



**Forum-34/M/2019 – Public**  
**Adopted on 26.02.2020**

**Minutes of the**  
**34<sup>th</sup> meeting of the Forum for Exchange of Information on Enforcement**  
**Helsinki, Finland**  
**4-7 November 2019**

<b>Contents</b>		
<b>I.</b>	<b>Summary record of the proceedings of the closed session</b>	<b><a href="#">2</a></b>
<b>II.</b>	<b>Summary record of the proceedings of the open session</b>	<b><a href="#">18</a></b>
<b>III.</b>	<b>Main conclusions and action points</b>	<b><a href="#">30</a></b>
<b>IV.</b>	<b>List of attendees</b>	<b><a href="#">41</a></b>
<b>V.</b>	<b>List of annexes</b>	<b><a href="#">44</a></b>

## 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. She announced apologies from Liechtenstein, Croatia, Malta, Hungary and United Kingdom. Croatia has given proxy to Slovenia, Hungary and UK gave a proxy to Germany. Slovenia has given proxy to Austria for the first day of the meeting.

The Chair informed that the quorum requirement was met.

#### 1.2 Adoption of the agenda

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

#### 1.3 Declarations of conflicts of interest with regard to agenda items

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

#### 1.4 State of play with action points from Forum-33

The ECHA Forum Secretariat informed the plenary on the status of the action points from Forum-33 and highlighted the open actions.

#### 1.5 Report of the written procedures and other issues between Forum-33 and Forum-34

The Chair referred to the document with the results of the written procedures between Forum-33 and Forum-34.

### Item 2- Forum's activities related to POPs

The ECHA Forum Secretariat reminded that the recast of the POPs Regulation<sup>1</sup> entered into force in July 2019 and Article 8(2) mandated the Forum with the task to "coordinate a network of the Member States' authorities responsible for enforcement of this Regulation." In 2018, during the preparation of the Forum's work programme 2019-2023, the Forum already identified high-level actions related to POPs Regulation.

To address the expansion of its remit to the POPs Regulation, the Forum formally agreed on the type of actions it would take with relation to POPs as well as the corresponding triggers for their initiation:

No	Potential Forum action	How and when the Forum action will be triggered?
1	Enforcement projects	Project proposal via prioritisation process. POPs checks are likely to be an auxiliary element in bigger projects addressing similar duties (e.g. REACH Restrictions can be combined with Art 3 of POPs)

---

<sup>1</sup> [Regulation \(EU\) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants](#)

No	Potential Forum action	How and when the Forum action will be triggered?
2	<p>Guides, best practices and training:</p> <ol style="list-style-type: none"> <li>1. Practical issues in enforcement</li> <li>2. Guides following projects</li> <li>3. Discuss the use of monitoring data for enforcement of POP Regulation duties</li> <li>4. Training for inspectors</li> </ol>	<ol style="list-style-type: none"> <li>1) Practical issue submission by Forum member</li> <li>2) Enforcement Project covering POPs</li> <li>3) Subject tabled for plenary discussion or covered with relation to reporting</li> <li>4) Proposal for inclusion of POPs in the training</li> </ol>
3	<p>Tightening cooperation with POP/Waste inspectors on the national level</p> <p>If needed, prepare a guide for cooperation with national authorities responsible for POPs and waste</p>	<p>National level activity</p> <p>Such guide will be done when preparing the first Forum project that will include POPs checks in scope because it will be an opportunity to invite the experts from authorities related to waste/POPs and discuss cooperation on a concrete project.</p>
4	<p>Consultation of Forum on the template/content for the Member States Report on implementation of POPs required by Articles 13(1)(a)</p> <p>Consultation on whether NEAs need access to the information reported under Art 13(1)(a)</p>	<p>Forum WG "Member States Reporting" mandate was expanded at Forum-34 to draft the template of report under Art 13(1)(a) to be adopted by the Forum.</p> <p>The WG Member States Reporting should also discuss and recommend to the Forum whether NEAs need access to information reported under Art 13(1)(a). This is a one-off activity in 2019/2020.</p>
5	<p>Potential involvement (as multiplier) in awareness raising campaigns</p>	<p>Such activity would be triggered by awareness raising campaign by Member States, ECHA or COM undertaken under Article 11. Such activity is expected to be very infrequent.</p>

Regarding the reporting obligation by the Member States on the enforcement activities mentioned in Article 13(1)(a) of POPs, the Forum agreed to expand the mandate of the WG Member States reporting to work on the template for that obligation.

## **Item 3- Forum's enforcement activities**

### **3.1 Prioritisation of REF projects**

#### **3.1.1 WG progress report**

The WG chair briefed the Forum on the activities of the WG and on the results of the new prioritisation exercise, considering the new project proposals sent by Forum members after Forum-33. The registry of legal obligations covered in past Forum's projects was updated and would be published.

The ECHA Forum Secretariat informed on the latest updates concerning the CTAC (Chromium Trioxide Authorisation Consortium) upstream application.

There was indication that five out of six uses covered in the CTAC will be authorised in time for the project. In addition, two more big upstream authorisations were granted for a number of chromates (not for Chromium trioxide, which was covered by CTAC): CCST (Chromium VI Compounds for Surface Treatment) and GCCA (Global Chromates Consortium for Aerospace)<sup>2</sup>. ECHA believed that by 2021 there will be enough (~2000) companies with granted authorisation decisions for chromates to run an impactful project.

Forum members would receive a document with more information on the work plans for the authorisation decisions by the REACH Committee in the near future. COM was expecting the CTAC authorisation to be agreed in Nov 2019 and published in the Official Journal by Feb 2020.

The discussion on enforcing conditions of authorisation (including how to deal with changed conditions) was planned to be held by the COM with the establishment of a task force at CARACAL. It was recommended for Forum and WG REF-9 representatives to participate in the task force to help achieve an agreement before the operational phase of REF-9.

Therefore, ECHA Secretariat considered that the concerns raised in Forum-33 by the Forum should be addressed before the operational phase of REF-9 and supported REF-9 to focus on Authorisation.

The WG Third pilot on authorisation collected information at the end of September 2019 and noted that there were 218 authorisations decisions that could be checked, still guaranteeing a meaningful project without the CTAC decision.

The Forum voted and agreed that REF-9 would focus on Authorisation. The Chair added that in case the decisions would not take place as planned by the COM, the Forum could consider a two-phased operational phase for this project.

The mandate of REF-9 was established in agenda point [8.1](#).

#### **3.1.2 Mandate amendment**

The Forum adopted the revised mandate of the WG ([Annex 2a](#)). The current WG chair extended his mandate until the end of 2020.

---

<sup>2</sup> <https://chemicalwatch.com/83964/reach-clp-hub-chromates-under-authorisation-a-state-of-play-overview?q=CCST>

## **3.2 Member States reporting**

### **3.2.1 WG progress report**

The WG provided a second round of comments to the COM's contractor Milieu on the version of the REACH/CLP template consulted with the Forum.

Work on the BPR and PIC reporting template was ongoing. On the PIC report, it was not foreseen a revision of the template; however, the WG would make a proposal to COM to assess the need of revising the PIC template.

On the work originated from the REACH evaluation joint action plan (action 12), the Forum agreed to pilot an annual reporting to ECHA. A draft of that annual reporting template for REACH/CLP was prepared and being consulted with the WG.

As discussed in [agenda point 2](#), the POPs regulation foresees a Member State report on enforcement activities related to POPs under Article 31(1)(a), hence the WG initiated the draft of such template. In parallel, ECHA and Competent Authorities were working on the other information requirements for this Member State report (defined in Article 13(1)(b)-(f)). As COM intends to publish an implementing act defining the minimum information requirements for reporting under Article 13 in 2020, the Forum should define and agree the content as soon as possible so that its preferences can be included in that implementing act.

### **3.2.1 Mandate amendment**

A new task concerning the POPs Regulation was added to the mandate and the Forum adopted the revised mandate of the WG ([Annex 2b](#)).

## **3.3 Interlinks**

### **3.3.1 WG progress report**

The WG continued to update the Interlinks guide, revising the different appendices and updating the process for the enforcement of dossier evaluation decisions to be consulted with Forum. The chapter on dossier evaluation was nearly ready for Forum consultation.

To address Action 12 of the ECHA/COM REACH Evaluation Joint action plan, the WG drafted a questionnaire to NEAs on the measures for breaches of compliance with dossier evaluation decision. The questionnaire was being discussed with the WG and would be consulted with the Forum before being launched.

### **3.3.2 Mandate amendment**

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

## **3.4 Enforceability of restrictions**

### **3.4.1 WG progress report**

The WG finalised the Forum advices on the restriction proposals of micro plastics, D4D5D6 and Formaldehyde and was preparing the final draft versions of the advices on the enforceability of the restriction proposals skin sensitisers, PFHxS and calcium cyanamide. Moreover, the WG provided support to RAC and SEAC on the discussion of three proposals.

As the Forum's advice is provided early on in the process and the text normally changes during the lengthy process, it was proposed for the WG to review the process for providing advice on enforceability of restrictions in 2020. ECHA Forum Secretariat added that there will be in 2020 an evaluation of the impact of the Forum's advice on the new restrictions. That could trigger recommendations in

2021 for changes in the process. In the meantime, it will be explored improvement areas in the interaction between the WG and RAC/SEAC.

It was noted that the rapporteur of the Forum WG was only invited for the dialogue concerning the part on enforcement and missed previous discussions that could be important to understand the background of some statements and changes. Hence, it was welcomed additional information from RAC/SEAC to help the rapporteur/WG to give the proper advice.

The WG concluded that the number of dossiers to be tackled in 2020 were much less than in 2019, which would allow time for the WG to revise the compendium of analytical methods and elaborate the "registry of concerns on restrictions". The WG chair informed that it was collected three analytical methods from Stakeholders in the last years. The Forum agreed that it was needed more visibility on the exercise of updating the compendium of analytical methods in order to have more input from Stakeholders. In parallel, such request could also be sent to the custom's laboratories, via DG TAXUD.

The COM representative informed that COM was in the verge of finalising the restriction proposal on Diisocyanates and although it took into account the Forum's advice, it was modified. The Forum was requested to revise a specific paragraph on enforceability of that restriction to feature in the final text of the restriction proposal. The Forum rapporteur and the Forum agreed to have a quick consultation round in time to be submitted for the next REACH Committee meeting.

#### **3.4.2 Mandate amendment**

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

### **3.5 Third pilot project on authorisation**

#### **3.5.1 WG progress report**

After the Forum-33, the WG updated the draft manual with the substances that could be investigated under the project. In light of the discussions held in [3.1](#) and the decision on the scope of REF-9 to be on Authorisation, all the work developed by this WG will be used as input in the new project REF-9.

#### **3.5.2 Mandate amendment**

The Forum agreed to close this WG ([Annex 2e](#)), as the tasks will be taken over by the new WG REF-9. Most of the experts from the pilot project will take part in the REF-9 WG.

### **3.6 REACH-EN-FORCE-7 on Registration**

#### **3.6.1 WG progress report**

The project's operational phase was ongoing by Dec 2019 and, in the meantime, the WG was on-hold to support any query from the national coordinators. The Forum Secretariat would launch an assessment questionnaire to the inspectors participating in the project before the end of the operational phase.

The WG chair encouraged the timely submission of the results of the inspections by the end of the reporting phase (end Mar 2020).

#### **3.6.2 Mandate amendment**

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

### **3.7 Cooperation with Customs 2**

#### **3.7.1 WG progress report**

The operational phase of the project was ongoing by 30 Nov 2019, where 17 countries participated. The Forum Secretariat would launch an assessment questionnaire to the inspectors participating in the project before the end of the operational phase.

### **3.7.2 Mandate amendment**

The timeline was corrected to align with the timeline in the manual. The Forum adopted the updated mandate ([Annex 2g](#)).

## **3.8 Implementation of Interact portal for NEAs**

### **3.8.1 WG progress report**

The WG tested the two new versions of Interact Portal during June-August 2019, prior to its release. Moreover, the WG was testing the collaboration module of the Interact Portal, which will enable simultaneous work on a document online for Forum/BPRS Members and the Forum/BPRS WG members. The release of the functionality was planned for November 2019.

Another functionality of the Interact portal will be the meeting module, which will be made available only to the Forum and BPRS Members in the preparation of the future plenary meetings. The WG was involved in the testing of this module as well. The WG chair shared his thoughts on the tool and found that all the needed information was there but the Forum's working style might need to be reviewed. He highlighted a possibility to use the safe messaging system in the tool to communicate within the WG/Forum. The WG did not have any general recommendations on the use of the new features, and it would leave it to the individual WGs to define the best way to work.

Replying to a Forum member, the documents in collaboration module will have a traceable version history, which will be accessible and possible to download.

### **3.8.2 Update on ECHA IT tools for inspectors**

ECHA Forum Secretariat informed on the updates that came with the new releases of the Interact tool as well as the upcoming changes. The tool was designed to be used by all ECHA bodies as a main tool for collaboration. She showed the display of the new features of the upcoming modules "collaboration" and "meetings". The current tokens would continue to be in use for the new modules.

A training will be organised by ECHA Secretariat to all users on 3 Dec 2019 on the new functionalities. The recordings of the training will be available for any new users.

Change requests are collected, to be considered for implementation in new releases of the tool.

### **3.8.3 Mandate amendment**

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

## **Item 4- Preparation for the open session**

The Forum discussed and agreed on the common approach concerning the topics for discussion in the open session.

## **Item 5 – Conclusions and action points**

The Forum adopted the conclusion and action points from the day.

## **Item 6 – Debriefing of the open session**

The [Open session](#) took place on the second day of Forum-34. The Forum appreciated the high number of stakeholders and the various issues brought forward.

Some Forum members referred to the high number of presentations during the day. It was also noted that the number of ASOs participating in the open sessions have been increasing in the last years.

The ECHA Forum Secretariat would review the organisation of the open session and propose changes that could be put in place for 2020, taking into account the feedback collected from the WG Improvement of SDS.

## **Item 7 - Forum's enforcement activities- Projects under finalisation**

### **7.1 Training for enforcement trainers 2019**

#### **7.1.1 WG final report**

The WG prepared and delivered the training on 2-3 Oct 2019 on the topic of online sales. The WG chair presented the summary of the training, which 100% of the participants rated as "good" or "excellent".

The WG also drew some recommendations for future trainings. One of those suggested for the training event to be organised in the latter part of the year whenever the subject of the training is the same as the REF project. That would allow time to finalise the project manual and better align the presentations with the manual.

The Forum adopted the WG's report.

#### **7.1.2 Mandate closure**

The Forum adopted the updated mandate and closed the WG ([Annex 2i](#)).

### **7.2 Survey on OSH-REACH enforcement interactions**

#### **7.2.1 WG final report**

The Forum took note of the preliminary results of the survey, where the 31 Member States submitted information about the differences in the responsibilities on the enforcement of REACH and Occupational Safety & Health (OSH). It was identified the specific areas of REACH and OSH where there was shared and divided responsibilities. Additional information was collected on best practices as well as the challenges faced.

The final report was being finalised by the WG and will be consulted with the Forum, SLIC CHEMEX WG and COM.

Replying to some participants, the ECHA Forum Secretariat clarified that after this exercise, the Forum could consider the recommendations from this report whenever a training and/or project are planned. The report would also allow the Forum to support and respond to Action 12(2) recommended in the REACH Review 2017.

The COM representatives appreciated the work of the WG and found this report valuable also for COM's future work.

#### **7.2.2 Mandate closure**

The Forum adopted the updated mandate and closed the WG ([Annex 2j](#)), in the condition that report of the WG is adopted before Forum-35.

