**Final Minutes**

**Fifth meeting BPR Subgroup of the**

**Forum for Exchange of Information on Enforcement**

**BPRS-5**

**21 June 2018**

**Helsinki, Finland**

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**Glossary of acronyms and abbreviations**

|  |  |
| --- | --- |
| **AOB** | Any Other Business |
| **BEF-1** | First Biocides Enforcement Project |
| **BPRS** | BPR Subgroup, a Subgroup of the Forum which coordinates the BPR enforcement |
| **CLEEN** | Chemicals Legislation European Enforcement Network |
| **CLP or CLP Regulation** | Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures |
| **COM** | European Commission |
| **DG** | Directorate General at the Commission |
| **DG SANTE** | Directorate General on Health and Food Safety/European Commission |
| **EU** | European Union |
| **FORUM** | The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC and BPR regulations in the EU, Norway, Iceland and Liechtenstein |
| **ICSMS** | Internet-supported information and communication system for the pan-European market surveillance |
| **MAWP** | Multiannual Work Programme |
| **MOC** | Manual of Conclusions |
| **MS** | Member State |
| **NEAs** | National Enforcement Authorities |
| **PD-NEA** | Portal Dashboard for National Enforcement Authorities – the successor system to RIPE |
| **RAPEX** | Rapid Alert System |
| **REACH** | Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals |
| **REF** | REACH-EN-FORCE, Coordinated Enforcement Project of the Forum |
| **ROPs** | Rules of Procedure |
| **SPC** | Summary of Product Characteristics |
| **TA** | Treated Articles |
| **TF** | Task Force of the Forum/BPRS |
| **WG** | Working Group of the Forum/BPRS |
| **WIN PPIE** | ECHA Work Instruction - Processing Practical Issues for Enforcement |

**I. Summary record of the proceedings**

The items reported in the minutes refer to the final agenda adopted at the BPRS-5 (Content IV, Annex I).

**Item 1 – Welcome and introduction**

**1.1 Opening by the Chair of the BPRS**

The Chair of the BPRS welcomed the participants and opened the meeting. He announced apologies, new appointed BPRS members, invited experts, and stated the proxies appointed. The European Commission was representative by DG SANTE, i.e. Ligia Negulici.

The Chair informed that the quorum requirement was met.

The Chair announced that the meeting was recorded for the purpose of writing the minutes. The recordings are going to be destroyedafter the minutes are adopted.

**1.2 Adoption of the agenda**

The Chair of the BPRS informed the plenary about the changes to the agenda compared to the one uploaded onto Secure CIRCA BC and indicated that there were two room documents.

Two AOBs were also included, i.e. ‘Renewal process for the Forum and BPRS members’ and ‘Rules of Procedure update – deadline for adding points to the agenda’.

The final agenda was adopted at the plenary.

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

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

**1.4 State of play with regard to the action points from BPRS-4**

The ECHA Forum Secretariat informed the plenary on the status of the action points from the BPRS-4 (document ECHA/BPRS-5/2018/1.4) and highlighted that most of the actions were discharged and some were to be addressed in agenda items of the BPRS-5.

**1.5 Report of the written procedures and other issues between BPRS-4 and BPRS-5**

The Chairinformedthe BPRS that a meeting document (i.e. ECHA/BPRS-5/2018/1.5) reported the results of the written procedures that took place since BPRS-4.

**Item 2 – Updates from Forum**

**2.1 Updates from Forum-30**

One of the members of the BPRS briefly summarised, on behalf of the Chair of the Forum, the subjects discussed at the Forum-30 meeting that were relevant for the BPRS.

The key message was the new enforcement project (REF-8) on online sales, which was decided by the Forum. The operational phase is foreseen in 2020. The discussion at the plenary touched upon a potential module related to a BPR (more information on the topic were provided to the BPRS members under item 3.2.1.a of the BPRS-5).

The second relevant key point was an update from the Forum WG ICSMS that has tested the DRPIs for REACH, CLP and PIC. The platform is expected to be released in June 2018.

**Item 3 – BPRS enforcement activities (on-going projects)**

**3.1 - First BPR enforcement project – Treated Articles**

**3.1.1 WG progress report**

The Vice-Chair of the BPRS WG “First enforcement project on Treated Articles (BEF-1)” introduced the work done by the WG and its conclusions since March 2018 (BPRS-4).

The WG finalised the first draft version of the Manual on the enforcement of Treated Articles, and asked the BPRS members to comment it in writing by middle of August 2018.

The Vice-Chair emphasised that the draft Manual is the result of an intense and efficient work performed by the WG members. The Manual was drafted in view of its use for national inspectors who have a medium/low level of experience on treated articles.

The related questionnaire (included as Annex to the Manual) has two main parts focused on the company and the article inspected. Only limited sections of the questionnaire are marked as mandatory.

The Manual followed the template that was used under other Forum enforcement projects.

An *ad hoc* leaflet on treated Articles was also prepared. It can be used to raise awareness in Member States during the operational phase of the enforcement project. ECHA Communication Unit supported the work performed by the WG members.

The WG will organise an ad hoc training for National Coordinators (NCs) in October 2018 focused on the use of the questionnaire. The NCs will be contacted in due time by the WG with more information related to the event.

In discussion it was clarified that NEAs will have the freedom to decide what articles to check in their national market and the WG selected no particular types of treated Articles for the project. The representative of the WG confirmed that there will be the possibilities to translate into national languages the materials useful for the operational phase of the project. The Forum Secretariat will contact the NCs to check the needs.

