



**Forum-39/M/2021 – PUBLIC**

**Adopted on 17/03/2022**

**Minutes of the  
39<sup>th</sup> meeting of the Forum for Exchange of Information on Enforcement  
Remote meeting  
9-12 November 2021**

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## **I. Summary record of the proceedings**

### **Item 1 – Welcome and introduction**

#### **1.1 Welcome and opening by the Forum Chair**

The Forum Chair welcomed all the participants and opened the meeting. She announced that the Forum members from the 27 EU Member States with voting rights and the three EEA countries were attending. The Chair informed that the quorum requirement was met.

#### **1.2 Adoption of the agenda**

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

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

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

#### **1.4 State of play with action points from Forum-38**

The Harmonised Enforcement team (HET) informed the plenary on the status of the action points from Forum-38.

#### **1.5 Results of the written procedures and other issues between Forum-38 and Forum-39**

The Chair referred to the document with the results of the written procedures between Forum-38 and Forum-39.

### **Item 2 – Planning of Forum's tasks**

#### **2.1 Outcome of the survey on Forum participation and individual interviews with Forum**

During the period between Forum-38 and Forum-39, the Forum Chairs contacted Forum members to identify the issues and possible solutions to increase the level of engagement of Forum members to face the increasing tasks of the Forum.

#### **2.2 Draft Forum chapter of ECHA Programming Document 2022 – Result of the consultation with the Forum Chairs**

HET summarised the planned activities of the Forum for 2022 featured in the draft ECHA Programming Document 2022-2025, which was consulted with the Forum Chairs. After the Forum-39 meeting, the draft would be amended to reflect the conclusions about the Forum's projects for 2022.

It was noted that the enforcement issues were scattered in the document and there was no dedicated chapter on the Forum. However, some Forum members expressed that it would increase the visibility of the Forum's work if there was a dedicated Forum chapter in the Programming document.

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

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

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

The Forum agreed to initiate a pilot project focused on placing on the market and the use of the substance Dichloromethane (DCM) in paint strippers and the placing on the market and use of the substance N-Methyl-Pyrrolidone (NMP).

HET will update the registry of legal obligations in consultation with the WG.

Forum members were invited to submit proposals for REF-12 project by 13 April 2022.

#### ***3.1.2 Planning of future Forum's pilot projects***

The Forum discussed the timing as well as duration of the upcoming pilot projects.

It was agreed that the pilot projects should last 18 months and additional 4-5 months for the follow-up phase. Thus, it would make it easier to plan and to make resources available at national level. Consequently, the manuals should be leaner and the projects with a limited scope.

It was also suggested for the work on the Enforcement guide for inspectors to start already during the operational phase, when the WG is less busy with tasks.

To increase efficiency, the workshop with ASOs (follow-up phase of the projects) could be combined with the yearly Open session, whenever possible.

#### ***3.1.3 Mandate amendment***

The Forum adopted the updated WG mandate ([Annex 2a](#)). The WG has a rotating chair and a new chair needed to be appointed. However, no new chair was appointed.

### **3.2 REF-8 on Online sales**

#### ***3.2.1 WG progress report***

The Forum was informed on the latest activities of the WG.

#### ***3.2.2 Adoption of the project report***

The WG chair presented three last changes in the report and the Forum adopted the report with those changes.

#### ***3.2.3 Mandate amendment***

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

### **3.3 REF-10 on Integrated control of products**

#### ***3.3.1 WG progress report***

The WG chair summarised the WG's activities, that consisted of the preparation of the project manual and initiation of the draft enforcement guide for inspectors, which will be used as a working tool by the inspectors during the operational phase. The Chair requested for it to be consulted with the Forum before NCs were

informed. The final guide will be completed upon the conclusion of the project report.

The reporting tool used by the inspectors to record the national inspections will be the EU survey, for the first time used in a Forum project.

The WG was organising the remote training for National Coordinators and inspectors. The Forum agreed to invite Helpnet representatives to participate in the training event.