## **7.3 Pilot project Substances in Articles**

### **7.3.1 Final project report**

The Forum took note of the main results of the project (presented at the Open session [OS 5.2](#)), which concluded that information gaps existed in the supply chains.

The WG chair presented the recommendation to the Forum, ECHA, COM and National HelpDesks, which were included in the report. It was planned a publication of a press release and an article in ECHA's newsletter on the results of the project.

The Forum adopted the project report, considering the latest comments received and collected in a room document presented at the meeting.

The Forum Chair recommended as best practice to inform the Forum and COM in advance of the publication of the materials of the Forum's projects. ECHA Secretariat would prepare for Forum-35 an agenda item to address all the information and publication products suitable for the Forum's reports.

### **7.3.2 Mandate closure**

The Forum adopted the updated mandate and closed the WG ([Annex 2k](#)), in the condition that the all the WG's deliverables are adopted before Forum-35.

## **Item 8 - Forum's enforcement activities- Projects under preparation**

### **8.1 REACH-EN-FORCE 9 – Mandate set-up**

The Forum created and adopted the mandate of the new REF-9 WG ([Annex 2l](#)). The majority of the members of the previous third pilot project on authorisation joined the REF-9 WG.

### **8.2 Training for enforcement trainers 2020 – Mandate set-up**

The Forum Chair informed on the proposals for training submitted by the Forum members. The Forum voted and agreed that the topic of the training event 2020 would be on Authorisation, incorporating some relevant OSH elements. The training would be prepared in close collaboration with the REF-9 WG.

Following the recommendations of the WG Training for enforcement trainers 2019, the event will take place later in the year, in Nov 2020.

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

### **8.3 Pilot project on recovered substances – Mandate set-up**

In the absence of a chair, the group will be managed by the ECHA Forum Secretariat as a Task Force<sup>3</sup>. The Forum adopted the mandate of the new Task Force ([Annex 2n](#)).

The experts will further define the scope of the project, to be presented at Forum-35. At that meeting, a timeline for the project will also be proposed for adoption by the Forum.

---

<sup>3</sup> *Post-meeting note:* after the meeting, a Forum member volunteered as chair and the Task Force was change to a working group.

## **Item 9 – Practical issues for enforcement of REACH and CLP**

The ECHA Forum Secretariat updated on the running issues that were not discussed at the meeting.

*Issue 21.2 - Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?*

Taking into consideration the latest input from COM from May 2019 on the issue, it triggered a complete revision of the previous draft conclusion. The participants shared their initial views and agreed to have a written consultation of the issue.

*Issue 33.1 - Issue on REACH restriction entry 47*

The draft conclusion was presented and the changes were highlighted, taking into consideration the input from the Forum after Forum-33. The submitter of the issue and a Forum member proposed changes that were implemented in the meeting document. With that, the Forum adopted the conclusion for this issue.

*Issue 34.1 – How are the provisions of child-resistant fastenings (CRF) under CLP being enforced by Member States for ‘disposable electronic cigarettes’ classified and labelled as ‘toxic if swallowed’ when they also require to be ‘child and tamper proof’ under the Tobacco Products Directive (TPD)*

This practical issue also alerted to the fact that different regulations might be under the umbrella of different authorities and the responsibility of enforcement needed to be clear. A Forum member noted that any conclusion from the Forum needed to be relayed to the TPD actors, aiming for them to arrive at a similar conclusion.

The ECHA Forum Secretariat compiled the relevant legal obligations and propose to have a written consultation round to finalise the draft conclusion.

The input of COM’s services dealing with the TPD was welcomed as well as further feedback whether compliance with the CRF requirements under the CLP would constitute compliance with the childproofing requirements under the TPD.

*Issue 34.2- Issues with REACH restriction entry 27(1b)*

The submitter presented the issue related to Nickel and in particular with the contact with the skin. The Forum discussed the feedback from the Forum members for the various articles containing Nickel, such as metal needles, music instruments and mouthpieces of electronic cigarettes.

## **Item 10 – Enforcement of ghost ORs revocation after non-compliance and bankruptcy**

The ECHA Secretariat reminded the Forum on the situations where ECHA could revoke its previous positive registration decision. Additionally, ECHA was proposing the possibility to revoke non-compliant registrations and from non-existing companies, in which “ghost” ORs are included.

The Forum members shared their initial impressions on the conditions and implications of such process, if it was to be implemented. The Forum members were invited to submit their comments in written form. ECHA Forum Secretariat would compile and assess the next steps, to be discussed with the Forum in a future meeting.

## **Item 11 – Potential enforcement of REACH Article 11**

The ECHA Secretariat presented the issue based on the “one substance, one registration” (OSOR) principle, in which companies needed to cooperate and register via a joint submission. Before the 2018 registration deadline, ECHA performed the lead role verification and helped resolve disputes between the members of the joint submission and the lead registrant. For the future, ECHA proposed for NEAs to take over the case and enforce articles 11(1) and 19(1) duties of REACH in case the lead registrant needed to step back and would not do it voluntarily.

The Forum members shared their national practices in enforcing such obligations and discussed the practical aspects of such enforcement. The Forum members were invited to comment on ECHA’s proposal.

## **Item 12 – Enforcement projects in Member States**

### **12.1 The Italian initiative to support the control of hazardous substances in tattoo inks**

It was presented the work done in Italy in order to prepare for the enforcement of the new tattoo ink restriction. The main focus of the work was to develop and validate analytical methods to detect the restricted substances of the inks used in tattoos. She called the attention of the COM for future allocation of resources for such kind of work, as it was valuable for NEAs and the enforcement of restrictions.

A Forum member informed on a national project running on tattoo inks based on their national consumer’s safety act. It involved the checks of some tattoo inks and its report will be available shortly.

Another Forum member noted that analytical methods usually are not recommended in the restriction proposal dossier, leaving the work to be done by the NEAs. Hence, he welcomed further reflection by the policy-makers for the improvement on the restriction process.

### **12.2 Outcome of the Norwegian court case on dichloromethane paint strippers**

The presenter gave information on the background of the case and the ruling of the court. The company had appealed the court decision and the NEAs were waiting the appeal decision.

Replying to some participants, the presenter clarified that inspectors were witnesses of the court case and other experts were invited to provide information on the findings from the point of view of the health of the workers and environment.

## **Item 13 – Conclusions and action points**

The Forum adopted the conclusion and action points from the day.

## **Item 14 – Update on relevant developments by the Commission**

### **14.1 General updates by the European Commission**

The COM representative gave some general updates from other fora and highlighted that the Implementing regulation on the end of phase-in substances was published, which would affect the tonnage band calculations.

The review of REACH Annexes VI-XI was ongoing and the Forum was invited to provide comments concerning the OR on the draft Annex VI on the information requirements for the REACH registration. Replying to a Forum member, the presenter clarified that the revision of Annex II was advanced but it could be

explored whether more elements concerning the OR could be included in the information requirements for the SDS.

The request from the WG REF-6 on the access levels for NEAs to the database of the Poison centres was discussed at CARACAL on 6 Nov 2019. Not much feedback was received, hence the Forum members were encouraged to liaise with the MSCA to ensure that the NEA's request was passed to the COM.

A meeting document was submitted as the response to the Forum and WG Custom 2 members' comments on the proposed changes in TARIC system related to Annex XIV and XVII. Such comments would be useful in a new study to be launched by the COM. Moreover, integration of the TARIC codes of restricted substances was not yet completed and more updates will follow.

The presenter gave further updates regarding the work of PARCS and DG TAXUD, where Forum representatives have been appointed in the last Forum meeting and would be following that work.

He informed on the plan of CARACAL to create a Task Force on application for authorisation to discuss, at expert level, changes in use covered by a REACH authorisation. Representatives from other committees would also participate. The Forum nominated three members of the WG REF-9 to take part of such task force, who will follow the discussion and communicate it to the WG REF-9.

He announced the exchange of inspectors programme was open. The scope was extended for REACH/CLP inspectors wishing to experience also other areas such as OSH and customs.

## **Item 15 – Market Surveillance and Compliance Regulation**

### **15.1 Introduction of the European Product Compliance Network**

A representative from DG GROW presented the new features of the new Market Surveillance Regulation, including the set-up of the European product compliance network (EPCN), to start in Jan 2021. It was aiming as serving as a platform for structured coordination and cooperation between enforcement authorities of the Member States and the Commission, and to streamline the practices of market surveillance within the Union, thereby making market surveillance more effective.

He presented the areas the new network was planning to develop, which included joint actions (budget to be allocated to those), capacity building, cooperation with customs, develop indicators and benchmarks and improve data and information exchange (by the use of ICSMS). The presenter noted that the Forum was already experienced in such areas.

The Forum was invited to participate in the network, once established. Although the Forum was not an ADCO, the regulation permitted the Forum to participate in the network in the same way as ADCOs, being represented by the Forum Chair. The possibility of a Forum delegate to represent the Forum Chair would need to be discussed.

It was foreseen the network to organise two meetings per year, and the need to continue with the ADCO meetings would be assessed.

The presenter clarified that PIC was partially covered in the scope of the Market Surveillance regulation as it fell in the general scope of the controls of customs. Replying to a Forum member, the presenter added that the new Market surveillance regulation was more focused on strategies and it was not clear about a reporting obligation from the Member States. However, the COM representative confirmed that the reports done under REACH would be used to provide information on market surveillance.

A Forum member noted that the definition of product was not given in the regulation and that could be confusing. COM representative recommended to assess it case-by-case.

The BPRS Chair welcomed for this presentation to be shared with the BPRS members as it would be relevant for them too.

## **15.2 Cooperation between the Network and the Forum**

The Forum Chair noted there were many subjects the network would tackle that were common to the work of the Forum, such as customs, ICSMS, exchange of inspectors, etc. It was important for the Forum to follow the network closely.

The Forum agreed that the Chair will represent the Forum in the European Product Compliance Network (EPCN) as of 2021. Some Forum members (AT, HU) expressed interest in following the work of the network as well, who could then act as back-up of the Forum Chair in future representation of the Forum in the EPCN meetings (possibility for the Chair to be represented by a proxy will be confirmed by COM).

## **Item 16 - Updates from the ECHA Secretariat**

### **16.1 Update on the ruling by the ECJ on the authorisation case T-837/16 on lead chromates**

The ECHA Forum Secretariat updated on the follow up of the case T-837/16 (Sweden *versus* COM), where the European Court of Justice (ECJ) annulled the COM decision granting authorisation for the uses of lead chromates yellow and red. The presenter recalled that the General Court had found that the substance could not be used after the annulment of the authorisation decision. The effect of the judgment in case T-837/16 is that the company can stay on the market without being subject to the conditions set out in the original authorisation decision.

The Commission has submitted an application for suspension of the judgment of the General Court case (T-837/16) and a parallel interim measures case, seeking suspension of the effects of the first instance judgment.

COM's interim measures aimed at ensuring that the lead chromates can only be placed on the market and used within the scope and according to the conditions and monitoring arrangements foreseen in the annulled authorisation decision.

### **16.2 Follow-up of ECHA Decisions: updates from ECHA**

The Forum took note of the meeting document that included a summary table of the cases sent to the Member States Focal points.

## **Item 17 - Updates from the ECHA Forum Secretariat**

### **17.1 Updated Rules of procedure**

The ECHA Forum Secretariat informed that the Rules of procedure of the Forum/BPRS were adopted by the Management Board on 27 Sept 2019 and were available in the Forum's website.

### **17.2 Nominations for Forum Chairs: Election in Forum-35**

The ECHA Forum Secretariat invited Forum members to nominate the candidates for the Forum Chair and Vice-Chairs. The mandates of the current Chairs will expire in March 2020 and a new election will take place in the beginning of the Forum-35

plenary meeting. The nominated members that confirm their willingness to become a candidate will be invited to join the pre-meeting of Forum-35.

The current Chairs would finalise their first mandate and it will be possible to re-nominate them for a second (and last) mandate in the same position.

## **Item 18 – Cooperation with other networks**

### **18.1 Updates from SLIC-CHEMEX**

The Chair referred to the document submitted by the network with an update of the WG CHEMEX's activities. In the absence of the WG chair (related to BREXIT political process), COM's services were temporarily ensuring the continuity of the work of the WG CHEMEX.

## **Item 19 – Debriefing of the meeting with ECHA Directors – REACH/CLP/PIC/POP issues**

As there were no specific REACH/CLP/PIC/POP-only issue discussed with the Directors, the Chair addressed the content of this agenda item in agenda point [JS 4](#), in the joint session.

## **Item 20 – Debriefing of the Forum Chair's presentation at the Management Board meeting – REACH/CLP/PIC/POP issues**

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

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

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

The Forum Chair suggested that in the future the presentation should be shared with the Forum members before the Management Board meeting.

## **Item 21 – AOB**

There was no AOB raised for this meeting.

## **Item 22 – Conclusions and action points**

The Forum adopted the conclusion and action points from the day.

## **Joint session of Forum and BPRS**

### **Item JS 1 – Welcome**

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

The participants adopted the agenda of the joint session and did not raise any new issue.

The BPRS Chair formally opened the BPRS-9 meeting and announce that the quorum requirement was met.

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

The Chair of the Forum briefed the BPRS members on the agreements and discussions that took place during Forum-34.

The BPRS Chair summarised the topics which will be discussed during the plenary meeting BPRS-9<sup>4</sup>. The Forum Chair noted with interest the results of the “fact-finding” missions organised by COM in relation to the enforcement of BPR.

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

The Forum Chair informed the participants about the Forum’s yearly report to ECHA Management Board, via a presentation at their meeting in September 2019 (agenda point [20](#)).

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

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

The Forum Chair informed about the outcome of the regular meeting with the ECHA Directors. The main topic discussed was on transparency of the Forum/BRPS, which was perceived by some Stakeholders as not being a very transparent ECHA body. The Directors appreciated the efforts done in the last years and welcomed the effort to continue improving this area.

The Forum will hold a discussion in one of the future plenary meetings to assess how it would be possible to increase the transparency and improve the communication of the Forum/BPRS work.

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

#### **JS 5.1 REACH-EN-FORCE-6 on CLP**

##### **JS 5.1.1 WG final report**

---

<sup>4</sup> Minutes of the BPRS meetings available in <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2019>

The WG chair summarised the project results of the enforcement project on classification and labelling of mixtures (presented at the Open session [OS 5.2](#)), and highlighted the recommendations to COM, ECHA and Forum. Moreover, the WG would prepare the "Tips and Hints" in Q1 of 2020.

Replying to a question from a participant, the WG chair clarified that it was not possible to conclude from the project any relation between the classification done by the company using an IT tool and other means.

It was possible that the screening made by ECHA of potential non-compliances on harmonised classification could be used in future projects. The WG could discuss and recommend a particular way the Forum/BPRS could take on that information.

#### **JS 5.1.2 Mandate closure**

The Forum and BPRS adopted the updated mandate and closed the WG, in the condition that the all the WG's deliverables are adopted before Forum-35/BPRS-10 ([Annex 2o](#)).

### **JS 5.2 REACH-EN-FORCE-8 on online sales**

#### **JS 5.2.1 WG progress report**

The WG chair informed that the project manual was adopted by the Forum and BPRS. 29 National Coordinators were appointed and trained on 3 October 2019 at ECHA. The event was held back-to-back with the Forum/BPRS Training for Trainers 2019 on online sale.

The Forum and BPRS members were requested to indicate the translations needs concerning the manual. The operational phase will start on January 2020 and will run throughout the year.

The WG Chair shared that the work of this large WG was very efficient, by dividing the tasks between four sub-groups. Additionally, the WG created only one questionnaire per product, which will facilitate the analysis of the results for the report.

#### **JS 5.2.2 Mandate amendment**

The Forum and BPRS adopted the updated mandate ([Annex 2p](#)).