**3.2 Forum WG Prioritisation of REACH-EN-FORCE project**

**3.2.1 WG Progress report - Amendment of the methodology in line with the BPR**

A member of the Forum Secretariat updated the BPRS members on the status of the revision of the REF Project Methodology for the selection, management and evaluation of harmonised enforcement projects. The revision of the methodology was agreed by the BPRS members in order to adapt the document in line with the essential requirements of the BPR, and amend it by the inclusion of the BPR terminology.

A first draft of REF/BEF methodology was prepared by the WG. That includes adjustments suitable for the BPRS.

The BPRS were invited to comment on the methodology in writing by the end of August 2018.

The BPRS members were also invited to indicate the preferred frequency of future BEF projects (starting from BEF-3 onwards). At present the assumption is that BEF projects will be organized subsequently, with a three year cycle (extrapolating from the decision regarding the timing of the BEF-1 and BEF-2 projects).

**3.2.1.a Forum enforcement project REF-8 on online sales in 2020**

The Chair of the BPRS updated the plenary on the preparatory phase of the new Forum enforcement project (REF-8) on online sales. The operational phase is foreseen for 2020. The Chair introduced to the BPRS members the benefits of a potential joint activity through the preparation of a BPR module for REF-8. That implies that the BPRS would need to provide resources to a WG managing the project.

The BPRS were asked to express their interest in joining the project by end of August 2018. The topic will be followed up at the next plenary, i.e. BPRS-6.

In the discussion, some BPRS members expressed their willing to join the project.

**3.3 REACH-EN-FORCE-6 on Classification and Labelling – BPR module**

**3.3.1 Forum WG progress report**

A member of the Forum Secretariat informed the plenary about the progress of the REF-6 project. The operational phase of the project is on-going, and no issues have been raised or reported so far by the National Coordinators.

The WG will continue supporting the Member States/National Coordinators for the operational phase where needed.

**3.4 Training for Trainers 2018 – BPR module**

**3.4.1 WG progress report**

The Chair of the BPRS WG “Training for Trainers on treated articles” reported to the plenary the status of the activities within the WG.

The BPRS adopted the draft agenda of the Training for Trainers event to be held on 4-5 October 2018 at ECHA.

The WG prepared, discussed and agreed on the training materials (presentations and case studies) in view of the training event. Roles and responsibilities among the WG members (trainers) are now well defined.

The BPRS nominated one trainee per country who will attend the training event at ECHA. The nominated trainees should have at least basic knowledge of the BPR. The Chair of the WG also clarified that there will be the opportunity to follow remotely the event via WebEx. In this light, in September the Forum Secretariat will ask to the BPRS members an indicative number of remote attendees.

**3.5 Forum Work Programme 2019-2023**

**3.5.1 WG progress report**

The Vice Chair presented the progress report of the WG and highlighted the key messages. The WG prepared the first draft work programme of both BPRS and the Forum, for the years 2019-2023.

The programme was drafted considering the suggestions from Member State Competent Authorities, ECHA Management Board, CARACAL, DNAs and ECHA Secretariat.

For the interest of the BPRS members, the BEF-2 on active substances in biocidal products is explicitly mentioned in the document.

The BPRS (and Forum) members were invited to submit in written their comments by 4 July 2018.

**3.6 Implementation of PD-NEA BPR**

**3.6.1 WG progress report**

The Forum Secretariat presented the progress report of the WG. Due to the decision taken in 2017 to postpone the implementation of PD-BPR, the activity of the WG has been on hold.

However to ensure justified use of resources, before committing to develop PD-NEA, ECHA intends to first investigate the potential synergies between PD-BPR and the new ECHA dissemination site for biocides. Therefore, the WG will evaluate the dissemination site after its release foreseen in November 2018 to assess its fitness for enforcement purposes.

By the end of 2018 ECHA will decide after that assessment whether a PD-BPR should be still developed or whether the NEAs’ needs are already fulfilled by the forthcoming dissemination site.

Follow-up discussion will take place at the BPRS-6.

**Item 4 – Updates from the Forum Secretariat**

**4.1 Update on BPRS-6 to be held in Brussels at the PL Perm Rep**

A member of the Forum Secretariat updated the BPRS members on the arrangements for the Forum-31 and BPRS-6 to be held in Brussels in November 2018.

The plenaries will be held back-to-back to the European Conference for Enforcement organised in Brussels by the European Commission.

In particular, the current draft plan of the week foresees (still to be confirmed):

- Monday 12 November - BPRS-6 (hosted by the Polish Permanent Representation);

- Tuesday 13 November - Enforcement Conference organised by COM;

- Wednesday 14 November – open session with ASOs (joint Forum/BPRS, if resources and sufficiently large meeting room are available);

- Thursday and Friday 15-16 November - Forum-31.

The European Commission will provide in the near future more information on the agenda of the conference. The Forum Secretariat will draft the agenda of BPRS-6 in September 2018.

**4.1.1 First open session with ASOs jointly with Forum in November 2018**

A member of the Forum Secretariat updated the plenary on the joint open session that will be probably held on 14 November in Brussels. Some uncertainty still exists about the availability of budget and sufficiently large room to host both bodies and the ASO representatives. These should be clarified in September 2018 and the BPRS members will be informed about the final decision on the logistic of the meeting.

Some speaking requests were already submitted by the BPRS-4. The ASOs will be kept posted about the open plenary accordingly.

**4.2 BPRS decision on alert/coordination biocides systems**

The Chair introduced the topic on the choice of system for routine information exchange between BPR NEAs. At the BPRS-4, the BPRS narrowed down the choice to ICSMS and written feedback indicated that the majority of the members preferred to start immediately using ICSMS in its generic form.

The BPRS members decided to use ICSMS in its generic form as the system for exchange of information between BPR inspectors.

