Forum-16/M/2013 – Public
Adopted on 19/02/2014

Minutes of the 16th meeting of the Forum for Exchange of Information on Enforcement Helsinki 28-31 October 2013

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Opening by the Chair of the Forum

The CHAIR welcomed all the participants in particular the new Croatian Forum member. She informed the Forum members about the presences and absences. She announced the apologies from LU, LI and BG. No proxies were appointed.

The CHAIR informed that the quorum requirement was met and that the meeting was being recorded for the purpose of writing the minutes that would be destroyed after the adoption of the minutes.

1.2 Adoption of the agenda and declarations of conflicts of interest with regard to the agenda points

ECHA Forum Secretariat indicated the changes in the Agenda (Annex IV). Two new AOB items were suggested by a Forum member: 1) update of information from ECHA regarding the role of the Forum in the enforcement of the Biocidal Products Regulation; 2) information from ECHA Secretariat regarding draft guidance on enforcement elaborated by SLIC/Chemex. The agenda was adopted with the changes.

The CHAIR requested all participants to declare any potential conflicts of interest to any of the agenda items, according to Article 9(2) of the Rules of Procedure. No conflicts of interest were declared in the meeting.

1.3 State of play with action points from Forum-15

The ECHA Forum Secretariat informed that the status of action points from Forum-15 was updated in the room document where four actions remained open.

1.4 Practicalities and brief recapitulation of results of the written procedures between Forum-15 and Forum-16

The ECHA Forum Secretariat presented the results of the written procedures between Forum-15 and Forum-16:

1) Adoption of the agenda for the "Training for Enforcement Trainers 2013", 19-20 November 2013: In favour: 9; Against: 2 (adopted by majority).
2) Adoption of the final report of the Second Reach Enforcement Project on obligations of Downstream Users – formulators of mixtures (REF-2 Project): In favour: 16; Against: 0.
3) Adoption of minutes of Forum-15: In favour: 10; Against: 0.
4) Adoption of the Final Report of the pilot project on intermediates: In favour: 13; Against: 0.

Item 2 – Address by ECHA's Executive Director

The Executive Director addressed selected items from the agenda which were of great importance for the successful enforcement of the REACH, CLP and PIC regulations.

He highlighted the work done in the drafting of the Forum Multi-Annual Work Programme (MAWP). He appreciated the involvement of ECHA's senior management in the development of the document. ECHA Directors' comments focused on ensuring that the MAWP provided a high-level strategic direction to the Forum for the years to come. He recommended that such dialogue between Forum and the ECHA Secretariat should be a regular practice, as it is beneficial for both parties. He suggested that Forum's strategic direction should be determined by the enforcement actions on a national level, i.e. if regulatory areas where the autonomous enforcement activities in all Member States were already effective or harmonised, there would be little added-value in involving Forum resources to coordinate such actions. He stressed that, by contrast, areas that were only partially examined or examined by only a few Member States merit more efforts for coordination.

He stated that this could only be obtained through more transparency via regular reporting on enforcement activities. ECHA proposed for a light-weight annual reporting on enforcement activities in Member States. Once fully operational, it would facilitate the planning of the work of the Forum as well as work at a national level and even ease the reporting duties to the Commission. He encouraged the participants to consider whether such a proposal was worthwhile and feasible as annual reporting is a standard activity for most public bodies.

He complimented the new plan for each year to have a new harmonised enforcement project initiated and encouraged the participants to agree on the REF-3 proposal for the second phase to investigate Only Representatives (OR) along multinational supply chains.

He supported cooperation between ECHA and the NEAs to ensure the compliance of market operators with the legislation and all its implementing decisions. ECHA is ready to support inspectors by providing information on dossiers that fulfil the characteristics that indicate a possibility of non-compliance.

He encouraged the continuation of cooperation between stakeholder organisations and Forum by involving them in the Forum's processes.

Item 3 – Forum's enforcement activities - Work Packages

3.1 Forum's Multi-Annual Work Programme

3.1.1 WG progress report

The Chair of the WG MAWP summarised the progress of the four tasks of the WG.

The first task was to prepare the Forum MAWP 2014-2018. In this context, the first complete draft was presented for consultation by the Forum members. The Chair stressed the high workload that went into producing this document and thanked the WG members for their commitment in incorporating the comments from the WG itself as well as from the ECHA Secretariat.

The second task was the revision of Forum's best practice documents to incorporate the PIC activities. The WG has intentionally not undertaken that revision because the Forum had not yet clearly identified its role under PIC. It has, however, foreseen an activity under the MAWP 2014-2018 to review these documents.

The third task, incorporating the COM recommendations from REACH review, has been completed. The recommendations were incorporated in the draft Forum MAWP.

The fourth task was to provide input into ECHA's MAWP. The WG Chair informed the Forum that the ECHA Secretariat has explained that input into ECHA's MAWP is provided through the Management Board members. Forum members should liaise with them directly. Alternatively input can also be provided by the Forum Chair through regular meetings[1] with ECHA senior management. Upon receiving this information the WG MAWP considered there was nothing more to do for the WG under this task and requested that the Forum should discuss how to react to this explanation received from ECHA.

In the ensuing discussion, the Forum decided to set up a task force to discuss the Forum role under PIC and to describe PIC enforcement in general. The mandate for this task force was drafted and adopted in the course of the meeting. The amendment of the Forum best practice documents would be tackled under the activity foreseen in the MAWP 2014-2018.

3.1.2 Strategic approach in the MAWP

ECHA Secretariat summarised its input that was provided to the WG MAWP, which included a proposal for policy direction and priority areas, a bottom-up strategic approach for identifying Forum priorities and a number of specific comments on the activities.

The Forum also decided that for future ECHA work programmes the suggestions from the Forum will be collected by the Chair and channelled to ECHA senior management during their regular meetings.

3.1.3 Mandate amendment

The Forum has reviewed and updated the mandate of the WG MAWP.

3.2 Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects

3.2.1 WG final report – WG Chair

The Forum adopted without comments the methodology for the selection, management and evaluation of REF projects.

3.2.2 Implementing working procedure and establishment of the WG "Prioritisation of REF projects"

The Forum adopted with comments the working procedure to prioritise and select REF projects and established the WG Prioritisation of REF projects.

3.3 Enforceability of Restrictions

3.3.1 WG progress report – overview

The Chair of the WG introduced to the plenary the progress made by the WG during the period Forum-15–Forum-16. The issue of high workload within the WG

[1] See agenda item 21.3 "Informal meeting between ECHA senior management and Forum Chair"

was highlighted by the Chair who requested for additional experts for the advice process.

3.3.2 Methodology for recommending analytical methods

The Forum adopted the first version of the methodology to recommend analytical methods for the enforcement of Annex XVII restrictions and decided to start the data collection phase of the project leading to the elaboration of a compendium of analytical methods.

3.3.3 Inventory of EU-EEA laboratories with capacity to carry out analysis for testing compliance with Annex XVII restrictions

The Forum decided that it is not within its remit to establish a list of laboratories with capacity to carry out analysis of Annex XVII restrictions.

3.3.4 Mandate amendment

The mandate of the WG was reviewed and adopted.

3.4 REACH-EN-FORCE-3

3.4.1 WG progress report

3.4.1.1 Adoption of the scope of the project's second phase

The Chair of the WG informed that the project was running its reporting phase. Experts from REF-2 were contacted to provide recommendations for the data analysis process. A checklist was sent to the National Coordinators (NC) to help the quality assessment of the data. The WG met on 25 September 2013 to discuss the scope of phase 2 of the project and the structure and content of the report of phase 1. In December 2013, the WG will meet to analyse the data reported by the NC and initiate the report.

For phase 2 the WG suggested to investigate further the importer which is at the same time a downstream user (DU). The investigation should continue within the supply chain until an OR was encountered and checked whether their obligations were fulfilled. This "importing DU" might be covered by an OR located in another country hence phase 2 would also explore the different interlinks between enforcement authorities in Member States. This cooperation will be handled via the MS Focal Points used for interlinks with ECHA. The National Coordinators (NC) when receiving the potential investigations initiated in another country may decide which/how many cases could be followed up depending on their resources available.

A Forum member expressed the transfer of the data from the questionnaire originated some errors. The WG Chair invited the member to submit such difficulties to the Forum Secretariat for investigation.

A Forum member gave information on a meeting with DG TAXUD regarding the implementation of the market surveillance regulation. Some questionnaires were created that could be used by the customs authorities and that would help the enforcement authorities implement that regulation. She proposed to have a similar tool for REF-3. The WG Chair invited the member to provide more information that could be analysed by the WG.

Another Forum member expressed that the limited number of registrants could be a factor that might hinder the participation of a smaller Member State in such

projects. It was well accepted to have the number of inspections only as a recommendation in phase 2 of REF-3.

The language used in the questionnaire was sometimes not clear and was suggested to take into account some comments made by an English speaking NC. The WG chair emphasised that the WG members were always available to reply to the questions of the NC and that a harmonised Q&A document was created with the compilation of such questions/replies.

The Chair of the WG explained that it would be preferable to provide all the information to all NCs at one point to help NCs plan and organise the possible follow-up inspections. Otherwise, it might become too challenging dealing with random requests throughout the whole operational phase. Based on the workload, the involved NCs could agree on the number of/which cases to tackle.

Two Member States suggested the inclusion of the CLP classification on the scope of phase 2 but it was not taken on board by the WG. However, many of the inspections done in the Member States include such investigations but were not reported to be part of the findings of the project.

A Forum member highlighted that the findings concerning the OR in another country might influence the compliance of the "importing DU" in the Member State where the investigation started and raised concern over which official documents could be used to prove the non-compliance of the "importing DU". The WG Chair recommended that feedback should be given to the initiating country in order for the NC to re-visit and conclude the case.

The WG expressed in the proposed Addendum that inspections on the "importing DU" should be reported only during the reporting phase of phase 2 to have consistent data. If such investigations were done during phase 1, when reporting in phase 2, the NC must indicate it.

The re-import situation was included in the updated version of the Addendum (room document).

A Forum Member pointed out that the questionnaire should be revised in order to better reflect the proposals in the Addendum. The WG Chair took the recommendation and further revision of the questionnaire would be done.

An NC/FM suggested to organise a workshop and to prolong the second operational phase. The WG Chair recommended the NC to start their operational phase as soon as possible to give them more time.

COM reminded the Forum that the document on customs and REACH/CLP was translated in every language and shared with the Forum Members (in CIRCA).

3.4.2 Mandate amendment

The changes on the composition of the WG were presented. The Forum agreed on a short (seven-day) written procedure for the adoption of the Addendum. The amended mandate was adopted.

3.5 Implementation of RIPE

3.5.1 WG progress report

The WG initiated preparation of RIPE training for End-user Support Single Points of Contact (SPOCs) to take place in January 2014. The training intends to focus on preparing the participants to effectively use the tool in specific enforcement

contexts. The WG has drafted an agenda and planned the materials. The Forum has approved the draft agenda of the training presented by the WG Chair.

3.5.2 RIPE project progress report

ECHA Secretariat informed the Forum that RIPE 1.9 was released in early October. The key benefit was that it has removed the country division. There will be at least one more version before the January 2014 RIPE Training and more minor versions are possible in 2014, if necessary. New developments will be under the umbrella of RIPE 2. The RIPE 2 project was approved and has entered the analysis phase. The scope of the project was briefly presented including both the specified features and those that need further analysis (e.g. PIC or Biocide components). Implementation will be approved after the analysis is completed. RIPE would cease to exist independently and will be integrated into the new "Portal Dashboard" tool which is intended to become the key point of entrance for the MSCAs and NEAs. The target is for RIPE 2 to become available sometime in 2015. Further plans will be communicated when available.

In the ensuing discussion, two members asked about the double sending of SONCs in CIRCA BC and RIPE. ECHA secretariat clarified that SONCs are always sent using two channels. MSCAs get them in CIRCABC for information. NEAs get SONCs through RIPE and they are then for action as it is the NEAs who have the power to follow up on a specific case. Another member asked if approval of the implementation of RIPE may still be refused. ECHA Secretariat reassured the Forum that this was highly unlikely. At the approval meeting the decision will most likely be taken on "how" rather than "if" the project should proceed. The approval checkpoints are a standard good practice in project management. In this context, it was also clarified that Forum members cannot further help the approval of the project as it is already on track.

In discussion, the ECHA Secretariat also clarified that for the inspectors, the security for RIPE regime will remain as it is and will continue to be lighter than the regime for REACH-IT, IUCLID or R4BP. One of the members also asked who takes the decision on how inspectors will get PIC data – through expanded RIPE or via the ePIC application. The ECHA Secretariat clarified that the final decision will be taken by ECHA after considering input from the Forum and recommendations from the WG RIPE, and after carefully considering the costs and benefits of both solutions. One member also asked if ECHA started receiving the RIPE Security Audit reports and the ECHA Secretariat responded that this was actually not the case because Member States are not required to send these reports to ECHA. It was also clarified that SPOCs can be Auditors in RIPE only if they are not an administrator in RIPE and/or an inspector.

3.5.3 Mandate amendment

The Forum reviewed and adopted the mandate of the WG.

3.6 Electronic Information Exchange System – EIES

3.6.1 WG progress report

The WG finalised the specification of additional functionalities requested from ICSMS (dedicated REACH/CLP form and a communication feature). The specification was sent to the COM and the response was expected in the middle of

November 2013[2]. Only upon receiving the response from COM will the WG be able to prepare a recommendation whether the Forum should embrace ICSMS as its tool of choice to fulfil the role of EIES.

3.6.2 Mandate amendment

The Forum reviewed and adopted the mandate of the WG.

3.7 Training for enforcement trainers 2013

3.7.1 WG progress report

The Chair of the WG informed about the activities done since the last Forum plenary meeting and highlighted the WG recommendations for future trainings that had been compiled based on lessons learnt.

The training agenda 2013 was approved in written procedure. As a consequence of the comments and written procedure, the agenda was slightly changed and focused on the most important topics. The WG met on 24 September 2013 to discuss and shape the training presentations and case studies to be used in the training event. The WG discussed the recommendation for the planning of future training events as well.

The WG chair informed that the training will be for one and a half days on 19/20 November 2013 with two participants per Member State (55 nominated delegates). The participants would receive the training cases in advance so that they could prepare.

The sessions with presentations and Q&As would be broadcasted to remote attendees via internet. The training would be evaluated based on participant's feedback (proposals for future topics).