### **JS 5.3 Member States reporting**

#### **JS 5.3.1 WG progress report**

The WG chair informed the plenary about the progress report submitted to the Forum and BPRS members. The comments received on the draft reporting template concerning the BPR section were circulated to the COM for consideration. A proposal for an annual reporting under the BPR will be discussed after the plenary meeting in November. A follow-up discussion on the matter will take place at the next Forum/BPRS plenary meetings.

#### **JS 5.3.2 Mandate amendment**

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

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

The ECHA Forum Secretariat demonstrated the new tool and its functionalities. The recently released platform will allow concurrent work on same documents by

group members (WGs, Forum or BPRS members). A 'Meeting' module will be incorporated in the Interact portal. In addition, a secure-message system will be available in the tool.

The ECHA Secretariat would provide training *via* a WebEx training on 3 December 2019 to the Forum, BPRS and WG members.

#### **Item JS 7 – AOB**

No other items were proposed for this agenda point.

#### **Item JS 8 – Conclusions and action points**

The Forum and BPRS adopted the conclusion and [action points](#) from the joint session.

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

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

## **2019 Forum Open session (5 Nov 2019)<sup>5</sup>**

### **Item OS 1- Welcome and Introduction to the open session**

The Chair welcomed the 11 representatives of 11 ECHA Accredited Stakeholders (ASOs) participating in the meeting. She welcomed the 12 observers representing six countries benefiting from the Instrument for Pre-Accession Assistance (IPA) programme.

The Chair invited the IPA participants to proactively liaise with the Forum members during the breaks and discuss the possibility of joining some of their activities or to learn about the organisation of enforcement in the Member State.

### **Item OS 2 – Opening address by ECHA’s Director of Prioritisation and Integration**

The ECHA’s Director of prioritisation and integration welcomed the participants and highlighted some topics to be discussed during the day as well as on the closed session of the Forum-34 meeting.

He referred to REACH Review Action 3 on the improvement of the system for extended SDS, which aimed at designing a working system for the generation and communication of relevant information on exposure control in the entire supply chain. This was closely linked to Forum’s joint activity with ASOs on improving the quality of information in SDS, where the Forum and ASOs identified frequent issues with information in the SDS and recommended how it could be improved. He encouraged all ASOs to contribute to the implementation of these recommendations as well as the “building block” system that has been designed under REACH Review Action 3. In particular, the Downstream Users stakeholder organisations are encouraged to develop or further elaborate their sector use maps. Stakeholder organisations representing registrants needed to promote strongly the use of these maps amongst their members so that they will generate relevant and realistic exposure scenarios to be attached to their SDSs.

The Forum agreed on the topic of REF-9 to be on authorisation, which was most welcomed by ECHA and considered as one of the priorities and one of the strongest measures foreseen in REACH to protect the workers and the general public from substances of very high concern. In addition, there was a peak in the applications for authorisation entering into force after the decisions in the REACH Committee.

Further integration of enforcement of different complementing legislations was necessary to make best use of available resources. In that context, collaboration with customs and authorities responsible for Occupational Safety & Health (OSH) legislations is of particular relevance.

He highlighted that the REACH Evaluation Joint Action Plan was established with the Commission to intensify the dossier evaluation activities and address compliance issues in Registration dossiers. In such plan, there were actions related to enforcement (action 12), where ECHA planned to collect information through a survey on measures applicable and used when enforcing breaches with dossier evaluation. The results will be used to discuss how ECHA can support or complement the actions taken by the enforcement authorities to ensure that non-compliant registrants are brought to compliance – particularly in cases of attempted misuse of the evaluation process. One potential way of complementing the action of NEAs would be revocation of registrations which persist to be non-compliant.

---

<sup>5</sup> All presentations of the open session are available in the Forum’s webpage:  
<https://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions-2019>

Finally, he reminded that effective enforcement is critical to the success of REACH; it is also very important that enforcement is seen and perceived to be effective. The Forum and the NEAs, at national level, do a lot of enforcement work, but this is not always sufficiently visible and communicated, creating a false impression that only limited enforcement activities take place. Therefore, he encouraged the Forum to look continually for ways to improve the transparency of its actions and outcomes. The Forum open sessions are an expression of this and are one of the main tools for ensuring a continued dialogue between the enforcement authorities and ECHA stakeholders.

The Chair welcome the ECHA feedback and she linked the topics mentioned with elements of the Forum's work.

### **Item OS 3 - Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs**

#### **OS 3.1 Final report of the WG on Joint initiative on Improvement of the quality of SDS**

The WG chair summarised the WG's activities since the last open session and the outcome of the workshops held on 4 Jul and 10 Oct 2019 in ECHA.

The WG analysed the SDSs and identified the main deficiencies found in the different sections of the SDSs. The WG recommended some actions to be put in place to help overcome the problem, such as developing better guidance, support the development of IT tools, publish "good SDS" and raise awareness amongst Industry.

The last workshop resulted in a series of action points to be implemented by ASOs, NEAs, Exchange Network on Exposure Scenarios (ENES) coordination group<sup>6</sup>, Forum and a particular stakeholder, who was involved in the development of the European phrase catalogue (EuPhraC). A presentation on the catalogue was made in [OS 3.2](#).

The WG would follow-up some of the actions proposed and finalise the reports of the workshops. The Forum adopted the final report of the WG.

The ASOs attending the meeting agreed with the proposed actions and to continue with the work to improve the quality of SDS. The Forum Chair invited the ASOs to provide an update on these actions in the future.

#### **OS 3.2 European Automobile Manufacturers Association (ACEA) - Guidelines used in automotive sector for SDS and EuPhraC catalogue**

One of the recommendations of the WG was to develop guidance. It was proposed to use and further develop the existing EuPhraC catalogue. The catalogue and its process was presented by a representative from the ACEA, who was also the chair of the expert workgroup developing the standard phrases and other helpful tools and information for safety data sheet authoring. She showed the content of the available and free online tool<sup>7</sup>.

The presenter informed the Forum on the organisation's guidance about the topic of SDS compliance check, which the users found very useful.

---

<sup>6</sup> <https://echa.europa.eu/about-us/exchange-network-on-exposure-scenarios>

<sup>7</sup> <https://www.esdscom.eu/>  
<http://draft.euphrac.eu/Default.aspx?Language=en>

The Forum members were invited to individually comment on the specificity of the EuPhraC phrases and contribute to its development. It was recommended to start with sections 7 and 8 of the SDS. Such comments of the Forum members were not to be considered as the Forum endorsing the guidance.

The presenter invited the interested Forum members to attend a EuPhraC working group meeting in 2020.

### **OS 3.3 Mandate amendment and closing of the WG**

The Forum adopted the revised mandate of the WG and conditionally closed the mandate, after the finalisation of the follow-up actions ([Annex 2q](#)).

### **Item OS 4 – Discussion topics proposed by ASOs**

#### **OS 4.1 AeroSpace and Defence Industries Association of Europe - *Support for companies facing REACH-induced Supply Chain Disruption***

The presenter highlighted the complex supply chain, and the difficulties in the communication between upstream chemical companies and the ultimate product manufacturers. Consequently, it was often found that upstream commercial decisions not to register or authorise chemicals (or specific uses of those chemicals) that are critical to downstream industry, resulted in trade disruption. He presented some examples where the scope of the authorisation affected the downstream users.

The organisation welcomed the NEAs to acknowledge that recovering from issues concerning authorisation was a long process for companies and that they aim to return to compliance as soon as possible. The companies were recommended to actively contact the NEAs and discuss their situation.

The Forum Chair acknowledged that NEAs were aware of the lengthy authorisation process and welcomed the early contact by the companies. In general, NEAs would not grant any particular time to duty holders who are non-compliant. Inspectors usually look at each particular case and assess it, considering the REACH objective and equal treatment of affected duty holders.

It was recommended for companies, when they are aware their substances are subject to authorisation, to actively look for substitution. The companies should aim at having contact with their supplier and the authorisation applicant (if possible), to discuss and be informed in due time of any upcoming changes in the authorisation. ECHA, COM and Forum were discussing the practical implications on enforcement when there are changes in the conditions after the authorisation is granted.

Replying to a participant, the presenter clarified that the organisation helps their members by preparing guidance, facilitate communication between the member's companies and offering training.

#### **OS 4.2 Downstream Users of Chemicals Coordination Group (DUCC) - *Industry Guidance at a Glance: Raising awareness of CLP obligations in the supply chain***

The Chair referred to the room document with draft leaflets on child resistant fastenings, tactile warning of danger and online sale of chemical mixtures prepared by the organisation.

The presenter referenced the main results of the Forum's pilot projects on online sale and child-resistant fastenings and noted that the available information, including ECHA guidance, was not benefiting the actors that needed to be aware of

their obligations. Following the recommendation from the Forum's pilot project, and in collaboration with A.I.S.E., DUCC have developed high-level leaflets with the aim to pass clear messages to actors across all sectors. The leaflets would be published in the DUCC webpages in Dec 2019 and would be translated to all EU languages. The organisation was contacting other partners to join the initiative and spread the message even further.

The Forum Chair appreciated the organisation's initiative to consider the Forum project's recommendations in their leaflets. The Forum, as a body, would not endorse industry-made guidance but the Forum members were invited to comment individually on the leaflets and future versions. Additionally, inspectors, in their individual capacity, in case they find them correct and appropriate, might inform companies about the existence of such documents and refer to the organisation's website.

The Forum Chair reminded that the Forum selected online sales as the subject of the REF-8 project, which will have the inspections running in 2020. So far, there was no plan to start another project focusing on child resistant fastenings but some aspects of it could be covered in the future project on classification of mixtures.

Some Forum members shared observations from the inspectors on some of the obligations covered in the project of child resistant fastenings and welcomed the possibility to provide input to the organisation's leaflets.

#### **OS 4.3 EURATEX - *Level playing field for consumer safety in textile products***

The presenter brought to the attention of the Forum the importance of fair enforcement for REACH regulation in textiles. He provided an overview of the upcoming REACH restrictions that would affect the textile industry. From some national project reports, the organisation noted a low level of compliance checks made regarding textile products, which was not what was expected from a consumer article with such high number of items circulating in the EU market.

He raised the concern that the resources in the Member States would need to be used more efficiently in order to cope with the increase of restrictions/tests and continue to ensure a level playing field. In his view, there was a lack of knowledge about the real level of compliance of the textiles, as a few pilots and RAPEX did not provided a realistic representation of the market. The need and cost of the testing methods will continue to be a challenge for this industry. Moreover, the "goods package" and "circular economy" will bring further challenges in the near future. The Forum members were invited in participate in the Euratex's meeting in Zurich in March.

Some Forum members and experts explained the background for the results found in some of the projects mentioned in the presentation. It was noted that the enforcement actions were targeted, hence the results would always deviate from the real picture of the market.

A Forum alternate informed that the Forum continuously makes effort in its projects to involve customs and import controls as a regular part of REACH controls, with the view to ensure the level playing field. The resources in the Member States was an issue NEAs have been facing for years, which could be mitigated by having more integrated enforcement activities, *i.e.* checks of multiple legislations per inspection, including customs. The Forum welcomed the continuation of exchange of experiences with the organisation to better target non-compliant goods/duty holders.

She named the Forum and BPRS projects where textiles were checked. Although a new project on articles was not selected in this year's prioritisation, it could be

considered as a future project proposal, which the ASOs were invited to submit by 24 April 2020.

The organisation could further help the Forum by sending proposals for analytical methods useful for checking restrictions in textiles. The Forum will consider it when updating its compendium of analytical methods used for control of Annex XVII.

On a more practical way, the industry were encouraged to contact the NEAs whenever there is information about a potential non-compliant product/duty holder. The Open sessions of the Forum were also a good platform for exchange of information between industry, ECHA and COM.

#### **OS 4.4 European Environmental Bureau (EEB) & BUND - *No data, no market?***

The presenter highlighted REACH Article 5 and the duty of the enforcement authorities to apply effective, proportionate and dissuasive penalties in cases of non-compliance with the article. Recent studies showed that the number of non-compliant dossiers were higher than desirable and it was not visible extra or stronger enforcement activities to address that situation. The presenter suggested increasing the transparency on the enforcement measures, non-compliant companies and substances in the market, which could be used to create pressure in the companies to drive them to compliance.

The Forum Chair addressed the different concerns raised by the organisation. Regarding the dossier compliance, the NEAs do prioritise those cases and enforce ECHA's decisions in which the registrants failed to comply with information requirements. However, the national priorities needed to be taken into consideration as well. She highlighted that NEAs in all Member States follow the same process (Interlinks) to enforce these decisions and they have the same criteria to decide what is non-compliant. However, harmonisation of measures between countries was not possible due national legislations but that also might not be needed nor desired, as long as NEAs were being effective with their own legal tools to bring companies to compliance.

With the new addressee policy as of 2019, ECHA sends the dossier evaluation decisions to all non-compliant registrants in the joint submission, which will lead to an equal treatment addressing all registrants of the substance. Enforcement of such decision was likely to start in 2020. The process of addressing such decisions was being revised to ensure more efficient enforcement.

It was observed high effectiveness in case of enforcement of dossier evaluation decisions, where in 91% of such cases, the information requirements were fulfilled by the company. The remaining 9% referred to situations where the company went bankrupt or ceased to exist or ECHA withdrawn the case.

The Forum will discuss in a future meeting the point about the need for more transparency of the results of NEA enforcement of dossier evaluation decisions and what would be the best information to be made available to the public.

ECHA Secretariat added a reference to the REACH Evaluation Joint Action Plan, with a number of actions to actively address the shortcomings highlighted in the REACH Review and other published studies stressing the lack of compliance of the information in the registration dossiers. ECHA and COM were committed to complete all the actions, which implied the screening of all registered substances and identification of the ones that may need risk management measures. NEAs were also referenced in the action plan and would be invited to follow-up on the decisions from the compliance check of 20% of the dossiers of substances of concern.

The COM representative reminded that enforcement indicators, calculated from the Member States report to the COM, were publicly available.

**OS 4.5 FuelsEurope - *Maintaining REACH registrations up-to-date: The petroleum industry's approach***

The presenter introduced the efforts and actions taken by the organisation on the registration dossiers of petroleum substances and their yearly updates. Moving to an evaluation phase, the organisation was focused on addressing the challenges of dealing with dossiers of complex UVCB substances, as deviations from the standard information requirements were commonly found for petroleum substances. For that, the organisation welcomed to continue the dialogue with authorities, COM and ECHA with the view to develop some methodologies and address all the concerns of all the parties involved.

The Forum Chair appreciated the efforts to promote continuous and regular updating of the dossiers among the registrants and was a good example of proactive industry approach. She noted that updates were needed whenever the requirements for update were triggered, hence potentially it would need more frequent updates than annually. This approach was also aligned with the objectives of the upcoming Implementing Regulation on dossier updates.

The Forum recommended for companies to document/record the actions taken on the dossier update or analyses made. That would help companies to prove to the inspectors on whether the duty to update was fulfilled. Data on the compliance with the update duties would be available at the end of 2020, in the context of the REF-7 project, on registration obligations.

Replying to a Forum member, the presenter clarified that discussion with the companies that regenerate waste oils was initiated to try to define the concept of UVCB and how can it be used in the context of waste (recovered substances) and exemptions from REACH. So far, those companies were able to prove their substances were the ones registered by the organisation.