This decision still leaves the possibility to discuss a BPR specific DRPI in the future, once some experience is gathered with the use of generic ICSMS. When BPRS members will have used the generic ICSMS and see they need to move to BPR specific DRPI, they can bring the subject to the BPRS.

The BPRS members were invited to provide the contact details of their BPR National Contact Point (NCP) to the Forum Secretariat. That list will be provided to the NCPs in order for them to be able to know who to contact when a baton needs to be passed on to another MS.

The Chair of the BPRS proposed a training of the National Contact Points for ICMS to be provided by the Commission service on ICSMS. The COM and Forum-s will liaise with the COM ICSMS team and inquire about possibilities for such training. Forum-s will inform the BPRS members about it at BPRS-6.

**4.3 Update on the ECHA guidance**

An ECHA representative updated the BPRS on the work from the Guidance Team at ECHA. He mentioned the latest documents published on the ECHA website and the future plans regarding BPR Guidance.

He mentioned the status of the guidance on Endocrine disrupting substances which is a joint project with the European Food Safety Authority (EFSA).

**Item 5 – Updates on relevant developments by the European Commission**

**5.1 General updates on the BPR provisions by the European Commission**

The COM representative (DG SANTE) gave an update of the COM’s activities that were relevant for the work of the BPRS, in particular the status of the Article 3.3 of the BPR requests triggered by MSs; the work related to in situ biocidal products – authorisation holders’ roles; the progress on the Endocrine disruptors Technical guidance and CA guidance; and the status on the Article 50 TFEU on the UK withdrawal.

The COM representative gave also the BPRS an update on the COM’s activities related to the illegal use of fipronil (contaminated egg incident). The Standing Committee on Plants, Animals, Food and Feed analysed the data collected by the ad-hoc monitoring exercise in the food chain, launched in order to obtain an EU-wide view on the contamination of eggs and chicken meat due to the illegal use of acaricides (non-authorized use of biocide for food producing animals). The data are now publicly available and the BPRS members can consult them[[1]](#footnote-2). The criminal procedure is still ongoing and that the BPRS members will be kept posted on its final outcome.

One BPRS member asked the COM representative to update the plenary on the future plan regarding the Review Programme of existing active substances under the BPR after the UK withdrawal. The COM clarified that all the review active substances are already assigned to different Member States Competent Authorities.

Another BPRS member asked more clarification about the management of in situ devices under the BPR. The COM acknowledged the complicated situation and explained that the current approach suggested at the CA meeting was the result of an intensive discussion with the Member States. It is still a draft line-to-take. Once agreed among the CA colleagues, the BPRS members will keep posted accordingly.

**5.1.1 Article 65 reporting – clarification from BPRS members**

A clarification paper presented by the Swedish BPRS member was discussed. The COM representative clarified that the first reporting 2013-2019 is merely compiled of qualitative type of information, not quantitative. Indeed, no number of controls performed by national inspectors must have been collected. The COM acknowledged that this exercise is very difficult to be performed retroactively.

The second reporting period, i.e. 2019-2025 will instead require quantitative information. The Competent Authorities for biocides will be discussing the concerned template in the course of 2019.

The inputs provided by Sweden in the paper submitted to the plenary will be taken into account by the COM, analysed and answered in due time. Special attention will be given to the definition of ‘control’ under the BPR that must be harmonised among the NEAs. Moreover, the COM will ask to the BPRS members their inputs on whether controls should be reported per product or per company.

**5.1.2 Follow-up discussion on the translation and interpretation of ‘Member States of Introduction’ in Article 58(6) of the BPR**

The Chair introduced the topic as action point from the BPRS-4 regarding the discussion that took place within the WG Training for Trainers 2018 on the use of the term ‘Member State of Introduction’ in Article 58(6) of the BPR and differences in the German translation.

The opinion of the WG was that the intention behind Article 58(6) of the BPR was to require all treated articles made available on the market of a Member State to be labelled in the language of that Member State. The BPRS members checked the actual translation of “Member State of Origin” and “Member State of Introduction” in their national languages in Article 58(6) of the BPR and provided their feedbacks to the Forum Secretariat.

The COM acknowledge the mistake in the translation and will take the issue to the European Council for an *ad hoc* corrigendum. The BPRS members affected by the mistake were invited to directly liaise to COM to provide a formulation that could be used in the corrected translation. The member who have not checked their translation were invited to do so. The BPRS will be kept posted on the outcome of the procedure.

**5.2 Market surveillance regulation and the goods package and its impact on BPR enforcement**

The COM representative of the DG Internal Market, Industry, Entrepreneurship and SME (so-called DG GROW) delivered a presentation on the upcoming revision of the Market surveillance regulation and the goods package and its impact on BPR enforcement.

The Market surveillance regulation and the goods package is a proposal for a regulation on compliance and enforcement of EU product legislation. It concerned Market surveillance for non-food harmonised products. It combines several legislative acts and was put in place to try to solve a number of issues faced by market surveillance authorities. It includes a mechanism to support the operational enforcement capacity, collectively, in the single market, also denominated as “EU product compliance network”. It promotes the cooperation between authorities, including customs, as well as the use of cooperative enforcement tools. It is foreseen for it to enter into force on 2020.

One member of the Forum Secretariat asked how the DG GROW will cooperate with other the EU compliance network and other bodies in implementing the future regulation. The COM replied that future collaboration with other bodies is indeed very important. The work performed by ECHA Forum/BPRS will definitely have to take that into account. As soon as the new regulation will be adopted and enters into force, the DG GROW will set the objectives and priorities for future activities. In practice the consultation and keeping informed on other bodies working on enforcement will be a key way of cooperation .

One member of the BPRS asked more clarification concerning the exchange of intelligence with Member States’ customs and non-EU importers/manufactures.