3.7.1.1 WG proposal for focused training topics in future trainings

The WG Chair informed about the initiative that was taken by the WG related to the training in 2014 namely suggestions to improve the planning and organisation of future training events. He proposed to establish a dedicated core of WG members for future trainings. This core group will agree with the Forum on the priority training subjects, compile the training agenda, prepare training material and deliver and evaluate Forum's training event. He emphasised that agreement on a focused set of training topics should be achieved already at an early stage and not in the time when the training agenda is discussed in the Forum.

The training topics could be based on the necessary good experience available in the NEAs in Member States (e.g. from pilot activities). Training on more specific topics would be dependent on the availability of suitable trainers with experience in the subjects. Trainings should aim at including training topics relevant for the forthcoming REF projects.

The WG recommended to invite Forum members to nominate the required trainer experts for the new WG 'Training for enforcement trainers 2014' at a later stage once the priority list of training subjects was prepared by the core members (Forum members) of the new WG and agreed by the Forum. The Forum agreed with the recommendations and supported the new approach. Forum members

[2] Post meeting note: Response from COM was received in mid November 2013.

welcomed the possibility to have webinars and the choice on the topics in advance.

Two Forum members informed on the limitation of resources and requested clarification if the composition of the core WG would be permanent for the future trainings. As a result of discussion, it was decided that the core WG members could be replaced but it was appreciated to keep the know-how and more experienced members. This could be accommodated by revision of the mandate on a yearly basis, to give the possibility for other Forum members to be involved.

3.7.2 Mandate amendment

The changes in the mandate for the current WG were agreed and the mandate of the WG was adopted.

3.7.3 Establishment of the WG 'Training for enforcement trainers 2014'

A new WG for training in 2014 was established.

One Forum member suggested the Forum to create a mechanism for appointment of the WG Chair when there is no volunteer.

The Chair informed that not only Forum members but also Alternates could be the Chair of the Working Groups.

Item 5 – Preparatory discussion for the open session

The abstracts of the topics brought by ECHA's accredited stakeholder organisations (ASOs) were analysed and a common approach was agreed.

Item 6 – Welcome and introduction to the OPEN SESSION

Chair welcomed the participants, ASO and observers (representatives of IPA programme).

The presentations of the open session would be made available on ECHA's website[3].

Item 7 – Information on the work of the Forum and ECHA (OPEN SESSION)

7.1 Summary presentation of the Forum's achievements since the last open session

The Chair presented the Forum's activities since Forum-13 (November 2012).

The UEAPME representative stressed that CLP awareness was very low amongst companies and more work should be developed by the appropriate actors.

The WG REF-2 Chair pointed out data from the report to clarify some questions raised by an ASO representative. The non-compliance of the SDSs occurred at several levels. Situations of incompliance were regarded as such if substances were not registered/pre-registered and if the registration was incorrect.

[3] http://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions

The EEB representative welcomed the work of the Forum in the authorisation process and highlighted that Member States should adopt all possible measures to encourage the participation of third parties in the authorisation process.

The Forum clarified that the number of inspections reported under the umbrella of a Forum project were a small percentage of the total number of inspections done in the Member States. The EuPC representative suggested disseminating the global number of inspections done in all Member States since it might help to raise more awareness that enforcement actions were taking place across Europe. A Forum member reminded the participants that in COM's website there is information on inspections provided by the Member States, according to REACH Article 117 and CLP Article 46.

7.2 ECHA's SME actions and the role of the SME Ambassador

ECHA's Director of Cooperation has been appointed as SME ambassador at ECHA. He informed that his mandate was still under development together with COM. One of his main tasks would be to focus on the needs of small and medium-sized enterprises and help ECHA becoming a more "SME-friendly" regulatory agency.

That implies communication with external bodies that have a generic interest in SMEs. He recognised that there are expectations for ECHA to alleviate the regulatory burden on SMEs but that cannot be achieved since such burden stems from the regulation itself. ECHA's aim would then be to help SMEs cope with the regulatory tasks.

Information was being collected from organisations and Member State representatives on the SME's challenges in order to improve the overview of the SME concerns as well as to better prepare a more efficient way to overcome such concerns.

A communication strategy was being developed with the publication of specific SME-related articles in the ECHA Newsletter, leaflets for newcomer companies, more information on the SME web page on ECHA's website, simpler/new/updates of Guidance documents, update of the Navigator tool and even particular communication between ECHA and companies, whenever deemed necessary.

In parallel, the aim of such actions was also to reach the downstream users (DU) and help them fulfil their obligations.

The UAPME representative welcomed the various actions that ECHA was implementing. He shared that NEAs had a very important role in awareness-raising.

The EuPC representative appreciated the inclusion of DU issues and questioned if there were developments on previous news that ECHA would financially support the consultants (also from sector group associations) that were willing to work with SMEs. ECHA replied that the discussion of such possibilities was still ongoing.

The Chair highlighted that the inspectors follow the principles of REACH. When dealing with SMEs, inspectors would take that into consideration and besides applying punitive actions, they also take up the role of multiplier.

Item 8 – Involvement of Stakeholders in the Forum's work (OPEN SESSION)

8.1 Involvement of stakeholders in the development of the process of prioritisation and selection of harmonised enforcement projects coordinated by the Forum

The Chair of the WG Project methodology presented its work which was to recommend processes to harmonise the elaboration, management, reporting and evaluation of Forum coordinated enforcement projects. By 2017, The Forum aims to have four projects running at the four different phases (prioritisation, preparation, operational and evaluation). The ASOs were invited to participate in the prioritisation phase by sending their proposals for future REF projects[4] to ECHA. In 2014, a new WG on Prioritisation of topics for REF-4 will start and ASOs will be formally invited to fill in the provided template for submission of their ideas. REF-3 was extended to gain further information following the second registration deadline.

Some ASO representatives expressed appreciation for being included in the process. The Chair of the WG clarified that the Forum's Rules of Procedure do not allow ASOs to be part of the WG. However, if a proposal from an ASO would be part of a project's scope, the WG would continue to liaise with the proponent to ensure proper implementation.

8.2 Involvement from stakeholders in the elaboration of a compendium of analytical methods for the enforcement of Annex XVII restrictions

The WG Restrictions was aiming to build a compendium of recommended analytical methods for checking compliance with Annex XVII restrictions. The Chair of the WG Restrictions invited the ASOs to collaborate with the Forum, by providing information on the characteristics of the analytical methods used by companies to check such compliances. That collaboration would be done by filling a questionnaire. Once the compendium was created, it would be made available on ECHA's website. It was clarified that the laboratories should signal if the information provided should remain confidential.

Several ASOs expressed their appreciation with the ambitious project and it was highlighted that for many entries it would be virtually impossible to establish only one method.

Item 9 – Stakeholders' presentations (OPEN SESSION)

9.1 CEFIC

The CEFIC representative explored some possibilities for having cooperation between all actors to target the "unreachables" with the final aim of improving the quality of SDSs and to find solutions for problems with the introduction of the CLP classification of mixtures.

He expressed that the REF-2 report was a well equilibrated document by providing details on the findings and potential explanations of such reality. He highlighted that the actions taken upon such incompliances were mostly limited to

[4] Post meeting note: Template for proposals for Forum projects available at http://www.echa.europa.eu/web/guest/about-us/who-we-are/enforcement-forum

verbal and written advice. That showed a positive and helpful attitude towards the companies and also that the inspectors assessed that those errors were not fundamental. He referred that such findings were in line with the previous findings of the CLEEN report Eclips in 2004.

He concluded that it can be extrapolated that a structural problem exists and the reason behind it must be identified and addressed: lack of competence or lack of awareness. On the proactive actions undertaken by Industry, three out of the twenty-two organisations that replied to his query did not provide regular trainings on how to write SDSs. Collaboration with other networks to promote such trainings was explored but, despite all the efforts, some companies might still not be reached.

He stated that it would be necessary to continue with trainings, in different languages, train-the-trainers events etc. and the question of who would finance all these activities remained unanswered.

He highlighted the challenges in the upcoming years: the exposure scenarios to be included in the SDSs and the CLP deadline.

He raised concern that the small Member States/small companies might not receive appropriate training and questioned what could be done to reach them.

A Forum member suggested that a similar project like Life+ could be developed to target such an objective and another Forum member provided some examples of actions taking place in its Member State. COM informed that they were aware of such a situation and were consistently working with different networks to try to raise the awareness of the public. He informed that COM was organising a CLP awareness campaign, starting with a Workshop with SMEs in September 2014. ECHA suggested to use environmental and safety professionals that were involved (e.g. as consultants, advisers) with the companies to act as a multiplier. ECHA also informed that according to new statistics, 54% of the openings of SDS Guidance pdf files from ECHA's website were in languages other than English.

An ASO representative shared the idea that REACH was one of the most complex regulations. He shared his experience and concluded that more face-to-face campaigns were needed (national campaigns, roadshows, targeting particular regions etc.). Those actions should be increased and given financial support.

9.2 ClientEarth

The ClientEarth representative presented a report published in July 2013 regarding "REACH registration and endocrine disrupting chemicals (EDC)". This study investigated the existing mechanisms in REACH that might help address some of the concerns about endocrine disruptors. The objective was to investigate the dossiers for particular substances and check whether those dossiers met the information requirements of REACH, i.e. if the dossier showed that the registrant was discharged of the burden of proof to show that the use of the substance could be safe and if the data in the dossier was complete. If that was not the case, the deficiencies were analysed and it was checked whether there were mechanisms to address such problems. They have identified a number of consistent deficiencies across the dossiers of the five chemicals and drawn some conclusions that expressed that there were no mechanisms in REACH that would effectively allow the implementation and enforcement of the analysed provisions of REACH.

The study provided some suggestions for solutions to make the registrant accountable for the information provided in the dossier by enforcing particular

REACH articles. The organisation acknowledged that the way of implementing/enforcing REACH was different in each Member State. They would like to explore whether there were ways of bringing forward elements of Articles 1 and 5 that could be enforceable in all Member States. The possible mechanisms were present in the regulation but ways of putting them in motion were still lacking.

The Chair complimented the report and highlighted that four out of the five substances investigated were already in the CoRAP list and more attention were given to those already. ECHA's decisions that were not implemented by the registrants could be the target for enforcement actions, for which mechanisms were already in place.

COM welcomed such reports elaborated by NGOs and Industry to provide new input that could be used in the policy work. He stressed that the discussion on the definition and identification criteria of endocrine disruptors was still ongoing. The current guidance on information requirements and chemical safety assessment was still updated and was the one to be enforced.

A Forum member expressed that such concerns were reflected in the Forum's MAWP. He added that the evaluation process of ECHA of such dossiers would be the first step to be analysed and only after the enforcement activities could this be tackled.

9.3 Eurometaux

The Eurometaux representative expressed a positive feedback regarding REACH and what was gained by the non-ferrous metals industry with its implementation. The data sets and tools generated were of great added value and industry would like to maximise its return on investments. She proposed the use of the REACH data in other fields where such use might be prevented due to legal barriers and expressed the availability of industry to give support to the discussions of ways to dissolve such barriers.

She presented the concerns of the non-ferrous metals industry regarding the authorisation and recycled substances. The organisation was developing a project with the goal to have a clear idea of what cases authorisation applies to in order to assist their members to fulfil their obligations. She described some examples of the necessary information that needs to be clarified. She stressed that metals would not disappear from economic circles and that the metal industry would make all efforts to comply with REACH. For that, all scenarios must be identified (for registration and authorisations) and the ways to deal with them must be clarified. She raised the question of whether "authorisation" was the appropriate tool to regulate such substances.

The Chair appreciated the questions raised but no concrete and final answer could be provided at that time by the Forum. She agreed that good things could come from the use of the REACH data in other fields but confidential information flagged by the companies must remain confidential.

The Chair indicated that recycling should be motivated and that policy makers would need to find a way to harmonise and promote such processes.

COM underlined that much efforts were put into place to make sure that good collaboration with industry occurred. Some of the issues presented were related to the implementation of the Waste Framework Directive rather than REACH. Discussion on the topics was still ongoing and soon some tangible outcomes would be published.

ECHA informed on a project being developed by IMPEL, with participation of the Forum and ECHA, to investigate how information generated by REACH could support those responsible for the Directive of Industrial Emissions.

9.4 European Environmental Bureau –EEB

The EEB representative expressed the concerns of the organisation towards registration issues and the quality of the data present in the dossiers. She stressed that ECHA expressed that the dossiers had poor quality data and, at the same time, fines were rarely imposed by the NEAs. She challenged whether Article 5 of REACH was properly implemented in the Member States. She recommended that awareness raising campaigns and inspection activities needed to be incremented. She pointed out that there was not enough information on the enforcement activities in the Member states.

She presented the organisation's perspectives on the shortcomings of enforcing Article 33(1) and (2) of REACH. She appreciated the efforts of the Forum by elaborating guidance for handling complaints under Article 33(2) but it was felt as too discrete, too restrictive and not helpful for consumers. In 2011, the organisation launched the campaign "Fight to know". The consumers were stimulated to request the supplier for information and 80% of the answers did not comply with the REACH provisions. She requested advice and support from the enforcement authorities to achieve better results on a similar project to be launched in 2014.

She highlighted that at the end of the first deadline for registration (2010), ECHA warned that 40% of the CMR substances were neither registered under REACH nor notified under CLP. Trade unions and NGOs were monitoring such results and inquired what the NEAs were doing about it.

She presented information of investigations in some Members States on CMR substances where she pointed out that many children's toys contained such substances. She encouraged NEAs to make efforts to reduce the presence of illegal substances in the market and to increase the enforcement actions.

The Chair thanked her for bringing those issues to the attention of the Forum and stressed that the enforcement actions needed to be articulated with the national laws and ECHA's decisions. With the second registration deadline passed, an increase in the number of the dossiers was expected and consequently more enforcement actions would be expected as well. The national awareness raising campaigns were in the field of the MSCAs whereas the NEAs provided more focused advice rather than just penalties. She mentioned the document elaborated by COM where Member States that apply penalties under Article 33 of REACH were identified.

A Forum member explained that the quality of dossiers (reflected in Article 1 of REACH) was not enforceable by NEAs since it did not constitute an obligation. The possible route to have such investigations was with the help of ECHA and its evaluation procedures.

Another Forum member stressed that in some Member States national law does not allow the "name and shame" activities and such might be perceived as non-transparent. It was stressed that several NEAs have very complete websites where much information was disseminated. In many Member States, contact information on the NEAs/Inspectorates was widely spread. It was added that the ECHA website has information on the authorities responsible for the enforcement of REACH and CLP in each Member State.

