

MINUTES

TENTH (WEBEX) MEETING OF THE BPR SUBGROUP OF THE FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

BPRS-10

26 JUNE 2020

ECHA, Helsinki (FI)

Contents

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Glossary of acronyms and abbreviations

AOB	Any Other Business
ASO	Accredited Stakeholder Organisation
BEF-1	First Biocides Enforcement Project
BPRS	BPR Subgroup, a Subgroup of the Forum which coordinates the BPR enforcement
BPC	ECHA Biocidal Product Committee
CLP	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
HET	ECHA Harmonised Enforcement Team (former ECHA Forum Secretariat)
ICSMS	Internet-supported information and communication system for the pan-European market surveillance
MAWP	Multiannual Work Programme
MOC	Manual of Conclusions
MS	Member State
NC	National Coordinator of the Enforcement Project
NEA	National Enforcement Authority
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

Item 1 - Welcome and introduction

The Vice Chair of the BPRS opened the plenary meeting which, for the first time, was held remotely since the creation of the subgroup.

The terms of office for the BPRS Chair and one Vice Chair expired the day before the plenary, i.e. 25 June 2020. The second Vice Chair, moderating the start of the BPRS-10, was elected in November.

The Vice Chair informed the plenary that the meeting was recorded for the purpose of writing the minutes, and that the recordings are going to be destroyed after the minutes are adopted. The final agenda was adopted (see Annex I to this document) with the inclusion of two items: the 'inventory of recommendations of the Forum/BPRS projects', and the 'update on the coordination of the REACH/CLP/PIC/POP enforcement in the Forum'. Three room documents were circulated to the BPRS members.

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

The ECHA Harmonised Enforcement Team (HET) informed the members that all action points from the BPRS-9 were discharged. The item related to the cooperation between BPRS and BPC on risk management measures was postponed to the BPRS-11.

Item 2 – Election of the BPRS Chair and Vice Chair

The Vice Chair described to the members the key aspects for the election procedure which was held remotely.

Mr Eugen Anwander (Austria) was re-elected as the BPRS Chair and Ms Jenny Karlsson (Sweden) was elected as the Subgroup's Vice Chair. Both mandates started on 26 June 2020 and will last three years.

Item 3 – BPRS's transparency

Member of the HET introduced to the plenary new proposals that were conceived to improve the stakeholder perception of the BPRS/Forum activities.

Generally speaking, the topics suggested aim at increasing transparency and having more active collaboration with ASOs. The publication and communication aspects of the harmonised enforcement projects were discussed among the BPRS members.

The BPRS members were invited to provide written feedbacks on a document outlining the impact and costs of those proposals. HET will prepare a new document taking the BPRS feedback into account, a follow up discussion will take place at the next plenary.

3.1.1 Preliminary discussion on the open session with ASOs in October 2020

The BPRS Chair indicated to the members that the next opportunity to hold an open session with ASOs will be at BPRS-11 in October 2020. The next plenary is going to be a remote meeting, in line with ECHA's decision.

The BPRS members tasked the HET to invite ASOs to propose topics related to the BPR after the BPRS-10.

3.1.2 Inventory of recommendations of the Forum/BPRS projects

Member of the HET updated the BPRS members on the set-up of the Forum 'inventory of recommendations' from harmonised enforcement projects.

The creation of the inventory was recommended after the ECHA internal audit, and it has the ultimate goal to make the Forum projects more impactful with stakeholders and the general public.

The purpose of the inventory is to ensure that the recommendations addressed by the Forum/BPRS are eventually shared and followed up with the relevant recipients, i.e. ECHA, NEAs, ECHA ASOs, COM.

The HET intention is that the recommendations defined in BEF-1 be included in the inventory.

The BPRS members were invited to comment in writing on the set-up of such inventory as presented at the plenary, and on the possible inclusion of BPRS projects. A follow-up discussion on the matter will take place at the BPRS-11.

Item 4 - Updates from the ECHA Secretariat

4.1 Update on the coordination of the REACH/CLP/PIC/POP enforcement in the Forum

The BPRS Chair debriefed the plenary on the key issues tackled during the last plenary of the Forum (i.e. Forum-35). The group decided that the main project for 2022 (REF-10) will focus on integrated checks of products (articles and mixtures) addressing REACH and POPs restrictions and REACH duties for Substances in Articles' (Article 33). The list of substances will be released in 2021, and the inspectors will be tasked to perform multiple checks per product, and run controls per material type.