The COM representative replied that there is already an IT tool that is in continuous development, which aims at helping Member States’ customs to interface with the other national authorities – it is called customs ‘single window’.

The BPRS members appreciated the presentation and welcomed future collaboration with the DG GROW.

**Item 6 – Practical issues for enforcement**

**6.1 Items raised by the BPRS/ECHA/COM**

**- Issue 3.1 - Article 3(3) decisions (horse rug as a biocidal product)**

At the BPRS-3 the Commission representative communicated that the Commission’s legal service decided that no transitional period is allowed for Article 3(3) decisions. Therefore at BPRS-4 the members had decided to park the Practical Issue at hand until the Practical Issue BEG 3.2 will be agreed by the BPRS members. This is because both issues have to describe what NEAs will do when they encounter a specific non-compliance. The same principle will be applied in both draft conclusions. Work on BEG 3.1 will start when conclusion is reached on issue BEG 3.2.

**- Issue BEG 3.2 - Article 95 enforcement**

The Forum Secretariat presented the status of the issue.

The BPRS decided to adopt the draft conclusion by majority decision. Members not agreeing with the conclusion were invited to submit in writing their minority positions to the Forum Secretariat, which will record them in the conclusion. After that the Forum Secretariat will launch a written procedure for adoption. The BPRS members were invited to submit to the Forum Secretariat any remaining editorial issues.

**- Issue BPRS 5.1 – Is repackaging or refilling of biocidal products by distributors allowed under BPR? (Assuming that distributors do not change the composition of the biocidal products and label them correctly)**

The BPRS member who originated the new Practical Issue (as per action point of the BPRS-4) was invited to introduce to the plenary the draft conclusion.

The Forum Secretariat collected already some comments in writing from the BPRS members. The remaining BPRS members were invited, together with the COM, to submit their opinions to the Forum Secretariat.

The Forum Secretariat together with the originator of the Practical Issue will re-draft the conclusion at hand integrating the feedbacks provided.

A follow-up written consultation among the BPRS members will take place after the BPRS-5.

**- Issue BPRS 5.2 - How do Member State handle the making available (second supply) on the market of non-compliant treated articles?**

The BPRS member who originated this new Practical Issue (as a follow-up of a previous paper for information presented at the BPRS-2) introduced it to the plenary with the draft conclusion.

The Forum Secretariat together with the originator of the draft conclusion will further elaborate the Practical Issue considering the results of the survey and send it for written consultation with the BPRS.

Finally, the Chair of the BPRS invited BPRS members to submit new practical issues for enforcement for the next BPRS 50 days before the next meeting, i.e. by 20 September 2018. The new practical issues should be sent using the revised template of Annex II of the MoC.

**Item 8 – Cooperation with other networks**

**7.1 CLEEN update on BPR projects**

The CH BPRS member, as member of the CLEEN Secretariat, gave a presentation on the latest work performed by the CLEEN.

The key messages presented touched upon the project related to the ozone depleting substances; the activities on F-Gases; the status of the enforcement activities related to internet trade of ODS and F-Gases; and the exchange of experiences and good practices between inspectors among several NEAs.

The Chair of the BPRS asked volunteers for presenting the National enforcement policy for the next plenary in November 2018.

**7.2 Updates on the UK withdrawal from the EU**

The ECHA Director of Cooperation informed the plenary on the ECHA’s work related to the UK withdrawal from the EU on 30 March 2019.

Some hypothetical scenarios and the possible consequences of the withdrawal were discussed. However, further discussion about cooperation with UK can take place after the finalisation of the withdrawal agreement between the EU and the UK (at present expected in October 2018).

**Item 9 – Any Other Business**

A member of the Forum Secretariat reminded the BPRS that the term of office of the alternates is bound to the Forum member. Therefore whenever a Forum member’s term is renewed or new member is appointed, the alternates also need to be renewed/appointed. Forum Secretariat also proposed to update on the Rules of Procedure of the Forum/BPRS to give shorter deadline for proposals to the agenda after the invitation to allow for consultation of such proposals with the Chairs.

The Chair of the BPRS updated the plenary about his participation to the last Chemical Watch Symposium for BPR, where he gave a presentation on the activities of the BPRS. The audience of the conference highly appreciated the inputs provided.

The Chair also reminded to the plenary that a Biocides Stakeholders’ Day on BPR will take place in autumn 2018 at ECHA premises. He will present the BPRS activities. The event will be streamed on ECHA website.

