaboration with national consumer organisations		<p>HET will formulate the reply from the Forum to BEUC and consult it with Forum Chairs in early April 2022.</p> <p>Forum members who cooperate with the consumer organisations are invited to report back after REF-10 on their experience.</p>

		Forum members are invited to encourage their REF-10 National Coordinators to liaise with the national consumer organisations, if not done so already.
8.3 Updates from SLIC-CHEMEX		HET will invite SLIC CHEMEX WG chair and vice-chair to the Forum-41 to present an update on their activities.
Item 10 – Enforcement in the Member States		
10.1 Registration of UVCBs by oil terminals		Forum members are invited to share enforcement experience on this topic with EE Forum member.
Item 11 – Practical issues for enforcement of REACH/CLP/PIC/POPs		
Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)		Forum members are invited to comment on HelpEx issues by 15 April Forum members are invited to submit new practical issues by 25 April 2022 HET will upload a new version of the MOC by end of March
21.2 – SDS duties in case OR is appointed	The Forum adopted the conclusion of the issue.	HET will send the issue for editorial consultation by 25 March
36.3 – SDS duties for retailers		HET will send the issue for written consultation by 25 March Forum members are invited to submit written comments by 8 April
39.2 – Tactile warning of danger on aerosol dispensers	The Forum adopted the conclusion of the issue.	HET will send the issue for editorial consultation by 25 March
40.1 – Unintended trace contaminants		HET will send the issue for written consultation by 25 March Forum members are invited to submit written comments by 8 April

Item 12 – Updates from the ECHA Secretariat		
12.1 Board of Appeal decision impacting enforcement		
12.2 Update on the preparation of the Union overview report on POPs		Forum members are invited to submit comment on section 6 on enforcement of the draft Union Overview Report by 15 April.
12.3 Update of ECHA screening of registrations to verify update duties		Forum members are welcome to send any questions on this activity by 8 April
12.4 ECHA's experience with enforcement of Dossier evaluation decisions	MS Focal Points and ECHA Secretariat are invited to discuss the challenging cases bilaterally	Forum members are invited to express interest in support or discussion on challenging DEV enforcement cases by 15 April
Item 13 – Updates from the ECHA Harmonised Enforcement team (HET)		
13.1 Follow-up of ECHA Decisions		
13.2 Actions on the Forum member's engagement		<p>Forum members to submit feedback to the Induction Package via Interact portal by 1 April.</p> <p>Forum members and alternates are invited to express interest in training in chairing meetings by 8 April</p> <p>Forum members are invited to indicate a preferred addressee of a letter on adequate resourcing of the Forum by 8 April</p>
Item 14 – AOB		

III. List of Attendees**Forum members**

	Country	Name
1	AT	ANWANDER Eugen
2	BE	VAN DEN HOLE Chris
3	BG	GAYGUROVA Margarita
4	CY	ORPHANOU Maria
5	CZ	JAROLÍM Oldrich
6	DE	VOM HOFE Katja
7	DK	SCHARFF Ida
8	EE	HONGA Aljona
9	EL	CHATZANTONIOU Dimitris
10	ES	TEBAR LUJAN Jorge
11	FI	MÄKI Markus
12	FR	ABDELHAFIZ Sam
13	HR	PILETIĆ Kaća
14	HU	MAROSVÖLGYI Nikoletta
15	IE	McMICKAN Sinead
16	IS	BRAGASON Ísak
17	IT	ALESSI Mariano
18	LI	RELLA-QUADERER Maria Rosaria
19	LT	ŠPŪRIENĖ Otilija
20	LU	ENGELS Kim
21	LV	DAUGELE Santa
22	MT	GARG Ramandeep
23	NL	KLINGENBERG Albert
24	NO	HAGEN Gro
25	PL	MOCZULAK Aleksandra
26	PT	CENTENICO Ana
27	RO	MIJA Maria
29	SE	HEDLUND Henrik
29	SI	HAJRLAHOVIC MEHIC Semira
30	SK	POČAROVSKÁ Miriam

Invited experts/Advisors

	Country	Name
1	BE	TANGHE Philip
2	CZ	MUSIL Petr
3	DE	FRENZEL Stefan
4	DE	WURSTHORN Sibylle
5	DK	MIKKELSEN Sonja
6	DK	STAB BRYNDUM Louise
7	DK	SCHULEIT Linda
8	ES	ZAMORA NAVAS Laura