**OS 4.6 Cefic - *Cefic's REACH Dossier Improvement Action Plan***

The presenter summarised the milestones of the organisation and some of the challenges faced by Industry, from the complexity of the REACH itself to the fine balance between generating new data and use animal testing as a last resort as well as matching the expectations of authorities. Political pressure, REACH Review, REACH Evaluation joint action and results of national projects and studies were the trigger that led the organisation to create and launch an Action Plan to help the registrants to improve. This Action Plan calls for a proactive assessment of the content of the dossier, providing a framework for REACH registrants to evaluate the safety data in a stepwise manner. The Action Plan outlines the timeline, roles and responsibilities, substance prioritisation criteria, critical issues, and explains how progress will be reported. The Action Plan will take time to be implemented and will be done in cooperation with ECHA.

The Forum Chair welcomed the initiative to support registrants to review and update the data in the registration dossiers. Forum was currently working on reviewing and improving its process for enforcing evaluation decisions which was triggered by the new addressee policy of ECHA's dossier evaluation decision. Registrants should inform ECHA if there were any issues with the laboratory capacity, which would be communicated to the NEA. Upon inspection, the NEA would then consider it, case-by-case, when enforcing the dossier evaluation decision, for example when setting up the target date for submitting the requested test.

A Forum member shared that the national authorities, ECHA and the national association of chemical industry had organised two workshops for companies (with registrations 1-100 ton/year) in relation to the dossier quality. There was a good response and about 70 companies participated.

The presented shared cases of non-compliances found in the import of hydrofluorcarbon (HFC) gases, used in refrigerating devices and the online availability of gamma-Butyrolactone (GBL) as a cleaner product for consumer use. For both cases, the organisation have been active in putting in place some measures (e.g. information campaign, contact authorities, etc.) and welcomed further cooperation with NEAs.

The Forum Chair noted the Forum would continue working towards more and better cooperation with customs authorities to help address illegal imports. A Forum member informed that in 2016, a company had already signalled the potential illegal import of HFC gases and was investigated. However, the information was not enough to develop the case further then but welcomed more and updated information to re-open the investigation. In addition, it was reminded that CLEEN had run a project that looked at such gases.

On the availability of GBL online, the Forum was running the REF-8 project on online sales, which focused on REACH Restrictions, SDS provisions, CLP provisions on advertising and labelling and BPR duties for product authorisation and advertising. The inspectors participating in the project (in 2020) were trained in an harmonised methodology to control online sales. The results of the project will be assessed in 2021, when the Forum would look at potential improvement areas and propose recommendations.

#### **OS 4.7 Eurometaux - *Self-classifications: Of no value without enforcement***

The presenter set the scene of this issue, based on Articles 15 of CLP and 31(9) of REACH, requiring legal entities supplying chemicals to the EU market to derive the applicable classification for the chemical following CLP rules and SDS obligations considering all available evidence. Many companies are supplying chemicals with classifications based on all available evidence and they are confronted on the market with competitors supplying the same chemicals without any classification. The presenter gave the examples of antimony trisulphide and borates, known for being hazardous but can be available as "non classified". Such "versions" are sold at a lower price, causing unfair competition and, above all, that situation poses a risk to the environment and human health as the chemicals supplied without classification are not packaged/labelled appropriately or accompanied by the required SDS.

The organisation invited the Forum to consider a project to enforce the abovementioned CLP and REACH articles and for enforcement authorities to check these obligations as part of the regular CLP/REACH inspections. For that, the organisation was invited to submit a topic proposal on the issue to be considered by the Forum in next prioritisation of projects' exercise.

Moreover, companies would benefit from a communication system to notify authorities about potential cases of non-compliance with classification, packaging and labelling obligations, in order to facilitate targeted inspections. The NEAs advise companies to directly contact the authorities<sup>8</sup> and provide detailed information on the case as much as possible and provide the evidence that made them suspect

---

<sup>8</sup> Contact details to national authorities are available on the ECHA website:  
<https://echa.europa.eu/regulations/enforcement/national-inspectorates>

that there is a breach of duties. Information should always be provided to the enforcement authority of the country where the suspected duty holder is located.

The Forum had focused so far on controlling the correctness of classification of mixtures and the correct application of the harmonised classification (CLH). The checks of classification and labelling of mixtures may have also be included while checking the correctness of classification of substances, though it was not a self-standing topic directly targeted by the Forum. At national level, the inspectors prioritise the control of CLH because they control hazards of highest concern and achieve biggest impact for health and environment.

Some Forum members informed they do take action in enforcing the classification of substances and substances in mixtures. The presented suggested to involve the OSH inspectors to put more pressure to the company.

#### **OS 4.8 PlasticsEurope – *Enforceability of Restrictions in the absence of analytical methods***

The presenter highlighted the importance to the companies to have validated, robust and commercially available test methods to be able to comply with the REACH restrictions. He informed that the organisation have submitted test methods for Perfluorooctanoic acid (PFOA) and related substances, for different matrices, to be considered for the revision of the Forum's Compendium of analytical methods.

The organisation requested the Forum to publish its position on the current status of the method development for Entry 68 as well as to publish the Forum advice on enforceability through public consultation process.

The chair of the WG on the enforceability of restrictions thanked for the submission of the test methods and it would be taken into consideration when revising the compendium during 2020, according to the methodology published in the Forum's website. It is not in the Forum's remit to comment on the status of development of methods outside of the process for advice on enforceability. As a general note, the enforcement will be possible even if the available methods are not standardised by the European Committee for Standardization (CEN).

She clarified the role of the Forum in the regulatory process, which is to advise COM, RAC and SEAC and the dossier submitter on the enforceability of the proposed entries. This was part of an established process that is available to ASOs following the work of these committees. The Forum discussed in the past the possibility to publish its advice. However, the Forum decided against since using the public consultation comments would only come from individual members and would not be a coordinated Forum's position. A Forum member suggested for the organisation to comment during the process, which was done by the company but COM indicated the company to approach the Forum.

COM representative added that restrictions tend not to include specific analytical methods since technology evolve faster than the regulation is updated. COM takes in consideration information on any challenges related to the analytical methods provided by the Forum (and other bodies) and requests CEN to develop a procedure. As the budget for it is limited, it is necessary to prioritise such requests to CEN.

#### **OS 4.9 Humane Society International – *New approach methodologies (NAMs) for Improved Chemical & Product Safety Assessment – An Education & Training Opportunity***

The presenter highlighted the NAMs, which included *in silico* approaches, *in chemico* and *in vitro* assays, and a variety of new testing tools, with the aim to improve understanding of toxic effects of chemicals in the context of hazard assessment.

The current regulatory acceptance of NAMs for the safety assessment of chemicals is yet limited, in part due to a lack of familiarity in the regulatory community with NAMs and how to use the information in decision-making. Therefore, the organisation was coordinating a training program on the use of information generated from NAMs. The presenter informed about the general content of the training and its dissemination. The Forum members and inspectors were invited to take part of the training.

The Forum noted with interest the use NAMs for assessing chemical hazards without the use of animals. The most frequent situation where NEAs deal with control of fulfilment of information requirements under REACH for registration dossiers is through the enforcement of dossier evaluation decisions issued by ECHA. However, NEAs generally rely on the assessment of the ECHA Secretariat or the MSCAs as to whether the information requirements have been fulfilled and – in particular – whether the adaptations rely on new approach methods are justified and acceptable. Hence, the most relevant partners among the authorities that could get involved in the training project and comment on the training materials would be the ECHA Secretariat or the MSCAs. Forum members may pass this information to their CA partners.

#### **OS 4.10 PETA International Science consortium – *Ensuring enforcement of Articles 13(1) and 25(1) of REACH***

The presenter outlined the concerns of the organisation with the enforcement of animal testing only as last resort. She referred to the presentation at the Forum open session in 2017 and the commitment of the Forum to continue investigating the last resort requirement. The organisation followed the 89 cases and still saw some cases where no enforcement took place. She welcomed an update on the enforcement activities of the cases concerning animal testing since 2017 and encouraged for an increase of the speed and efficiency of the investigations. Increase communication, transparency and report of the cases, were also referred by the presenter. Member States were invited to prioritise the enforcement of Articles 13(1) and 25(1) of REACH in their enforcement planning.

The Forum Chair replied to the questions posed by the organisation on the different issues.

The enforcement in the Member States of the last-resort requirements (and Title III in general) is done reactively to the cases provide by ECHA of suspected breach of Article 13(1) and 25(1) or Articles 10(a)(ix) or 22(1)(h) of REACH. At present, the results of the investigated cases indicated that registrants have not breached the provisions of REACH or Directive 2010/63/EU when conducting the tests. The Forum may review the approach/process once the investigation of all the 89 cases sent by ECHA is finished.

The harmonisation of penalties between Member States is not possible because penalties are defined in national laws, as is foreseen in the REACH Regulation. Harmonisation of penalty legislation for REACH would need to be done at the EU level, which was out of the scope of the Forum. It also raised the question whether such harmonisation is desirable, as the enforcement measures are to bring the company to compliance through different means, as long as it is effective. So far, there was no practical cases the NEAs could assess the different level of penalties since it was not yet identified a clear case on non-compliance with the mentioned REACH duties.

ECHA has provided the Forum with two batches cases of suspected breach Articles 10(a)(ix) or 22(1)(h) of REACH (i.e. tests done with no testing proposals) and 89 cases of suspected breach of article 13(1). Preparation of further batches of such cases will depend on the results of the investigation of those cases.

The Forum Chair gave an update the 89 cases sent by ECHA of suspected non-compliance with this duty in early 2018. 46 of them were concluded, 31 remained under investigation, there was no action taken in 5 cases and 7 were pending a response. The cases concerned duty holders in 12 countries and addressed *in vivo* studies for skin and/or eye irritation conducted after 2009. The countries that took action were AT, DE, FR, IE, IT, NL, SE, UK.

In late 2018, ECHA sent a new batch of 119 cases where registrant conducted a higher-tier vertebrate test without having sought a prior regulatory decision from ECHA approving their testing strategy. For these 119 studies found, breach of Article 10(a)(ix) or 22(1)(h) may exist of REACH. The cases were aggregated into "REACH duty holder and data owner are inside the EU", "Data owner outside the EU but has relationship to lead registrant" and "Data owner outside the EU and no apparent relation with the lead registrant". The latter cases were not investigated. By the time of the meeting, 6 of them were concluded and 77 remained under investigation. In 14 cases, no action was taken and 22 were pending a response. The countries that reported actions taken were AT, BR, DE, IE, IT, NL, SE, UK. In some Member States, the inspectors do more an investigative work, checking the substance classification and the information in the registration dossier, and did not identify any major issue so far.

At least in 32 of the investigated cases, the REACH enforcement authorities have liaised with authorities responsible for enforcing Directive 2010/63/EU.

There was only one case where the breach has expired beyond the possibility of enforcement was due to the fact that the study in question was conducted in 2010 and the case was relayed to the NEA in 2018. The challenges of investigating such cases were related to fact that enforcement can often be enacted on legal entities that actually conduct the tests. In many cases, these laboratories that conducted the test are located outside the EU, making enforcement impossible. Often, action on companies who commission the study is only possible under national law, but like with laboratories, in some cases, also the commissioners of the study are entities located outside the EU.

The information ECHA provides with the case are found sufficient, indicating the duty holders involved, laboratories involved and highlighting what is the suspected breach. ECHA has provided all information relevant for the case that was available from the registration dossiers.

There was much information on enforcement activities already made available publically. At Forum level, reports of every project were available in Forum's website. National activities were reported to COM, who then publishes the data collected from Member States fulfilling the obligation stated in Article 117 of REACH. As regards specifically to the information on enforcement of duties to use animal testing as a last resort, the Forum takes note on the need to be transparent about its actions to generate trust that investigations are undertaken. In one of future Forum meetings in 2020, the Forum may discuss the scope and form of information about these cases that could become public.

Replying to a question of the presenter, the DE Forum member informed that it might be possible that national law could be revised as a consequence of the COM's reasoned opinion to Germany regarding shortcomings in their enactment of EU rules on the protection of animals used for scientific purposes (Directive 2010/63/EU). This was a national issue that would not be addressed by the Forum.

## **Item OS 5 – Updates from the Forum**

### **OS 5.1 Update on the scope of REF projects**

The chair of the Forum WG 'Prioritisation of REF projects' presented the results of the prioritisation exercise of 2019, where the new project REF-9 was selected and focuses on authorisation. The prioritisation exercise also recommended undertaking a pilot project on the bridging principles for classification provisions applicable to cleaning/detergent products. The Forum would decide on the timeline for the project in the next Forum meeting.

The stakeholders were invited to submit new or re-submit old project proposals for assessment in the 2020 prioritisation cycle, for which the deadline for submissions is 24 April 2020. If not taken individually, the proposal could be complemented by others to define the scope of the next REF project.

### **OS 5.2 Forum's finalised projects during 2019<sup>9</sup>**

The WG chairs summarised the results of the two projects finalised during 2019, namely the project REF-6 and the pilot projects on substances in articles.

The project **REF-6** investigated and enforced a variety of legal provisions in CLP, the most relevant stipulated in Articles 4, 37, 17, 29 and 35 of CLP, Article 31 of REACH and Articles 17 and 69 of BPR, with a special focus on classification and labelling of mixtures. The inspections were done during 2018 and the report was being finalised (publication expected in ECHA's website in December 2019).

The WG chair presented the main results of the project, where 29 countries participated, 1620 companies and 3391 mixtures were investigated. In general, it was found 17% of the mixtures were non-compliance with the classification obligation, while 33% had incorrect labelling. Overall, 44% of the mixtures were found non-compliant corresponding to 45% of non-compliant companies.

The WG chair presented the WG's recommendations to Industry, which consisted in putting more effort in deriving the right classification of the mixtures and in improving the quality of the SDS and communicating it down the supply chain. This will prevent dissemination of incorrect information in the SDS and on the label.

The WG chair of the **pilot project on Substances in Articles (SiA)** presented the main results and conclusions of the project, where 15 Member States participated, investigating in total 405 companies and 682 articles. The inspections were done during 2018 and the report was being finalised (following publication in ECHA's website in November 2019).

There was no non-compliance identified in relation to the notification obligation (REACH Article 7(2)). 12% of the articles investigated contained candidate list substances. In such cases, 88% of the companies failed to communicate the safe use information down the supply chain, breaching Article 33(1). It was found that when candidate list substances were found in concentrations above 0,1 % w/w, it was common that the companies did not fulfil the communication obligations.

An important finding of the project was that it was identified an information gap in the communication throughout the supply chains. The WG chair presented the recommendations to Industry to address this concern, which included taking a closer look at the communication duties in relation to candidate list substances, raise awareness of this issue and actively question the suppliers and chose the ones that could provide more information.

---

<sup>9</sup> The reports of the Forum projects can be found in the Forum's webpage:  
<https://echa.europa.eu/about-us/who-we-are/enforcement-forum/forum-enforcement-projects>

### **Item OS 6 - Actions taken by COM to improve the involvement of customs in REACH enforcement**

The COM informed the meeting on the actions put in place to enhance the cooperation of REACH and customs inspectors, from a legal framework to joint projects and shared practices between other sectors.

Currently, COM was exploring the way to introduce the REACH requirements into the custom's procedures. Since 1 October 2019, the REACH Annex XIV substances were included in the TARIC<sup>10</sup> database used by the customs, which allowed better identification of authorised chemicals entering the country and thus triggering further REACH controls. A similar practice will be done by the end of 2019 for restricted substances in REACH Annex XVII. The presenter added that, so far, only substances were included in the TARIC database but more work on how to tackle articles and mixtures will be developed in the future.

DG TAXUD was working on a "single window" project, that would allow any company willing to export any good to Europe, to provide one time only, in an electronic form, all the required information for customs and for other legislative obligations, (*e.g.* registration number, authorisation number) for EU cross-border circulation of the good. In case of non-compliant goods, the customs have procedures in place to deal with such situations. For the set-up of the "single window", it could be explored the use or link of information with ECHA's IT systems.