Regarding the Forum pilot project on the use of bridging principles for classification of detergent mixtures, the start of the activities is planned in Q4 of 2020, with a final report expected in the course of 2023.

The BPRS Chair also mentioned that the preliminary results coming from the REF-7 project on REACH registration indicate 12.8% non-compliance rate for all checked registration related duties, of which 5.1% of substances were found to be lacking registration.

Regarding the Forum pilot project on cooperation with customs in control of imports for REACH Restrictions and CLP labelling, the results indicate that 17.1% of imported products checked for restrictions are non-compliant. The CLP labelling controls showed 65.3% non-compliance rate among the imported products.

Other aspects reported by the BPRS Chair concerning the Forum activities were the update on the pilot project on recovered substances and the cooperation with waste inspectors; the discussion on the recommendation from the Forum WG Interlinks to enforce evaluation decisions in line with ECHA's position; and the pilot project of annual reporting of the enforcement activities to ECHA, which foresees annual reports in 2022 and 2023.

4.2 Common activities between Forum and BPRS

Member of the HET introduced to the plenary a document on the cooperation between the Forum and the BPRS concerning the interaction of the BPR with other pieces of chemicals legislations.

The BPRS responsibility is strictly limited to the BPR by the presence of Switzerland, as a consequence of mutual recognition agreement signed between the European Union and CH. Because of this agreement BPRS Swiss representatives have access to BPR related information, but no access to any discussions on topics related to REACH, CLP, PIC and

POPs. In most cases the topics on different legislations can be separated. But such separation of topics is impossible for issues that pertain both to BPR and at the same time also REACH, CLP, PIC or POPs. So far there was one such topic.

HET proposed to resolve this by proposing that for rare topics involving BPR and REACH/CLP/PIC/POP HET may use of *ad hoc* written consultations of Forum and BPRS members from the EU Member States, IS, NO and LI. This would honour the existing mutual recognition agreement by restricting the access of Swiss representatives to BPR-only information.

The BPRS members were invited to comment in writing the concerned proposal and indicate their preferences. A follow-up discussion will take place at the BPRS-11.

4.3 ECHA's Internal Audit - Recommendations for the Forum/BPRS

Member of the HET informed the BPRS about the main recommendations provided by the ECHA internal audit conducted in 2019. The goal of the audit was to assess the regularity and quality of the internal control systems, and the efficiency and effectiveness of the Forum/BPRS activities.

The audit was conducted through several interviews with Forum/BPRS members, Management Board members, COM, ECHA staff, and ASOs. No critical or very important recommendations were eventually issued. Some actions were suggested though, among which: i) increasing of the effectiveness of REF/BEF/pilot projects (by the simplification of manuals and questionnaires); ii) follow-up actions on project conclusions and practical guides; iii) improvement of the ASOs engagement.

The communication aspects of the harmonised enforcement projects were also addressed by the ECHA audit recommendations, indicating the importance of promoting the visibility of the two groups at EU and national level.

After the discussion, the BPRS members were invited to provide written feedbacks on the audit recommendations and action plans, as presented at the plenary.

4.4 Dates of BPRS meetings 2020/2021

The indicative dates of the next BPRS plenary meetings were circulated to members, namely:

- BPRS-11 week 26-30 October 2020 (potential open session with ASOs);
- BPRS-12 week 15-19 March 2021;
- BPRS-13 week 14-18 June 2021;
- BPRS-14 week 8-12 November 2021.

5 – Practical issues for enforcement

5.1 Items raised by the BPRS/ECHA/COM

Issue BPRS 8.1 – Treated articles

The BPRS Chair introduced the practical issue focused on the enforceability of the labelling requirements for treated articles incorporating the active substance permethrin. After the discussion at the plenary, the BPRS decided that an additional revision of the conclusion is needed. The HET will follow up the Issue after the BPRS-10.

Issue BPRS 9.1 – Borderline issue

BPRS Vice Chair introduced the practical issue to the plenary, which was revised based on the previous written consultation that took place before the BPRS-10. The core question of the Issue focuses on what constitutes a 'biocidal product', with particular emphasis on the element of 'intent' as defined by the existence of a biocidal claim in the label and/or marketing material.