**II. MAIN CONCLUSIONS & ACTION POINTS -** Adopted at the BPRS-5

| **Agenda point** | **Conclusions / decisions / minority opinions** | **Action requested after the meeting**  |
| --- | --- | --- |
| **Item 1- Welcome and introduction** |
| 1.1 Opening by the Chair of the BPRS |  |  |
| 1.2 Adoption of the Agenda  | The agenda was adopted |  |
| 1.3 Declarations of conflict of interest  |  |  |
| 1.4 State of play with action points from BPRS-4 |  |  |
| 1.5 Report of the written procedures and other issues between BPRS-4 and BPRS-5 |  |  |
| **Item 2 – Updates from Forum**  |
| 2.1 Updates from the relevant discussions held at the Forum-30 |  |  |
| **Item 3 – BPRS enforcement activities On-going projects** |
| **3.1 BEF-1 WG** |  |  |
| 3.1.1 WG progress report |  | **Forum-s** willto send the template for written comments for the Manual BEF-1 by 26 June**BPRS members** are invited to comment on the draft manual of BEF-1 by 15 August 2018  |
| 3.1.2 Mandate amendment | The BPRS revised the mandate of the WG. |  |
| **3.2 Progress report from Forum WG Prioritisation of REACH-EN-FORCE project** |  |  |
| 3.2.1 Amendment of the methodology in line with the BPR |  | **BPRS members** are requested to send comments to the proposed revised text of the draft methodology by 31 August**BPRS members** are invited to indicate the preferred frequency of BEF projects. At present the assumption is that BEF project will be organized subsequently (inspections every 3rd year). |
| 3.2.1.a Joining the Forum REF-8 project on online sales. |  | **BPRS members** are invited to provide feedback to the Forum-S on whether they are willing to have a BPR module of the REF-8 project on online sales by 31 August**BPRS members** interested in the project are invited to indicate if they can participate in the WG preparing that project by 31 August. |
| 3.2.2 Mandate amendment | The BPRS revised the mandate of the WG. |  |
| **3.3 REACH-EN-FORCE-6 on Classification and Labelling – BPR module** |  |  |
| 3.3.1 Forum/BPRS WG progress report |  |  |
| 3.3.2 Mandate amendment | The BPRS revised the mandate of the WG. |  |
| **3.4 BPRS WG Training for Trainers 2018** |  |  |
| 3.4.1 WG progress report |  | **Forum-S** will ask BPRS members the number of remote attendees at the training event in September.  |
| 3.4.2 Mandate amendment | The BPRS revised the mandate of the WG. |  |
| **3.5 Forum Work Programme 2019+** |  |  |
| 3.5.1 Forum WG progress report |  | **BPRS members** are invited to provide comments on the attached Draft 2 of the Multi-Annual Work Programme of the Forum 2019-2023 by 4 July |
| 3.5.2 Mandate amendment | The BPRS revised the mandate of the WG. |  |
| **3.6 Implementation of PD-NEA BPR** |  |  |
| 3.6.1 WG progress report |  |  |
| 3.6.2 Mandate amendment | The BPRS revised the mandate of the WG. |  |
| **Item 4 – Updates from the Forum Secretariat** |
| 4.1 Update on BPRS-6 to be held in Brussels at the PL Perm Rep |  | **Forum-s** will send an email with information on financing and organisational details for the BPRS-6 meeting in November, the open session and the COM enforcement conference by 7 September. |
| 4.1.1 First open session with ASOs jointly with Forum in November 2018 |  |  |
| 4.2. BPRS decision on alert/coordination biocides systems | The BPRS agreed that generic ICSMS will be the system for coordination and exchange of information between BPR inspectors.  | **Forum-S** will send out the document describing the ICSMS request process by 4 July; **BPRS members** are invited to observe the ICSMS access request process in case they need to obtain the access to the ICSMS if not already in place.**BPRS members** are invited to provide the contact details of their BPR National Contact Point (NCP) for ICSMS to the Forum Secretariat by 30 September. **Forum-S** will provide the list of the NCPs for ICSMS to BPRS members in order for them to be able to know who to contact when a baton needs to be passed on to another MS. **COM** representative in liaison with Forum-s will inquire with the COM ICSMS team in DG GROW about the possibilities for the training on ICSMS.**Forum-S** will inform on the possibilities of the training at BPRS-6 |
| 4.3 Update on ECHA guidance activities |  |  |
| **Item 5 – Updates on relevant developments by the European Commission** |
| 5.1 General updates on the BPR provisions by the European Commission |  |  |
| 5.1.1 Article 65 reporting – clarification from BPRS members |  | **The COM** will approach the BPRS members with further explanatory information for the Art 65(3) template to explain more specifically what needs to be reported in March 2019. |
| 5.1.2 Follow-up discussion on the translation and interpretation of ‘Member States of Introduction’ in Article 58(6) of the BPR |  | **Forum-S** will contact the BPRS members who have not yet responded about the correctness of their translation of BPR by 29 June.**BPRS members** who have not yet verified their language version of BPR are invited to do so by 31 July. In case discrepancies are found, these BPRS members are invited to channel the proposals for new formulation to the COM**BPRS members** **from AT, DE, CH** are invited to propose a formulation for the DE language translation and channel it to the COM.**BPRS member** **from CZ** is invited to proposes a formulation for the CZ language translation and channel it to the COM.**COM** is invited to launch a procedure for amending the translations of the legislation and inform the Forum-S. |
| 5.2 Market surveillance regulation and the goods package and its impact on BPR enforcement |  |  |
| **Item 6– Practical issues for enforcement** |
| 6.1 Items raised by the BPRS/ECHA/COM |  | **BPRS members** are invited to submit new practical issues by 20 September  |
| BEG-3.2 – What is the established practice in Member States concerning the enforcement of Article 95 of the BPR? | The BPRS adopted the conclusion of practical issue BEG 3.2. | **Forum-S** will send the issue BEG-3.2 for editorial consultation by 29 June**BPRS members** from EL, IE, are invited to send in their minority position by 13 July**Forum-S** will integrate the minority position and any remaining editorial comments and send the issue for adoption for written procedure. |
| BPRS 5.1 - Is repackaging or refilling of biocidal products by distributors allowed under BPR? |  | **BPRS members** submitting comments during the meeting are invited to send them in writing by 6 July |
| BPRS 5.2 How do Member States handle the making available (second supply) on the market of non-compliant treated articles |  | **Forum-S** to formulate a survey on whether MS can handle non-compliant TAs that are made available on their market, considering the approach proposed by Sweden.**BPRS** are invited to respond to the survey by 31 August. |
| **Item 7 – Cooperation with other networks** |
| 7.1 CLEEN update on BPR projects |  |  |
| 7.2 Preparations for the UK’s withdrawal from the EU |  |  |
| **Item 8 – AOB** |
| 8.1 Renewal process for the Forum and BPRS members |  |  |
| 8.2 Rules of Procedure update – deadline for adding points to the agenda  |  | **Forum-S** will send out the updated rules of procedure for Forum consultation by 13 July. |
| **Item 9 – Adoption of conclusions and action points** |