	Country	Name
9	FI	TALASNIEMI Petteri
10	FR	TCHANAKIAN Fiona
11	HR	VULJANIC Kristina
12	HU	KOVÁCS Tamás
13	IE	COLLINS Karen
14	IT	SCIMONELLI Luigia
15	LT	ŠIUIPIENĖ Julita
16	LU	WEBER Jill
17	MT	MIFSUD Shirley
18	NO	SULEIMAN Abdulqadir Mohamad
19	PL	STULCZEWSKI Dawid
20	PT	SANTOS Andrea
21	PT	GATO Ilda
22	SE	RUMAR Karin
23	SE	ZETTERBERG Camilla

European Commission representative

	DG	Name
1	GROW	TEMMINK Harrie
2	ENV	MAURER Helmut
3	ENV	BERGER Bernhard

	ECHA	Unit
1	ANNYS Erwin	Support and Enforcement Unit
2	BARANSKI Maciej	Support and Enforcement Unit
3	BUCHET Antoine	Chair Board of Appeal
4	CALVO TOLEDO Juan Pablo	Support and Enforcement Unit
5	LEHTO Anastasia	Support and Enforcement Unit
6	MAK Istvan	Data Availability Unit
7	NIKULA Terhi	Support and Enforcement Unit
8	TŁOCZEK Magdalena	Support and Enforcement Unit
9	VALENTINI Marco	Hazard II

IV. List of Annexes

ANNEX 1. Final agenda Forum-40

ANNEX 2. Revision of the mandates of the Forum WGs

ANNEX 2 a – “Member State Reporting”

ANNEX 2 b – “REF-8 on online sales”

ANNEX 2 c – “REF-9 on Authorisation”

ANNEX 2 d – “REF-10 on Integrated chemical control of products”

ANNEX 2 e – “REF-11 on SDS”

ANNEX 2 f – “Pilot project on classification of mixtures”

ANNEX 2 g - “Pilot project on recovered substances”

ANNEX 2 h – “Train the trainers 2022”

ANNEX 2 i - “Prioritisation of REF projects”

ANNEX 2 j – “Enforceability of restrictions”

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-40

Agenda

**Fortieth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-40)
15-17 March 2022
Remote meeting**

DAY 1 Tuesday, 15 March 2022 (10:30 – 15:30 EET)

Item 1 – Welcome and Introduction

10:30-11:00

- 1.1 Welcome and opening by the Forum Chair
- 1.2 Adoption of the agenda
- 1.3 Declarations of conflict of interest with regard to agenda items and quorum
- 1.4 Introduction of the future ECHA Director of Submission and Interaction
- 1.5 State of play with action points from Forum-39 – *ECHA HET*
- 1.6 Results of the written procedures and other issues between Forum-39 and Forum-40 - *ECHA HET*

*ECHA/Forum-40/2022/dA
ECHA/Forum-40/2022/1.5
ECHA/Forum-40/2022/1.5_room_doc
ECHA/Forum-40/2022/1.6*

***For adoption
For information***

Item 2 – Forum’s enforcement activities - Ongoing projects

11:00-15:10

- 2.1 *Member State reporting (30')*
 - 2.1.1 *WG Progress report – WG Chair*
 - 2.1.2 *Mandate amendment - ECHA HET*

*ECHA/Forum-40/2022/2.1.1
ECHA/Forum-40/2022/Draft_mandates*

***For discussion
For adoption***

- 2.2 *REF-8 on online sales (15')*
 - 2.2.1 *WG Progress report – WG Chair*
 - 2.2.2 *Mandate amendment - ECHA HET*

*ECHA/Forum-40/2022/2.2.1
ECHA/Forum-40/2022/Draft_mandates*

***For information
For adoption***

- 2.3 *REF-9 on Authorisation (15')*
 - 2.3.1 WG Progress report – *WG Chair*
 - 2.3.2 Mandate amendment - *ECHA HET*

ECHA/Forum-40/2022/2.3.1
ECHA/Forum-40/2022/Draft_mandates

For information
For adoption

Coffee break (12:00-12:15)