COM would continue working on improving the legislation and further integrating REACH in the customs' activities.

### **Item OS 7 – Conclusions and actions points from the open session**

The participants agreed on the [action points](#) for the meeting.

The Chair thanked all participants and closed the open session.

---

<sup>10</sup> Integrated Tariff of the European customs Union

## II. MAIN CONCLUSIONS & ACTION POINTS - Forum-34

4-7 November 2019

(Adopted at the Forum-34 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
<b>Item 1- Welcome and introduction</b>		
1.2 Adoption of the Agenda	Agenda was adopted.	
<b>Item 2 – Forum’s activities related to POPs</b>		
	The list of actions of the Forum related to the POPs Regulation was agreed.	<b>Forum-S</b> will include the agreed list of actions related to POPs Regulation and their respective triggers in the minutes of Forum-34
<b>Item 3 – Forum’s enforcement activities</b>		
3.1 Prioritisation of REF projects	Forum agreed that the REF-9 project will focus on Authorisation.	<b>Forum-s</b> will share the COM document with the Forum members regarding the working plans for the authorisation decisions by 15 November <b>Forum members</b> are invited to submit new project proposals for REF-10 by 24 April 2020 (old proposals will not be considered unless re-submitted)
3.1.1 WG progress report		
3.1.2 WG Mandate amendment		
<b>3.2 MS reporting</b> 3.2.1 WG progress report		<b>DE Forum member</b> is invited to send the comments in writing regarding the definition of control and non-compliance as well as the question on resources directly to the COM by 15 November
3.2.2 Mandate amendment	The Forum revised the mandate of the WG.	
<b>3.3 Interlinks</b> 3.3.1 WG progress report		<b>Forum-s</b> will send the revised version of Appendix 3 on dossier evaluation by 12 November
3.3.2 Mandate amendment	The Forum revised the mandate of the WG.	<b>Forum members</b> are invited to nominate additional WG members by 29 November

<p><b>3.4 Enforceability of Restrictions</b> 3.4.1 WG progress report</p>	<p>Forum agreed to restart the work on the following tasks:          - Task 3 – revision of the Compendium          - Task 5 – elaboration of Registry of Concerns          - Task 6 – assessment of newly adopted Annex XVII restrictions</p> <p>Forum agreed to start discussing the revisions of the process for providing advice on enforceability of restrictions in 2020.</p>	<p><b>Forum-S</b> will liaise with the WG restrictions and ECHA communications unit to discuss making the call for new analytical methods more prominent on the ECHA website by 29 November.</p> <p><b>WG restrictions</b> is invited to consider how to involve the customs laboratories in the update of the compendium of analytical methods.</p>
<p>3.4.2 Mandate amendment</p>	<p>The Forum revised the mandate</p>	<p><b>Forum members</b> are invited to submit names of new members by 29 November</p> <p><b>Forum members</b> are invited to liaise with the members of WG's sub-group of Analytical methods and inform the Forum about their availability by 29 November</p>
<p><b>3.5 Third pilot project on authorisation</b> 3.5.1 WG progress report</p>		
<p>3.5.2 Mandate amendment</p>	<p>The Forum closed the mandate of the WG</p>	
<p><b>3.6 REF-7</b> 3.6.1 WG progress report</p>		<p><b>Forum members</b> are invited to liaise with the national coordinators to ensure that results are submitted in by end of March 2020</p>
<p>3.6.2 Mandate amendment</p>	<p>The Forum revised the mandate</p>	
<p><b>3.7 Customs 2</b> 3.7.1 WG progress report</p>		
<p>3.7.2 Mandate amendment</p>	<p>The Forum revised the mandate</p>	
<p><b>3.8 Implementation of Interact portal</b> 3.8.1 WG progress report</p>		
<p>3.8.2 Update on ECHA IT tools</p>		<p><b>Forum members</b> willing to bring questions or suggestions to the operation of the tool can contact Forum-S after the tool is released.</p>

		<b>Forum members</b> are invited to inform Forum-s about any changes in WG composition and contact details to ensure that access of WG members is maintained
3.8.3 Mandate amendment	The Forum revised the mandate of the WG.	
<b>Item 4 – Preparation for the open session</b>		
<b>Item 6 – Debriefing from the open session</b>		
		<b>Forum-S</b> and the Chairs will discuss the ways to improve the format of the open session, considering the feedback from ASOs received on the WG on Joint action on SDS quality for Forum-36
<b>Item 7 – Forum’s enforcement activities</b>		
<b>7.1 Training for enforcement trainers 2019</b>  7.1.1 WG final report		
7.7.2 Mandate closure	The Forum closed the mandate of the WG.	
<b>7.2 Survey on OSH-REACH enforcement interactions</b>  7.2.1 WG final report		
7.2.2 Mandate closure	The Forum agreed to close mandate of the WG after the outputs are finalised.	
<b>7.3 Pilot project Substances in Articles</b>  7.3.1 WG final report	The project report was adopted by the Forum.	<b>Forum-s</b> will inform the Forum and the COM about publishing information materials about the project - preferably in advance or latest at the time of publication.  <b>Forum-s</b> will propose practices for developing communication products related to Forum outputs at the Forum-35.
7.3.2 WG closure	Forum closed the WG on condition of delivering the final outputs.	

Item 8 - Forum's enforcement activities – Upcoming projects		
<p><b>8.1 REF-9</b></p> <p>WG set-up</p>	<p>The Forum established the WG to prepare conduct and report from the REF-9 project.</p>	<p><b>WG REF-9</b> is invited to consider and propose the duration of the reporting period and recommend them to the Forum at Forum-35.</p> <p><b>Forum members</b> to consider becoming a Member of the WG or nominate experts by 29 November 2019.</p> <p><b>WG REF-9</b> is invited to recommend substances to be in scope of the project considering the findings of WG pilot project Authorisation 3 and the proposal from ECHA. The recommendation will be delivered at the Forum-35.</p>
<p><b>8.2 Training for enforcement trainers 2020</b></p> <p>WG set-up</p>	<p>The Forum agreed that the training for trainers in 2020 will focus on Authorisation and interactions between REACH and OSH legislations</p>	<p><b>Forum members</b> are invited to consider becoming a Member of the WG and/or to propose experts who could contribute to the success of the training by 29 November 2019.</p> <p><b>Forum members</b> are invited to propose specific content of the agreed priority topic by the Forum by 29 November 2019</p> <p><b>Forum members</b> are invited to suggest possible training material suitable for the adopted topic by 14 February 2020</p>
<p><b>8.3 Pilot project on recovered substances</b></p>	<p>The Forum established a Task Force to prepare, execute and report from the project.</p>	
Item 9 – Practical issues for enforcement of REACH and CLP		
<p>21.2 Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?</p>		<p><b>Forum-s</b> initiate a written for consultation on the issue by 15 November</p> <p><b>Forum members</b> are invited to comment on the draft conclusion by 29 November</p>
<p>FIREWORKS practical issue</p>		
<p>33.1 Questions on restriction 47</p>	<p>The Forum adopted the conclusion of this practical issue.</p>	<p><b>Forum-S</b> will include the agreed conclusion in the Supplement of the MOC and send it for editorial comments by 15 November.</p>

		<b>Forum members</b> are invited to comment on the draft conclusion by 29 November
34.1 How are the provisions of child-resistant fastenings (CRF) under CLP being enforced by Member States for 'disposable electronic cigarettes' classified and labelled as 'toxic if swallowed' when they also require to be 'child and tamper proof' under the Tobacco Products Directive (TPD)		<p><b>Forum-s</b> will initiate a written consultation on the issue by 15 November</p> <p><b>Forum members</b> are invited to liaise with the authorities responsible for the Tobacco Products Directive and provide feedback on the draft conclusion by 10 January 2020</p> <p><b>COM</b> is invited to consult the COM services responsible for the Tobacco Product Directive and provide feedback whether compliance with the CRF requirements under the CLP would constitute compliance with the child-proofing requirements under the TPD by 10 January 2020</p>
34.2 Requirements of entry 27 (1b) Annex XVII REACH		
<b>Item 10 – Enforcement of ghost ORs - revocation after incompliance and bankruptcy</b>		
		<p><b>Forum members</b> are invited to provide written feedback on the process proposed for <u>Revocation for non-existent ORs</u> considering the auxiliary questions by 6 December 2019</p> <p><b>Forum member</b> are invited to provide written feedback on the process proposed for <u>revocation for non-compliant dossiers</u> considering the auxiliary questions by 6 December 2019</p>
<b>Item 11 – Potential enforcement of REACH Article 11</b>		
		<b>Forum member</b> are invited to provide written feedback on the process proposed by 6 December 2019
<b>Item 12 – Enforcement projects in Member States</b>		
12.1 The Italian initiative to support the control of hazardous substances in tattoo inks		<b>FI Forum member</b> is invited to send in the information on the results of the controls related to tattoo inks.

12.2 Outcome of the Norwegian court case on dichloromethane paint strippers		
<b>Item 14 – Update on relevant developments by the Commission</b>		
	<p>The Forum agreed to nominate the NL and BE Forum members and the DE invited expert to the AfA task force.</p>	<p><b>COM</b> will share the draft revision of Annex VI of REACH with the Forum by 8 November</p> <p><b>Forum members</b> will submit their feedback on this the addition of information on OR to Annex VI to Forum-s by 6 December</p> <p><b>Forum-s</b> will compile the feedback and consider whether a joint position can be achieved by 13 December.</p> <p><b>Forum-s</b> will organise another consultation of the Forum in January 2020, if needed.</p> <p><b>Forum members</b> are invited to liaise with the MSCAs and ensure that response is given to COM’s question on the NEA access to information from Annex VIII of CLP</p> <p><b>Forum representatives</b> involved in the AfA Task Force are invited to liaise with the WG REF-9</p> <p><b>COM</b> will send the latest version of the draft restriction on diisocyanates and request feedback on the requirement for Member State reporting. COM will do so by 8 November</p> <p><b>Forum members</b> will submit their feedback on this requirement to the Forum-s by 15 November</p> <p><b>Forum-s</b> will compile the feedback and provide it to the COM by 18 November.</p>
<b>Item 15 – Market Surveillance and Compliance Regulation</b>		
15.1 Introduction of the European Product Compliance Network		<p><b>Forum-S</b> will share the presentation with the BPRS by 8 November.</p>
15.2 Cooperation between the Network and the Forum	<p>The Forum agreed that the Chair will represent it in the European Product Compliance Network. The</p>	

	Forum mandated the members from AT and HU to act as back-ups.	
<b>Item 16 – Updates from the ECHA Secretariat</b>		
16.1 Update on the ruling by the ECJ on the authorisation case T-837/16 on lead chromates		<b>COM and Forum-s</b> will update the Forum on the progress of the court case as soon as there are developments relevant for the enforcement authorities.
16.2 Follow-up of ECHA Decisions: updates from ECHA		
<b>Item 17 – Updates from the ECHA Forum Secretariat</b>		
17.1 Updated Rules of procedure		
17.2 Nominations for Forum Chairs: Election in Forum-35		<p><b>Forum members</b> are invited to nominate the next Forum’s Chair and Vice Chairs by 14 February 2020.</p> <p><b>Forum-s</b> to contact the nominees and confirm whether they will accept to be a candidate. The candidates will be invited to join the pre-meeting of Forum-35.</p>
<b>Item 18 –Updates from other networks</b>		
Updates from SLIC-CHEMEX		
<b>Item 19 – Debriefing of the meeting with ECHA Directors – REACH/CLP/PIC/POP issues</b>		
<b>Item 20 – Debriefing of the Forum Chair’s presentation at the Management Board meeting - REACH/CLP/PIC/POP issues</b>		
		<b>Forum-s and Chair</b> will consult the Chair’s presentation with the Forum in advance of the next exchange with the Management Board.
<b>Item 21–AOB</b>		

**JOINT SESSION**

<b>Item JS1 - Welcome</b>		
	The agenda of the joint session was adopted.	
<b>Item JS2 - Updates on the cooperation between Forum and BPR Subgroup</b>		
Reports from Forum and BPRS Chairs		
<b>Item JS3 - Debriefing of the Forum Chair's presentation at the Management Board meeting</b>		
		<b>Forum-s and Chair</b> will consult the Chair's presentation with the Forum/BPRS in advance of the next exchange with the Management Board.
<b>Item JS4 - Debriefing of the meeting with ECHA Directors</b>		
<b>Item JS5 – Joint enforcement projects</b>		
<b>JS 5.1 REF-6</b> JS 5.1.1 WG final report		<b>Forum-s</b> will discuss with WG REF-6 and consider the optimal way of handling the cases of potential non-compliance on harmonised classification prepared by ECHA.
JS 5.1.2 Mandate closure	The WG mandate was closed on condition of the report being adopted and the hints and tips being finalised.	
<b>JS 5.2 REF-8</b> JS 5.2.1 WG progress report		
JS 5.2.2 Mandate amendment	The mandate of the WG was revised.	
<b>JS 5.3 Member States reporting</b> JS 5.3.1 WG progress report		
JS 5.3.2 Mandate amendment	The mandate of the WG was revised.	
<b>Item JS6 - Demonstration of the Interact portal collaboration module</b>		
		<b>WG Interact/WG Interact-BPR</b> will contribute to the preparation of the WebEx training session on Interact on 3 December  <b>Forum-s</b> will send an invitation to the 3 December WebEx Training on

		interact to the Forum, BPRS and WG members by 19 November
<b>Item JS7 - AOB</b>		

**OPEN SESSION**

<b>Agenda point</b>	<b>Conclusions / decisions / minority opinions</b>	<b>Action requested after the meeting</b>
<b>Item OS 1 – Welcome and Introduction to the OPEN SESSION</b>		
<b>Item OS 2 – Opening address by ECHA’s Director of Prioritisation and Integration</b>		
<b>Item OS 3 – Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs</b>		
OS 3.1.1 Final report of the WG on Joint initiative on improvement of the quality of SDS		
OS 3.1.2 European Automobile Manufacturers Association (ACEA) - Guidelines used in automotive sector for SDS and EUPhraC catalogue		<p><b>Forum members</b> are invited to volunteer to participate in the EUPhraC group meetings by <b>end of January 2020</b></p> <p><b>Forum members</b> to comment on the standard phrases of the EUPhraC catalogue relevant for sections 7 and 8 of the SDS by the end of January 2020</p> <p><b>WG SDS</b> is invited to collect the feedback and send it to ACEA representative, inviting the EUPhraC group to take this feedback into consideration when amending the relevant phrases</p>
OS 3.2 Mandate amendment and closing of the WG	The mandate closed on the condition that the agreed follow-up actions are implemented.	
<b>Item OS 4 – Discussion topics proposed by ASOs</b>		
OS 4.1 AeroSpace and Defence Industries Association of Europe		

<p>- Support for companies facing REACH-induced Supply Chain Disruption</p>		
<p>OS 4.2 Downstream Users of Chemicals Coordination Group (DUCC) - Industry Guidance at a Glance: Raising awareness of CLP obligations in the supply chain</p>		<p><b>Forum members</b> are welcome to individually submit comments to the DUCC materials by 26 November 2019</p> <p><b>DUCC</b> will liaise with the Forum-S to provide the latest versions of the materials to be published on the open session website.</p>
<p>OS 4.3 EURATEX - Level playing field for consumer safety in textile products</p>		<p><b>Forum members</b> willing to join a EURATEX meeting in Zurich on 7-8 April 2020 are invited to inform the EURATEX representative.</p>
<p>OS 4.4 European Environmental Bureau (EEB) &amp; BUND - No data, no market?</p>		
<p>OS 4.5 FuelsEurope - Maintaining REACH registrations up-to-date: The petroleum industry's approach</p>		
<p>OS 4.6 Cefic - Cefic's REACH Dossier Improvement Action Plan</p>		
<p>OS 4.7 Eurometaux - Self-classifications: Of no value without enforcement</p>		
<p>OS 4.8 PlasticsEurope - Enforceability of Restrictions in the absence of analytical methods</p>		
<p>OS 4.9 Humane Society International - New approach methodologies (NAMs) for Improved Chemical &amp; Product Safety Assessment -</p>		