### **3.3.2 Mandate amendment**

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

## **3.4 Enforceability of Restrictions**

### **3.4.1 WG progress report**

The HET member presented the work done by the WG and informed about the activities planned for the later quarter of 2021 and the year 2022. He briefed the Forum on the advices on enforceability developed between Forum-38 and 39.

He also invited the Forum members to take over the chairmanship of this WG, to appoint more invited experts and allocate time for them to perform their tasks.

The WG finalised drafting the document "Assessment of Enforceability of new REACH Annex XVII restrictions and analysis of Forum advice contribution to the development of restrictions" which included recommendations to improve the quality of the Forum's advice. The Forum members were invited to comment on the draft.

The Forum agreed with the recommendation of the WG to start the revision of the working procedure for the development of the Forum advice and support to RAC and SEAC.

A Forum member noted that the Forum advice was just a part of a lengthy process, taking place at ECHA and COM level. With that in mind, some Forum members welcomed the revision of the overall restriction process and to add a possibility for the Forum to revise the advice at a later stage in the process.

### **3.4.2 Mandate amendment**

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

## **3.5 REF-9 on Authorisation**

### **3.5.1 WG progress report**

The Forum took note of the WG's progress report, focused on the WG activities supporting the operational phase of the project, which was ongoing until the end of 2021.

### **3.5.2 Mandate amendment**

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

### **3.6 Pilot project on recovered substances**

#### **3.6.1 Mandate amendment**

The operational phase of the project was running by the end of 2021. There was a Workshop with the National Coordinators and inspectors to discuss some practical cases.

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

## **Item 4 – Update on relevant developments by the Commission**

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

COM representative informed the Forum on the plans regarding the European Audit Capacity within the Chemicals Strategy for Sustainability (CSS) mandate and on the consultation with the Forum members. The starting of the audits itself was not yet planned.

The Chair invited COM to inform the Forum on the outcome of the study made by the contractor and on the interim report. Depending on the findings of the study, the Forum could be involved at a later stage.

### **4.2 Work on the Chemicals Strategy for Sustainability**

#### **4.2.1 Preparations for the High-Level Roundtable meeting**

Stemming from the CSS, the COM's High-level Roundtable (HLRT) group would have their second meeting on 25 November 2021 and it would focus on enforcement.

COM prepared a background document, which was shared with the Forum. Moreover, delegates from the representatives of the participants of the HLRT group (Sherpas) were preparing the discussion topics to be addressed at the meeting.

#### **4.2.2 Report on the preparations for the High-Level Roundtable meeting**

The Forum Chair was invited by the HLRT group to make a presentation on the general overview of enforcement in the EU. One main message to pass on would be the need to increase resources at Member State level.

The Forum Chairs were invited to comment in writing on the document being prepared by the Sherpas for the HLRT meeting. The document was shared with Forum members to collect their feedback.

Forum members welcomed the input from the Chairs and confirmed the issues being brought to the HLRT were the main and most challenging ones. A Forum member highlighted also the importance of circular economy and its impact in substance legislations (*e.g.* Waste Framework Directive), as it would mean more cooperation with waste and REACH authorities and capacity building on both areas.

#### **4.2.3 CSS WG 9 on Enforcement**

The Working Group 9, created under the CSS, focused on enforcement. The participants of this group are restricted to appointed COM representatives (and its agencies, such as ECHA). However, COM will keep the Forum informed of its activities and any relevant issue for which the Forum's input was needed.

### **4.3 Debriefing of the meeting between COM and Forum Chairs**

The first meeting of this nature took place in September 2021. The objective was to introduce some topics and pre-discuss them before bringing them to the Forum.

### **Item 5 – Results of the Member State reports (Art 117.1 REACH and 46.2 CLP)**

HET summarised the results of the Member States report from 2020. However, many members raised a concern about the continued lack of common convention for counting controls. If not addressed, it will also affect the Member States report due in 2025 (and the annual reporting pilot). Hence, it was proposed to re-open the WG Member State reporting, which was closed in 2020 due to lack of resources, to tackle this issue in particular.