The EuPC representative expressed that the interaction between regulations was confusing. He added that the phthalates found in children toys, were rarely produced in Europe. Hence, the target should be the imported toys and that a scheme to monitor such imports should be put in place. The EEB representative clarified the incompliance mentioned in the presentation was regarding Article 33 (right to know).

A Forum member inquired whether the organisation, during the investigation of the illegal substances in the market, contacted the appropriate authorities. The EEB representative replied that a contact was established to inquire about the articles in question and that it was confidential information, hence her request to have more transparency to alert the consumers. The Chair added that the Rapex system was used for such situations.

An ASO representative stated that some trade associations could have a role in awareness-raising.

Some clarification on particular data provided in the presentation was requested. This was done outside the meeting.

9.5 International Association for Soaps, Detergents and Maintenance Products (A.I.S.E.)

The AISE representative provided information on their project Detnet, Detergent Industry Network for CLP Classification regarding skin and eye effects. She stressed that the use of the "calculation" method to classify mixtures may generate miss-classification and that many more products will become more severely classified and labelled, causing confusion and devaluation of the warning labels. Correct classification and labelling was essential for safe use by the consumer.

The organisation developed a project to explore the options available under CLP by combining the *in vitro* test data evaluation/generation with the classification process used by the industry network, along with a dialogue with the stakeholders. Detnet is the first industry classification network for mixtures and was developed based on Annex I (paragraph 1.1.0) of the CLP Regulation, including the fundamental point that each supplier remains responsible for classification and labelling of the product they place on the market. The classification decision was done manually by the user and not by the IT system. It only consists of a database, processes, classification records and guidance (based on ECHA Guidance). The user was responsible for the information generated and it was available to authorities upon request. Such a system will be available to all companies manufacturing and supplying cleaning products, including retailers and importers.

This IT system will be launched on 3 December 2013 and she invited the Forum to provide comments so that further improvement of the system could be done.

The AISE representative explained that a paper that was submitted for publication of the *in vitro* work on eye effects was to be peer-reviewed and she will make it available when finalised.

A Forum member questioned how users could document their decision to link their product with one of the formulations in the system. It was clarified that users could set a number of filters for identifiers of reference formulators and manually evaluate the similarities between them. All the steps and decisions would be documented in the classification record.

The organisation proposed to arrange a demonstration of the tool and provide further explanations for interested NEAs and MSCAs.

Item 10 – Enforcement projects in the Member States (OPEN SESSION)

10.1 Dutch project on digitalisation of SDSs

The Dutch Forum member presented a pilot project developed by some ministries and stakeholders. By the end of the project, the stakeholders took over the project, broadened the scope and continued to implement it. The project was done to overcome practical problems regarding the distribution of SDSs. It focused on the distribution between the formulator and the end-user. During the project, the bottle-necks of the process were identified. It was based on the assumption that the distribution of an SDS by a "deep link" was comparable with distribution by post or email and was also in line with the ECHA/Forum position. In the Netherlands, a number of systems were available to draw-up good quality SDSs and those were used. An IT prototype was built and put into practice with good results.

Some ASO complimented the project and suggested that they could be used to help SMEs. They proposed to extend the project to other Member States. The Chair clarified that the Forum was previously informed of the project and that it was up to the Member States to decide on its implementation.

10.2 Nordic CLP project

The Norwegian Forum member presented the enforcement project developed between four of the Nordic countries (IS, NO, SE and FI). The Nordic Council of Ministers of Environment funded the project and created a working group to develop the project with the collaboration of the NEA. The goal was to get an overview, throughout one year, of how the industry dealt with the transition to CLP for substances due to the deadline of 2010. The scope of the project was to inspect the compliance of substances and mixtures (classification and labelling), check the notification obligations to the C&L inventory and sections on the classification and labelling, composition and ecological information present in the SDSs.

A total of 164 chemicals were inspected. The results were presented and it could be concluded that industry have apparently succeeded so far with the transition to CLP for substances and that the classification and labelling of preparations appear to be more challenging.

The Forum member clarified that such results were not compared with the ones obtained in the REF-2, as suggested by an ASO. The Nordic project found circa 30% mistakes in the analysed sections whereas the REF-2 result found circa 50% of mistakes (for different sections).

10.3 Austrian PIC inspections

The Austrian Forum member presented the project that already took into consideration the Export and Import regulation 649/2012 to be applicable from 1 March 2014 onwards and its provisions directly involving the Forum. He presented the duties subjected to enforcement present in the PIC Regulation.

The Chemical act implements enforcement competences in Austria but there was no specific reference to customs authorities, which have general duties according to the customs code. He described the role and tasks of the chemical inspector on the enforcement of PIC which has, in their own checklist, a systematic section to check export activities. The customs authorities had a role of surveillance of all export and imported chemicals as well as specific conformity checks under PIC.

He suggested that the awareness on PIC obligations relevant for all dangerous chemicals needed to be strengthened. He proposed ways to improve the success of such enforcement activities throughout the Member States.

A Forum member suggested that it would be relevant to control the chemicals that are forbidden in the EU and inspectors have to make sure that it would not be placed in the European market.

Another Forum member reminded that measures/processes for those who had not notified (via consent) must be in place as well. AT Forum member replied that, for such cases, both chemical and customs' inspections might be articulated.

For cases dealing with pesticides, the biocide or the plant protection products inspectors might need to be consulted in order to be effective.

Item 11 – Conclusions (OPEN SESSION)

The Chair summarised the topics addressed during the day and expressed that the participation of the ASOs was very welcome.

Some ASO representatives appreciated the opportunity to collaborate with the enforcement authorities and to contribute to the work of the Forum and vice-versa.

Item 13 – Debriefing on the Open session

The Forum discussed the open session and found it to be very useful to hear the perspective of the stakeholder organisations.

Item 14 – Relevant developments within ECHA

14.1 Update from the registration deadline

ECHA provided an update on the number of dossiers registered after the 31 May 2013 REACH deadline. All the submissions received were already processed and he presented the final figures and statistics. Future contacts would be established by ECHA towards lead registrants that did not register in the 2013 deadline. ECHA was assessing the confidentiality claims, updating the dissemination website with the non-confidential information from the dossiers and examining the testing proposals that should be further screened for data analysis. ECHA was starting the preparation for the 2018 focusing specially on the SMEs.

The Chair stressed that, although registration obligation was important, in REF-2 it was observed that there was a need to improve communication within the supply chain.

14.2 Guidance updates

An ECHA Guidance representative informed on the consultations where the Forum was involved: Guidance on the application of the CLP criteria; revision of the guidance for downstream users and an update on the Guidance on the compilation of SDSs would all be published by the end of 2013. The Guidance team was working on having a Guidance in a nutshell on the SDS guidance which was also foreseen to be published by the end of 2013.

The Navigator page was updated and was available in all European languages.

He presented statistics on the downloads of the different guidance documents from ECHA's webpage, highlighting that the most read was the SDS guidance. 56.5% of the total downloads were in languages other than English indicating a more diverse level of the readers and that ECHA's policy on translation should be maintained.

The Chair welcomed the picture provided by the statistics. A Forum member shared that many openings of a translated document were done in parallel with opening of the English version but recommended to keep in mind that many users were more comfortable with the version in their mother tongue.

It was clarified that an ECHA-term database exists with a list of all the acronyms and terminology defined for all issues covered by ECHA.

14.3 Substances in articles

ECHA presented the follow-up on the discussions that took place in Forum-15. It was proposed at that time to start a pilot project related to substances in articles. That proposal was not supported by the Forum. At the adhoc CARACAL meeting, ECHA proposed a joint action plan on substances in articles, where the scope included awareness raising, sharing of experiences and adoption of best practices regarding articles. Furthermore, it would consider development of a guide referring to which SVHC could be found in different materials, hands-on guidance on SVHCs and tools for requesting information on articles, for consumers and enforcement authorities.

14.4 Proposed action to fulfil recommendation of REF-2 report: SDS checklist

ECHA presented a proposal for a follow up action emerging from the recommendations of the REF-2 report to ECHA. The current ECHA initiatives were presented but it was suggested to have a closer look on the enforcement needs that were not being met and sharing of good practices taking into account all the work already done in different Member States. ECHA proposed to work with some Forum members in a small, informal working group to brainstorm over such issues and deliver materials or tools to help the enforcement authorities.

The Forum informed that inspectors created such checklists that were used in their routine work. For the 'Train the trainers' event in 2012, a similar document was elaborated for the participants. A Forum member shared the information that in his country information was collected on the shortcomings of the SDSs and mechanisms to prevent the shortcomings were determined. Stakeholders and IT companies developing tools to assist on the elaboration of SDSs were informed of such results. That information could be beneficial to the proposed project.

An expert suggested that many Forum members were interested in participating in the activity and that it might be beneficial to have a discussion in the plenary

or break-out-groups. Another expert proposed to also address the consultants working with the compilation of SDSs and inform them what should be expected from them.

COM welcomed such activity and regarded it as an example of activities that ECHA could undertake.

Item 15 – Enforcement of regulatory decisions

The ECHA Secretariat was aware that the number of documents and information concerning interlinks was growing. ECHA Secretariat expressed the will to prepare a draft of a consolidated document with all the information discussed in the Forum meetings on interlinks to be presented to the Forum for consideration. Further discussion on the interlinks issue and ways to move it forward would be addressed in the next Forum meeting.

15.1 Update on the cases sent to Member State Focal points (SONCs, revocations, intermediates)

ECHA informed that the mechanisms and tools put in place for the process of SONCs, revocations and intermediates were working, although some improvements could be done. The table used to gather all the information from four different channels was not the best option but was working according to its intent.

The numbers of cases sent via RIPE until the time of the meeting were presented and it was explained that the NONs cases should all be dealt with by the end of 2013. He welcomed the streamlining of the communications: NEAs via RIPE and MSCAs via CIRCABC and the feedback table.

He mentioned that when an update of the dossier was done by the company without informing the NEA, some parallel actions might already be initiated by the NEA. To avoid such situations, ECHA proposed, by default, to re-examine the cases only when ECHA receives some information from the NEA that such re-examination is needed. If urgent cases arise so that ECHA would need to re-examine the dossier before receiving such confirmation from the NEA, ECHA would include such information in the feedback table and would not issue an official Article 42 notification before contacting the NEA. A Forum member suggested that ECHA sends the information about an update directly to the national authority in order to have quicker reaction.

ECHA informed that a factsheet[5] on the follow up process for dossier evaluation decisions was published on ECHA's website. The Forum was informed on the foreseen numbers of cases for 2014. Information gathered at the last Forum meeting regarding the access to documents was being processed by ECHA.

A Forum member highlighted that the message included in ECHA's Newsletter regarding the dossier evaluation process was not in line with the information in the factsheet. ECHA appreciated the information and would correct it.

An expert noted that some information on the revocation cases was still not in RIPE. ECHA explained that the information on the status of the reference number

[5] http://echa.europa.eu/documents/10162/13628/factsheet_dossier_evaluation_decisions_followup_en.pdf

could be found in the history of the particular dossier but it was not yet a search criteria in RIPE (in future updates it would be made possible). A list with the registration numbers that were revoked, was sent to all national focal points. Such a list could be uploaded in RIPE to facilitate the work of the authorities.

Some Forum members pointed out that information on the revocation cases in their country was missing. ECHA would investigate.

ECHA explained that the basis for the revocations decisions were SME verification and Article 50(3) Cease of manufacture.

15.2 Follow up on the translation of regulatory decisions

ECHA presented the compiled comments received on the document elaborated for Forum-15. Some dissident views could still be seen and more discussion would be needed. Some examples on how to address such an issue were taken from other European agencies. ECHA proposed to provide translation of the regulatory decisions upon request by NEAs. Such process would be reviewed in the future when more experience is gathered.

One Forum member expressed disagreement with the approach taken by ECHA since, in her view, ECHA had the legal obligation to provide the decisions in the national language.

COM informed that there were legal cases related to translations being discussed in the Court that could be used for input in this issue.

15.3 Proposal for prioritisation of ECHA-triggered enforcement cases

ECHA presented a proposal for criteria to prioritise the vertical interlinks triggered by ECHA and regarding cases for action by the NEAs. ECHA acknowledged that the national priorities would not be similar to the ones presented in this proposal but it would provide guidelines and explanations that could help NEAs when allocating resources. It was at the discretion of the Member States to assess the way to take account of this information.

By knowing up-front the estimated number of cases that might need enforcement actions, NEAs could better plan their activities by incorporating them in their national planning. Estimates were based on the distribution of the SONCs and ranged from 100-300 for all Member States.

In the ensuing discussion, one Forum member stated that ECHA's priorities were not in line with the ones set at national level. It was encouraged to continue the dialogue between ECHA and the NEAs on the interlinks issue to improve the processes.

COM welcomed ECHA for the document and indicated that it will provide comments in writing, in particular regarding the legal argumentation for use of certain REACH provisions (such as Article 36).

15.4 Follow-up of Article 36 triggered by mass screening of Intermediates

ECHA was actively verifying compliance of intermediate substances by using manual and automatic screening of such dossiers, where customised Article 36 letters were generated. From the letters sent in 2012, 232 registrants still did not

provide feedback. It was followed by a formal request for tonnage information which is a legally binding decision.

NEAs will be invited to initiate enforcement actions on cases where no response to ECHA's request was detected and therefore were non-compliant with the Article 36 letter. ECHA found it important to pursue such cases since the non-compliant uses of intermediate substances or its conditions might pose a risk to human health and the environment. The communication mechanism proposed was the use of RIPE and focal points. Before enforcement action is requested, ECHA would make sure that all possible contacts were exhausted.

ECHA believes it will have all the processes established by March/April 2014 so that enforcement activities could be initiated at that time.

ECHA could elaborate a list of the target companies scrutinised by country. It was clarified that the letters were sent via REACH-IT and that it was possible to signal the ones that were not read. For those, a follow-up letter via registered mail was sent.

A Forum member expressed appreciation for the approach and the fact that ECHA took into consideration the NEAs' workload. It was added that it would be important for the NEAs to be informed on the dates, by what means, etc. of the contacts made by ECHA.

ECHA replied that for this batch such information could be provided and that one of the improvements of REACH-IT would be in the communication module where a history of such activities could be tracked and easily retrieved.

COM added that the objective of REACH was also to promote competiveness. Dossiers with different registrations (intermediate vs full dossier) and consequently with different fees, would hinder such an objective.