- 2.4 *REF-10 on Integrated control of products (10')*
 - 2.4.1 WG progress report – *ECHA HET*
 - 2.4.2 Mandate amendment - *ECHA HET*

ECHA/Forum-40/2022/2.4.1_room_doc
ECHA/Forum-40/2022/Draft_mandates

For information
For adoption

- 2.5 *REF-11 on SDS (30')*
 - 2.5.1 WG Progress report – *WG Chair*
 - 2.5.2 Mandate amendment - *ECHA HET*

ECHA/Forum-40/2022/2.5.1_room_doc
ECHA/Forum-40/2022/Draft_mandates

For discussion
For adoption

- 2.6 *Pilot project on classification of mixtures focusing on detergents and cleaning products (45')*
 - 2.6.1 WG Progress report – *WG Chair*
 - 2.6.2 Mandate amendment - *ECHA HET*

ECHA/Forum-40/2022/2.6.1_room_doc
ECHA/Forum-40/2022/Draft_mandates

For discussion
For adoption

Lunch break (13:40-14:30)

- 2.7 *Pilot project on recovered substances (15')*
 - 2.7.1 WG Progress report – *WG Chair*
 - 2.7.2 Mandate amendment - *ECHA HET*

ECHA/Forum-40/2022/2.7.1
ECHA/Forum-40/2022/Draft_mandates

For information
For adoption

2.8 Train the enforcement trainers 2022 (15')

2.8.1 WG Progress report – *WG Chair*

2.8.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-40/2022/2.8.1
ECHA/Forum-40/2022/Draft_mandates*

***For information
For adoption***

2.9 Prioritisation of REF projects (10')

2.9.1 WG Progress report – *WG Chair*

2.9.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-40/2022/2.9.1_room_doc
ECHA/Forum-40/2022/Draft_mandates*

***For information
For adoption***

Item 3 – Debriefing of the meeting between Forum Chairs and ECHA Directors	<i>15:10-15:20</i>
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For information

Item 4 – Updates from BPR Subgroup	<i>15:20-15:30</i>
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Update on the coordination of the BPR enforcement – *BPRS Chair*

For information

End of day 1	<i>15:30</i>
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Virtual social gathering (15:30-16:00)

DAY 2 Wednesday, 16 March 2022 (10:30 – 16:00 EET)

Item 5 - Adoption of conclusions from day 1 10:30-10:45

For adoption

Item 2 – Forum’s enforcement activities - Ongoing projects (cont.) 10:45-11:15

- 2.10 Enforceability of Restrictions (30')
- 2.10.1 WG progress report – ECHA HET
- 2.10.2 Mandate amendment - ECHA HET

ECHA/Forum-40/2022/2.10.1_room_doc
ECHA/Forum-40/2022/Draft_mandates

For information
For adoption

Item 6 – Discussion on the enforcement of specific REACH restrictions entries 11:15-12:15

- 6.1 Restriction of hazardous substances used in tattooing inks and permanent make up
- 6.2 Diisocyanates

ECHA/Forum-40/2022/6_room_doc
ECHA/Forum-40/2022/6_1_room_doc

For discussion

- 6.3 Survey on availability of analytical methods for chlorinated paraffins

For information

Coffee break (12:15-12:30)

Item 7 – Update on relevant developments by the Commission 12:30-15:20

- 7.1 Update on the High Level Round Table break-out-session on enforcement (30')
- 7.2 Updates on the study on the EU Audit Capacity (60')

Lunch break (14:00-14:50)

- 7.3 General updates by the European Commission (20')
- 7.4 Debriefing of the meeting between COM and Forum Chairs (10')

ECHA/Forum-40/2022/7.4

For information
For discussion

Item 8 – Cooperation with other networks	<i>15:20-16:00</i>
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- 8.1 Forum's contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs' meetings (25') – *Forum Chair*
- 8.2 Follow-up from the 2021 Open session's discussion with BEUC regarding collaboration with national consumer organisations (10') – *Forum Chair*
- 8.3 Updates from SLIC-CHEMEX (5') – *Forum Chair*

ECHA/Forum-40/2022/8.1

ECHA/Forum-40/2022/8.2

ECHA/Forum-40/2022/8.3

For information

End of day 2	<i>16:00</i>
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DAY 3 Thursday, 17 March 2022 (10:30-15:50 EET)