After the discussion, the HET was tasked to take on board the concerns of the BPRS members concerning the concept of efficacy, to analyse the legal feasibility of the arguments expressed by the members, and to revise the draft conclusion accordingly. A follow-up written consultation will take place after the BPRS-10.

Issue BPRS 10.1 – Enforcement of biocidal products with unstable active substances

The French BPRS members presented the Practical Issue to the BPRS members. The Issue went already for a first written consultation before the plenary, but only one comment was submitted.

The Issue is focused on the conformity of biocidal products when the concentration of the active substances indicated on their labels is different than the concentration measured by the enforcement authority, without showing a decrease of the efficacy of the biocidal functions.

The French BPRS member expressed her concerns on the regulatory consequences of the different ways of reporting the active substance concentration present in biocidal products, i.e. between the measured 'pure' concentration (perform by the enforcement bodies), and the concentration indicated on the label/SPC - 'technical' concentration.

The BPRS members discussed the Issue and were asked to provide their feedbacks in writing after the BPRS-10. The HET will collect them and revise the draft conclusion accordingly.

Item 6 - BPRS enforcement activities

6.1 – Member States reporting

Member of the HET highlighted the key messages of the activities performed by the WG. Specifically, the review for the MS reports required under Art 65(3) of the BPR was finalised, and the members submitted their comments to COM.

The BPRS members discussed and decided not to take part in pilot of annual reporting, which will be implemented by Forum for REACH and CLP.

6.2 Interact portal BPR

One member of the HET informed the plenary that the data requirements for the implementation of the Interact BPR were finalised. The WG commented the functional requirements mock-ups. The delivery of the BPR data in Interact for BPR NEA will be available by end of 2020.

The BPRS members were invited to liaise with their Forum members to consider having the same Interact User Admins that are currently in place also for Interact NEA.

The HET was tasked to send the User Administrator appointment documents to the BPRS members after the BPRS-10.

The consultation module of the Interact Portal was tested by the WG. This functionality is planned to be used by the BPRS later on in 2020, complementing the 'meeting' and 'collaboration' modules.

6.3 First BPR enforcement project BEF-1

The BPRS Chair debriefed the plenary on the work done by the WG BEF-1 since the BPRS-9. The reporting phase of the first harmonised enforcement project (BEF-1) held under the umbrella of the BPRS is proceeding as planned. Due to the COVID-19 pandemic the deadline for submission of data by the NCs was extended until 22 May 2020. The WG adapted the activity plan in order to deliver a final report by the end of 2020. The WG members elaborated the BEF-1 reporting template, and a preliminary analysis of the data received from the NCs was performed. 22 countries are participating in BEF-1. Totally 1187 companies and 1844 treated articles were inspected (i.e. one to five treated article per company). On-site visits were 83% of the controls performed by the national inspectors. The WG members are currently drafting the final report of the BEF-1 highlighting the key findings of the harmonised project. The draft final report will be circulated for written inputs to the NCs and BPRS members in the course of 2020.

The WG members examined the results of the Section X of the BEF-1 questionnaire, which was focused on the overall assessment of the material received by the national inspectors in order to perform enforcement activities related to treated articles (results collected by end of January 2020). The outcome of the evaluation is reported in Annex II to the WG Progress Report.

6.3 BPRS Training for Trainers 2020

One member of the BPRS WG "Training for Trainers 2019" briefed the plenary on the preparation of the third training event under the umbrella of the BPRS.

The topics of the training are: "Definition of biocides: legal components and active substance approval; Decisions: availability of data and BPR borderline issues". The WG members agreed and started the preparation of the materials to be delivered at the training event (i.e. presentations and case studies). The training will be on a medium level, and the collaboration with the ECHA Biocides Assessment Unit, the BPRS WG BEF-1 and the European Commission is well established.

Due to the COVID-19 pandemic the WG decided that the Training event will be held via WebEx on 18 November 2020. More information of the practicalities of the event will be shared by the WG to the BPRS members after the BPRS-10. The revised agenda (previously adopted by the BPRS) will be sent for a new written adoption after the BPRS-10.