Item 16- Break-out groups session

16.1 Discussion of topics

(see Content II)

16.2 Presentations from the break-out groups

The rapporteur from each break-out group presented the highlights and conclusions to the Forum.

Item 18 – Practical issues for enforcement of REACH and CLP

Issue 1 - Article 40 of the CLP Regulation

The Forum member and author of the issue presented the draft conclusion on the practical issue related to enforcing CLP notifications in cases where they are submitted by third parties such as ORs. The historical background of this practical issue and change of role of the submitter of a group notification under CLP was presented. According to Article 40 of CLP, a group of manufacturers and importers can submit a notification but there was a new development (communication of the Commission to ECHA in 2012) that any third party can be a submitter of a group notification. The notification procedure applied by the third party maintains the group members liable for the notification. It was reflected in an ECHA news alert and was also in ECHA Practical Guide 7 "How to notify

substances to the Classification and Labelling Inventory", Version 1.1. (June 2012).

Open aspects and proposed answers were presented.

The Forum members needed clarification related to the responsibility in case a third party submitter was appointed by a non-EU manufacturer and it was also proposed to consider not including aspects of the competence in the draft conclusion.

Issue 2 - Duty to communicate information on substances in articles: The scope of Article 33 of REACH

During the discussion at Forum-15, it was decided that the ECHA Forum Secretariat re-introduced the issue and the Forum agreed that further clarification was required. Before Forum-16, the ECHA Forum Secretariat prepared the summary of the issue (questions) and consulted the Forum. The final adopted questions and answers were submitted before the Forum meeting.

The Forum discussed the proposed draft answers (conclusions). There was a general appreciation for the proposed questions and answers and the general line and approach that has been taken in these answers was supported by the Forum. There were some comments and small requests to adjust the final text. The Chair asked Forum members to keep in mind during the commenting round that the general approach was supported.

Issue 3 - Definition of what constitutes a competent person in regard to preparing safety data sheets and if and how this demand is being enforced in the Member States

The expert invited by the Forum presented the practical issues related to the definition of what constitutes a competent person in regard to preparing SDSs and if and how this demand is being enforced in the Member States.

A few cases where the SDS was non-compliant were detected. When the company was contacted, it was apparent that the person preparing the SDS lacked the appropriate knowledge on chemicals and regulations and therefore was not competent to prepare the SDS. In cases like this, it was difficult for the inspectors to communicate with the companies and alert them on the necessary changes that needed to be made to make it compliant.

With the legal basis in REACH Article 31(1), the NEAs would like to obligate the companies to have their SDSs prepared by a competent person who have received appropriate training according to the text in annex II, point 0.2.3. In that regard, the ECHA Forum Secretariat asked the Forum members what they consider to be appropriate training and what qualifications the Forum considers obligatory for a person preparing an SDS and how it is enforced in Member States before the Forum meeting.

Forum agreed on the draft conclusion and to elaborate a non-binding list of examples for training areas relevant for SDS authors, which the Forum intends to recommend inspectors to consider when assessing the competence of SDS authors.

Issue 4 - How Member States handle individual registrations for chemicals for which a Substance Information Exchange Forum (SIEF) exists

A Forum member presented practical issue on how Member States handle individual registrations for chemicals for which a SIEF exists (e.g. Charcoal).

NEAs noticed that for certain chemicals for which a SIEF has been established, individual registrations also exist. By opting-out, companies do not pay the SIEF fee. The information on these individual registrations is posted on the ECHA website. It was asked how these companies have been controlled by the respective NEAs for complying with the requirements of Article 11(3) of REACH. It was also mentioned that several SIEF members report that they were recipients of emails proposing "cheaper" registrations compared to the joint submission.

The Forum Secretariat asked the Forum members before the Forum-16 plenary meeting if any NEAs are controlling companies (that individually registered certain chemicals for which a SIEF has been established), for complying with the requirements of Article 11(3) of REACH and if yes, how NEAs enforce it.

The draft conclusion was discussed by the Forum.

Forum members informed that they expected that the registrations present on the ECHA website were the approved ones and that the validity of opt-outs was checked. ECHA informed that there was no legal basis for ECHA to oblige any company to register in a joint submission.

The Forum did not agree with the proposed draft conclusion which will be further elaborated.

Issue 5 - Obligation of the electronic cigarette compliance under REACH and CLP

A Forum member presented the case about the electronic cigarettes which are a widely used commercial product with an increasing trend of import from China and other third countries. In order to control these products, a Forum member asked under which legislation (REACH, CLP, PIC, Tobacco Products Directive, medicinal legislation or others) these products should be enforced and stated that a harmonised approach among Member States within the European Union would be the best practice for more effective enforcement. Forum members were asked before Forum-16 how these products are enforced in their Member States.

The regulatory framework of electronic cigarettes and their refill-liquids is currently subject to discussions in the framework of the revision of the Tobacco Products Directive and this issue may be clearer or more harmonised after the revision of this directive.

The Forum did not conclude on this issue and it was proposed to close the issue and re-open when new information was available and the Tobacco Products Directive is revised. COM would inform the Forum on the outcome of the discussion.

The Chair reminded the meeting that new issues should be submitted using the template of Annex II of the MoC 50 days before the next meeting. She informed that the translated MoC would be available by mid-November to all Forum members.

Item 19 – Update on relevant developments by the Commission

19.1 Updates by the European Commission

COM updated the Forum on the last publications in the EU journal as well as on the upcoming COM adoptions and publications of enforcement related issues. He highlighted the issues discussed and to be discussed in the REACH/CLP committees and in the ESPG.

He reminded that Article 2(3) of REACH allows for Member States, based on defence, to grant exemption of particular substances, mixtures or articles. The defence exemption issues were taken over by the European Defence Agency. Such exemptions were made public by the Member States as well as in the Agency's website[6]. Discussions took place to achieve a common agreement on the criteria to base the defence exemptions.

He stressed that under Article 126 REACH, every time there is a change on the penalties legislation and all consequent amendments in the Member States, COM must be notified.

COM demonstrated interest in the results of REF-3 and would like to be informed on the challenges observed in the operational phase. He reminded that the practical document prepared by DG TAXUD, ENTR and ENV *'Customs and chemicals. Cooperation of authorities'* was available in all EU national languages (Croatian translation to be available in Feb 2014).

A campaign towards the 2015 deadline to raise awareness on CLP was launched by COM. A workshop in September 2014 will be organised by DG ENTR.

He informed that a study of CMRs in consumer articles was done by COM which was presented at the last RiME meeting. The social-economic impact of 13 CMRs in articles (classification 1A and 1B) were analysed. With the selected substances, a fast-track restriction could be implemented without involvement of RAC/SEAC (Article 68(2) REACH). A possibility to consult the Forum was proposed.

A Forum member pointed out that his Member States did not yet agree with the new draft of the Market Surveillance Regulation.

COM clarified, upon request of a Forum member, that the proposal for the next amendment of Annex XIV was not foreseen by the end of 2013.

A Forum member raised the issue that the recommendations for the environmental inspections were soon to become a binding instrument according to the seventh environmental programme and such implementation could be difficult. DG ENV confirmed that discussions were still being held on that issue.

19.2 Enforcement indicators project: involvement of Forum in the steering committee

COM informed that the contract was signed and the project would soon be initiated. Two Forum members and an ECHA Secretariat staff member volunteered to be part of the Steering group representing the Forum in COM's project. A status update could be done by such a group in each Forum meeting of 2014. It was proposed for COM to host the Forum-19 meeting back-to-back with the enforcement indicators workshop, where the results of the project are to be

[6] http://www.eda.europa.eu/reach/

communicated. This is subject to further discussions between COM and the ECHA Secretariat.

Item 20 – Life+ Project

A representative from the Technical University of Crete (TUC) presented some aspects of the new LIFE+ 2014 Environment proposal for REACH & Health, Safety and Environment Joint Enforcement Activities. He encouraged the Forum members to participate in the project.

The ECHA Secretariat alerted that the discussions on the topics addressed in the project were already reflected in ECHA's Guidance documents.

The TUC representative clarified that the new project was being drafted and no discussion with the competent authorities or HelpNet was yet done, although in the dissemination part of the project such cooperation was included. The time and workload expected was not too demanding on the participating countries but no concrete information could be given at this point. The budget for the project could include a part for translation of the deliverables produced (to be confirmed). The contribution of the Member State would be through staff's time allocation.

A Forum member expressed that the project would help promote and develop interlinks as well as to create other opportunities for inspectors to exchange experiences.

Two Forum members expressed an interest in participating in the project.

Item 21 - Reports from the ECHA Forum Secretariat

21.1 Classification of documents of the Forum

The ECHA Secretariat presented the new proposal for the classification of Forum's documents based on the feedback received from Forum members after Forum-15 and after revision of ECHA's policy on classification of ECHA information. It was suggested to amend the Forum's rules of procedure to better reflect the suggested responsibilities.

The Forum members welcomed the document and appreciated examples for the restricted classification. The ECHA Secretariat added that such examples should be provided by the Forum.

21.2 IMPEL Project – follow-up

An ECHA representative participating in IMPEL's project linking the Industrial Emissions Directive and REACH, informed the Forum on the actions that took place after Forum-15. ECHA would provide input to the project throughout its development. The first meeting took place in June 2013 where the participants presented how their Member State dealt with the interlink and the report was initiated. The final report was foreseen to be discussed by the end of 2013.

ECHA would assess with the leading Member State whether the draft report could be shared. A pilot project was not foreseen in the project.

21.3 Informal meeting between ECHA senior management and Forum Chair

The Chair informed the Forum on the informal meeting between ECHA Senior management and the Forum Chair on 25 September 2013 at ECHA. It was

discussed how to improve the communication and to better address the mutual expectations. It was proposed to have a regular meeting between the two parties.

It was also agreed that the Forum and ECHA's work programmes should be better aligned and that the Forum should be able to provide comments to ECHA's work programme.

It was suggested to reintroduce in the Forum plenary meetings a standing agenda item where NEAs have the opportunity to explain their national organisation and projects. ECHA could follow-up and have a better understanding.
The Chair expressed appreciation for ECHA's interest to have a closer collaboration with the Forum and that the dialogue was constructive.

Item 22 – AOB

ECHA informed that the dates for the plenary meetings of 2014 were:

Forum-17: 25-27 March 2014
Forum-18: 24-26 June 2014
Forum-19: to be confirmed (November 2014)

The Chair added that at Forum-17, the mandate of the Chair and Vice-Chairs would be expired and that a new election would take place.

22.1 Updates on the CLEEN network

The information was sent after the meeting.

22.2 Updates on the DNA meeting

The information was sent after the meeting.

22.3 Update of information from ECHA regarding the role of the Forum in the enforcement of the Biocidal Products Regulation (BPR)

ECHA's legal representative informed the Forum that the European Parliament's Environmental Committee discussed the amendments to the revision of the BPR. The proposal was made by the Member States to include the role of the Forum also under the BPR to benefit from the tools already in place for other regulations, e.g. RIPE. Such discussions were still ongoing and the adoption of the revision was foreseen for early 2014.

A Forum member expressed that the Forum was not consulted or informed on such a possibility. The timeline to prepare was very limited and discussions on this issue as well as its inclusion in the MAWP must be initiated.

ECHA reminded that when the regulation was under development, ECHA requested for the Forum to have a role under the BPR but it was dismissed. After Forum-15, such an issue was revived by the Member States and culminated on an actual proposal for amendment.

A Forum member regretted that the Forum was not able to elaborate an opinion on this issue.

For some Member States, the competent authority for REACH and BPR were in the same person/unit hence it could be advantageous.

22.4 Information from ECHA Secretariat regarding draft guidance on enforcement elaborated by SLIC/Chemex

ECHA confirmed that this network elaborated some documents and it was commented by ECHA. The ECHA Secretariat would forward the commented version or the revised document (if available) to the Forum.

Item 24 – Closing of the meeting

The Chair thanked the participants, the COM and the ECHA Forum Secretariat for their contributions and support. With that, she closed the meeting.

II. Summary of the Break-out-groups session

Topic 1: Enforcement of authorisation-related obligations

Introduction

ECHA opened the discussion clarifying that the background of the project proposal was the discussion at Forum-15 and positive feedback about the project received afterwards. He explained that discussion at the WG should focus on the details of such a project and the question of validity and whether the Forum undertaking such project will be discussed at Forum-17.

The introduction was followed by an ECHA presentation of its two project proposals. In summary, Project 1 focused on checking that MDA and Musk Xylene are not placed on the market, and Project 2 focused on checking if authorisation holders for four phthalates comply with the conditions set out in the authorisation decision. The key challenges for Project 1 are a clearer definition of exemptions and interpretation of "use". For Project 2, the key unknowns at the moment were the availability of relevant information (authorisation decisions and downstream user registry) as well as checking the conditions of use. ECHA has committed that it will provide further support materials for each of the projects. For project 1, it would compile information on all exemptions, elaborate possible issues and compile relevant information from documents such as FAQs, guidance etc.) For both projects, ECHA plans to prepare "substance reference sheets" for each Annex XIV entry compiling information on the substance, listing submissions received by ECHA (e.g. registrations, CLP notifications), potential users, and where applicable other authorisation holders and Article 66 notifiers, authorised uses, authorisation numbers. ECHA proposed for Project 1 (preparation, operational and reporting) to run from March 2014 to March 2015 and Project 2 from March 2015 to June 2016.

Discussion

The discussion has been conducted to define answers to pre-defined questions.

1. Is the division into two separate projects acceptable?

A number of participants have supported the split into two projects to provide greater flexibility.

One participant expressed preference to run both projects in parallel and that the division may result in situations that the same site was visited twice and there would be undue administrative overhead in running two projects. The participant also argued that for a specific substance on Annex XIV, one may only know at the start or the project if it should enforce its absence from the market or both enforce absence and check authorisation conditions.

ECHA explained that this was possible but relatively unlikely given the different substances in focus. Additionally, merging both projects would have other consequences such as fewer countries interested in some elements of the project and reports being ready much later. As regards the scope, the Forum and ECHA will know in advance if there were any applications for authorisation and therefore it will be possible to identify substances for which the check of authorisation conditions may be needed. There were only applications for authorisation only for phthalates and final decisions on these authorisations are expected in early 2015,

which is the proposed time for the Forum to decide on the second project related to phthalates.

2. Is the scope appropriate and acceptable? Should Project 2 also cover the check of whether the four phthalates are not used by actors who did not receive an authorisation?