Item 9 - Adoption of conclusions from day 2 10:30-10:45

For adoption

Item 10 – Enforcement in the Member States 10:45-11:05

10.1 Registration of UVCBs by oil terminals – *EE Forum member*

For information

Item 11 – Practical issues for enforcement of REACH/CLP/PIC/POPs 11:05-12:05

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

*ECHA/Forum-40/2022/11
ECHA/Forum-40/2022/11_room_doc*

For discussion

Coffee break (12:05-12:20)

Item 12 – Updates from the ECHA Secretariat 12:20-14:50

12.1 Board of Appeal decision impacting enforcement – *BoA Chair* (30')

12.2 Update on the preparation of the Union overview report on POPs (30')

12.3 Update of ECHA screening of registrations to verify update duties (10')

*ECHA/Forum-40/2022/12.1
ECHA/Forum-40/2022/12.2_room_doc
ECHA/Forum-40/2022/12.3_room_doc*

For information

Lunch break (13:30-14:15)

12.4 ECHA's experience with enforcement of Dossier evaluation decisions (35')

For discussion

Item 13 – Updates from the ECHA Harmonised Enforcement team (HET)	<i>14:50-15:10</i>
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13.1 Follow-up of ECHA Decisions (5')

13.2 Actions on the Forum member's engagement (15')

ECHA/Forum-40/2022/13.1

ECHA/Forum-40/2022/13.2

For information

Item 14 – AOB	<i>15:10-15:40</i>
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For information

Item 15– Adoption of conclusions from day 3	<i>15:40-15:50</i>
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End of meeting	<i>15:50</i>
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Annex 2 a “MS reporting”

**Forum Working Group
“Member States reporting”
(mandate adopted at Forum-40)**

Composition

- **Chair:** Chris VAN DEN HOLE (BE)
-
- **Vice-Chair:** Katja VOM HOFE (DE)
-

Forum Members/Alternates

- Sinead MCMICKAN (IE)

Invited Experts

- Caroline NILSSON (SE)
- Katja TRAWNY (DE)

COM:

ECHA: Maciej BARAŃSKI;

Objectives:

- Establish a harmonised method of counting controls for the purposes of reporting enforcement activities by the NEAs

Tasks:

- A. Propose a harmonised method of counting controls for the purposes of reporting by NEA
- B. If needed, analyse national systems for collecting data and work with the Member States who need this analysis to define tailored practical recommendations on how to calculate the controls according to the recommended convention and assessing the effort needed

Timeline: Forum-42 (November 2022)

Annex 2 b “REF-8”

Forum Working Group
Work Package A.1
“Coordinated enforcement project REACH-EN-FORCE-8”
(mandate adopted at Forum-40/BPRS-15)

Composition

Chair: Karin RUMAR (SE)

Forum Members and Alternates

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

Invited Experts

- Kevin BUCKLEY (IE)
- Timea TARNOCZAI (HU)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)

BPRS Members and Experts

- Cathrine SKJÆRGÅRD (NO) (BPRS member)
- Jenny KARLSSON (SE) (BPRS alternate)
- Brian MURPHY (IE) (BPRS alternate)
- Jabik DE BOER (NL) (BPRS alternate)
- Anne HORN (DE) (BPRS expert)

ECHA

- Tania MATEUS
- 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
7. Prepare and organize a short WebEx workshop for ECHA ASOs to present the results and recommendations from this 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: Q2 2022
- Workshop with ASOs: Q2 2022

Annex 2 c “REF-9”

Forum Working Group
Work Package A.1
“Coordinated enforcement project REACH-EN-FORCE-9”
(mandate adopted at Forum-40)

Composition

- **Chair:** Eugen ANWANDER (AT)

Forum Members and Alternates

- Markus MAKI (FI)
- Sam ABDELHAFIZ (FR)
- Mirjam VAN DER MEER (NL)

Invited Experts

- Elvera BREEDLAND (NL)
- Lisa EKSTIG (SE)
- Maria José FALCÃO (PT)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)
- Jarmo OSMO (FI) (OSH)
- Majella LOWE (IE)

SLIC CHEMEX

- Monique WAEGEMAEKERS (NL)

ECHA

- Magdalena TŁOCZEK
- Andrew MURRAY
- Fesil MUSHTAQ
- Thierry NICOT

Objective:

- Conceive and manage the ninth major Forum enforcement project REF-9 on authorisation.

