

The Forum BPR Subgroup BPRS

Forum-31 / BPRS-6 open session

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Agenda Item 3.2

Eugen Anwander

ECHA Enforcement Forum BPR Subgroup
Chemicals Inspection
Vorarlberg State Service, Austria

The Forum BPR Subgroup

- EU coordination of the enforcement of the biocidal product regulation
- ECHA Enforcement FORUM BPR Subgroup “BPRS”
- Enforcement priorities of the BPRS
- Electronic rapid information exchange

EU coordination for enforcement of biocides

Long history of coordinated enforcement

- **CLEEN** (Chemical legislation European enforcement network) since 1995
- **4 CLEEN coordinated enforcement projects** on biocidal products (BP) and treated articles (TA) since 2005
- *Since 2016:* COM working group on biocidal enforcement coordination "**BEG**" (three meetings of NEA, COM and ECHA)
- *Since 2017:* ECHA Enforcement Forum **Subgroup on BPR**

The ECHA Enforcement Forum BPR Subgroup

The **BPR SG** was established as a **body of ECHA** in March 2017 based on Art 76(1)(I) of the BPR

The Secretariat of the Agency shall undertake the following tasks:

...

(I) providing support and assistance to Member States with regard to control and enforcement activities

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ECHA and enforcement tasks:

- Enforcement is in the sole **competence of the Member States** → Art 65(2) of the BPR
- Art 65(2) of the BPR: *“Member States shall make the necessary arrangements for **official controls** to be carried out in order to **enforce compliance** with this Regulation”*
- **One body of ECHA** is dealing with enforcement issues:
“Forum for Exchange of Information on Enforcement”
(Art 76(f) of the REACH Regulation)

The ECHA Enforcement Forum BPR Subgroup

ECHA and enforcement tasks:

- Member States, COM and ECHA decided in 2016 to establish a coordination of MS's BPR enforcement in ECHA **using the structure and synergies of Forum**
- While the ECHA Forum is to "*...coordinate a network of Member States authorities responsible for enforcement*" the detailed **tasks** of the Forum are provided **in Art 77(4) of REACH**

Activities of the ECHA Forum BPRS

Tasks of the BPRS:

- **Enforcement projects** and joint inspections
- Spreading **good practice**
- **Exchange of inspectors**
- Enforcement **strategies, best practices**
- **Working methods and tools** for inspectors
- **Electronic information exchange**
- **Liaising with stakeholders**

The ECHA Enforcement Forum BPR Subgroup

The ECHA Forum BPR Subgroup BPRS:

- BPRS was **established** as a body of ECHA in **March 2017** based on Art 76(1)(I) of the BPR
- Coordination of BPR enforcement in 32 **EU- and EEA-countries plus CH**
- Tight **link with ECHA REACH/CLP Forum** coordinating Member State enforcement of REACH, CLP and PIC (export)
- National Enforcement Authorities in **50% of MS cover REACH, CLP and BPR under one umbrella**

Enforcement Priorities of the BPRS

- The **first priority** of the BPRS is to coordinate **enforcement projects** on BPR issues in the MSs
- The first coordinated **enforcement project started in 2018** on **CLP - classification and on CLP/BPR - labelling of mixtures including BP** (in cooperation with the REACH/CLP **Forum project "REF-6"**)

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Enforcement Project 2018 on Biocidal Products

Activities under the REF-6 enforcement project:

- **All Member States** are participating
- **Inspections** will continue until end of **2018**
- Project content very much **related to the routine enforcement activities of MS inspectors** since many years
- **Public project report** available in **2019**

Enforcement Project 2019 on Treated Articles

BPRS decided for an enforcement project in 2019 on Treated Articles ("BEF-1"):

- **Obligations** on Treated Articles are **new** since 9/2013 (BPR)
- **Need for MS-MS cooperation:** BPR makes the person placing a TA on the market (for the first time) mainly responsible for the compliance of a TA
- Enforcement of TA duties will aim at **covering the full supply chain** (also duty holders making TA available on the market)
- **Broad participation** by most of the MSs

Enforcement Project 2019 on Treated Articles

Schedule for the enforcement project on Treated Articles
("BEF-1"):

- Project preparation during 2018 (scope, manual, questionnaire, inspector's training event of ECHA)
- **Inspections** in participating Member States in **2019**
- **Public Report** available in **2020**

Enforcement Project 2020 on Internet Sales

Cooperation between BPRS and REACH/CLP Forum:

- Proposal for a **joint BPRS & REACH/CLP Forum enforcement project**: jointly prepare and conduct an enforcement project on internet sales
- Do activities jointly **under the umbrella of Forum's REF-8** on internet sales
- **Field inspections** on internet sales in **2020**

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- **Electronic Rapid Information Exchange**

Electronic Information Exchange

Enforcement authorities' need for an information exchange

- Availability / use of **illicit biocidal products** may have a broad impact (public health, food chain, environment, ...)
- The **internal market for biocidal products** comprises 32 countries (EU/EEA/CH)
- experience with **example case fipronil in eggs** in 2017
 - **illicit biocidal products** constitute the source for fipronil food contamination
 - illicit biocidal products containing the active substance fipronil were used in poultry stables

Electronic Information Exchange

Enforcement authorities' need for an information exchange

- **Rapid Alert System for Food and Feed** RASFF not suitable; does not link BPR authorities
- 2018: NEA in 32 countries agreed on **common electronic information exchange system for BP** alerts:
 - a NEA **focal point in each country** for receiving alerts on illicit BP in the market
 - electronic information exchange is **based on existing tool ICSMS** (information and communication system for market surveillance)

Conclusions

- The BPRS is now alive for 1 ½ years and has reached a “cruising altitude”
- **Two enforcement project activities** of the BPRS are being conducted in 2018/2019 covering labelling of Biocidal Products (including CLP) and compliance of Treated Articles
- NEAs have a (rapid) **information exchange established**
- In **2018** the BPRS’ **interaction with stakeholders has commenced** with today’s open plenary session
→ *Also the BPRS is looking forward to the mutual benefit of the common liason !*

Thank you for your attention

Eugen Anwander

ECHA Enforcement Forum BPR Subgroup
Chemicals Inspection, Vorarlberg State Service, Austria
eugen.anwander@vorarlberg.at