The participants were in general accepting of the scope of both the proposed projects. With regard to Project 2, ECHA introduced the COM comment that the enforcement activities should focus on companies who use the Annex XIV substances past the sunset date rather than those who have diligently applied for and received an authorisation. The participants supported the expansion of Project 2 with checks on whether the four phthalates were also used by actors who did not receive an authorisation, thus targeting also companies who did not receive the authorisation. Project 2 will therefore include in its scope the same elements as Project 1 but for different substances.

3. Project 1 challenge: Exemptions and definition of "use"

3.1. Are the proposed solutions for providing guidance on exemptions acceptable? If not why and what other solution would NEAs need?

Participants accepted the proposal to receive support materials from ECHA. Participants briefly discussed the options for targeting the relevant companies. ECHA has offered to provide intelligence about potential users based on information from submissions. The screening of potential users is estimated to take a couple of months for substances that are in the scope of Project 1 and 2. The first data should be available before Forum-17 and that would allow defining the origin of potential offenders and thus indicate in which countries the project can be relevant.

3.2. What is the best way for ECHA to help NEAs to explain/clarify the exemption? Workshop? Webinar?

One of the participants indicated that a webinar would be preferable. Participants also suggested that even countries that do not participate should be informed of the exemption.

4. Project 2 challenge: Availability of authorisation decision and DU registry

4.1. Are the proposed access solutions (probably via RIPE) and consultation with WG RIPE acceptable? If not, why and what other solution would NEAs need?

Participants voiced no objections regarding the proposed solutions for providing information on authorisation decisions or the downstream user registry. The information channel for providing final decisions needs to be decided with COM: RIPE could be used. The downstream user registry and authorisation registry need to be created.

5. Project 2 challenge: Checking conditions of use

5.1. Is the proposed solution acceptable? If not, why and what other solution/guidance would NEAs need?

It was expected that, from the enforcement perspective, the check of conditions of authorisation would be very similar from checking the workplace conditions

under OHS legislation. One of the participants remarked that the conditions set in the authorisation decision by the COM should be clear and unambiguous so that inspectors do not need to interpret them.

6. Are the proposed timelines acceptable to Member States?

There was a number of ideas put forward relating to the proposed timelines. The comments can be summarised as follows:

- Project 1 operational phase starts too soon after the sunset date. It should be moved more towards 2015. It also gives more time for preparation;
- Some overlap between project 1 and 2 is acceptable;
- Both project's operational phases should be significantly longer.

7. Are the proposed support materials sufficient?

In the discussion, the participants were positive about the proposed support materials from ECHA.

Topic 2: Improvement of the quality of the registration dossiers

ECHA made a presentation entitled "Improvement of dossier quality" to provide more background and stimulate the discussion in the group session.

The main message was that ECHA has a body of immense data and now the Agency wants to know how it can directly help enforcement authorities with this information. In a sense, ECHA would be offering a service to assist inspectors before their inspections or enforcement actions undertaken by the NEAs. For this, ECHA would need to know the criteria to define cases that could immediately trigger enforcement actions. ECHA would like to know what information the NEAs would need. It could then analyse and interpret the data for NEAs and provide them with the results.

1. **Types of cases (or subjects of interest areas) of issues with (pre-) registrations, where NEAs – based upon (further) information from ECHA – could take actions efficiently in order to remedy the situations.**

A Forum member explained that a basic inspection could for example include visiting a company and asking for a registration number or an SDS, and that it would depend on other factors on how deep the inspector would go with the inspection of the company. The inspectors need to consider the broad range of information when examining a dossier and/or inspecting the company in the field. If an inspector was to receive targeted information from ECHA about specific dossier aspects or areas of concern, the investigation may be much more efficient.

The participants discussed a number of focus areas for inspectors.

2. **What information ECHA could provide to NEAs in order to identify and investigate the cases of where there are issues with dossiers and thus a risk of non-compliance.**

- the manufacturing or use of restricted substances;
- ECHA is investigating what substances and the number of dossiers that are involved, considering exemptions that may apply;
- classification of a substance that is not in line with Annex VI of CLP;
- ECHA will present the recent technical means of finding such cases and potentially some specific examples;
- identified consumer use of CMR substances. ECHA will inform on the progress of finding those. So far several substances were found but usually this is due to fuel use.

From a technical point of view, ECHA has a high interest in what is happening in the field. A Forum member suggested that a more targeted enforcement would be the most desirable way forward for MSs. This would imply undertaking vertical communication and closer cooperation between ECHA and NEAs.

ECHA invited NEAs to inform where ECHA can help them, such as finding similar cases once one has been identified as being of interest. For example, ECHA can help when NEAs are preparing their next enforcement round.

3. What background information NEAs would typically need to start investigation and establish their cases.

It was suggested that the inspection could also be extended to the whole supply chain of the specific substance.

A Forum member highlighted that the point would be to focus on seriously non-compliant companies rather than chasing SMEs who make small mistakes when registering substances. It pointed out that it on some occasions, a direct contact with ECHA would be beneficial for a certain project planned in an MS. The question on whether the contact should be through the Forum was posed.

In certain MSs, when the registrant makes what seems to be a small mistake, the NEA sends a letter with that information. This often leads to immediate action from the registrant, who will amend its registration.

4. What communication channels to use?

- What would be the appropriate way to communicate to NEAs the information on cases where there are issues with dossiers, considering that these cases are probably outside the interlinks (i.e. communication from ECHA to NEAs)?
- Address how inspectors can communicate the potential need for further information (i.e. communication from NEAs to ECHA).

The purpose of this discussion was not to create new interlinks. Hence, the use of RIPE was seen as preferable.

5. Discuss how, when and in what way NEAs can give feedback to ECHA, if needed.

A participant from ECHA indicated that ECHA would welcome feedback from NEAs as soon as possible and in case non-compliance is detected, information on what actions were undertaken.

It was suggested that a pilot project via the Forum could be undertaken and evaluated afterwards.

With regard to a pilot project, combined information on planning would be beneficial if an overlap was identified in several MSs. Afterwards, ECHA could be requested to provide support.

It was agreed that there should be more exploration on whether a pilot project with an MS on CMRs would be feasible. It was agreed that, in case of such a project, RIPE would be the communication tool of choice. It was also agreed that this pilot project would be a small project.

Topic 3: Enhancing enforcement of CLP

For the kick-off of this discussion, a *tour de table* was made where the participants were encouraged to highlight their personal/daily CLP challenges (described below). Finding solutions for those challenges proved to be a difficult issue.

What are the typical difficulties in CLP enforcement/sharing 'hands-on' experiences from the field? Proposals for solutions.

- Lack of knowledge on classification of substances and mixtures;
- Self-classification: Industry needs to agree on the classification;
- For small importers, the language barrier of the labels is difficult to overcome (labels in the correct language);
- Divergences in the classification of detergents (e.g. classification based on pH);
- Enforcement of Art 45: a harmonised database, exchanging data between MSs at European level, would be helpful;
- Too many languages present in the label;
- Illegible labels: minimum size of the font is not specified in the legislation;
- Small size of pictograms, empty diamonds in the labels;
- Labels for the consumers do not contain the right information;
- Electronic cigarettes and the classification of its liquid based on nicotine content: different ways due to input data on how to classify the mixtures; the mixture can differ in classification in conjunction with the LD50 value (human or rat) or with the ATE estimate based on harmonised classification of nicotine;
- Notifications by importers or Only Representatives;
- Self-classification under SEVESO legislation;
- Observed unsuitable packaging without child resistant fastening (less costly);
- Misunderstanding of the company's role;
- Unclear definition for packaging (e.g. soluble packaging of liquid-tablet detergents);
- Inconsistency between contact detail requirements on a label and SDS for distributors;
- Difficulties on enforcing, e.g. due to the absence of deadlines laid down in the legislation.

It was obvious for the participants that the solutions for the above mentioned situations were difficult to find, therefore two areas only were focused on and discussed:

1. Labelling issues, specifically legibility of labels;
2. Self-classification problems.

Discussions on self-classification issues included:

- Directing classification of the substances according to RAC opinions in all MS;
- Make notifiers visible in RIPE;
- It was clear that the C&L platform is not very successful. There is no legal obligation to use it. Suggestions to amend the CLP Regulation to oblige notifiers to regularly update their notifications in the C&L Inventory;
- Recommendations for classification from national bodies (relevant institutes);
- For the classification of mixtures, it could be recommended to use the information already available in other MSs;

- Development of common European/MSs projects on selected substances that should be classified as a CMR.

Discussions on labelling issues included:
- Harmonised standard of the labels on EU level (included in the legislation);
- Update L&P Guidance;
- Targeted national campaigns.

Which are the areas where further CLP related guidance/clarification is needed/which issues should be further addressed in the ECHA Guidance or in the Forum MoC?

The participants discussed the importance of having a consolidated Annex VI available to inspectors. An Excel format table with all entries would be very useful for the daily routines of the inspectors. ECHA confirmed that unofficial consolidated Annex VI tables will continue to be provided in Excel or another compatible format.

ECHA is responsible for the publication of the C&L Inventory and moderates the C&L platform. The platform is a way for the notifiers to contact each other and discuss the classification of their substances and has been functional since February 2013. ECHA reported a low usage of the tool and ECHAs powers extend only to promoting the usage of the platform among the notifiers.

In conclusion:

The participants agreed that there were many shortcomings on the way the MSs approach this legislation and efforts should be made to better address them. Most of the suggested ideas could be tackled at national level (as they are now) but it was clear that a harmonised enforcement approach still needed improvement. The participants suggested that CLP-related joint projects between MSs could help the NEAs to learn from each other on how to overcome the identified obstacles but clarification coming from the regulation itself was emphasised as utmost important.

III. Main Conclusions & Action Points - Forum-16 – 28-31 October 2013

(Adopted at the Forum-16 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 – Adoption of Agenda and declarations of conflict of interest		Agenda was adopted
Item 2 - Address by ECHA's Executive Director		
Item 3 - Forum's enforcement activities- Work Packages		
3.1.1 Forum's Multi Annual Work Programme – WG progress report	The Forum took note of the progress in the WG. The Forum decided to establish a "task force" to prepare a paper describing the PIC enforcement and involvement of the Forum in coordination of its enforcement.	**Forum members** are invited to send written comments to the latest draft of the MAWP by 29 November. **Forum members** are invited to submit names for experts for the PIC task force by 15 November

3.1.2 Strategic approach in the MAWP	The Forum discussed the proposal of ECHA related to the current draft of Forum MAWP.	**Forum-S** will send to WG MAWP the updated ECHA proposal for including the description of a 4-stage "strategic approach" in the MAWP and indicating suggestions for changes to other relevant parts of the MAWP resulting from the addition of that new chapter by 8 November. **WG MAWP** will consult the ECHA proposal and prepare the final draft MAWP for Forum consultation by 29 November. **Forum-S** will then send the revised proposal to Forum by 29 November. **Forum members** will be invited to submit comments by 23 December
3.1.3 Mandate amendment	The mandate was revised.	
3.2.1 Horizontal methodology – WG Final report	The Forum adopted the methodology for the selection, management and evaluation of REF projects.	-
3.2.2 Implementing working procedure and establishment of the WG "Prioritisation of REF projects"	The Forum adopted the working procedure with changes indicated during the meeting. The Forum established a new WG "Prioritisation of REF projects"	**Forum members** are invited send names of new invited experts to the WG by 15 November.
3.3.1 Enforceability of Restrictions-WG progress report	The Forum adopted the WG recommendations.	**Forum members** are invited send names of new invited experts to the WG by 29 November.

3.3.2 Methodology for recommending analytical methods	The Forum adopted the version 1 of the methodology for recommending analytical methods for Annex XVII restrictions. The Forum agreed to start the implementation phase where the data will be collected from the laboratories. The Forum also agreed, with one minority opinion, to approach the ASOs when collecting data from laboratories.	**WG Restrictions** will prepare a note explaining to the ASOs what is expected from them, and consult it with the Forum before inviting input from ASOs. ***Forum-S*** to send the data collection package to the Forum members by 15 November ***Forum members*** to identify the laboratories and to send the data collection package to these laboratories by 16 December **Forum members** to collect data from the laboratories and forward it to the WG Restrictions and Forum-S by 31 March 2014
3.3.3 Inventory of EU-EEA laboratories with capacity to carry out analysis for testing compliance with Annex XVII restrictions	The Forum decided not to prepare the inventory of laboratories.	
3.3.4. Mandate amendment	The Forum reviewed the mandate.	

3.4.1 REF-3 – WG progress report	The Forum adopted the proposed scope of REF-3. The Forum agreed to comment on the draft Addendum to the manual and adopt it in a short written procedure in November.	**WG REF-3** will amend the questionnaire to reflect the addendum and to ensure that the language is unambiguous. **Forum members** are invited to send their comments on the draft Addendum to the REF3 WG by 11 November. **Forum members** are invited to send their suggestions for language corrections of the questionnaire to the REF3 WG by 11 November.
3.4.2 Mandate amendment	The Forum reviewed and adopted the mandate of the WG REF3	
3.5.1 Implementation of RIPE – WG progress report	The Forum approved the agenda of the upcoming RIPE training took note of the progress of the WG.	
3.5.2 RIPE project progress report	The Forum took note of the developments in the RIPE project.	
3.5.3 Mandate amendment	The Forum reviewed the mandate.	
3.6.1 Electronic Information Exchange System – EIES – WG progress report	The Forum took note of the information.	
3.6.2 Mandate amendment	The Forum reviewed the mandate.	
3.7.1 Training for enforcement trainers 2013 – WG progress report	The Forum supported the proposed way forward for collection of topics for future trainings.	**Forum members** are invited to submit their proposals for priority topics for 2014 training by 6 January 2014.
3.7.2 Mandate amendment	The Forum amended the mandate.	