6.3 REF-8 - BPR module

The BPRS Chair informed the plenary on the activities of the WG. The operational phase of the enforcement project on online sales is running since January 2020, and meanwhile the WG members run two surveys among the NCs to keep track of the types of products being investigated by the national inspectors, and to evaluate the impact of the COVID-19 pandemic on the activities for the REF-8 inspections. It resulted that some MSs asked for an extension of the operational phase of the project. In this light, the WG will monitor the situation in September 2020 and consider whether it is necessary to extend the timeline for the operational phase. Final decision can be taken at the plenary Forum/BPRS meeting in October.

Item 7 – Updates on relevant developments by the European Commission

7.1 General updates on the BPR provisions by the European Commission

The DG SANTE representative gave an update of the COM's activities that were relevant for the work of the BPRS.

The presentation started with the report of the activities related to COVID-19 and its impact on biocides. Specifically, the speaker informed the plenary that COM established

regular contacts with relevant industry associations in order to monitor the market situation for disinfectants in EU. Under Article 55(1) of the BPR Member States have the possibility to grant emergency permits or adopting national measures to increase supply in disinfectants. The BPRS members were informed that permits were granted for individual products or 'generic' derogations were granted for products formulated according to WHO formulations. These measures were addressed at specific companies or broader categories of operators: i.e. chemical companies or pharmacies. It was clarified that those permits have a maximum duration of 180 days.

COM is supporting national authorities in their market surveillance activities and compliance promotion activities. This includes also financial support for joint actions to control the compliance of COVID-19 related products in order to ensure a harmonious and timely application of the new market surveillance regulation n. 2019/1020, in the context of a project launched by DG GROW.

With regard to the Community Rapid Alert System (RAPEX), the speaker clarified that the tool for notification has been adapted to cover all possible risks and different communication obligations, not only 'serious risks'. In this light, DG JUST will be asked to report at the BPRS-11 the legal framework and obligations stemming from various pieces of legislation concerning RAPEX notifications and more specifically the risk level to be notified and the risk assessment.

Moreover, the presentation touched upon the status of the on-going work related to the review programme of active substances; the early review of active substance approvals; the protection of cultural heritage and potential derogations pursuant to Article 55(3) of the BPR; and the update of the BPR information requirements, more specifically the amendment of Annex II and III to the BPR.

Item 8 - Enforcement and breaches related to Covid-19 pandemic

The BPRS Chair reported to the plenary that the COVID-19 pandemic has led to an increased number of non-compliant (hand) disinfectants on the EU market.

The BPRS members shared their experiences concerning the breaches and related national enforcement actions connected to the Covid-19 pandemic. Specifically, NEAs indicated to ECHA and COM that many inspected products, claimed to be disinfectants, showed formulations not sufficiently effective against viruses. Some biocidal products were found on the market lacking proper authorisations or having incorrect hazard labelling according to the BPR.

National Enforcement Authorities have been taking action to protect citizens from the risks of illicit and ineffective products. A news alert was published in May 2020 on the ECHA website informing the general public about the actions of the NEAs.

A representative of DG GROW delivered to the plenary a presentation on borderline cases between the BPR and the Cosmetic Products Regulation in order to address some concerns expressed by the BPRS members. After the presentation, the BPRS was requested to send in writing practical cases of enforcement to be considered by the COM's Borderlines Working Group. A follow-up discussion will take place at the BPRS-11.

The BPRS Chair mentioned to the plenary that ECHA also established cooperation with DG JUST and the European Anti-Fraud Office (OLAF) concerning illicit disinfectants on the EU market.

The BPRS concluded that current intensified enforcement actions at the national level are sufficient and appropriate to address the illicit cases of disinfectants. No EU-level harmonised action was triggered due to the specific measurements in each Member State.