40 (77)  
 Public  
 27 February 2020

An Education & Training Opportunity		
OS 4.10 PETA International Consortium - Ensuring enforcement of Articles 13(1) and 25(1) of REACH		
<b>Item OS 5 – Updates from the Forum</b>		
OS 5.1 Update on the scope of REF projects		<p><b>ASOs</b> are invited to submit proposals for REF enforcement projects by 24 April 2020</p> <p><b>Forum-S</b> will send a reminder in January 2020.</p>
OS 5.2 Forum’s projects to be finalised during 2019		
<b>Item OS 6 – Actions taken by COM to improve the involvement of customs in REACH enforcement</b>		

### III. List of Attendees

#### Forum members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	CUYPERS Paul
3	BG	ZIDAROVA Elena
4	CY	ORPHANOU Maria
5	CZ	JAROLÍM Oldřich
6	DE	VOM HOFE Katja
7	DK	SCHARFF Ida
8	EE	LINNO Annemari
9	EL	FOUFA Eleni
10	FI	MÄKI Markus
11	FR	RASOOLY Emilie
12	IE	LOWE Majella
13	IS	BRAGASON Isak
14	IT	POLCI Maria Letizia
15	LT	ŠPURIENĖ Otilija
16	LU	ENGELS Kim
17	LV	NEIMANE Jana
18	NL	VAN DEN BERG Jos
19	NO	HAGEN Gro
20	PL	MOCZULAK Aleksandra
21	PT	BRAVO Graca
22	RO	MIJA Maria
23	SE	HEDLUND Henrik
24	SI	HAJRLAHOVIC-MEHIC Semira
25	SK	POČAROVSKÁ Miriam

#### Invited experts

	Country	Name
1	AT	WURM Gernot
2	BG	TCHOBANOVA Elena
3	CZ	MUSIL Petr
4	DE	WURSTHORN Sibylle
5	DK	MIKKELSEN Sonja
6	EE	PROMET Natali
7	ES	ZAMORA NAVAS Laura
8	FI	MAKI Markus
9	FR	DE SAINT JORES Jeremy
10	LT	UZOMECKAS Žilvinas
11	LV	DIMPERE Inna
12	NO	SULEIMAN Abdulqadir
13	PL	WAŚIK Romualda
14	PT	CENTENICO Ana Isabel
15	SE	RUMAR Karin

42 (77)  
Public  
27 February 2020

	Country	Name
16	SK	HAJNALA Róbert

#### Advisers

	Country	Name
1	BE	LEYNEN Michel
2	DE	FRENZEL Stefan
3	DK	THESTRUP JENSEN Maria
4	FI	OLLIKKA Jussi
5	FI	KUMPULAINEN Minna

#### European Commission representatives

	DG	Name
1	GROW	AGUADO-MONSONET Miguel
2	ENV	MAURER Helmut

	ECHA	Unit
1	ANNYS Erwin	Support and Enforcement
2	BARANSKI Maciej	Support and Enforcement
3	CALVO TOLEDO Juan Pablo	Support and Enforcement
4	FRONTINI Ales	Support and Enforcement
5	MATEUS Tania	Support and Enforcement
6	NIKULA Terhi	Support and Enforcement
7	TŁOCZEK Magdalena	Support and Enforcement
8	TUOMAINEN Anita	Support and Enforcement
9	CORNU Catherine	Data availability
10	De BRUIJN Jack	Director of Prioritisation and integration
11	BROERE William	Legal Affairs Unit

#### Additional participants in the Joint Session

#### BPRS members

	Country	Name
1	BE	DE VOS Helmut
2	BG	HRISTOVA Viktoriya
3	CH	BUERGY Heribert
4	CY	GAVRIEL Alexandros
5	DE	SCHROETER Meike
6	DK	HANSEN Lise Bach
7	EL	GKILPATHI Dimitra
8	ES	VAZQUEZ Margarita
9	FI	KARNANI Päivi
10	HU	NEMET Balázs
11	IE	WHELAN Michelle
12	IT	RAVAIOLI Francesca
13	LT	HAKAITE Palmira
14	NL	BRAAM Marianne
15	NO	SKJARGARD Cathrine
16	RO	CIRLAN Cristiana

	Country	Name
17	SE	KARLSSON Jenny

#### BPRS Invited experts

	Country	Name
1	PT	DIAS Mariana

#### Accredited Stakeholders Organisation representatives

	Organisation	Name
1	ASD	GEORGE Steve
2	CEFIC	DE BARROS Mariana Fernandes
3	DUCC	BYRNE Dominic
4	EEB	ROMANO Dolores
5	EURATEX	DRMAČ Dunja
6	EURATEX	SCALIA Mauro
7	Eurometaux	SALES Jaime
8	FuelsEurope	CLAES Inneke
9	Humana Society International	CERIANI Lidia
10	PETA International Science Consortium.	BAINES Julia
11	PlasticsEurope	WEILANDT Karl

#### Instrument for Pre-Accession Assistance (IPA) representatives

	Country	Name
1	Serbia	BOSILJCIC Dragana
2	Serbia	KOVACEVIC Tanja
3	Turkey	DINCEL Aysun
4	Turkey	KUMCU Okan
5	Kosovo	MALSIU Muhamet
6	Kosovo	HYSENI Mustaf
7	Bosnia & Herzegovina	BOJANIC Marina
8	B&H	MIJIC-DMITRASEVIC Biljana
9	N.Macedonia	BAJRAMI Rabi
10	N.Macedonia	JONUZI Sefedin
11	Albania	KOLA Vilma
12	Albania	AGALLIU Rovena

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

ANNEX 1. Final agenda Forum-34

ANNEX 2. Revision of mandates of Forum WGs

ANNEX 2 a – “Prioritisation of REF projects”

ANNEX 2 b – “MS Reporting”

ANNEX 2 c – “Interlinks”

ANNEX 2 d – “Enforceability of restrictions”

ANNEX 2 e – “3<sup>rd</sup> pilot on Authorisation”

ANNEX 2 f – “REF-7 on Registration”

ANNEX 2 g – “Customs 2”

ANNEX 2 h – “Implementation of Interact for NEAs”

ANNEX 2 i - “Training for Enforcement Trainers 2019”

ANNEX 2 j - “REACH-OSH interactions”

ANNEX 2 k – “Pilot project on substances in article”

ANNEX 2 l – “REF-9 on Authorisation”

ANNEX 2 m – “Training for Enforcement Trainers 2020”

ANNEX 2 n – “Pilot Project on recovered substances”

ANNEX 2 o - “REF-6 on CLP”

ANNEX 2 p - “REF-8 on Online sales”

ANNEX 2 q – “Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs”

ANNEX 3. Glossary of acronyms and abbreviations

**Annex 1 – Final agenda Forum-34**

4 November 2019  
ECHA/Forum-34/2019/A

**Thirty fourth meeting of the  
Forum for Exchange of Information on Enforcement  
(Forum-34)  
4-7 November 2019  
European Chemicals Agency  
Helsinki, Finland  
Monday, 4 November: starts at 15:00  
Thursday, 7 November: ends at 15:30**

**CLOSED SESSION** Day 1, Monday 4 November 2019

**Item 1 – Welcome and Introduction** 15:00-15:15

- 1.1 Opening by the Chair of the Forum – *Chair*
- 1.2 Adoption of the Agenda – *Chair*
- 1.3 Declarations of conflict of interest with regard to agenda items – *Chair*
- 1.4 State of play with action points from Forum-33 – *ECHA Forum Secretariat*
- 1.5 Report of the written procedures and other issues between Forum-33 and Forum-34 – *Chair*

ECHA/Forum-34/2019/dA  
ECHA/Forum-34/2019/1.4  
ECHA/Forum-34/2019/1.5

***For adoption  
For information***

**Item 2 – Forum’s activities related to POPs** 15:15-15:45

ECHA/Forum-34/2019/2

***For discussion***

**Item 3 – Forum’s enforcement activities** 15:45-16:45

- 3.1 *Prioritisation of REF projects (60’)*
  - 3.1.1 *WG progress report - WG Chair*
  - 3.1.2 *Mandate amendment - ECHA Forum Secretariat*

ECHA/Forum-34/2019/3.1.1  
ECHA/Forum-34/2019/3.1.1\_AnnexII  
ECHA/Forum-34/2019/3\_Draft\_mandates

***For discussion  
For adoption***

**Item 4 – Preparation for the open session** 16:45-17:45

Discussion of the topics to be addressed in the open session

ECHA/Forum-34/2019/4\_room\_doc

***For discussion***

**Item 5– Adoption of conclusions from day 1**

17:45-18:00

*For adoption*

**Day 2, Tuesday 5 November 2019**

**OPEN SESSION (OS)**

**Item OS 1 – Welcome and Introduction to the OPEN SESSION**

09:00-09:10

Welcome to the Stakeholders – *Forum Chair*

*For information*

**Item OS 2 – Opening address by ECHA's Director of Prioritisation and Integration**

09:10-09:20

*For information*

**Item OS 3 – Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs**

09:20-10:15

OS 3.1.1 Final report of the WG on Joint initiative on improvement of the quality of SDS – *WG Chair*

OS 3.1.2 European Automobile Manufacturers Association (ACEA) - Guidelines used in automotive sector for SDS and EUPhraC catalogue – *Anita Hillmer*

OS 3.2 Mandate amendment and closing of the WG - *ECHA Forum Secretariat*

ECHA/Forum-34/2019/OS3.1  
ECHA/Forum-34/2019/Draft\_mandates

*For discussion*  
*For adoption*

**Item OS 4 – Discussion topics proposed by ASOs**

10:15-16:00

OS 4.1 AeroSpace and Defence Industries Association of Europe - *Support for companies facing REACH-induced Supply Chain Disruption (30')* - Steve George

**Coffee break 10:45-11:15**

OS 4.2 Downstream Users of Chemicals Coordination Group (DUCC) - *Industry Guidance at a Glance: Raising awareness of CLP obligations in the supply chain (25')* – Dominic Byrne

OS 4.3 EURATEX - *Level playing field for consumer safety in textile products (25')* – Mauro Scalia

OS 4.4 European Environmental Bureau (EEB) & BUND - *No data, no market? (50')* - Dolores Romano

OS 4.5 FuelsEurope - *Maintaining REACH registrations up-to-date: The petroleum industry's approach (15')* – Inneke Claes

**Lunch break 13:10-14:10**

- OS 4.6 Cefic - *Cefic's REACH Dossier Improvement Action Plan* (30') - Mariana Fernandes de Barros
- OS 4.7 Eurometaux - *Self-classifications: Of no value without enforcement* (25') - Jaime Sales
- OS 4.8 PlasticsEurope - *Enforceability of Restrictions in the absence of analytical methods* (25') - Karl Weilandt
- OS 4.9 Humane Society International - *New approach methodologies (NAMs) for Improved Chemical & Product Safety Assessment – An Education & Training Opportunity* (20') - Lidia Ceriani
- OS 4.10 PETA International Consortium - *Ensuring enforcement of Articles 13(1) and 25(1) of REACH* (20') - Julia Baines

ECHA/Forum-34/2019/OS4.2\_room\_doc  
ECHA/Forum-34/2019/OS4.4  
ECHA/Forum-34/2019/OS4.9\_1  
ECHA/Forum-34/2019/OS4.9\_2

***For information  
For discussion***

**Coffee break 16:10-16:40**

**Item OS 5 – Updates from the Forum**

*16:40-17:25*

- OS 5.1 Update on the scope of REF projects (15') – *Chair of WG Prioritisation*
- OS 5.2 Forum's projects to be finalised during 2019 (30')
- *REF-6 – WG Chair*
  - *Pilot Project on Substances in Articles - WG Chair*

***For information***

**Item OS 6 – Actions taken by COM to improve the involvement of customs in REACH enforcement**

*17:25-17:50*

***For information***

**Item OS 7 – Conclusions and actions points from the open session**

*17:50-18:00*

***For adoption***

**Item OS 8 – End of the open session**

*18:00*

48 (77)

Public

27 February 2020

**CLOSED SESSION** Day 3, Wednesday 6 November 2019

**Item 6 – Debriefing from the open session**

09:00-09:15

*For discussion*

**Item 3 – Forum's enforcement activities (Continuation from Day 1)**

09:15-11:55

*3.2 Member States reporting (20')*

3.2.1 WG progress report – *WG Chair*

3.2.2 Mandate amendment- *ECHA Forum Secretariat*

*3.3 Interlinks (30')*

3.3.1 WG progress report – *WG Chair*

3.3.2 Mandate amendment- *ECHA Forum Secretariat*

*3.4 Enforceability of Restrictions (30')*

3.4.1 WG progress report - *WG Chair*

3.4.2 Mandate amendment - *ECHA Forum Secretariat*

*3.5 Third pilot project on authorisation (15')*

3.5.1 WG progress report - *WG Chair*

3.5.2 Mandate amendment - *ECHA Forum Secretariat*

*3.6 REACH-EN-FORCE-7 on Registration (10')*

3.6.1 WG progress report - *WG Chair*

3.6.2 Mandate amendment - *ECHA Forum Secretariat*

**Coffee break 11:00-11:30**

*3.7 Customs 2 (10')*

3.7.1 WG progress report – *WG Chair*

3.7.2 Mandate amendment- *ECHA Forum Secretariat*

*3.8 Implementation of Interact portal (15')*

3.8.1 WG progress report – *WG Chair*

3.8.2 Update on ECHA IT tools - *ECHA Forum Secretariat*

3.8.3 Mandate amendment - *ECHA Forum Secretariat*

ECHA/Forum-34/2019/3.2.1\_room\_doc

ECHA/Forum-34/2019/3.3.1

ECHA/Forum-34/2019/3.4.1

ECHA/Forum-34/2019/3.5.1

ECHA/Forum-34/2019/3.6.1

ECHA/Forum-34/2019/3.7.1

ECHA/Forum-34/2019/3.8.1

ECHA/Forum-34/2019/Draft\_mandates

*For information*

*For discussion*

*For adoption*

<b>Item 7 – Forum’s enforcement activities - Projects under finalisation</b>	<i>11:55-13:10</i>
--	--------------------

7.1 *Training for enforcement trainers 2019 (20')*7.1.1 *WG final report - WG Chair*7.1.2 *Mandate closure - ECHA Forum Secretariat*7.2 *Survey on OSH-REACH enforcement interactions (30')*7.2.1 *WG final report - WG Chair*7.2.2 *Mandate closure - ECHA Forum Secretariat*7.3 *Pilot project on substances in articles (25')*7.3.1 *Project report - WG Chair*7.3.2 *Mandate closure - ECHA Forum Secretariat*

ECHA/Forum-34/2019/7.1.1

ECHA/Forum-34/2019/7.1.1\_AnnexI

ECHA/Forum-34/2019/7.2.1

ECHA/Forum-34/2019/7.3.1

ECHA/Forum-34/2019/7.3.1\_AnnexI

ECHA/Forum-34/2019/7.3.1\_AnnexII\_room\_doc

ECHA/Forum-34/2019/Draft\_mandates

***For information******For adoption*****Lunch break 13:10 - 14:10**

<b>Item 8 – Forum’s enforcement activities – Upcoming projects</b>	<i>14:10-14:45</i>
--	--------------------