3.7.3 Establishment of the WG 'Training for enforcement trainers 2014'	The WG was established	**Forum members** are invited to submit expert names by 15 November
Item 5 – Preparatory discussion for the open session		
Preparatory discussion for the open session	-	
Item 7 – Information on the work of the Forum and ECHA –OPEN SESSION		
7.1 Summary presentation of the Forum's achievements since last open session	The participants took note of the activities and achievements of the Forum since 2013.	-
7.2 ECHA's SME actions and the role of the SME Ambassador	The participants took note of the information provided by ECHA.	
Item 8 – Involvement of Stakeholders in the Forum's work –OPEN SESSION		
8.1 Involvement of stakeholders in the development of the process of prioritisation and selection of harmonised enforcement projects coordinated by the Forum	The participants welcomed the invitation to submit project proposals and providing information on analytical methods used.	**ECHA** will inform the ASOs on the practical aspects of submitting the project proposals by 15 November **ASOs** invited to submit project proposals to Forum-S by 29 January 2014
8.2 Involvement from stakeholders in the elaboration of a compendium of analytical methods for the enforcement of Annex XVII restrictions		**ECHA** to invite feedback about the analytical methods from ASOs by 1 December

Item 9 – Stakeholders' presentations –OPEN SESSION		
9.1 CEFIC	The participants discussed about possible and planned initiatives intended to increase the level of knowledge about the preparation of SDS and the further need of CLP awareness raising.	
9.2 ClientEarth	Forum welcomed the Client Earth initiative for reviewing the information in the dossiers.	
9.3 Eurometaux	The Forum welcomed the information provided.	
9.4 European Environmental Bureau –EEB	The participants discussed the enforcement activities related to dossier quality, enforcement of Art 33 and the presence of CMR substances on the market.	
9.5 International Association for Soaps, Detergents and Maintenance Products (A.I.S.E.)	The Forum took note of the AISE initiative to set up DetNet network for classification of mixtures.	**Forum members** are invited to provide feedback on the presentation by 29 November. **Forum members** are invited to liaise with MSCAs indicating that there is a possibility of getting further information (webinar) on AISE project.
Item 10 – Enforcement projects in the Member States –OPEN SESSION		
10.1 Dutch project on digitalisation of SDS	The participants took note and welcomed the results of the NL project on the digital distribution of SDS in the NL.	
10.2 Nordic CLP project	The participants took note of the Nordic project for checking the CLP obligations.	
10.3 Austrian PIC inspections	The participants took note of the PIC enforcement in Austria.	
Item 11 – Conclusions –OPEN SESSION		

11.1 Conclusions from the open session	The Chair recapitulated the discussions of the open session and thanked the participants for their input.	
11.2 Feedback on the open session with Stakeholder Organisations	Stakeholder organisations and Forum welcomed the open session and the opportunity for discussion between stakeholders and the representatives of enforcement authorities.	
Item 13 – Debriefing on the Open session		
	The Forum appreciated the open discussion and highlighted the activities of the NEAs in addition to the efforts undertaken by the Forum.	
Item 14 – Relevant developments within ECHA		
14.1 Update from the registration deadline	The Forum took note of the statistical information from the 2013 registration deadline.	-
14.2 Guidance updates	The Forum took note of the information provided.	
14.3 Substances in articles	The Forum took note of the information on follow up on SIA discussions from Forum-15.	
14.4 Proposed action to fulfil recommendation of REF-2 report: SDS checklist	The Forum welcomed the initiative and offered to discuss it further.	**Forum-S** will arrange time in the Forum-17 agenda to discuss the contents of the proposed checklist **Forum members** are invited to submit comments on the paper from ECHA and their availability for input by 29 Nov.
Item 15 – Enforcement of regulatory decisions		

15.1 Update on the cases sent to MS Focal points (SONCs, revocations, intermediates)	The Forum took note of the status of follow up of the SONCs.	**Forum-S** will investigate the cases of NL revocations by 8 November **Forum-S** will coordinate the response to COM question on the grounds for registration revocations. **ECHA** will investigate the information published in the ECHA newsletter regarding the SONC follow up and provide feedback to Forum.
15.2 Follow up on the translation of regulatory decisions	The Forum agreed to review the working methods in light of future experience.	
15.3 Proposal for prioritisation of ECHA-triggered enforcement cases	The Forum took note of the proposal.	**Forum members** are invited to submit feedback by 29 November
15.4 Follow-up of Art 36 triggered by mass screening of Intermediates	The Forum took note of the information provided.	**Forum members** are invited to provide comments addressing practical aspects and NEA needs by 29 November.
Item 16 – Break-out Groups Session		
16.1 Discussion of topics	-	
16.2 Presentations from the break-out groups: **TOPIC 1**	-	**Forum-S** will prepare summaries of discussions by 15 November **Forum members** are invited to provide further feedback on the project proposal by 29 November

16.2 Presentations from the break-out groups: **TOPIC 2**	-	**Forum-S** will prepare summaries of discussions by 15 November **Forum members** are invited to provide further suggestions for information needed by NEAs by 29 November
16.2 Presentations from the break-out groups: **TOPIC 3**	-	**Forum-S** will prepare summaries of discussions by 15 November **Forum members** are invited to provide further suggestions for information needed by NEAs by 29 November
16.3 Wrap-up	-	**-**
Item 18 – Practical issues for enforcement of REACH and CLP		
Issue 1 - Article 40 of the CLP Regulation	-	**Forum-S** will launch a written consultation of the draft conclusion by 14 November **Forum members** are invited to submit their comments by 12 December
Issue 2 - Duty to communicate information on substances in articles: the scope of Article 33 of REACH	-	**Forum-S** will launch a written consultation of the draft conclusion by 14 November **Forum members** are invited to submit their comments by 12 December

Issue 3- Definition of what constitutes a competent person in regard to preparing safety data sheets and if and how this demand is being enforced in the member states.	The Forum acknowledged that REACH only requires that the person preparing a SDS must be competent to do so (according to annex II of REACH, point 0.2.3). Suppliers shall ensure that these persons have received appropriate training, including refresher training. If the supplier outsources the preparation of the SDS to, e.g., a consultant, he must ensure that the consultant has the necessary competence. The Guidance on the Compilation of Safety Data Sheets lists some fields of knowledge that form part of being competent to prepare a SDS in its section 3.5.2.	**Forum-S will** send a draft document 'Supplement of MoC' for consultation with the Forum by 5 December **Forum members** will be invited to submit comments by 6 January **Forum-S** will initiate a consultation on the non-binding list of example training areas which the Forum intends to recommend to inspectors to look for when assessing the competence of SDS author by 14 November.
Issue 4- How MSs handle individual registrations for chemicals for which a SIEF	-	**Forum-S** will launch a written consultation of the draft conclusion by 14 November **Forum members** are invited to submit their comments by 12 December
Issue 5- Obligation of the electronic cigarette compliance under REACH and CLP	The Forum discussed the enforcement approaches towards the electronic cigarettes in the Member States.	
		Forum members are invited to submit practical issues for Forum-17 by 27 January 2014.
Item 19 – Update on relevant developments by the Commission		
19.1 Updates by the European Commission	The Forum took note of the information provided.	**Forum-S** will reserve time in the Forum-17 agenda to discuss the Forum preparation or involvement the review of MS reporting.

19.2 Enforcement indicators project: involvement of Forum in the steering committee	The Forum agreed with the establishment of the Steering group of the COM project on enforcement indicators.	**Forum members** are invited to provide any further information on the indicators used for measuring enforcement at the national level. **Forum-S** to clarify if Forum-19 can take place in Brussels.
Item 20 – Life + Project		
A new proposal for a LIFE+ 2014 project on HSE - REACH joint inspections in line with experience on LIFE+ "PROTEAS" project (regarding Fuels Supply)	The Forum expressed interest and discussed the upcoming LIFE+ project proposal from the Technical University of Crete.	**Forum-S** will obtain the relevant project documentation, including the questionnaire from TUoC and distribute it to the Forum members by 8 November **Forum members** are invited to fill the electronic version of the project questionnaire by 29 Nov.
Item 21 – Updates from the ECHA Forum Secretariat		
21.1 Classification of documents of the Forum	Forum took note of the information provided.	**Forum-S** will send the background documents mentioned in the meeting document by 8 November. **Forum members** are welcome to provide further comments including specific proposals and illustrative examples for documents of different security levels by 29 Nov
21.2 IMPEL Project – follow-up	Forum took note of the information provided.	**Forum-S** will distribute the draft report of the IMPEL project to Forum members, if allowed by IMPEL project management, as soon as possible.
21.3 Informal meeting between ECHA senior management and Forum Chair	Forum took note of the information provided.	**-**

Item 22 – AOB		
22.1 Updates on the CLEEN network		**Forum-S** will send background documentation to the Forum members by 8 November.
22.2 Update on future communication activities where NEA involvement may be beneficial		**Forum-S** will send background documentation to the Forum members by 8 November.
22.3 Preparation for the Election of the Forum chair and date of Forum-17	2014 Forum meetings: March-17: 25-27 March Forum-18: 24-26 June Forum-19: 4-7 November (?)	**Forum members** are invited to submit the candidatures for the Forum Chairs by 31 January 2014
22.4 Biocides – ECHA working on the inclusion of BPR in Forum mandate	-	**Forum members** will liaise with the national BPR MSCAs to discuss the national positions regarding the expansion of Forum mandate.
22.5 Draft guidance on enforcement done by SLIC		**Forum-S** to distribute the SLIC guidance by 8 November.
22.6 FR cooperation with China	-	**FR Forum member** is invited to submit the information on French cooperation with China to Forum-S who will distribute it to the Forum members.

ACTION POINTS FROM FORUM-15

OPEN AT THE TIME OF FORUM-16

Item 7 Break-out Groups Session			
7.2.3 Topic 3 - Enhancing the exchange of practical information on enforcement	The Forum discussed how it can enhance the exchange of practical information on enforcement.	**Forum-S** will send a summary of the discussion by 5 July. **Forum members** will be invited to provide their comments on the summary by 9 August **Forum-S** will assess the feasibility of implementing the proposals made by Forum-16	Done Done Open – to be addressed after F-16
Item 9 – Practical issues for enforcement of REACH and CLP			
Issue 4 – Registration of CMR's	Issue was closed.	**Forum-S** will distribute to the Forum the lists of CMRs not included in Annex VI of CLP regulation when available. **Forum-S** will further investigate other substance screenings (e.g. PBT or vPvB) and provide the substance lists to the Forum when available.	Open – to be addressed after F-16 Open – to be addressed after F-16

ACTION POINTS FROM FORUM-13
OPEN AT THE TIME OF FORUM-16

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)	Status
Item 8 – Work Packages – Activity Reports			
8.1.1 – Interlinks between ECHA, MSCAs and NEAs - final report from WG	The Forum took note of and adopted the final report of the Working Group. The Forum took note of the progress of the Forum pilot project on interlinks related to communication of information on ORs and PPORDs between the involved actors. The Forum concluded that the project will be continued as a stand alone activity with no reference to WG Interlinks which now expires.	**Forum-S** will describe how the review of the interlinks inventory will take place and submit it for consultation with the Forum by 21 January 2013. **Forum-S** will make the interlinks inventory and the information about Focal Points available in RIPE and CIRCA BC by 21 December.	**Open** Postponed to F17 (process to be described in consolidated interlinks document) **Done**

IV. List of Attendees

Forum members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	CUYPERS Paul
3	CZ	JAROLIM Oldrich
4	CY	KYPRIANIDOU-LEONTIDOU Tasoula
5	DE	VOM HOFE Katja
6	DK	BØRGLUM Birte
7	EE	PROMET Natali
8	EL	FOUFA Eleni
9	ES	SÁNCHEZ PEÑA Pablo
10	FI	LEIKOSKI Mervi (Alternate)
11	FR	DESIGNOLLE Vincent
12	HR	KREKOVIC Dubravka
13	HU	DEIM Szilvia
14	IE	MCMICKAN Sinead
15	IS	SKULADOTTIR Bergthora
16	IT	ALESSI Mariano
17	LT	UZOMECKAS Zilvinas (Alternate)
18	LV	PALLO Parsla
19	MT	MIFSUD Shirley
20	NL	VAN DEN BERG Jos
21	NO	HAGEN Gro
22	PL	OSOWNIAK Marta
23	PT	CABRITA Rui
24	RO	ALBULESCU Mihaiela
25	SE	WESTERBERG Agneta
26	SI	NOVAK Vesna
27	SK	KOLESÁR Dusan
28	UK	POTTS Mike

Invited experts

	Country	Name
1	AT	WURM Gernot
2	BG	TCHOBANOVA Elena

	Country	Name
3	CZ	MARTIN Marko
4	DK	PETERSEN Pia-Gitte
5	EE	KARRO Marina
6	ES	ZAMORA NAVAS Laura
7	FR	ALFANO Anne-Catherine
8	IE	LOWE Majella
9	IT	POLCI Maria Letizia
10	LT	GRINCEVICIUTE Otilija
11	LV	AMNUELE Kristine
12	NO	FOSSNES Tone-Line
13	PT	BRAVO Graça
14	EL	VANGELOGLOU Evangelos (University of Crete)

Advisers

	Country	Name
1	BE	LEYNEN Michel
2	DK	RAVN-JENSEN Anette
3	FI	LAHTINEN Marilla
4	FI	RAITALA Suvi
5	NO	SULEIMAN Abdulqadir
6	SE	SILLREN Barbro
7	UK	HOWELL Verity

European Commission

	DG	Name
1	ENTR	AGUADO-MONSONET Miguel
2	ENV	ZIELINSKI Janusz

Stakeholders and IPA observers

	Organisation	Name
1	Cefic	ANNYS Erwin
2	CONCAWE	BORNSTEIN Sophie
3	A.I.S.E.	CAMERON Wendy
4	Eurometaux	CLAES Inneke
5	EuPC European Plastics Converters	CLAES Walter
6	ClientEarth	HIESTER Elizabeth

7	A.I.S.E.	LEMOINE Sylvie
8	European Environmental Bureau (EEB)	SANTOS Tatiana
9	PETA International Science Consortium, Ltd.	STODDART Gilly
10	UEAPME	SUSNIK Marko
11	Albania	BADUNI Redi
12	FYROM	CHILKU Eljona
13	FYROM	SAVIKJ Lidija

	ECHA	**Unit**
1	BARAŃSKI Maciej	Guidance and Forum Secretariat
2	CALVO TOLEDO Juan Pablo	Guidance and Forum Secretariat
3	CLIFFE Brendan	Guidance and Forum Secretariat
4	FEDTKE Norbert	Evaluation
5	FELICIANO Tania	Guidance and Forum Secretariat
6	FRONTINI Ales	Guidance and Forum Secretariat
7	GINNITY Bridget	Risk Management identification
8	HERDINA Andreas	Director Cooperation
9	HUYGHE Jeremy	Guidance and Forum Secretariat
10	MAARANEN Janne	Dossier submission and dissemination
11	MEGAW Peter	Guidance and Forum Secretariat
12	MERKOURAKIS Spyridon	Risk management implementation
13	NICOT Thierry	Risk management implementation
14	NOUWEN Johan	Guidance and Forum Secretariat
15	PILLET Monique	Risk Management identification
16	RASENBERG Mike	Computational Assessment
17	SCHULTHEISS Christian	Legal Affairs
18	TŁOCZEK Magdalena	Guidance and Forum Secretariat