II. MAIN CONCLUSIONS & ACTION POINTS - Adopted at the BPRS-10

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.4 Adoption of the Agenda	The BPRS adopted the agenda	
Item 2 – Election of the BPRS Chair and Vice Chair		
2.4 Counting of the votes and announcement of the elected BPRS Chair and Vice-Chair	The BPRS elected Eugen Anwander (AT) as Chair and Jenny Karlsson (SE) as Vice Chair. Their terms of office will run from 26 June 2020 until 25 June 2023.	
Item 3 – BPRS’s transparency		
3.1 Forum/BPRS transparency		BPRS members are invited to provide written feedback on the proposals in the document in writing by 27 July. HET will produce a new version of the document considering the Forum/BPRS feedback and further systematising the assessments of impact and cost of the proposals for discussion and agreement at BPRS-11.
3.1.1 Preliminary discussion on the open session with ASOs in October 2020	BPRS will plan an open session at the remote meeting BPRS-11.	
3.1.2 Inventory of recommendations of the Forum/BPRS projects		BPRS members are invited to provide comments on the inventory by 31 July.
3.2 Results on the Forum/BPRS’s satisfaction survey 2019		
Item 4 – Updates from the ECHA Secretariat		
4.1 Update from the cooperation between Forum and BPRS		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
4.2 Common activities between Forum and BPRS		BPRS members are invited to provide comments on the proposal for discussing cross-legislation issues and indicate if they would be willing to support it by 31 July
4.3 ECHA's Internal Audit - Recommendations for the Forum/BPRS		<p>BPRS members are invited to provide written feedback on the presentation and the questions therein by 31 July.</p> <p>HET will provide a response to comments received in writing by BPRS-11</p> <p>BPRS members are invited to promote the use of the practical enforcement guides among the NEA, once produced by the BEF-1</p>
4.4 Dates of BPRS meetings 2020/2021	<ul style="list-style-type: none"> • BPRS-11 (open session) week 26-30 October 2020 (possibly 1.5 days) • BPRS-12 week 15-19 March 2021 • BPRS-13 week 14-18 June 2021 • BPRS-14 week 8-12 November 2021 	
Item 5 – Practical issues for enforcement		
8.1 Labelling of articles treated with permethrin		
9.1 Deciding on whether products are biocidal products		
10.1 Enforcement of biocidal products with unstable active substances		
Item 6 BPRS enforcement activities		
6.1 Member States reporting		
6.1.2 Discussion on the pilot exercise in annual reporting	The BPRS decided not to take part in pilot phase of annual reporting.	
6.1.3 Mandate	The BPRS revised the mandate of the WG.	

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
6.2 Implementation of Interact portal		
6.2.3 Process of appointment for MS NEA BPR User Administrators		<p>BPRS Members are invited to liaise with their Forum Member to consider having the same Interact User Admins that are currently in place also for Interact NEA.</p> <p>HET to send the User Administrator appointment documents to the BPRS members by end of August.</p>
6.2.5 Mandate amendment	The BPRS revised the mandate of the WG.	
6.3 BEF-1; Training for enforcement trainers 2020; REF-8 on-line sale/BPR module		
6.3.1 Mandates amendment, if needed	The BPRS reviewed the mandates of the WGs.	
Item 7 Updates on developments by COM		
7.1 Updates on the BPR provisions		<p>HET to invite DG JUST at the BPRS-11 to present legal framework and obligations stemming from various pieces of legislation concerning RAPEX notifications and more specifically the risk level to be notified</p>
Item 8 Enforcement and breaches related to Covid-19 pandemic		
		<p>HET will share the COM presentation on borderline between the BPR and cosmetics regulation and contact details of the COM representative by 26 July.</p> <p>BPRS members will send in examples of borderline BPR/cosmetics COM and HET (in cc) by 1 July</p> <p>COM is invited to share the results of discussion in the Borderline WG at BPRS-11</p>
Item 9 – Adoption of conclusions and action points		

III. List of attendees of the BPRS-10

BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	CH	BURGY Heribert
4	CZ	JAROLIM Oldrich
5	DE	SCHROETER Meike
6	DK	HANSEN Lise Bach
7	EE	LINNO Annemari
8	EL	GKILPATHI Dimitra
9	ES	TEBAR LUJAN Jorge
10	FI	KARNANI Päivi
11	FR	VERDIER Elodie
12	HU	NEMET Balazs
13	IE	MURPHY Brian
14	LT	HAKAITE Palmira
15	LU	HERMES Joe
16	MT	GARG Ramandeep
17	NL	DE BOER Jabik
18	NO	SKARGARD Cathrine
19	PL	WASIK Romualda
20	PT	DIAS Marina
21	SE	KARLSSON Jenny
22	SI	HAJRLAHOVIC-MEHIC Semira
23	SK	POCAROVSKA Miriam

Invited Experts

	Country	Name
24	LV	RUMPETERE Maija

Advisers

	Country	Name
25	CH	GRISEL Nadine
26	DE	FRENZEL Stefan
27	DE	WURSTHORN Sibylle
28	DK	SKALS Dorrit
29	DK	MADSEN Betina
30	EL	MARTIKA Anastasia
31	EL	PAPATHANASIS Thanasis