8.1 *REACH-EN-FORCE 9 (10')*WG set-up - *ECHA Forum Secretariat*8.2 *Training for enforcement trainers 2020 (15')*WG set-up - *ECHA Forum Secretariat*8.3 *Pilot project on recovered substances (10')*WG set-up - *ECHA Forum Secretariat*

ECHA/Forum-34/2019/Draft\_mandates

***For adoption***

<b>Item 9 – Practical issues for enforcement of REACH and CLP</b>	<i>14:45-15:45</i>
---	--------------------

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

ECHA/Forum-34/2019/9

ECHA/Forum-34/2019/9\_room\_doc

***For discussion*****Coffee break 15:45-16:15**

50 (77)  
Public  
27 February 2020

<b>Item 10 – Enforcement of ghost ORs - revocation after non-compliance and bankruptcy</b>	16:15-16:45
--	-------------

ECHA/Forum-34/2019/10

*For discussion*

<b>Item 11 – Potential enforcement of REACH Article 11</b>	16:45-17:25
--	-------------

ECHA/Forum-34/2019/11

*For discussion*

<b>Item 12 – Enforcement projects in Member States</b>	17:25-18:05
--	-------------

12.1 The Italian initiative to support the control of hazardous substances in tattoo inks – *IT Forum alternate*

12.2 Outcome of the Norwegian court case on dichloromethane paint strippers – *NO Forum alternate*

*For information*

<b>Item 13 – Adoption of conclusions from day 3</b>	18:05-18:20
---	-------------

*For adoption*

**CLOSED SESSION** Day 4, Thursday 7 November 2019

<b>Item 14 – Update on relevant developments by the Commission</b>	09:00-9:40
--	------------

14.1 General updates by the European Commission

ECHA/Forum-34/2019/14.1

*For information*

<b>Item 15 – Market Surveillance and Compliance Regulation</b>	09:40-10:40
--	-------------

15.1 Introduction of the European Product Compliance Network (40') – *DG GROW*

15.2 Cooperation between the Network and the Forum (20') – *Chair*

*For information*  
*For discussion*

**Coffee break 10:40-11:10**

**Item 16 – Updates from the ECHA Secretariat** 11:10-11:30

16.1 Update on the ruling by the ECJ on the authorisation case T-837/16 on lead chromates (15')

16.2 Follow-up of ECHA Decisions: updates from ECHA (5')

ECHA/Forum-34/2019/16.2  
ECHA/Forum-34/2019/16.2\_Annex

*For information*  
*For information*

**Item 17 – Updates from the ECHA Forum Secretariat** 11:30-11:40

17.1 Updated Rules of procedure (5')

17.2 Nominations for Forum Chairs: Election in Forum-35 (5')

*For information*

**Item 18 – Updates from other networks** 11:40-11:45

Updates from SLIC-CHEMEX (5')

ECHA/Forum-34/2019/18\_room\_doc

*For information*

**Item 19 – Debriefing of the meeting with ECHA Directors – REACH/CLP/PIC/POP issues** 11:45-12:00

*For information*

**Item 20 – Debriefing of the Forum Chair's presentation at the Management Board meeting - REACH/CLP/PIC/POP issues** 12:00-12:05

*For information*

**Item 21 – A.O.B.** 12:05-12:20

*For information*

**Item 22 – Adoption of conclusions from day 4 – End of Forum session** 12:20-12:30

*For adoption*

**Lunch break 12:30 - 13:30**

**FORUM-BPRS JOINT SESSION (JS)**

**Item JS 1 – Welcome** 13:30-13:35

Welcome to BPRS members and to the joint session – *Forum Chair*

*For information*

52 (77)  
Public  
27 February 2020

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

Reports from Forum and BPRS Chairs

*For information*

<b>Item JS 3 – Debriefing of the Forum Chair's presentation at the Management Board meeting</b>	<i>13:50-13:55</i>
---	--------------------

*For information*

<b>Item JS 4 – Debriefing of the meeting with ECHA Directors</b>	<i>13:55-14:05</i>
--	--------------------

*For information*

<b>Item JS 5 – Joint enforcement projects</b>	<i>14:05-14:45</i>
---	--------------------

JS 5.1 *REACH-EN-FORCE-6 on CLP (20')*  
JS 5.1.1 WG final report - *WG Chair*  
JS 5.1.2 Mandate closure - *ECHA Forum Secretariat*

JS 5.2 *REACH-EN-FORCE-8 on on-line sale (10')*  
JS 5.2.1 WG progress report - *WG Chair*  
JS 5.2.2 Mandate amendment - *ECHA Forum Secretariat*

JS 5.3 *Member States reporting (10')*  
JS 5.3.1 WG progress report – *WG Chair*  
JS 5.3.2 Mandate amendment- *ECHA Forum Secretariat*

ECHA/Forum-34\_BPRS-9/2019/JS5.1  
ECHA/Forum-34\_BPRS-9/2019/JS5.2  
ECHA/Forum-34\_BPRS-9/2019/JS5.3\_room\_doc  
ECHA/Forum-34/2019/Draft\_mandates

*For information*  
*For adoption*

<b>Item JS 6 – Demonstration of the Interact portal collaboration module</b>	<i>14:45-15:15</i>
--	--------------------

*For information*

<b>Item JS 7– AOB</b>	<i>15:15-15:20</i>
-----------------------	--------------------

*For information*

<b>Item JS 8– Adoption of conclusions from the joint session</b>	<i>15:20-15:30</i>
--	--------------------

*For adoption*

<b>Item JS 9– End of the joint session</b>	<i>15:30</i>
--	--------------

**Coffee available (continue demonstration of Interact in the lobby)**  
[Forum-34 ends]

## **Annex 2 a “Prioritisation of REF Projects”**

### **Forum Working Group** Work Package A.1 **“Prioritisation of REF Projects”** (Mandate adopted at Forum-34)

#### **Composition:**

**Chair:** Oldrich JAROLIM (CZ) – rotating Chair

#### **Vice Chair(s):**

#### **Forum Members/Alternates**

- Maria Letizia POLCI (IT)
- Paul CUYPERS (BE)
- Abdulqadir SULEIMAN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)

#### **Invited Experts**

- Tamas KOVACS (HU)
- Laura WILMS (DE)
- Rui CABRITA (PT)

#### **ECHA**

- Juan Pablo CALVO TOLEDO

#### **Objective:**

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

#### **Mandate:**

According to the working procedure for the prioritisation and selection of REF projects, the WG shall:

1. Review annually a list of proposals for REF projects submitted by Forum members, ECHA Secretariat, the Commission and the Stakeholder Organisations accredited by ECHA (ASOs);
2. Prioritise the subjects by applying Forum’s methodology for the prioritisation, selection and management of REF projects
3. Draft a recommendation proposing the subject for the next REF project
4. Elaborate and update a registry of legal obligations subject to previous enforcement projects.
5. Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.
6. In addition, the WG will revise, when needed, the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum.

The WG will operate from Forum-31 (November 2018) until the end of 2023 (end of the Forum MAWP 2019 – 2023). The mandate of the WG can be renewed to operate after this period.

#### **Timelines:**

- The basic timeframes are regulated by the Forum Methodology on Prioritisation and Selection of Project Proposals and the working procedure for the prioritisation and selection of harmonised enforcement projects coordinated by the Forum
- Shortlist of subjects for REF-10 by Forum-37.

54 (77)  
Public  
27 February 2020

**Annex 2 b “MS reporting”**

**Forum Working Group  
“Member States reporting”**  
(Mandate adopted at Forum-34 and BPRS-9)

**Composition:**

- **Chair:** Sinead MCMICKAN (IE)

**Forum Members/Alternates**

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

**BPRS Members/Alternates**

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

**Invited Experts**

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

**Commission**

- Ligia NEGULICI (DG SANTE)

**ECHA**

- Maciej BARAŃSKI
- Aleš FRONTINI

**Objectives:**

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

**Tasks:**

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

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

## **Annex 2 c “Interlinks”**

### **Forum Working Group “Interlinks” (Mandate adopted at Forum-34)**

#### **Composition:**

**Chair:** Katja VOM HOFE (DE)

#### **Forum Members/Alternates**

- Otilija SPURIENE (LT)

#### **Invited Experts**

- Stefanie WITZKE (DE)
- Linnea KANNING (SE)
- Louise CONWAY (IE)

#### **Commission**

-

#### **ECHA**

- Maciej BARAŃSKI
- Aleš FRONTINI

#### **Objectives:**

- Review the interlinks processes and adapt them to expected challenges

#### **Tasks:**

1. Review and revise the interlinks guide adapting the processes described there to the current needs, considering the experience from past years and expected changes in policy and practice
2. Liaise with ECHA Secretariat on interlinks and consider the enforcement related actions in the Joint Evaluation Action Plan 2027
3. Liaise with other WGs to consider reporting needs related to interlinks process, if the WG considers it appropriate
4. Comment on Interact portal requirements related to the functionalities for interlinks

**Timeline:** Forum-36 (June 2020)

**Forum Working Group**  
Work Package B12  
**“Enforceability of restrictions”**  
(Mandate adopted at Forum-34)

**Composition:**

**Chair:** Maria Letizia POLCI (IT) – rotating Chair

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

**Forum Members/Alternates**

- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)

**Invited Experts (advisory process)**

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

**Invited Experts ad-hoc (advisory process):**

- Karin RUMAR (SE)
- Tara HORIGAN (IE)
- Zilvinas UZOMECKAS (LT)
- Emilie RASOOLY (FR)
- Annemari LINNO (EE)

**Invited experts (analytical methods)**

- Werner ALTKOFER (DE)
- Kevin PITCHFORD (UK) (TBC)
- Carolina FERRANTI (IT)
- Julia GONZALEZ GUTIERREZ (ES)
- Durk SCHAKEL (NL)
- Aristotelis PAPAGEORGIOU (EL)
- Andromachi KATSONOURI (CY)

**European Commission**

- Patricia HUALDE GRASA (DG GROW)
- Giuseppina LUVARÀ (DG ENV)

**ECHA**

- Juan Pablo CALVO TOLEDO
- Augusto DI BASTIANO

**Mandate:**

### **Advisory process**

1. According to the working procedure for developing the Forum advice on enforceability of the Annex XV proposals for restrictions adopted by the Forum, the WG shall:
  - a) Prepare a draft Forum advice on the enforceability of Annex XV proposals for restrictions that are in conformity with the REACH requirements, taking into account the comments of the Forum members. This draft Forum advice will be submitted to the Forum for adoption.
  - b) Provide support when possible on enforcement related issues to RAC and SEAC during the process of the elaboration of the RAC and SEAC opinions.
2. Consider to provide an advice to the Commission on restriction proposals prepared by the Commission regarding Article 68 (2) when invited to do so by the Commission.

### **Analytical methods**

3. Review in 2020 the information on analytical methods provided by the stakeholders, Commission and by the Member States during 2016/2017/2018/2019/2020 and revise if needed the methodology and the compendium by F-37 (Q4 2020).
4. Provide advice to the Commission on the development of standard methods when invited to do so by the Commission.

### **Other**

5. Propose to the Forum, in cooperation with ECHA Secretariat, a "Registry of concerns on restrictions" highlighting the potential issues identified by National Enforcement Authorities during the enforcement of REACH Annex XVII restrictions and a proposal for solutions.
6. Assess the enforceability of newly adopted Annex XVII restrictions.
7. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.

### **Timeline:**

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- Review Compendium of analytical methods: F-37
- First proposal of the "Registry of concerns": F-37
- Assessment of the enforceability of relevant new Annex XVII restrictions: F-37
- 30 November 2020, reporting at each plenary meeting

**Annex 2 e “3rd pilot project on authorisation”**

**Forum Working Group**  
Work Package A.1  
**“Third Forum Pilot Project on Authorisation”**  
(Mandate closed at Forum-34)

**Composition:**

**Chair:** Jos VAN DEN BERG (NL)

**Forum Members/Alternates**

- Eugen ANWANDER (AT)
- Paul CUYPER (BE)
- Majella LOWE (IE)
- Emilie RASOOLY (FR)
- Žilvinas UŽOMECKAS (LT)

**Invited Experts**

- Lina DUNAUSKIENĖ (LT)
- Lisa EKSTIG (SE)
- Elvera BREEDLAND (NL)
- Pirjo KORHONEN (FI)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)

**SLIC-CHEMEX**

- Monique WAEGEMAEKERS

**ECHA**

- Magdalena TŁOCZEK
- Aleš FRONTINI

**Objectives:**

- Coordinate and manage the preparatory, operational and reporting phases of the Forum third pilot project on authorisation aimed at building enforcement experience and practices involved in controlling authorization related obligations.

**Mandate:**

1. Develop the project manual and necessary materials for the execution of the Forum third pilot project on authorisation related to the presence of chromium VI compounds and other substances subject to authorisation on the market
2. Prepare and deliver the training for the national coordinators
3. Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
4. Supply the national coordinators with up-to-date versions of project documents
5. Collect and compile results from the national coordinators
6. Prepare final project report and present it to the Forum plenary
7. prepare proposal to the Forum about the feasibility of timelines and substances to be included in scope taking into account the authorisation decisions issued by the end 2019

**Tentative timeline:**

- Preparatory phase – March 2018 – 30 June 2020
- Operational phase - 1 July – 31 December 2020

- Reporting phase – 1 January – 30 June 2021

**Forum Working Group**  
Work Package A.1  
**"Coordinated enforcement project REACH-EN-FORCE-7"**  
(Mandate adopted at Forum-34)

**Composition:**

**Chair:** Paul CUYPERS (BE)

**Forum Members and Alternates**

- Michael FAGERLUND (DK)
- Emilie RASOOLY (FR)
- Abdulqadir SULEIMAN (NO)
- Jos VAN DEN BERG (NL)

**Invited Experts**

- Rui CABRITA (PT)
- Angelika HOOPS (DE)
- Tamas KOVACS (HU)
- Barbro SILLREN (SE)

**ECHA**

- Magdalena TŁOCZEK
- Aleš FRONTINI
- Catherine CORNU (A4)
- Augusto DI BASTIANO (D3)
- Istvan MAK (A4)

**Objective:**

- conceive and manage the seventh major Forum enforcement project REF-7 'Enforcement of Registration obligations after the last registration deadline in cooperation with customs authorities including the verification of the strictly control conditions applicable to the substances registered as intermediates'.

**Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Consider the inclusion of an optional module on the registration of monomers in polymers within the project
3. Discuss with ECHA Secretariat possibilities for preliminary screening of the registration dossiers and identification of some cases where there is concern
4. Prepare and deliver the training for project national coordinators
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

**Timeline:**

- Project manual: Q4 2018
- Prepare and deliver the training for project national coordinators: Q4 2018
- Operational phase: 2019
- Reporting phase (National Coordinators): Q1 2020
- Evaluation phase: Q3 2020
- Draft report: Q4 2020
- Adoption of the report: Q4 2020
- Tips and hints for inspectors: Q1 2021

## **Annex 2 g “Customs 2”**

### **Forum Working Group “Cooperation with Customs 2” (Mandate adopted at Forum-34)**

#### **Composition:**

**Chair:** Maria ORPHANOU (CY)

#### **Forum Members/Alternates**

- Eleni FOUFA (EL)
- Annemari LINNO (EE) (NEA)

#### **Invited Experts**

- Alfred EBNET (DE) (Customs)
- Ricardo FERREIRA MARMELO (PT) (Customs)
- Paivi SIMPANEN (FI) (Customs)
- Efsthios THEOCHAROUS (CY) (NEA)
- Sibylle WURSTHORN (DE) (NEA)

#### **Commission**

- Miguel AGUADO (DG GROW)
- Christophe ROELAND (DG GROW)

#### **ECHA**

- Maciej BARAŃSKI
- Aleš FRONTINI
- Magdalena TŁOCZEK

#### **Objectives:**

- Prepare, execute and report from joint pilot project with the Customs related to enforcement of REACH and CLP.