Mandate:

1. Make a recommendation to Forum about the substances to be included in the scope of the project by Forum-35
2. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
3. Liaise with the WG ‘Training for trainers 2020’
4. Define the specific duties to be covered in the project;
5. Prepare and deliver the training for project national coordinators
6. Management of the Operational phase
7. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
9. Prepare and organize a short WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline:

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 2021
- Reporting phase (National Coordinators): Q1 2022
- Evaluation phase: Q3 2022
- Draft report: Q4 2022
- Adoption of the report: Q4 2022
- Tips and hints for inspectors: Q2 2023
- Workshop with ECHA ASOs: Q2 2023

Annex 2 d “REF-10”

Forum Working Group

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-10”

(mandate adopted at Forum-40)

Composition

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Kaca PILETIC (HR)
- Mariano ALESSI (IT)
- Eugen ANWANDER (AT)

Invited Experts

- Eric BARSEGHIAN (NL)
- Mieke CONICKX (BE)
- Anneli PÄRNÄNEN (FI)
- Emilie ROGERS (NO)
- Sharon McNULTY (IE)
- Michel LEYNEN (BE)
- Frank VILSMEIER (DE)

Invited experts (training experts)

- Uwe LICHT-KLAGGE (DE)
- Mariana PILENVIK (SE)
- Mirjam VAN DER MEER (NL)

ECHA

- Juan Pablo CALVO TOLEDO
- Ignacio GONZALEZ RODRIGUEZ
- Telmo VIEIRA PRAZERES
- Augusto DI BASTIANO
- Anastasia LEHTO

Objective:

- Conceive, manage and evaluate the tenth major Forum enforcement project REF-10 ‘Integrated chemical control of products’.
- Present the relevant project recommendations to ECHA ASOs to promote compliance
- develop practical enforcement guidance for enforcement authorities based on the lessons learnt from the project
-

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. The WG will consider whether it needs to cooperate with other public enforcement networks and authorities such as customs, RoHs, Market Surveillance, environment and if so, liaise with them to facilitate this cooperation and coordinate the project accordingly
3. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
4. Prepare and deliver the extended training for project national coordinators and inspectors (conditional on the availability of sufficient number of

- experts to prepare it)
5. Management of the Operational phase
 6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
 7. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
 8. Elaborate a guideline and training to tackle the question related to the verification of the notification to the SCIP database and liaise if necessary with IMPEL to assist on this task
 9. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline

- Project manual: Q4 2021
- Prepare and deliver the extended training for project national coordinators and inspectors: Q4 2021
- Operational phase: 2022
- Reporting phase (National Coordinators): Q1 2023
- Evaluation phase: Q3 2023
- Draft report: Q4 2023
- Adoption of the report: Q4 2023
- Workshop with ECHA ASOs: Q2 2024
- Tips and hints for inspectors: Q2 2024

Annex 2 e "REF-11"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-11"
(mandate created at Forum-40)

Composition

- **Chair:** Abdulqadir SULEIMAN (NO)

Forum Members and Alternates

- Ana CENTENICO (PT)

-

Invited Experts

- [Shara SMITH](#) (IE)
- Linnea KANNING (SE)
- Mette KIILLERICH KIRDAN (DK)
- Sonja HAGEN MIKKELSEN (DK)
- Barbara Schmid (DE)
- Milena ORSO GIACONE (IT)
- Carlo MUSCARELLA (IT)
- Antonietta COVONE (IT)
- Marius SULGA (LT)
- Anu MATILAINEN (FI)
- [Tamás KOVÁCS](#) (HU)
- Erik BARSEGHIAN (NL)

ECHA

- Juan Pablo CALVO TOLEDO
- Anastasia LEHTO
- Andrew MURRAY
- Fesil MUSHTAQ
- Outi TUNNELA
- Amandine JOMIER

Objective:

