

Forum Working Procedure for the Elaboration of Forum advice and Support to RAC and SEAC on Enforceability of Annex XV Restriction Proposals

October 2015
Version 1.0



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Working procedure for the elaboration of Forum advice and support to RAC and SEAC on enforceability of Annex XV restriction proposals

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1. Introduction

This procedure of the forum describes:

1. The main steps to provide a forum advice on enforceability based on the examination of an annex xv report proposing a restriction proposal.
2. The support given by the forum wg enforceability of restrictions to rac and seac during the opinion development process.
3. How the forum nominates the forum rapporteurs in charge of drafting the advice of the forum.

2. Purpose

This working procedure describes how the Forum for Exchange of Information on Enforcement (“the Forum”) develops advice on the enforceability of Annex XV proposals for restrictions according to article 77(4)(h) of REACH.

This is to ensure:

- that the dossiers are handled in a consistent way;
- that all the relevant documents are made available to persons concerned in a timely manner;
- that execution of agreed actions is done properly within given timelines.

This working procedure is intended to ensure that the Forum fulfils its task to the highest possible standard according to the ERGA (Enforceability of Restrictions – Guide on Advice drafting).

3. Scope

This working procedure starts when the Annex XV restriction dossier is submitted to ECHA and the Forum starts the development of the advice on enforceability on the suggested restriction. This working procedure ends when the opinion of SEAC is adopted.

4. Description

Step	1. Nomination of the Forum rapporteur and organisation of the work of the WG and the Forum This process starts with the submission of a new Annex XV dossier and ends when the dossier is published on ECHA's website for public consultation	Responsibility/ Role
1	The Forum Secretariat notifies to the WG members and to the Forum Chairs the submission of a new Annex XV dossier proposing a restriction and invites the WG members to express their interest to be the Forum rapporteurs for this dossier	Forum-S
2	The Forum Secretariat makes available the Annex XV report to the Forum members and to the WG members	Forum-S
3	The members of the WG indicate their interest to be the Forum rapporteurs for this dossier	WG members
4	The Forum Chair in cooperation with the Chair of the WG nominates the Forum rapporteur amongst the members of the WG who expressed the interest to become the rapporteurs for the dossier. This process is concluded within the four weeks following the notification of submission of a new Annex XV dossier.	Forum Chair
5	In case that no member of the WG expresses an interest to be the Forum rapporteur, the Forum Secretariat indicates this situation to the Forum Chairmen.	Forum-S
6	The Forum Chair in cooperation with the Forum members makes a proposal on how to take forward the dossier. Possible solutions can be assessed: <ul style="list-style-type: none"> • Put on hold the nomination of the Forum rapporteur until the conformity of the proposal is concluded in the Committees; • Discuss with the WG; • Discuss in a Forum meeting if this fits well • Organise a call for expressions of interest within the Forum with the view to appoint an expert for the dossier • Exceptionally and in the case where the dossier is of high relevance for enforcement, the Forum Secretariat on request of the Forum could elaborate the advice when it is not possible to nominate a rapporteur for the dossier. • Decide on the non-examination of the Annex XV proposal. This decision including the justification is communicated by the Forum Secretariat to RAC and SEAC Secretariats. The Working Procedure is terminated. 	Forum Chair

Step	1. Nomination of the Forum rapporteur and organisation of the work of the WG and the Forum This process starts with the submission of a new Annex XV dossier and ends when the dossier is published on ECHA's website for public consultation	Responsibility/ Role
7	The Forum Secretariat prepares, together with the Forum rapporteur the planning for the activity of the WG. The WG activity plan is made available to the Forum and to the WG. For the activity plan the following guidelines are followed: <ul style="list-style-type: none"> • The timelines for the Forum members to comment on the Annex XV reports, on the 1st version of the draft Forum advice and on the draft Forum advice submitted for adoption should not be shorter than 14 working days (taking good account of public holidays and Forum meetings) • The objective for the Forum is to deliver the Forum advice to RAC and SEAC as early as possible after the publication of the Annex XV report on ECHA's website and no later than 12 weeks after its publication. • The planning for the dossier is elaborated taking into account the number of dossiers initiated at the same time, the availability of the Forum rapporteur and the period of the year (Christmas holidays, Forum meetings,...) 	Forum-S

Step	2. Consultation of the Forum and the WG on the Annex XV report proposing a restriction. This process starts with the submission of an Annex XV report to the Forum when the dossier is published for public consultation and ends with the submission of comments by Forum and WG members as indicated in the planning of the Forum for this dossier	Responsibility/ Role
8	The Forum Secretariat informs the Forum on the outcome of the conformity check of the Annex XV proposal for restriction and invites the Forum members and the members from the WG to provide comments on the enforceability of the restriction proposal to the Forum rapporteur.	Forum-S
9	The Forum members and the WG members provide comments on the Annex XV report by sending the comments using the template for comments foreseen in the ERGA.	Forum and WG members