The Forum agreed to re-open the WG Member State reporting (see agenda item [10.4](#)) to seek agreement on common convention for Member States to count controls.

### **Item 6 – Debriefing of the meeting with ECHA Directors**

The Chairs informed the Forum about the discussions that took place during the remote meeting with the ECHA Directors, on 8 November 2021. The topics discussed were the 1) CSS and the preparations for the High Level round table meeting, 2) Forum's resources and, 3) Interact for BPR.

### **Item 7 – Preparation for the Joint Open session**

#### **7.1 Welcome to the BPRS members**

The Forum Chair welcomed the BPRS members joining for the meeting. The BPRS Chair opened the BPRS-14, which included the Joint Open Session.

#### **7.2 Discussion of the lines to take**

The Forum and BPRS members discussed the document prepared as background for the open session and agreed on the main messages for the presenting stakeholders.

Minutes of the Open session can be found in [section 2021 Open Session](#).

### **Item 9 – Debriefing of the Open session**

The Forum Chair welcomed the lively discussions that took place during the open session

### **Item 10 – Forum's enforcement activities- Upcoming projects**

#### **10.1 REF-11 on SDS**

##### **10.1.1 Mandate set-up**

The Forum adopted the created mandate for the WG managing REF-11 ([Annex 2g](#)).

## **10.2 Pilot project on classification of mixtures focusing on detergents and cleaning products**

### **10.2.1 Mandate set-up**

The Forum adopted the created mandate for the WG ([Annex 2h](#)).

## **10.3 Train the enforcement trainers 2022**

### **10.3.1 Proposed topics for the training**

HET presented the topic proposals collected from the Forum members. The Forum then agreed to set the focus of the next training event on SDS, to prepare inspectors for REF-11.

### **10.3.2 Mandate set-up**

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

## **10.4 Member State reporting**

### **10.4.1 Mandate set-up**

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

## **Item 11 – Update of ECHA screening of registrations to verify update duties**

The Forum took note of the letter campaigns for registrants to verify the “correctness” of their dossier. Registrations where uses indicated were for non-exempted uses would be communicated to NEAs for further action at national level.

## **Item 12– Forum contribution to REACH Revision**

HET summarised the latest changes in the Forum’s list of suggestions for REACH Revision introduced on request by Forum members after Forum-38. The changes suggested by the Forum are proposed in order to facilitate enforcement.

COM welcomed the list prepared by the Forum and ensured it will be taken into consideration for the REACH review.

The Forum discussed the last-minute comments and editorial changes were done on screen. The Forum adopted the REACH Review list edited at the meeting.

## **Item 13 – Practical issues for enforcement of REACH, CLP, PIC and POPs**

Forum discussed the current practical issues relevant to enforcement. Members were invited to submit new practical issues by 24 January 2022.

*Issue 31.2 - Can resellers and other intermediate traders be part of a supply chain of creosote treated wood?*

The issue was re-opened after the agreement with BPRS earlier in 2021 that all discussions on cross-legislation matters were to be handled by the Forum. Following

request from two members, the conclusion was expanded to address the interplay between REACH restriction entry 31 and BPR.

The Forum adopted the revised conclusion.

*Issue 39.1 – Interpretation of CLP Article 35(2) concerning packaging with triggers containing naphta-based product, which might lead to the child resistant fastening ceasing to work*

Forum adopted the draft conclusion proposed by HET considering the explicit requirement of CLP Article 35(1)(b) that package is not affected by contents and standard EN ISO 8317: 2015.

*Issue 39.2 – How do inspectors react when aerosol dispensers placed on the market do not meet the requirements of standard EN ISO 11683: 1997?*

HET addressed all comments received from the consultation and drafted the conclusion. HET will contact the European Aerosol Federation (FEA) to further inquire about the requirements for the tactile symbols for spray direction.

The Forum decided to have an additional commenting round of the draft conclusion and to assess the feedback from the FEA.