- Conceive and manage the eleventh major Forum enforcement project REF-11 on SDS and checking the conformity with the requirements of the new Annex II of REACH.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. Liaise with the WG 'Training for trainers 2022' (TBC)
3. Define the specific duties to be covered in the project;
4. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
5. Prepare and deliver the training for project national coordinators
6. Management of the Operational phase
7. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
9. Prepare and organise a short WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline:

- Project manual: Q4 2022
- Prepare and deliver the training for project national coordinators: Q4 2022
- Operational phase: 2023
- Reporting phase (National Coordinators): Q1 2024
- Evaluation phase: Q3 2024
- Draft report: Q4 2024
- Adoption of the report: Q4 2024
- Tips and hints for inspectors: Q2 2025
- Workshop with ECHA ASOs: Q2 2025

Annex 2 f “Pilot on Classification of mixtures”

Forum Working Group

“Pilot project on classification of mixtures including detergents and cleaning products”

(mandate adopted on Forum-40)

Composition

- **Chair:** Eugen ANWANDER (AT)
- **Vice-Chair:** Jorge TEBAR LUJAN (ES)

Forum Members and Alternates

- Dimitrios CHATZIANTONIOU (EL)
- Karen COLLINS (IE)

Invited Experts

- Kristina KARLSSON (SE)
- Sibylle WURSTHORN (DE)
- Gaetano Abate (DE)
- Erik BARSEGHIAN (NL)
- Maria ALESSANDRELLI (IT)
- Sonia D'ILIO (IT)
- Fiona TCHANAKIAN (FR)

ECHA: Nicola TECCE, Kirsi MYOHANEN

Objective: Conceive and manage the pilot project on classification of mixtures including detergents and cleaning products

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
3. Management of the Operational phase
4. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
5. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Preparatory phase: January 2022-June 2022
- Operational phase: July 2022-December 2022
- Reporting phase: January-June 2023;
- Follow-up: July-November 2023.

Annex 2 g “Recovered Substances”

Forum Working Group

“Pilot project on recovered substances exempted from REACH registration”

(mandate adopted at Forum-40)

Composition

Chair: Oldrich JAROLIM (CZ)

Vice-chair: Ida SCHARFF (DK)

Forum Members and Alternates

- Almudena OVEJAS ZAPATA (ES)

Invited Experts

- Maria Thestrup JENSEN (DK)
- Peter HELLEMA (NL)
- Frank PEEN (NL)
- Neide LOURENÇO (PT)

COM: Gert ROEBBEN (DG GROW)

ECHA

- Tania MATEUS
- Rossella DEMI
- Ronan NICOLAS
- Telmo VIEIRA PRAZERES
- Ignacio GONZALES RODRIGUEZ
- Ulrich KREMSER

Objective:

- Conceive and manage the pilot project on recovered substances, with particular attention for the exemption from REACH registration obligation, according to REACH Art 2(7) d in the waste recycling sector.
- Optionally, include enforcement of the relevant obligations of the POPs regulation.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Recommend cooperation with IMPEL/waste authorities at national level of the participating countries
3. Prepare and deliver the training for project national coordinators
4. If WG resources are available, consider volunteer WG members to participate in the IMPEL training on ‘REACH and recovered materials’
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Draft practical enforcement guidance for inspectors (tips and hints for inspectors)

Timeline:

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 1 January 2021 – 30 December 2021
- Reporting phase (National Coordinators): 28 February 2022
- Draft report: 31 May 2022
- Adoption and publication of the report: 30 June 2022
- Workshop with ECHA ASOs: Q4 2022

Annex 2 h “Train the trainers 2022”

Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2022”
(mandate updated at Forum-40)

Composition

Chair: Henrik HEDLUND (SE)

- **Vice-Chair:** Sam ABDELHAFIZ (FR)

Forum Members/Alternates:

- Otilija SPURIENE (LT)
- Mirjam VAN DER MEER (NL)

Invited Experts:

- Angelina ANGELOVA (BG)
- Lisa EKSTIG (SE)
- Uwe LICHT-KLAGGE (DE)
- Mette KIILERICH KIRDAN (DK)

ECHA:

- Magdalena TŁOCZEK
- Outi TUNNELA
- Andrew MURRAY
- Fesil MUSHTAQ

Objective:

- Prepare and deliver the training for trainers on the enforcement of SDS in the fourth quarter of 2022.