#### **Mandate:**

1. Prepare, oversee and report from a pilot project testing the cooperation with customs authorities, in cooperation with the PARCS network. The WG will test the questionnaire by inviting the three members of the WG to test the questionnaire with their National Coordinators.
2. Examine the draft market surveillance regulation to see whether it affects the cooperation with customs as defined by the Working Group.

#### **Timeline:**

- Task 1:
  - Preparatory phase April 2018 – February 2019
  - Operational phase: March 2019 – November 2019
  - Reporting phase: December 2019 – July 2020
- Task 2: Q4 2018-Q1 2019

62 (77)  
Public  
27 February 2020

**Annex 2 h “Interact portal”**

**Forum Working Group  
“Implementation of Interact NEA”  
(Mandate adopted at Forum-34)**

**Composition:**

**Chair:** Eugen ANWANDER (AT)

**Forum Members/Alternates**

- Eleni FOUFA (EL)
- Elena ZIDAROVA (BG)
- Jussi OLLIKKA (FI)

**Invited Experts**

- Juergen SCHMID (DE)
- Maria Jose FALCAO (PT)
- Robert GERHAT (HU)

**ECHA**

- Aleš FRONTINI
- Anita TUOMAINEN

**Objective:**

- Support the implementation of the Interact NEA allowing inspectors access to data submitted to ECHA

**Mandate:**

1. Provide input during further development and implementation of Interact NEA
2. Verify that the UAT conditions are implemented with and follow up the implementation of the WG improvement requests
3. Collaborate with the WG Interlinks about the interlinks functionalities in the Interact Portal

**Timeline:**

- Forum-35 (Q1 2020)

**Annex 2 i “Forum Train the trainers 2019”**

**Forum Working Group**  
Work Package C.2.  
**“Training for enforcement trainers 2019”**  
(Mandate closed at Forum-34)

**Composition:**

**Chair:** Henrik HEDLUND (SE)

**Forum Members/Alternates**

- Eugen ANWANDER (AT)
- Gro HAGEN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Martin MARKO (CZ)
- Aleksandra MOCZULAK (PL)
- Mike POTTS (UK)
- Otilija SPURIENE (LT)
- Maria Letizia POLCI (IT)
- Maria PALEOMILITOU (CY)

**Invited Experts**

- Shelley COLLINS (UK)
- Uwe LICHT-KLAGGE (DE)
- Hayley KEATING (UK)
- Frida RAMSTROM (SE)
- Cathrine SKJÆRGÅRD (NO)

**Commission**

- TBC

**ECHA**

- Magdalena TŁOCZEK

**Objective:**

- Prepare and deliver the training for trainers on the enforcement of REACH CLP and PIC in the fourth quarter of 2019.

**Mandate:**

1. Examine the training subjects relevant for enforcement in the fourth quarter of 2019 and prepare the priority topics for agreement before Forum-31
2. Specify as early as possible the envisaged level of the content of the training
3. Cooperate with the WG REF-8
4. Cooperate with BPRS Training 2019 on the methodology part of the training
5. Prepare materials necessary for the training such as presentations or documents
6. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
7. Collect, summarise and evaluate the recommendations and reactions of participants

**Timeline:**

- Before Forum-31: conclude on list of subjects and prioritisation
- Forum-34: final report

64 (77)

Public

27 February 2020

**Annex 2 j “Survey on OSH-REACH enforcement interactions”**

**Forum Working Group**  
**“Survey on OSH-REACH enforcement interactions”**  
(Mandate conditionally closed at Forum-34)

**Composition:**

**Chair:** Sinead MCMICKAN (IE)

**Forum/BPRS Members/Alternates**

- Katja VOM HOFE (DE)
- Abdulqadir SULEIMAN (NO)

**Invited Experts**

- Teresa ALMEIDA (PT) – OSH
- Elvera BREEDLAND (NL)
- Nikoletta MAROSVOLGYI (HU)
- Tom O’SULLIVAN (IE) – OSH
- Tuija VÄHÄNEN (FI)
- Monique WAEGEMAEKERS (NL)

**Commission**

- Miriam GUTIERREZ-MEDINA (DG GROW)

**SLIC-CHEMEX**

- Monique WAEGEMAEKERS

**ECHA**

- Maciej BARAŃSKI
- Magdalena TŁOCZEK
- Aleš FRONTINI
- Andreas AHRENS (B4)
- Andrew MURRAY (B4)
- Fesil MUSHTAQ (B4)

**Objectives:**

Prepare and process a survey on interactions in OHS and REACH enforcement

**Mandate:**

1. Prepare, send and process the results of a survey to Forum members on existing interactions in OHS and REACH enforcement to allow the Forum to support and respond to Action 12(2) recommended in the REACH Review 2017

**Timeline:**

- December 2019

**Annex 2 k "SiA"**

**Forum Working Group  
"Pilot project Substances in Articles"  
(Mandate conditionally closed at Forum-34)**

**Composition:**

**Chair:** Karin RUMAR (SE)

**Forum Members/Alternates**

- Maria Letizia POLCI (IT)
- Eugen ANWANDER (AT)

**Invited Experts**

- Ingvild KVIEN (NO)
- Sibylle WURSTHORN (DE)
- Juergen SCHMID (DE)
- Susana BARBOSA ANDRADE (PT)
- Nikoletta MAROSVÖLGYI (HU)
- Mervi ASSMAN (FI)

**Commission**

-

**ECHA**

- Juan Pablo CALVO TOLEDO
- Aleš FRONTINI
- Telmo VIEIRA PRAZERES (B4)

**Objectives:**

- conceive and manage the pilot project on substances in articles

**Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Prepare and deliver the training for project national coordinators
3. Management of the Operational phase
4. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
5. Draft practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors)

**Timeline:**

- Project manual: Q3 2017
- Prepare and deliver the training for project national coordinators: Q3 2017
- Operational phase: 1 October 2017 – 31 December 2018
- Reporting phase (National Coordinators): 28 February 2019
- Draft report: 31 May 2019
- Adoption and publication of the report: 31 December 2019
- Adoption of the practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors): Q1 2020

**Forum Working Group**  
Work Package A.1  
**"Coordinated enforcement project REACH-EN-FORCE-9"**  
(Mandate created at Forum-34)

**Composition:**

**Chair:** Jos VAN DEN BERG (NL)

**Forum Members and Alternates**

- Eugen ANWANDER (AT)
- Paul CUYPERS (BE)
- Majella LOWE (IE)
- Emilie RASOOLY (FR)
- 

**Invited Experts**

- Elvera BREEDLAND (NL)
- Lina DUNAUSKIENE (LT)
- Lisa EKSTIG (SE)
- Maria José FALCÃO (PT)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)
- FI (OSH)

**COM**

**SLIC CHEMEX**

- Monique WAEGEMAEKERS (NL) (TBC)

**ECHA**

- Magdalena TŁOCZEK
- Aleš FRONTINI

**Objective:**

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

**Mandate:**

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

**Timeline:**

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 2021
- Reporting phase (National Coordinators): Q1 2022
- Evaluation phase: Q3 2022
- Draft report: Q4 2022

- Adoption of the report: Q4 2022
- Tips and hints for inspectors: Q1 2023

**Forum Working Group**  
**Work Package C.2.**  
**“Training for enforcement trainers 2020”**  
(Mandate created at Forum-34)

**Composition:**

**Chair:** Henrik HEDLUND (SE)

**Forum Members/Alternates**

- Gro HAGEN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Ida Lundstein SCHARFF (DK)
- Otilija ŠPURIENĖ (LT)

**Invited Experts**

- Teresa ALMEIDA (PT)
- Uwe LICHT-KLAGGE (DE)

**Commission**

-

**ECHA**

- Magdalena TŁOCZEK

**Objective:**

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

**Mandate:**

1. Specify as early as possible the envisaged level of the content of the training
2. Prepare materials necessary for the training such as presentations or documents
3. Liaise with the WG REF-9
4. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

**Timeline:**

- Forum-38: final report

## **Annex 2 n “Pilot on recovered substances”**

### **Forum Working Group “Pilot project on recovered substances exempted from REACH registration”**

(Mandate created at Forum-34)

#### **Composition:**

**Chair:** Oldrich JAROLIM (CZ)

#### **Forum Members and Alternates**

- Paul Cuypers (BE)
- Ida SCHARFF (DK)
- Almudena OVEJAS ZAPATA (ES)

#### **Invited Experts**

- Maria Thestrup JENSEN (DK)
- DE (?)
- Peter HELLEMA (NL)
- Frank PEEN (NL)
- Antonio LEITAO (PT)

#### **COM**

- Gert ROEBBEN (DG GROW)

#### **ECHA**

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

#### **Objective:**

- conceive and manage the pilot project on the exemption of REACH registration obligation in the waste recycling sector. The project would target the recycling sector and focus on the recovered substances fulfilling the end-of-waste status, which become secondary raw materials.

#### **Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Prepare and deliver the training for project national coordinators
3. Management of the Operational phase
4. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
5. Draft practical enforcement guidance for inspectors (tips and hints for inspectors)

#### **Tentative timeline:**

- Project manual: Q2 2020
- Prepare and deliver the training for project national coordinators: Q2 2020
- Operational phase: 1 July 2020 – 31 December 2020
- Reporting phase (National Coordinators): 28 February 2021
- Draft report: 30 April 2021

70 (77)

Public

27 February 2020

- Adoption and publication of the report: 30 June 2021
- Adoption of the practical enforcement guidance for substances in articles for inspectors (tips and hints for inspectors): Q3 2021

**Annex 2 o "REF-6"**

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

**Composition:**

**Chair:** Henrik HEDLUND (SE)

**Forum Members and Alternates**

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

**Invited Experts**

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

**BPRS Members and Experts**

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

**ECHA**

- Outi TUNNELA (B4)
- Aleš FRONTINI
- Anita TUOMAINEN

**Objective:**

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

**Mandate:**

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

**Timeline:**

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

72 (77)

Public

27 February 2020

- Draft report: Q4 2019
- Adoption of the report: Q4 2019
- Tips and hints for inspectors: Q1 2020

**Annex 2 p "REF-8"**

**Forum Working Group**  
Work Package A.1  
**"Coordinated enforcement project REACH-EN-FORCE-8"**  
(Mandate adopted at Forum-34 and BPRS-9)

**Composition:**

**Chair:** Karin RUMAR (SE)

**Forum Members and Alternates**

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

**Invited Experts**

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

**BPRS Members and Experts**

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

**COM**

**ECHA**

- Tania MATEUS
- Aleš FRONTINI
- Nicola TECCE

**Objective:**

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

**Mandate:**

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

74 (77)  
Public  
27 February 2020

**Timeline:**

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

## **Annex 2 q “Joint actions SDS”**

### **Forum Working Group “Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs” (Mandate closed at Forum-34)**

#### **Composition:**

**Chair:** Henrik HEDLUND (SE)

#### **Forum Members/Alternates**

- Sinead MCMICKAN (IE)
- Oldrich JAROLIM (CZ)
- Bernice FARRUGIA (MT)
- Abdulqadir SULEIMAN (NO)
- Zilvinas UZOMECKAS (LT)
- Mirjam VAN DER MEER (NL)

#### **Invited Experts**

- Fatima ARMAGAN (DK)
- Tarja KARLEMO (FI)
- Filipe VITORINO (PT)
- Laura ABEL (DE)
- Angelo TRAVAGLIA (IT)

#### **Commission**

- Miguel AGUADO MONSONET (DG GROW)
- Gert ROEBBEN (DG GROW)

#### **ECHA**

- Juan Pablo CALVO TOLEDO
- Fesil MUSHTAQ (B4)
- Aleš FRONTINI

#### **ECHA Accredited Stakeholder Organisations**

- ACEA
- AISE
- ASD
- CEEMET
- CEFIC
- CEM BUREAU
- CEPE
- Cerame-Unie
- CONCAWE
- ECEAE
- DUCC
- ECOPA
- ECPA
- EEB
- ETUC
- EURATEX
- EUROFER
- EUROMETAUX
- FECC
- Fertilizers Europe
- Orgalime
- ORO

**MS volunteering to share deficiencies experiences with SDSs**

76 (77)

Public

27 February 2020

- HU, CY, IT, IE, DK, CZ, DE, NO, SE, UK, NL, MT, PT, AT, FI, EE, LT

**Objectives:**

Identify the common deficiencies found in the SDSs and propose solutions for improvement and encourage ECHA ASOs to implement the solutions and monitoring the progress.

**Mandate:**

1. Define the detailed scope of the joint action
2. Prepare an action plan including such actions as:
  - a. The collection of data on deficient SDSs
  - b. Identify the topics that require priority actions
  - c. The analysis of the data and the identification of reasons for the deficiencies
  - d. The identification of potential solutions
  - e. The implementation by the ECHA ASOs of the solutions
  - f. The monitoring of the progress with the improvements
3. Oversee the implementation of the joint action  
Oversee the reporting from the joint action and identification of solutions during the open sessions 2018/2019

**Tentative Timeline:**

- Draft scope and action plan: October 2017
- Adoption of the action plan: December 2017
- Implementation of the action plan:
  - o Data collection : May 2018 – September 2018
  - o Analysis of the data and identification of potential solutions– September 2018 – February 2019
  - o Presentation of the preliminary outcomes in the open session of Forum-31 (November 2018)
  - o Presentation of the final outcomes of the main deficiencies with SDS at Forum-32
  - o Presentation of the final outcomes to the ECHA Accredited Stakeholders and elaboration of list of actions to improve SDS (F-32 – F-34)
  - o Presentation of the list of actions to improve SDS (open session Forum-34)
- Monitoring of results during open sessions
  - o 2019 onwards: Implementation of the solutions proposed in the action plan by ASOs
  - o 2019 onwards: ASOs report on actions taken during annual open sessions of the Forum meetings
- Closure of the mandate (F-34: November 2019)

### **Annex 3- Glossary of acronyms and abbreviations**

ADCO: Administrative Cooperation Groups  
AMS: Accreditation and Market Surveillance regulation  
ASO: ECHA's Accredited Stakeholder Organisations  
BPR: Biocidal Product Regulation  
C&L: Classification and Labelling  
CARACAL: MSCA Committee for REACH and CLP  
C&L: Classification and labelling of chemical substances and mixtures  
CEN: European Committee for Standardization  
CLH: Harmonised classification and labelling of chemical substances and mixtures  
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures  
COM: European Commission  
DEV: Dossier Evaluation  
DG: Directorate General at Commission  
DU: Downstream Users  
ECHA: European Chemicals Agency  
ECJ: European Court of Justice  
ENES: Exchange Network on Exposure Scenarios  
ES: Exposure Scenario  
EU: European Union  
ICSMS: Information and Communication System for Market Surveillance  
MSCA: Member State Competent Authority  
NEAs: National Enforcement Authorities  
OC: Operational conditions  
OEL: occupational exposure limits  
OSH: Occupational Safety and Health  
PARCS: Prohibitions and Restrictions Customs Controls Strategy (Expert Group on Customs Action to protect Health, Cultural Heritage, the Environment and Nature)  
POP: Persistent and Organic Pollutants  
RAC: Committee for Risk Assessment  
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  
RMM: Risk Management Measure  
SDS: Safety Data Sheet  
SEAC: Committee for Socio-economic Analysis  
SME: Small and Medium Sized Enterprises  
SVHC: Substance of very high concern  
WG: Working Group of the Forum