V. List of Annexes

Annex I – Final agenda Forum-16

25 October 2013
ECHA/Forum-16/2013/A/final_room_doc

Final Agenda
Sixteenth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-16)
28-31 October 2013

European Chemicals Agency
Helsinki, Finland
Monday, 28 October: starts at 13:00
Thursday, 31 October: ends at 15:00

DAY 1 Monday 28 October 2013 CLOSED SESSION

Item 1 – Welcome and Introduction *13:00-13:20*

1.1 Opening by the Chair of the Forum – *CHAIR (5')*
1.2 Adoption of the Agenda and declarations of conflict of interest with regard to agenda items – *CHAIR (5')*
1.3 State of play with action points from Forum-15 – *ECHA Forum Secretariat (5')*
1.4 Practicalities and brief recapitulation of results of the written procedures between Forum-15 and Forum-16 -*ECHA Forum Secretariat (5')*

ECHA/Forum-16/2013/A/final
ECHA/Forum-16/2013/1.3

For adoption
For information

Item 2 – Address by ECHA's Executive Director *13:20-13:30*

For information

Item 3 – Forum's enforcement activities- Work Packages *13:30-18:00*

3.1 Forum's Multi Annual Work Programme (A.1) (90')

3.1.1 WG report– *WG Chair*
3.1.2 Strategic approach in the MAWP –*Forum/ECHA's Directors*
3.1.3 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.1.1_room_doc
ECHA/Forum-16/2013/3_draft_mandates

For discussion

3.2 Horizontal methodology for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects (A.1, B.1 and B.5) (45')

3.2.1 WG final report – *WG Chair*
3.2.2 Implementing working procedure and establishment of the WG "Prioritisation of REF projects" - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.2.1
ECHA/Forum-16/2013/3.2.2
ECHA/Forum-16/2013/3_draft_mandates

For adoption

Coffee break 15:45-16:15

3.3 Enforceability of Restrictions (B.12) (60')

3.3.1 WG progress report – overview - *WG Chair*
3.3.2 Methodology for recommending analytical methods - *WG member*
3.3.3 Inventory of EU-EEA laboratories with capacity to carry out analysis for testing compliance with Annex XVII restrictions - *WG Chair*
3.3.4. Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.3.1
ECHA/Forum-16/2013/3.3.2
ECHA/Forum-16/2013/3_draft_mandates

For adoption
For discussion

3.4 REACH-EN-FORCE-3 (A1) (45')

3.4.1 WG progress report - *WG Chair*
3.4.1.1 Adoption of the scope of the project's second phase
3.4.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.4.1
ECHA/Forum-16/2013/3.4.1.1_room_doc
ECHA/Forum-16/2013/3_draft_mandates

For discussion
For adoption

Item 4 – Adoption of conclusions from day 1 *18:00-18:15*

For adoption

DAY 2 Tuesday 29 October 2013 CLOSED/OPEN SESSION (10:00-17:30)

Item 5 – Preparatory discussion for the open session *09:00-10:00*

ECHA/Forum-16/2013/5

For discussion

Coffee break 10:00-10:30

Item 6 – Welcome and Introduction to the OPEN SESSION *10:30-10:40*

6.1 Welcome to the participants – *CHAIR (05')*

6.2 Practicalities – *ECHA Forum Secretariat (05')*

For information

Item 7 – Information on the work of the Forum and ECHA *10:40-11:45*

7.1 Summary presentation of the Forum's achievements since last open session – *CHAIR (45')*

7.2 ECHA's SME actions and the role of the SME Ambassador– *ECHA (20')*

For discussion

Item 8 – Involvement of Stakeholders in the Forum's work *11:45-12:45*

8.1 Involvement of stakeholders in the development of the process of prioritisation and selection of harmonised enforcement projects coordinated by the Forum– *Chair of WG Project methodology (30')*

8.2 Involvement from stakeholders in the elaboration of a compendium of analytical methods for the enforcement of Annex XVII restrictions – Chair of *WG Restrictions (30')*

For discussion

Lunch break 12:45 -13:45

Item 9 – Stakeholders' presentations *13:45-16:00*

9.1 CEFIC *(30')*

I. Joint activities to join the "unreachables" to improve the quality of SDS and to circumvent problems with the introduction of CLP classification of mixtures

9.2 ClientEarth *(30')*

I. *Deficient registration dossiers for substances with endocrine disrupting properties- Enforcement opportunities for MSCA*

9.3 Eurometaux *(30')*

I. *Added value creation by using REACH data and methodologies in other EU or national policy fields*
II. *Recycled substances and authorisation: views from the non-ferrous metals industry*

9.4 European Environmental Bureau –EEB *(30')*

I. *Enforcement of article 33 (right to know)*
II. *Illegal substances in the European market*
III. *Registration dossiers: quality and nanomaterials*

9.5 International Association for Soaps, Detergents and Maintenance Products (A.I.S.E.) *(15')*

I. *Development of an industry classification network for classifying detergent mixtures under CLP*

ECHA/Forum-16/2013/9.1
ECHA/Forum-16/2013/9.2
ECHA/Forum-16/2013/9.3
ECHA/Forum-16/2013/9.4
ECHA/Forum-16/2013/9.5

For discussion

Coffee break 16:00-16:30

Item 10 – Enforcement projects in the Member States *16:30-17:20*

10.1 Dutch project on digitalisation of SDS - *NL FM (20')*

10.2 Nordic CLP project - *NO FM (15')*

10.3 Austrian PIC inspections - *AT FM (15')*

For information

Item 11 – Conclusions *17:20-17:30*

11.1 Conclusions from the open session (*CHAIR*)

11.2 Feedback on the open session with Stakeholder Organisations (*All participants*)

For discussion

Item 12 – Closing of the open session *17:30*

Closing by the CHAIR

DAY 3 Wednesday 30 October 2013 CLOSED SESSION

Item 13 – Debriefing on the Open session *09:00-09:30*

For discussion

Item 3 – Forum's enforcement activities- Work Packages (continued) *09:30-12:30*

3.5 Implementation of RIPE (B.3) (45')

3.5.1 WG progress report – WG Chair
3.5.2 RIPE project progress report - *ECHA Forum Secretariat*
3.5.3 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.5.1
ECHA/Forum-16/2013/3_draft_mandates

For information
For adoption

3.6 Electronic Information Exchange System - EIES (B.4) (15')

3.6.1 WG report- *WG Chair / ECHA Forum Secretariat*
3.6.2 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.6.1
ECHA/Forum-16/2013/3_draft_mandates

For information

3.7 Training for enforcement trainers 2013 (B.6) (30')

3.7.1 WG progress report – *WG Chair*
3.7.1.1
3.7.2 Mandate amendment - *ECHA Forum Secretariat*
3.7.3 Establishment of the WG 'Training for enforcement trainers 2014' - *ECHA Forum Secretariat*

ECHA/Forum-16/2013/3.7.1
ECHA/Forum-16/2013/3_draft_mandates
For discussion
For adoption

Coffee break 11:00-11:30

Item 14 – Relevant developments within ECHA *11:30-12:30*

14.1 Update from the registration deadline (15')
14.2 Guidance updates (15')
14.3 Substances in articles (15')
14.4 Proposed action to fulfil recommendation of REF-2 report: SDS checklist (15')

ECHA/Forum-16/2013/14.4

For information

Item 15 – Enforcement of regulatory decisions *12:30-15:30*

15.1 Update on the cases sent to MS Focal points (SONCs, revocations, intermediates) – *ECHA (30')*
15.2 Follow up on the translation of regulatory decisions – *ECHA (30')*

ECHA/Forum-16/2013/15.1
ECHA/Forum-16/2013/15.2

For information

Lunch break 13:30– 14:30

15.3 Proposal for prioritisation of ECHA-triggered enforcement cases – *ECHA (30')*
15.4 Follow-up of Art 36 triggered by mass screening of Intermediates– *ECHA (30')*

ECHA/Forum-16/2013/15.3

For discussion

Item 16 – Break-out Groups Session *15:30-18:05*

16.1 Discussion of topics (75'):

Topic 1: Enforcement of authorisation-related obligations

Topic 2: Improvement of the quality of the registration dossiers

Topic 3: Enhancing enforcement of CLP

ECHA/Forum-16/2013/16.1

For discussion

Coffee break 16:45-17:15

16.2 Presentations from the break-out groups (15' each group) – *Rapporteurs*

16.3 Wrap-up (05') - *CHAIR*

For discussion

Item 17 – Adoption of conclusions from day 2 and 3 *18:05-18:30*

For adoption

DAY 4 Thursday 31 October 2013 CLOSED SESSION

Item 18 – Practical issues for enforcement of REACH and CLP *09:00-11:00*

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

ECHA/Forum-16/2013/18

For discussion

Coffee break 11:00-11:30

Item 19 – Update on relevant developments by the Commission *11:30-12:30*

19.1 Updates by the European Commission

19.2 Enforcement indicators project: involvement of Forum in the steering committee

For information

Lunch break 12:30-13:30

Item 20 – Life + Project *13:30-14:00*

A new proposal for a LIFE+ 2014 project on HSE - REACH joint inspections in line with experience on LIFE+ "PROTEAS" project (regarding Fuels Supply) – Technical University Crete

ECHA/Forum-16/2013/20

For information

Item 21 – Updates from the ECHA Forum Secretariat *14:00-14:25*

21.1 Classification of documents of the Forum (10')
21.2 IMPEL Project – follow-up (10')
21.3 Informal meeting between ECHA senior management and Forum Chair – *CHAIR (05')*

ECHA/Forum-16/2013/21.1

For information

Item 22 – AOB *14:25-14:40*

22.1 Updates on the CLEEN network (05')
22.2 Updates on the DNA meeting (05')

22.3 Update on future communication activities where NEA involvement may be beneficial (05') - ECHA

For information

Item 23 – Conclusions and action points from Day 4 *14:40-15:00*

For adoption

Item 24 – Closing of the meeting *15:00*

Closing by the CHAIR

[Coffee will be available at the end of the meeting]

Annex II a

Forum Working Group on
"Preparation of Forum Work Programme 2014-2018 and review of best practice documents"
(Mandate confirmed in Forum-16)

Composition:

Chair: Katja VOM HOFE (DE)

Forum Members

- Tasoula KYPRIANIDOU-LEONTIDOU (CY)
- Gro HAGEN (NO)
- Eugen ANWANDER (AT)
- Mike POTTS (UK) Vice Chair
- Vincent DESIGNOLLE (FR)

Invited Experts
- Hannah DOHERTY (UK)
- Pia Gitte PETERSEN (DK)

Commission
- Miguel AGUADO-MONSONET (DG ENTR)

Objective:
- Review and prepare the Forum Work Programme for years 2014-2018
- Ensure that the Forum's multi-annual work programme is consistent , where applicable, with the emphasis spelt out in the Agency's Multi-Annual Work Programme 2014 to 2018
- Provide input to the updates of the MAWP and the Annual Work Programmes of ECHA
- Consider the Commission's view regarding the review of REACH, where applicable
- Review, prioritise and update the best practise documents taking into consideration the PIC regulation (based on the identified role of the Forum)

Mandate:
- On the basis of the review, finalise the Forum Work Programme 2014-2018;

Timeline: Forum-17, March 2014– Finalise the Work Programme in line with comments received at Forum and from ECHA Management and send for adoption in written procedure with aim to have the Work programme in 2014 operational.

Annex II b

Draft mandate of the WG Prioritisation of REF Projects

Forum Working Group
"Prioritisation of REF Projects"
Work Package A.1
(Mandate established at Forum-16)

Composition:

Chair: -D. KREKOVIC (HR) (rotating Chair – changing every year)

Vice Chair(s): -

Forum Members/Alternates
Paul Cuypers (BE)
Maria Letizia POLCI (IT)
Oldrich JAROLIM (CZ)
Rui CABRITA (PT) (?)
Tasoula KYPRIANIDOU LEONTIDOU (CY)

Invited Experts
Abdulqadir SULEIMAN (NO)
Semira MEHIC (SI)

Hannah DOHERTY (UK)
Andrea MAYER-FIGGE (DE)
Tamás KOVÁCS HU

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:

- 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);
- Prioritise the subjects by applying Forum's methodology for the prioritisation, selection and management of REF projects
- Draft a recommendation proposing the subject for the next REF project
- Elaborate and update a registry of legal obligations subject to previous enforcement projects.

Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.

In addition, the WG will revise the methodology for the prioritisation, selection and management of REF projects and its implementing working procedures to be adopted by the Forum.
The WG will operate from Forum-16 (October 2013) until the end of 2018 (end of the Forum WP 2014 – 2018). 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.

Annex II c

Forum Working Group "Enforceability of restrictions" Work Package B12 (Mandate revised at Forum-16)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members/Alternates
- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)
- Maria Letizia POLCI (IT Alternate)
- Mervi LEIKOSKI (FI Alternate)

Invited Experts

Rachael ALLEN (UK)
Werner ALTKOFER (DE)
Skirmante AMBRAZIENE (LT)
Leonello ATTIAS (IT)
Marek DUSZYNSKI (PL)
Carolina FERRANTI (IT)
Tone Line FOSSNES (NO)
Julia GONZALEZ GUTIERREZ (ES)
Philipp HOHENBLUM (AT)
Uwe LICHT-KLAGGE (DE)
Karin RUMAR (SE)
Durk SCHAKEL (NL)
George TSAGAROPOULOS (EL)

Siru VILJAKAINEN (FI

European Commission
Patricia HUALDE GRASA (COM)
Remi LEFEVRE (COM)

ECHA
Juan Pablo CALVO TOLEDO (ECHA)
Sotiris KIOKIAS (ECHA)

Objective: Facilitate the enforceability of restrictions

Mandate:
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:
2) 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.
3) Prepare a draft final Forum advice that will be submitted to the Forum for adoption.

4) Provide support on enforcement related issues to SEAC (co-)rapporteurs during the process of the elaborating the SEAC opinion.
5) In the execution of this mandate, the members of the WG shall follow the rules and principles established in the mandate given by the Chair of the Forum to the individual members and invited experts of the WG.
6) The WG shall report to the Forum the results of its findings and its actions between the plenaries
7) Propose a methodology for recommending analytical methods. After this methodology is elaborated, propose the elaboration of a compendium of recommended analytical methods in liaison with stakeholder organisations if needed, and other relevant bodies.
8) Propose a manual intended to assist the control of compliance with the Annex XVII restrictions in close cooperation with ECHA.