Mandate:

1. Specify as early as possible the envisaged level of the content of the training
2. Prepare materials necessary for the training such as presentations or documents
3. Liaise with the WG REF-11
4. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Final report - Q1 2023

Annex 2 i “Prioritisation of REFs”

Forum Working Group Work Package A.1 **“Prioritisation of REF Projects”** (Mandate adopted at Forum-40)

Composition

Chair: – Abdulqadir SULEIMAN (NO) - rotating Chair

Forum Members/Alternates

- Maria ORPHANOU (CY)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Markus MAKI (FI)
- Oldrich JAROLIM (CZ)

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).

- Jenny Karlsson (SE)

ECHA

- Juan Pablo CALVO TOLEDO

Objective:

- Propose annually the subject for the next harmonised enforcement project coordinated by the Forum (REF 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-12 by Forum-42.

Annex 2 j “Enforceability of restrictions”

Forum Working Group Work Package B12 “Enforceability of restrictions” (mandate adopted at Forum-40)

Composition

Chair: Albert KLINGENBERG (NL) tbc

Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Jorge TÉBAR LUJÁN (ES)
- Karen COLLINS (IE)

Invited Experts (advisory process)

- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Gernot WURM (AT)
- Katarina WAGNER (DE)
- Charlotte RAHM (SE)
- Caroline NILSSON (SE)

Invited Experts ad-hoc (advisory process) [only under specific circumstances]:

- Tara HORIGAN (IE)

Invited experts (analytical methods) (TBC)

- Nadja GOETZ (DE)
- Carolina FERRANTI (IT)
- Julia GONZÁLEZ GUTIÉRREZ (ES)
- Durk SCHAKEL (NL)
- Timokleia TOGKALIDOU (EL)
- Andromachi KATSONOURI (CY)

Process revision:

- Caroline NILSSON (SE) – invited expert
- Charlotte RAHM (SE) – invited expert
- Kevin BUCKLEY (IE) – invited expert
- Stefan FRENZEL (DE) – German alternate member
- Petteri TALASNIEMI (FI) – invited expert
- Chris Van den Hole (BE)- Belgian Forum member
- Eugen ANWANDER (AT) – Austrian Forum member
-

COM

- Karen KILIAN (DG ENV)

ECHA

- Juan Pablo CALVO TOLEDO
- Augusto DI BASTIANO

Mandate:

Advisory process (only task of the WG)

1. According to the working procedure for developing the Forum advice on enforceability of the Annex XV proposals for restrictions adopted by the Forum, the WG shall:
 - a) Prepare a draft Forum advice on the enforceability of Annex XV proposals for restrictions that are in conformity with the REACH requirements, taking into account the comments of the Forum members. This draft Forum advice will be submitted to the Forum for adoption.
 - b) Provide support when possible on enforcement related issues to RAC and SEAC during the process of the elaboration of the RAC and SEAC opinions.

Analytical methods

[the task can be discussed on an ad-hoc basis depending on the needs]

Other

2. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.
3. Review Working Procedure of the Forum for developing Forum advice and support to RAC and SEAC rapporteurs (for 2022) [horizontal task]

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- 31 December 2022, reporting at each plenary meeting

Annex 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
ASO: ECHA's Accredited Stakeholder Organisations
BPR: Biocidal Product Regulation
BPRS: Biocidal Product Regulation Subgroup
CA: Competent Authority
CARACAL: MSCA Committee for REACH and CLP
CL: Candidate List
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
C&L: Classification and Labelling
COM: European Commission
CSS: Chemicals Strategy for Sustainability
DEV: Dossier Evaluation
DG: Directorate General at Commission
DG ENV: European Commission Directorate-General for Environment
DG GROW: European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
EAC: European Audit Capacity
ECHA: European Chemicals Agency
EU: European Union
EUPCN: EU Product Compliance Network
HET: ECHA's Harmonised Enforcement Team
HLRT: High level round table
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
OR: Only representative
OSH: Occupational safety and health
POP: Persistent Organic Pollutants
RAC: Risk Assessment Committee
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF: REACH-EN-FORCE, Coordinated Enforcement Project of the Forum
SEV: Substance Evaluation
SEAC: Committee for Socio-economic Analysis
SLIC: Senior labour inspectors committee
WG: Working Group of the Forum