Step	3. Elaboration of the Forum advice This process starts with the compilation of comments provided by the Forum and WG members and ends with the elaboration of the draft advice of the Forum	Responsibility/ Role
10	The Forum Secretariat compiles all the comments and provides these comments to the Forum rapporteur. The Forum Secretariat invites the Forum rapporteur to deliver the 1st version of the Forum advice to be structured according to the template foreseen by the ERGA.	Forum-S
11	The Forum rapporteur may be invited to exchange views on enforceability with the RAC and SEAC rapporteurs in the dialogue meetings organised by RAC and SEAC.	Forum rapporteur
12	The Forum rapporteur elaborates the 1st version of the draft advice of the Forum taking into account the comments from the Forum members and the WG members. The Forum rapporteur responds to the comments provided by the Forum members and the WG members using the RCOM template The Forum rapporteur sends the 1st version of the draft of the Forum advice and the RCOM-01 table to the Forum-S The Forum Secretariat makes available to the Chair of the WG the above mentioned documents.	Forum rapporteur
13	The Chair of the WG checks that the 1st version of the Forum advice is in line with the ERGA and identifies together with the Forum rapporteur the potential issues requiring further discussion within the Forum and these are highlighted in the draft Forum advice.	WG Chair/Forum rapporteur
14	The Forum Secretariat makes available to the WG and to the Forum the 1st version of the draft advice of the Forum and the RCOM-01 table	Forum-S
15	The Forum Secretariat invites the members of the WG and the members of the Forum to provide comments on the 1st version of the draft advice of the Forum	Forum-S
16	The members of the WG and the members of the Forum provide comments on the 1st version of the draft advice of the Forum	WG and Forum members
17	The Forum Secretariat compiles all the comments provided by the WG members and the Forum members and sends this compilation to the Forum rapporteur	Forum-S
18	The Forum rapporteur elaborates, if needed, the revised version of the draft advice of the Forum taking into account the comments from the WG members and the Forum members. The Forum rapporteur responds to the comments provided by the WG members and the Forum members using the RCOM template. The Forum rapporteur sends the revised version of the draft advice of the Forum and the RCOM-02 table to the WG and to the Secretariat	Forum rapporteur
19	The Forum Secretariat proof-reads the revised version of the Forum advice and the RCOM-02 table and seeks acceptance of the proof-read versions from Forum rapporteur	Forum-S

Step	4. Adoption of the Forum advice This process starts with the sending of the written procedure note for the adoption of the Forum advice and ends no later than 12 weeks after the dossier is published on ECHA's website for public consultation.	Responsibility/ Role
20	The Forum Secretariat makes available to the Forum the draft Forum advice and the RCOM-01 and RCOM-02 tables.	Forum-S
21	The Forum Secretariat launches the written procedure for the adoption of the Forum advice	Forum-S
22	Forum members send responses to the written procedure	Forum members
23	The Forum Secretariat makes available to RAC and SEAC Secretariats and the Forum the Forum advice.	Forum-S

Protocol For The Elaboration Of Answers To Questions Raised By Rac And Seac Rapporteurs After The Forum Has Delivered Its Advice On The Enforceability Of A Restriction Proposal

Step	Support to RAC and SEAC during the opinion development of the Annex XV restriction dossier This process starts with the reception of questions on enforceability submitted to the WG by RAC and SEAC or their rapporteurs and ends with the elaboration of a reply from the WG	Responsibility/ Role
1	The Forum Secretariat receives questions from RAC and SEAC submitted by RAC and SEAC Secretariats including supporting documentation (e.g. draft opinions, draft wording of conditions, etc.)	Forum-S
2	The Forum Secretariat makes available the questions to the WG and invites the WG to consider the elaboration of answers to questions	Forum-S
3	The Chair of the WG and the Forum rapporteur verify that the questions are clear, that the scope of the questions is within the remit of the Forum and that the WG can elaborate answers within the timelines proposed by RAC and SEAC	WG Chair / Forum rapporteur
4	The Forum Secretariat informs RAC and SEAC Secretariats about the decision from the WG and requests clarification on the questions or the timelines if needed.	Forum-S
5	The Forum rapporteur elaborates draft answers to the questions and circulates the draft answers to the WG members	Forum rapporteur
6	The WG members provide comments to the draft answers elaborated by the Forum rapporteur	WG members
7	The Forum rapporteur revises the answers, seeks acceptance from the WG and sends the final answers to the Forum Secretariat	Forum rapporteur

Step	Support to RAC and SEAC during the opinion development of the Annex XV restriction dossier This process starts with the reception of questions on enforceability submitted to the WG by RAC and SEAC or their rapporteurs and ends with the elaboration of a reply from the WG	Responsibility/ Role
8	The Forum Secretariat makes available to RAC and SEAC Secretariats and to the Forum the answers to questions raised by RAC and SEAC	Forum-S
9	The final opinion of RAC and the final opinion of SEAC are made available to the Forum and to WG members	Forum-S

5. Flowchart

N/A

6. Definitions

Term or abbreviation	Definition
ERGA	Enforceability of Restrictions - Guide on Advice drafting
Forum rapporteur	A Forum member, a member of the WG Enforceability of Restrictions or a member of the Forum Secretariat in charge of drafting the advices on restriction proposals.
Forum-S	The ECHA Forum Secretariat
RCOM table	Response to comments table

7. Annexes

N/A

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