Timeline:

31 December 2014, reporting at each plenary meeting

Annex II d

Forum Working Group
"Preparation of coordinated enforcement project REACH-EN-FORCE-3"
Work Package A.1
(Mandate revised at Forum-16)

Composition:

Chair: Paul CUYPERS (BE)

Forum Members

Jos VAN DEN BERG (NL)
Eugen ANWANDER (AT)
Pablo SÁNCHEZ PEÑA (ES)
Maria Letizia POLCI (IT alternate)

Invited Experts

Alfred EBNET (DE) (customs)
Paivi SIMPANEN (FI) (customs)
Panagiotis GIMNAOU (CY)
Ruta Birute DAUKSIENE (LT) (customs)
Sibylle WURSTHORN (DE)

Commission

Objective:
- conceive and manage the third major Forum enforcement project

Mandate:
- Prepare a document identifying and proposing priority of possible subjects for third Forum enforcement project, considering the project prioritisation criteria
- Subject proposals shall include an aspect where the procedure of cooperation with customs could be tested
- After the subject is approved by the Forum, develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the third Forum enforcement project
- Prepare and deliver the training for project national coordinators
- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

Timeline:
First phase
- Subject proposals and prioritisation: 1 September 2010(done)

- Approval of the REF-3 subject : Forum-10(done)
- Project manual: Q3 2012 (written procedure)(done)
- Prepare and deliver the training for project national coordinators:Q4 2012 – Q1 2013(done)
- Operational phase: 01 February 2013 – 31 August 2013 (done)
- Reporting phase (National Coordinators): 01 September - 31 October 2013

- Evaluation phase: 01 November – 31 December 2013
- Final report with the WG recommendations: Forum 17

Timeline for the prolonged REF-3 (sequel project)

Second phase

- Inform National Coordinators: after F-15 (done)
- Adjusted scope and update supportive documents (Addendum) : scope was adopted at Forum-16. Addendum to be adopted after Forum-16 via written procedure
- Inform National Coordinators about new documents: Q4 2013- January 2014
- Second Operational phase: 01 February 2014– 30 November 2014
- Second Reporting phase (National Coordinators): 01 December - 31 January 2015
- Evaluation phase: 01 February – 31 May 2015
- Final consolidated report for REF-3 with the WG recommendations: June 2015 (Forum 21)

Annex II e

Forum Working Group
"Implementation of RIPE"
(Mandate revised at Forum-15)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members

- Eugen ANWANDER (AT)
- Eleni FOUFA (EL)

Invited Experts

- Barbro SILLREN (SE)
- Paolo IZZO (IT)
- Andrea MAYER-FIGGE (DE)
- Søren JAKOBSEN (DK)
- Georg HERB (DE)
- Sofia BARATA (PT)
- Agne JANONYTE (LT)

Objective: Support the implementation of the REACH Information Portal for Enforcement (RIPE) allowing inspectors access to data submitted to ECHA

Mandate:

- Provide input during preparation, development and implementation of RIPE 2.0
- Prepare specification for any further screening or statistics reports
- Contribute to preparation and delivery of RIPE training for SPOCs /MS RIPE Administrators related to the practical examples of use of RIPE in daily enforcement

Timeline:

- Forum-19

Annex II f

Forum Working Group
"Electronic Information Exchange System"
(Mandate reviewed at Forum-15)

Composition:

Interim Chair: Birte BORGLUM (DK)

Forum Members/Alternates
- Pablo SÁNCHEZ PEÑA (ES)
- Marta OSOWNIAK (PL)

Invited Experts
- Tone Line FOSSNES (NO)
- Maria TARANCON (ES)
- Søren JAKOBSEN (DK)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)
- Axel DORENBECK (DE)

Commission
- Peter BARICIC

Objectives:
1. Assess to what extent ICSMS fulfils the general functional requirements for the electronic information exchange system (EIES), judge if this extent is sufficient for to satisfy the needs of EIES and define any needed adaptations

Mandate:
- Prepare a justified recommendation for the Forum whether ICSMS can be conditionally accepted as EIES, after considering the proposals provided by the Commission
- Liaise with the Commission to provide any necessary information about WG EIES requests and further specify those change requests which are needed by the Commission to make their implementation proposal
- Maintain a prioritized list of change requests indicating what adaptations need to be made to ICSMS in its further adaptations so that it suits the EIES requirements better
- Investigate if further data would be needed to be exchanged using EIES to implement the horizontal interlinks.

Timeline: Forum-17

Annex II g

Forum Working Group

"Training for enforcement trainers 2013"
(Mandate revised at Forum-16)

Composition:

Chair: Eugen ANWANDER (AT)

Forum Members

- Mariano ALESSI (IT)
- Mihaiela ALBULESCU (RO)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)
- Anne-Catherine ALFANO (FR alternate)

Invited Experts
- Ewa BULWAN-TULKOWSKA (PL)
- Celsino GOVONI (IT)
- Semira HAJRLAHOVIĆ MEHIC (SI)
- Louise HANLEY (UK)
- Nathan KUPER (SLIC-CHEMEX)
- Hubert RÖCKER(DE)
- Line TELJE HØYDAL (NO)
- Sibylle WURSTHORN (DE- invitee REF-3 expert)

Commission

ECHA
- Augusto Di Bastiano
- BridgetGinnity
- Cyril Jacquet
- Helen Jardin
- Spyridon Merkourakis
- Andrew Murray
- Outi Tunnela
- Catalina-Natalia Yilmaz

Objective:
- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in second half of 2013

Mandate:
- Examine the training subjects relevant for enforcement for second half of 2013 and prepare a subject proposal to the Forum 14
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect,summarise and evaluate the recommendations and reactions of participants

Timeline:
- before Forum-14: conclude on list of subjects and prioritisation (done)

Forum-17: final report
Annex II h

DRAFT mandate
Forum Working Group

Work Package C.2.
"Training for enforcement trainers 2014"
(Mandate established at Forum-16)

Composition:

Chair:
Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Forum Members/Alternates
Eugen ANWANDER (AT)
Mariano ALESSI (IT)
Gro HAGEN (NO)
Natali PROMET (EE) (Invited expert in 2014)
Mihaiela ALBULESCU (RO)
Anne-Catherine ALFANO (FR)
Maria ORPHANOU (CY)

Invited Experts
Louise HANLEY (UK)
(DE)
Celsino GOVONI (IT)

Commission

Objective:
- Prepare and deliver the training for trainers on the enforcement of REACH and CLP in second half of 2014

Mandate:
- Examine the training subjects relevant for enforcement for second half of 2014 and prepare the priority topics for agreement before the Forum 17
- Prepare materials necessary for the training such as presentations or documents
- Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
- Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:
- before Forum-17: conclude on list of subjects and prioritisation
- Forum-19 or Forum-20: final report, depending on the date of the training

Annex II i

Forum Task Force for preparing the description of PIC Enforcement on national level and Forum activities related to PIC

(Mandate confirmed at Forum-16)

Composition:

- Jos VAN DEN BERG (NL)
- Katja VOM HOFE (DE)
- Eugen ANWANDER (AT)
- Mariano ALESSI (IT)
- Luigia SCIMONELLI (IT)
- Emma NURMI (FI)
- Juergen HELBIG (COM)

Objective:

- Define what is involved in PIC enforcement
- Describe the scope of coordinating PIC enforcement by the Forum
- Describe specific activities on PIC for MAWP 2014-2018

Mandate:

- Prepare a document describing PIC enforcement covering obligations checked, information needed and tools used.
- The document shall also draw conclusions on the scope of PIC enforcement coordination by the Forum clarifying the extent to which the Forum coordinates the work of different actors enforcing PIC (such as customs officers)
- Prepare a document proposing specific PIC related actions for the MAWP 2014-2018 and channel it to the WG MAWP for inclusion in the Forum's work programme

Timeline

- January 2013 – input for the WG MAWP
- Forum-17 – deliver the document on PIC in due time to allow adoption

Annex III

List of meeting documents and presentations in Forum-16

Documents[7] and presentations[8] uploaded in CIRCABC per Agenda Point

AP	Documents/Presentations (PRES)
1.2	*ECHA/Forum-16/2013/A* *ECHA/Forum-16/2013/A_room_doc*
1.3	*ECHA/Forum-16/2013/1.3* *ECHA/Forum-16/2013/1.3_rom_doc*
1.4	F16_PRES_1.4_Practicalities_WP_results
3	*ECHA/Forum-16/2013/3_draft_mandates*
3.1	ECHA_Forum-16_2013_3.1.1_MAWP_room_doc
	F16_PRES_3.1.2_MAWP
3.2	*ECHA/Forum-16/2013/3.2.1_REF_project_methodology*
	ECHA/Forum-16/2013/3.2.2_working_procedure_prioritisationREFs
	F16_PRES_3.2.2_WG_HPM_Prioritisation
3.3	*ECHA/Forum-16/2013/3.3.1*
	ECHA/Forum-16/2013/3.3.2 + annex3
	F16_PRES_3.3.1_WG_Restrictions
	F16_PRES_3.3.2_WG_Restrictions_Methodology_AM
	F16_PRES_3.3.3_WG_Restrictions_Inventory_lab
3.4	*ECHA/Forum-16/2013/3.4.1*
	ECHA/Forum-16/2013/3.4.1_room_doc
	F16_PRES_3.4.1_WG_REF-3
3.5	*ECHA/Forum-16/2013/3.5.1*
	F16_PRES_3.5.1_WG_RIPE_Project
3.6	*ECHA/Forum-16/2013/3.6.1*
3.7	*ECHA/Forum-16/2013/3.7.1*
	F16_PRES_3.7.1_WG_Train_Trainers_2013
5	*ECHA/Forum-16/2013/5*
7.1	F16_PRES_7.1_Forum_activities_Open_session
8.1	*F16_PRES_8.1_Prioritisation_REF_Open_session*
8.2	*F16_PRES_8.2_Compendium_AM_Open_session*
9.1	*ECHA/Forum-16/2013/9.1*
	F16_PRES_9.1_CEFIC_Open_session
9.2	*ECHA/Forum-16/2013/9.2*
	F16_PRES_9.2_Cliente_Earth_Open_session
9.3	*ECHA/Forum-16/2013/9.3*
	F16_PRES_9.3_Eurometaux_Open_session
9.4	*ECHA/Forum-16/2013/9.4*
	F16_PRES_9.4_EEB_Open_session
9.5	*ECHA/Forum-16/2013/9.5*

[7] Documents uploaded in CIRCA BC: Library > iv_meetings > 19. Forum-16 (28 – 31 October 2013) > 02. Meeting documents
Room documents uploaded in CIRCA BC: Library > iv_meetings > 19. Forum-16 (28 – 31 October 2013) > 05. Room documents

8 Meeting presentations uploaded in CIRCA BC: Library > iv_meetings > 19. Forum-16 (28 – 31 October 2013) > 03. Presentations

	F16_PRES_9.5_AISE_Open_session
10.1	F16_PRES_10.1_NL_Dig_SDS_Open_session
10.2	*F16_PRES_10.2_NO_CLP_Open_session*
10.3	*F16_PRES_10.3_AT_PIC_Open_session*
14.1	*F16_PRES_14.1_ECHA_Registration*
14.2	*F16_PRES_14.2_ECHA_Guidance*
14.3	*F16_PRES_14.3_ECHA_SiA*
14.4	*ECHA/Forum-16/2013/14.4*
	F16_PRES_14.4_ECHA_SDS_Checklist
15.1	*ECHA/Forum-16/2013/15.1*
	F16_PRES_15.1_Update_MS_FP
	ECHA/Forum-16/2013/15.2
	F16_PRES_15.2_Translations_FU
	ECHA/Forum-16/2013/15.3
	F16_PRES_15.3_Prioritisation
	F16_PRES_15.4_Art_36_FU
16.1	*ECHA/Forum-16/2013/16.1*
	ECHA_Forum-16_2013_16.1_topic1_1Authorisation pilot project proposal
	ECHA_Forum-16_2013_16.1_topic1_2 Authorisation thought starter comment from F15
	ECHA_Forum-16_2013_16.1_topic2_Quality of dossiers_thoughtstarter
	ECHA_Forum-16_2013_16.1_topic_3_CLP_report
18	ECHA_Forum-16_2013_18 Practical_issues for enforcement
	ECHA_Forum-16_2013_18 Practical_issues for enforcement Annexes_room_doc
	ECHA_Forum-16_2013_18 Practical_issues for enforcement (Issue 1 Art 40 of CLP)_room_doc
19.1	F16_PRES_19.1_COM_update
19.2	F16_PRES_19.2_COM_ENFIND
20	ECHA_Forum-16_2013_20_Life+2014
	F16_PRES_20_Life+_TUC
21.1	ECHA_Forum-16_2013_21 1_Forum_doc_classification
	F16_PRES_22.1_Classification_

Annex IV. Glossary of acronyms and abbreviations

ASO: ECHA's Accredited Stakeholder Organisations
CARACAL: MSCA Committee for REACH and CLP
CCH: Compliance checks
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
CMR: a substance or mixture which is carcinogenic, mutagenic or toxic to reproduction
COM: European Commission
CoRAP: Community rolling action plan
DG: Directorate General at Commission
DU: Downstream Users
ECHA: European Chemicals Agency
EEA: European Economic Area
EIES: Electronic Information Exchange System
ENTR: DG Enterprise and Industry at the European Commission
ENV: DG Environment at the European Commission
ESPN: Enterprise SMEs Policy Group
EU: European Union
IPA: Instrument for Pre-Accession Assistance
MAWP: Multi Annual Work Program
MS: Member States
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
MoC: Manual of Conclusions
NGO: Non-governmental organisation
NC: National Coordinator
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
RiME: Risk Management Expert
RIPE: REACH Implementation Portal for Enforcers - IT system for Enforcers
RoP: Rules of Procedure
SVHC: Substance of very high concern
SDS: Safety Data Sheet
SEAC: Socio Economic Analysis Committee
SIEF: Substance Information Exchange Forum
SME: Small and Medium Sized Enterprises
SONC: Statement of Non-Compliance
SPOC: Single Points of Contact
WG: Working Group of the Forum
WP: Work Programme of the Forum