**III. List of attendees of the BPRS-5**

**BPRS members**

|  | **Country** | **Name** |
| --- | --- | --- |
| 1 | AT | ANWANDER Eugen |
| 2 | BE | DE VOS Helmut |
| 3 | CH | BUERGY Heribert |
| 4 | CY | GAVRIEL Alexandros |
| 5 | CZ | JAROLĺM Oldřich |
| 6 | DE | FRENZEL Stefan (Forum member) |
| 7 | DK | BACH HANSEN Lise |
| 8 | EE | LINNO Annemari |
| 9 | EL | GKILPATHI Dimitra |
| 10 | ES | SÁNCHEZ PEÑA Pablo (Forum member) |
| 11 | FI | KARNANI Päivi |
| 12 | FR | CROIZE-POURCELET Gilles |
| 13 | HR | KREKOVIC Dubravka Marija (Forum member) |
| 14 | HU | NEMET Balázs |
| 15 | IE | WHELAN Michelle |
| 16 | IT | RAVAIOLI Francesca |
| 17 | LT | HAKAITE Palmira |
| 18 | LU | ENGELS Kim |
| 19 | LV | KAZEROVSKA Kristine |
| 20 | MT | CASSAR Michael (Forum member) |
| 21 | NL | DE BOER Jabik |
| 22 | NO | SKJARGARD Cathrine |
| 23 | PL | PISAREK Dominik |
| 24 | PT | DIAS Marina |
| 25 | RO | CIRLAN Cristiana |
| 26 | SE | KARLSSON Jenny |
| 27 | SI | NOVAK Vesna |
| 28 | SK | POČAROVSKÁ Miriam |
| 29 | UK | POTTS Mike |

**Invited Expert**

|  | **Country** | **Name** |
| --- | --- | --- |
| 1 | BG | HRISTOVA Viktoriya |

**Advisors**

|  | **Country** | **Name** |
| --- | --- | --- |
| 1 | DK | MADSEN Betina |
| 2 | ES | ORTEGA CRESPO Isabel |
| 3 | FI | OLLIKKA Jussi |
| 4 | FR | TCHANAKIAN Fiona |

**European Commission representative**

|  | **DG** | **Name** |
| --- | --- | --- |
| 1 | DG SANTE | NEGULICI Ligia |

**ECHA’s Forum Secretariat Staff**

|  | **ECHA** | **Unit** |
| --- | --- | --- |
| 1 | ALBERTO Joana  | Support, Forum and HelpNet Secretariat |
| 2 | BARANSKI Maciej | Support, Forum and HelpNet Secretariat |
| 3 | CALVO TOLEDO Pablo | Support, Forum and HelpNet Secretariat |
| 4 | NIKULA Terhi | Support, Forum and HelpNet Secretariat |
| 5 | NOUWEN Johan | Support, Forum and HelpNet Secretariat |
| 6 | TECCE Nicola | Support, Forum and HelpNet Secretariat |
| 7 | TUOMAINEN Anita | Support, Forum and HelpNet Secretariat |
| 8 | FRONTINI Ales | Support, Forum and HelpNet Secretariat |

**IV. List of Annexes**

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Annex 2. List of mandates of BPRS WGs/Forum WGs

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Annex 2 b BPRS WG - Prioritisation of REF Projects

Annex 2 c BPRS WG - Enforcement project REACH-EN-FORCE-6 – BPR module

Annex 2 d BPRS WG - Training for enforcement trainers 2018

Annex 2 e BPRS WG – Forum/BPRS Programme 2019+

 Annex 2 f BPRS WG – PD-BPR

**Annex 1 – Final agenda of BPRS-5**

**Agenda of the 5th BPR Subgroup Forum meeting (BPRS-5)**

 **European Chemicals Agency**

 **Helsinki, Finland**

**21 June 2018 from 09:00 to 16:30**

|  |  |
| --- | --- |
| **Item 1 – Welcome and Introduction**  | *09:00–09:20* |

* 1. Opening by the Chair of the BPRS – *Chair*
	2. Adoption of the Agenda – *Chair*
	3. Declarations of conflict of interest with regard to agenda items – *Chair*

1.4 State of play with action points from BPRS-4 – *ECHA Forum Secretariat*

1.5Report of the written procedures and other issues between BPRS-4 and BPRS-5 - *Chair*

***For information/adoption***

ECHA/BPRS-5/2018/1.4

ECHA/BPRS-5/2018/1.5

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| --- | --- |
| **Item 2 – Updates from Forum** | *09:20–09:30* |

2.1 Updates from the relevant discussions held at the Forum-30 – *Forum Chair/Vice Chair/Forum member*

***For information***

|  |  |
| --- | --- |
| **Item 3 – BPRS enforcement activities**  **On-going projects** | *09:30–10:50* |