*Issue 39.3– How can the NEAs practically implement the approach to classification of aerosols expressed on Q&A 1456?*

The draft conclusion proposed a common approach to implement the CARACAL conclusion to avoid a risk of a non-harmonised approach to aerosol classification controls. The Forum agreed to another written consultation before adopting it by written procedure.

## **Item 15 – Enforcement in the Member States**

### **15.1 Market Surveillance of imported chemical products used in motor factor sector for compliance with REACH and CLP**

The Irish expert presented the national project focused on products used for car cleaning, car repair, fuel treatment, etc. The project run in 2021 and it found, amongst others, that many imported mixtures from non-EU countries were non-compliant. This project was also an important awareness-raising for SMEs as it was noted that Irish downstream users and distributors relying on the supply from the UK were, after 1 Jan 2021, importers and were not always aware of their new legal responsibilities.

### **15.2 Enforcement perspective on communication in supply chain**

The Forum Chair referred to the presentation done by the NO Alternate member for BAuA's REACH2SDS seminar on "Enforcement perspective on communication in supply chain." It included the results of Forum's REF-5 and ASO-joint projects, and some national perspectives from inspectors on Exposure scenarios.



It was recommended for the WG REF-11 to take such information into consideration when preparing the project manual.

## **Item 16 – Updates from the ECHA Harmonised Enforcement team**

### **16.1 'Access to documents' requests**

HET summarised the status of the received access to document (ATD) request during the summer. The final reply to the request would be sent to the Forum by HET.

### **16.2 Pilot exercise on the Member State annual reporting on enforcement to ECHA**

A pilot in annual reporting originated from actions identified in REACH review 2017. In 2018, the Forum agreed to set up a pilot exercise to collect annual national enforcement data from the volunteering countries, during the course of two years. HET proposed to start this pilot in 2022. However, the Forum noted that it lacked a harmonised convention of counting controls for purposes of reporting. This would undermine the data collected in the pilot exercise and Forum members were reluctant to run this pilot in such time frame.

Since the [WG Member States reporting was re-opened](#) to reach agreement on a harmonised convention to count "control", the Forum discussed the potential timelines for the pilot.

HET highlighted the reason for not waiting for the harmonised counting convention was that the pilot was included in the Forum work programme, which should be delivered by 2023. Moreover, if the convention is agreed in 2022 and used for collecting data for 2023, this would allow to compare how far the new convention changes the results from 2022 to 2023.

The Forum agreed not to run the pilot in 2022 and re-visit this issue at Forum-42 (November 2022).

### **16.3 Enforcement implications of UK withdrawal**

This item was not addressed at the meeting.

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

The Forum took note on the information about the cases sent to the Member States Focal points until 15 Oct 2021.

### **16.5 Reporting tool of Forum's projects**

The presenter informed the Forum on the foreseen use of EU Survey as the tool to substitute iPDF when collecting the findings of the inspections in Forum's projects. After the needed commenting rounds, HET developed three options to address the challenges indicated by the Forum members. The tool was presented to the WGs managing the projects that will use the tool in 2022 and the feedback was positive.

It was recommended for countries that chose not to use EU Survey and use individual reporting tools, to report the data in the same report template provided by HET. It would allow to agglomerate their results with the results from other countries using EU Survey. Otherwise, there was a risk that WG or HET would not have the resources to revise and adjust the data set to the correct format.

The Forum members selected the option that best served their needs, with one country indicating that it was not possible to use the EU survey and will pursue the possibility to prepare their own national tool.

HET also highlighted the new functionality that allowed the possibility for the answers to be reviewed by a second user before finalising the survey, by saving it as draft and send it to the reviewer.

HET would deliver an *ad hoc* remote training focused on the knowledge needed to operate the EU survey. Feedback from National Coordinators on the use of this tool will be collected at the end of 2022 for HET to assess how to improve the experience. The practical cases used in the training will be shared with Forum members to be used in their national trainings/tool set-up, as needed.

## **Item 17 – Cooperation with other networks**

### **17.1 Potential work of the Forum with the European Anti-Fraud Office (OLAF)**

After Forum-38, the Forum members were invited to provide feedback on the Forum's potential collaboration with OLAF.