	Country	Name
32	FI	OLLIKKA Jussi
33	FR	GOUX Muriel
34	FR	TCHANAKIAN Fiona
35	HR	SUVAK Zdenko
36	HU	DEIM Szilvia
37	LI	RELLA-QUADERER Maria-Rosaria
38	LU	ZIGRAND Jeff
39	SE	AXEN Annkristin
40	SE	STIGWALL Johanna

European Commission representative

	Country	Name
41	DG SANTE	NEGULICI Ligia

ECHA's Harmonised Enforcement team staff

	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	TECCE Nicola	Support and Enforcement
8	TLOCZEK Magdalena	Support and Enforcement
9	TUOMAINEN Anita	Support and Enforcement

IV. List of Annexes

Annex 1. Final agenda of BPRS-10 (as adopted at the plenary)

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

- 2 a. BPRS WG - First BPR enforcement project – BEF-1
- 2 b. BPRS WG - Training for enforcement trainers 2020
- 2 c. BPRS WG – Implementation of Interact BPR NEA
- 2 d. Forum/BPRS WG - REF-8
- 2 e. Forum/BPRS WG - MSs Reporting

Annex 1. Final agenda of BPRS-10 (as adopted at the plenary)

26 June 2020 (Via WebEx)
Time: 10:30-12:45 & 13:45-16:30 (Helsinki Time)

Item 1 – Welcome and Introduction	<i>10:30–10:45</i>
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- 1.1 Opening by the *BPRS Vice-Chair*
- 1.2 Welcome from the ECHA Head of Support and Enforcement Unit
- 1.3 Practicalities of the remote meeting
- 1.4 Adoption of the Agenda
- 1.5 Declarations of conflict of interest with regard to the agenda items
- 1.6 State of play with action points from BPRS-9
- 1.7 Results of the written procedures from the BPRS-9

For information/adoption

Item 2 – Election of the BPRS Chair and Vice Chair	<i>10:45–11:10</i>
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- 2.0 Introduction to the electronic voting procedure – *BPRS Vice-Chair*
- 2.1 Presentation of the candidates
- 2.2 Candidates' motivation speeches
- 2.3 Election procedure
- 2.4 Counting of the votes and announcement of the elected BPRS Chair and Vice-Chair

For adoption

Item 3 – BPRS's transparency	<i>11:10–11:55</i>
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- 3.1 Forum/BPRS transparency
 - 3.1.1 Preliminary discussion on the open session with ASOs in October 2020
 - 3.1.2 Inventory of recommendations of the Forum/BPRS projects
- 3.2 Results on the Forum/BPRS's satisfaction survey 2019

For discussion

Item 4 – Updates from the ECHA Secretariat	<i>11:55–12:45</i>
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- 4.1 Update on the coordination of the REACH/CLP/PIC/POP enforcement in the Forum (10')
- 4.2 Common activities between Forum and BPRS (20')
- 4.3 ECHA's Internal Audit - Recommendations for the Forum/BPRS (20')
- 4.4 Dates of BPRS meetings 2020/2021

For information/agreement

Item 5 – Practical issues for enforcement	<i>13:45–14:15</i>
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- 5.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda) (30')

For discussion/adoption

Item 6 – BPRS enforcement activities

14:15–15:20

6.1 Member States reporting (30')

6.1.1 WG progress report – *WG representative*

6.1.2 Discussion on the pilot exercise in annual reporting

6.1.3 Mandate closure

6.2 Implementation of Interact portal (30')

6.2.1 WG progress report – *WG Chair*

6.2.2 Update on Interact BPR NEA

6.2.3 Process of appointment for MS NEA BPR User Administrators

6.2.4 Interact Consultation module

6.2.5 Mandate amendment

6.3 WG progress reports not addressed at the meeting: BEF-1; Training for enforcement trainers 2020; REF-8 on-line sale/BPR module (5')