3.1 First BPR enforcement project – treated articles (15’)

3.1.1 WG progress report - *WG Chair*

3.1.2 Mandate amendment *- ECHA Forum Secretariat*

3.2 Progress report from Forum WG Prioritisation of REACH-EN-FORCE project (20’)

3.2.1 Amendment of the methodology in line with the BPR *- ECHA Forum Secretariat*

3.2.1.a Forum enforcement project REF-8 on online sales in 2020 –*BPRS Chair*

3.2.2 Mandate amendment *- ECHA Forum Secretariat*

3.3 REACH-EN-FORCE-6 on Classification and Labelling (BPR) (10’)

3.3.1 Forum WG progress report - *BPRS Chair*

3.3.2 Mandate amendment - *ECHA Forum Secretariat*

3.4 BPRS WG Training for Trainers 2018 (10’)

3.4.1 WG progress report – *WG Chair*

3.4.2 Mandate amendment - *ECHA Forum Secretariat*

3.5 Forum Activity Programme 2019+ (15’)

3.5.1 WG progress report - WG Chair

3.5.2 Mandate amendment *- ECHA Forum Secretariat*

3.6 Implementation of PD-NEA BPR (10’)

3.6.1 WG progress report - WG Chair

3.6.2 Mandate amendment - ECHA Forum Secretariat

***For information/discussion***

***For adoption***

ECHA/BPRS-5/2018/3.1.1

ECHA/BPRS-5/2018/3.1.1\_room\_document

ECHA/BPRS-5/2018/3.2.1

ECHA/BPRS-5/2018/3.3.1

ECHA/BPRS-5/2018/3.4.1

ECHA/BPRS-5/2018/3.5.1\_room\_document

ECHA/BPRS-5/2018/3.6.1

***Coffee break 30’***

|  |  |
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| **Item 4 – Updates from the Forum Secretariat**  | *11:20-12:05* |

4.1 Update on BPRS-6 to be held in Brussels at the PL Perm Rep (10’)

4.1.1 First open session with ASOs jointly with Forum in November 2018

4.2 BPRS decision on alert/coordination biocides systems (30’)

4.3 Update on ECHA guidance activities (5’)

***For agreement/information***

ECHA/BPRS-5/2018/4.2

ECHA/BPRS-5/2018/4.3

***Lunch break 70’***

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| **Item 5 – Updates on relevant developments by the European Commission**  | *13:15-14:40* |

5.1 General updates on the BPR provisions by the COM (30’)

 5.1.1 Article 65 reporting – clarification from BPRS members (15’)

5.1.2 Follow-up discussion on the translation and interpretation of ‘Member States of Introduction’ in Article 58(6) of the BPR (10’)

5.2 Market surveillance regulation and the goods package and its impact on BPR enforcement (30’)

***For information/discussion***

ECHA/BPRS-5/2018/5.1.1

ECHA/BPRS-5/2018/5.1.2

***Coffee break 20’***

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| **Item 6 – Practical issues for enforcement** | *15:00-15:45* |

6.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda) - *ECHA Forum Secretariat*

***For discussion/adoption***

ECHA/BPRS-5/2018/6.1

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| **Item 7 – Cooperation with other networks** | *15:45-16:15* |

7.1 CLEEN update on BPR projects (15’)

7.2 Updates on the UK withdrawal from the EU – *ECHA Director of Cooperation* (15’)

***For information/discussion***

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| --- | --- |
| **Item 8 – Any Other Business**  | *16:15-16:20* |

8.1 Renewal process for the Forum and BPRS members – *Forum-S*

8.2 Rules of Procedure update – *Forum-S*

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| **Item 9 – Adoption of conclusions and action points** | *16:20-16:30* |

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| **End of Meeting** | *16:30* |

**Annex 2. List of mandates of BPRS WGs/Forum WGs**

**Annex 2 a – BPRS WG - First BPR enforcement project**

**(Mandate adopted at BPRS-5)**

**“BPRS BEF-1”**

**Composition**

**Chair:** Jenny Karlsson (SE)

**Vice Chair**: Jabik DE BOER (NL)

**BPRS Members/Alternates**:

* Francesca RAVAIOLI (IT)
* Marios ADAMIDES (CY)
* Heribert Buergy (CH)
* Marianne BRAAM (NL)
* Emma BERGSTROM (SE)

**Invited Experts**

* Karin PFAFF (DE)
* Nadine Grisel (CH)
* PICCOLO Serge (FR)
* TCHANAKIAN Fiona (FR)

**ECHA:** Nicola Tecce

**Objective:**

* Conceive and manage the first major BPRS enforcement project on treated articles

**Mandate:**

* Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
* Prepare and deliver, if needed, the training for project national coordinators
* Management of the Operational phase
* Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
* Cooperate with WG Train the trainers 2018 during the preparation and delivery of the content of the training
* Elaborate tips and hints for inspectors based on the relevant outcomes from the project
* Elaborate a questionnaire on gathering information on national enforcement activities from the BPRS members.

**Timeline:**

* Assessement of needs and proposals to facilitate the project: Q1 2018
* Approve the scope by the BPRS: Q2 2018
* Project manual: Q4 2018
* Prepare and deliver the training for project national coordinators:Q4 2018
* Operational phase: 2019
* Reporting phase: Q1 2020
* Questionnaire to be run after the BPRS-3

**Annex 2 b BPRS WG - Prioritisation of REF Projects**

**(Mandate adopted at Forum-30 and BPRS-5)**

**“Prioritisation of REF Projects”**

**Composition**

**Chair**: Tasoula KYPRIANIDOU LEONTIDOU (CY) – rotating Chair

**Forum Members/BPRS Members / Alternates**

* Maria Letizia POLCI (IT alternate)
* Paul CUYPERS (BE)
* Oldrich JAROLIM (CZ)
* Dubravka KREKOVIC (HR)
* Abdulqadir SULEIMAN (NO Alternate)
* Sofia BARATA (PT)
* Marianne BRAAM (NL – BPRS member)
* Semira MEHIC (SI)

**Invited Experts**

* Hannah DOHERTY (UK) – BPRS support
* Andrea MAYER-FIGGE (DE)
* Tamas KOVACS (HU)

**ECHA**

* Juan Pablo CALVO TOLEDO

**Objective:**

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

**Mandate**:

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

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 the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum.
7. The WG will propose the adjustments of the methodology with regard to the inclusion of the BPR terminology and the Annex I with the essential requirements of BPR. The WG shall signal if any more significant changes will be needed to use the REF project methodology for the BPR projects so that BPR projects can be prioritised and managed according to this methodology (subject to the agreement in the BPR Subgroup to be decided at the BPRS-2).