6.3.1 Mandates amendment, if needed

For discussion/adoption

Item 7 – Updates on developments by COM

15:20-15:40

7.1 Updates on the BPR provisions – *DG SANTE* (20')

For information

**Item 8 – Enforcement and breaches related to
Covid-19 pandemic**

15:40-16:25

Item 9 – Adoption of conclusions and action points

16:25-16:30

End of Meeting

16:30

Annex 2. List of mandates of BPRS/Forum WGs

Annex 2 a BPRS WG - First BPR enforcement project – BEF-1

BPRS Working Group

“BPR enforcement project on treated articles”

(Mandate adopted at BPRS-10)

Chair: Jenny KARLSSON (SE)

Vice Chair: Jabik DE BOER (NL)

BPRS Members/Alternates:

- Francesca RAVAIOLI (IT)
- Heribert BURG (CH)
- Marianne BRAAM (NL)

Invited Experts

- Karin PFAFF (DE)
- Nadine GRISEL (CH)
- Fiona TCHANAKIAN (FR)

ECHA: Nicola TECCE

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

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Prepare and deliver, if needed, 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. Cooperate with WG Train the trainers 2018 during the preparation and delivery of the content of the training
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
7. Elaborate a questionnaire on gathering information on national enforcement activities from the BPRS members
8. Design and deliver an ad hoc workshop focused on the best practises of the BEF-1, if appropriate

Timeline:

- Assessment 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
- BEF-1 workshop in June 2019

Annex 2 b BPRS WG - Training for enforcement trainers 2020**BPRS Working Group**
“Training for enforcement trainers 2020”
(Mandate adopted at BPRS-10)**Composition**

Chair: Helmut DE VOS (BE)

BPRS Members/Alternates:

- Heribert BURG (CH)
- Eugen ANWANDER (AT)
- Jenny KARLSSON (SE)

Invited Experts:

- Nadine GRISEL (CH)
- Silvia NOBILE (IT)
- Nils MANEGOLD (DE)
- Marcus MORENO-HORN (DE)

ECHA

- Nicola TECCE (IT)

Objective

Prepare and deliver the training for trainers on the enforcement of the BPR in the fourth quarter of 2020.

Mandate

1. Examine the training subjects relevant for enforcement and prepare the priority topics/draft agenda for agreement by end of April 2020
2. Specify the envisaged level of the content of the training
3. Prepare materials necessary for the training such as presentations or documents
4. Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline

- By the end of April 2020: conclude on list of subjects and prioritisation, adopt the agenda of the training event
- By the BPRS-11: final report adopted

Annex 2 c Interact Portal

BPRS Working Group “Implementation of Interact BPR NEA” (Mandate adopted at BPRS-10)

Chair: Eugen ANWANDER (AT)

BPRS Members/Alternates:
- Francesca RAVAIOLI (IT)

Invited Experts:
- Natalija UMBRASIENE (LT)
- Jurgen SCHMID (DE)
- Jussi OLLIKKA (FI)
- Brigitte EDER (AT)

ECHA
- Jolanta STASKO
- Anita TUOMAINEN

Objective:

- Support the implementation of the Interact Portal for NEAs for biocides (Interact BPR NEA) allowing inspectors access to data on biocidal products submitted to ECHA.

Mandate:

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

Timeline:

- BPRS-12 (Q1 2021)

Annex 2 d Forum/BPRS WG - REF-8**Forum Working Group**Work Package A.1**“Coordinated enforcement project REACH-EN-FORCE-8”**

(Mandate adopted at Forum-35 and BPRS-10)

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)

BPRS Members and Experts

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

ECHA

- Tania MATEUS
- Ales 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

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 e Forum/BPRS WG - MSs Reporting**Forum and BPRS Working Group
"Member States reporting"**

(Mandate adopted at Forum-35 and BPRS-10)

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)
- Helmut DE VOS (BE)

Invited Experts

- Katja TRAWNY (DE)
- Monika AVIZIENE (LT)

Commission

- Ligia NEGULICI (DG SANTE)

ECHA: Maciej BARANSKI; Ales 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:

- 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
- 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
- Draft the reporting template for annually reporting the Member States Enforcement activities under REACH and CLP
- Liaise with WG Interlinks regarding any data on interlinks to be included in the reports
- Start the pilot phase of the annual reporting exercise
- 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
- Prepare the template for the report to the European Commission required under Article 13(1)(a) of the POPs Regulation
- Attempt to find a harmonised method of counting controls for the purposes of reporting by Forum and BPRS.

Timeline: Forum-36 (October 2020)