The WG will operate from Forum-16 (October 2013) until the end of 2018 (end of the Forum WP 2014 – 2018). The mandate of the WG can be renewed to operate after this period.

**Timelines**:

* The basic timeframes are regulated by the Forum Methodology on Prioritisation and Selection of Project Proposals and the working procedure for the prioritisation and selection of harmonised enforcement projects coordinated by the Forum
* Propose the revised methodology including the BPR terminology by Forum-31/BRPS-6
* Shortlist of subjects for REF-8 by Forum-31.

**Annex 2 c - BPRS WG - Coordinated enforcement project REACH-EN-FORCE-6 (Mandate adopted at Forum-30 and BPRS-5)**

**“REF-6”**

**Composition**

 **Chair**: Henrik HEDLUND (SE)

**Forum Members and Alternates**

* Gro HAGEN (NO)
* Elena ZIDAROVA (BG)
* Dimitrios CHATZIANTINOU (EL Alternate)
* Graca BRAVO (PT)
* Pablo SANCHEZ-PEÑA (ES)
* Žilvinas UŽOMECKAS (LT)

**Invited Experts**

* Petra SCHLAG (DE)
* Markus MAKI (FI)
* Panagiota SKAFIDA (EL)
* Adhemar ROG (NL)
* Harm VOERMAN (NL)

**BPRS Members and Experts**

* Viktoriya HRISTOVA (BG)
* Emma BERGSTROM (SE)
* Gilles CROIZÉ-POURCELET (FR)
* Anna MASLARSKA (BG)

**ECHA:** Outi TUNNELA; Ales 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
* Draft report: Q4 2019
* Adoption of the report: Q4 2019
* Tips and hints for inspectors: Q4 2019

**Annex 2 d - Forum WG - Training for enforcement trainers 2018 – BPR module**

**(Mandate adopted at BPRS-5)**

**“BPRS Train the trainers 2018”**

**Composition**

**Chair**: Mike POTTS (UK)

**Vice-Chair:** Jenny KARLSSON (SE)

**BPRS Members/Alternates**

* Dominik PISAREK (PL)
* Eugen ANWANDER (AT)
* Heribert Bürgy(CH)

**BPRS Invited Experts**

* Becky HAMER (UK)
* Shelley Collins (UK)
* Nadine Grisel (CH)
* Margareta Daho (SE)

**Commission**

* DG SANTE

**ECHA**

* Nicola Tecce

**Objective:**

* Prepare and deliver the training for trainers on the enforcement of BPR in the fourth quarter of 2018

**Mandate**:

* Examine the training subjects relevant for enforcement in the fourth quarter of 2018 and prepare the priority topics for agreement before BPRS-3
* Specify as early as possible the envisaged level of the content of the training
* Prepare materials necessary for the training such as presentations or documents
* Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics as necessary
* Collect, summarise and evaluate the recommendations and reactions of participants

**Timeline**:

* Before BPRS-3: conclude on list of subjects and prioritisation
* BPRS-6/BPRS-7: final report

**Annex 2 e - BPRS WG - Preparation of the Forum Work Programme 2019-2023**

**(Mandate adopted at Forum-30 and BPRS-5)**

**“Work Programme 2019+”**

**Composition**

**Chair**: Sinead McMICKAN (IE)

**Forum/BPRS Members/Alternates**

* Katja VOM HOFE (DE)
* Graça BRAVO (PT)
* Dominik PISAREK (PL) (BPRS)
* Eugen ANWANDER (AT) (BPRS)

**Commission**

* Miriam GUTIERREZ-MEDINA (DG GROW)

**ECHA**

* Maciej BARANSKI

**Objectives:**

Prepare a Forum Work Programme 2019-2023 outlining the work of the Forum and BPRS for the years starting 2019 onward.

**Mandate**:

1. Develop Forum Work Programme 2019-2023 describing the activities of the Forum and BPRS with accompanying high level planning
2. Define the time scope of the Work Programme
3. Comment on the ECHA strategic document 2019-2023
4. Ensure that the Forum Work Programme 2019-2023+ is consistent, where applicable, with the strategic priorities and objectives defined in the ECHA strategic document 2019-2023
5. Collect and process suggestions from the ECHA Management Board, CARACAL, BPR CAs and DNAs when drafting the Work Programme.
6. 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

**Tentative Timeline:**

* Forum-31/BPRS-6 – final Forum Work Programme 2019-2023

**Annex 2 f – BPRS WG - Implementation of PD BPR**

**(Mandate adopted at BPRS-5)**

**“PD-BPR”**

**Composition**

**Chair**: Eugen ANWANDER (AT)

**BPRS Members/Alternates:**

* Francesca RAVAIOLI (IT)
* Brigitte EDER (AT)

**Invited Experts:**

* Natalja UMBRASIENE (LT)
* Pia LINDFORS (FI)
* Jurgen SCHMID (DE)

**ECHA**

* Anita TUOMAINEN

**Objective:**

* Support the implementation of the Portal Dashboard for biocides (PD BPR) allowing inspectors access to data submitted to ECHA

**Mandate**:

* Analyse the requirements for the BPR inspectors;
* Provide input during the further development and implementation of PD BPR;
* Verify that the UAT conditions are implemented and follow up the implementation of the WG improvement requests;
* Provide training on the use of the PD BPR to MSs;
* Support the production of a Manual for using the PD BPR.

**Timeline**:

* BPRS-7 (Q1 2019)
1. EFSA report concerning fipronil available at: ttps://www.efsa.europa.eu/en/efsajournal/pub/5164 [↑](#footnote-ref-2)