Some Forum members expressed their interest in working with OLAF. The Forum agreed to wait until COM clarified the changes in the remit of OLAF that may affect the cooperation with the NEAs, which was a measure proposed under the work of CSS. In the meantime, HET would liaise with OLAF and discuss potential examples for cooperation between NEAs and OLAF that could be established in the future.

### **17.2 Forum's contribution to the Product Compliance Network (EUPCN) and the ADCO Chairs' meetings**

The Forum took note of the information from the EUPCN meetings, EUPCN partner group on ICSMS and ADCO chairs meeting attended by the Forum Chairs.

The Forum Chairs have been collecting the Forum members' feedback on an *ad-hoc* basis and would continue this practice when needed.

In the ICSMS partner group, the priority work was to increase the quality of the future data reported in ICSMS by enhancing the usability of the tool for inspectors and potentially improve the quality of the existing data. The Chair thanked the participants that volunteered to be part of the practical exercise with ICSMS.

In case it was needed to discuss enforcement topics raised by Forum members related to Market Surveillance regulation, it could be done at the Forum meetings with the participation of the relevant COM representative.

On the European Union Testing Facilities (EUTFs), EUPCN selected Toys and radio equipment to start a pilot to create the EUTFs. Toys could include the cooperation with REACH but priorities on the technical specifications needed to be done. Due to the timeline of the exercise, starting by having the legislation in place to set it up, it was most likely that it would not impact REF-10 inspections.

### **17.3 Updates from SLIC-CHEMEX**

The Forum took note of the information provided in a meeting document with the updates of the SLIC-CHEMEX's work since June 2021. At its last plenary meeting, a new chair and co-chair were selected. The WG has changed their way of working

and have a main group and two sub-groups, one continuing to deal specifically with long latency issues *e.g.* occupational carcinogens, and the second sub-group will address REACH/OSH issues. HET representative will participate as an expert in the main group.

The Forum mandated the WG Train for trainers 2022 to consider the involvement of CHEMEX in the preparation of the training event.

## **Item 18 – Updates from BPR Subgroup**

The BPRS Chair briefed the Forum on the issues to be discussed in the BPRS-14 plenary meeting<sup>1</sup>.

## **Item 19 – A.O.B.**

### **19.1 Consequences of the judgment case C-663/18 (Cannabidiol)**

The presenter highlighted the judgment in Case C-663/18 (19 November 2020), where ECJ considered Cannabidiol (CBD) as no longer a "narcotic drug". If CBD was authorised, the CBD-based vaping products would fall within the scope of tobacco products as well as in the scope of the regulations applicable to chemical products. Therefore, that substance was no longer exempt from registration and should be subject to enforcement accordingly.

A Forum member reported that there were not many experiences with such cases, but would pursue it in the future. The Forum members were invited to share their experiences with CBD.

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<sup>1</sup> BPRS-14 meeting agenda: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2021>

## **2021 Joint Forum-BPRS Open session (10 November 2021)2**

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

The Forum Chair, on behalf of both Forum and BPRS, welcomed the 34 representatives of 26 ECHA Accredited Stakeholders (ASOs) participating in the meeting. She welcomed the six observers representing three countries benefiting from the Instrument for Pre-Accession Assistance (IPA) programme.

### **Item OS 2 – Updates from the Forum/BPRS**

#### **OS 2.1 Update on the scope of upcoming REF/BEF projects**

The participants were informed that the Forum selected the harmonised enforcement project REF-11 on SDS with operation phase in 2023. The preparation of this project will start in 2022. Additionally, the Forum selected a pilot project on restricted substances with impact at workplaces, tackling the placing on the market and use of Dichloromethane in paint strippers and the placing on the market and use of N-Methyl-Pyrrolidone.

ASOs were invited to submit proposals for the next enforcement project on REACH/CLP/PIC/POPs, REF-12, by 13 April 2022.

The participants were also informed about the plans for projects to be run in the BPRS, in particular BEF-2, which will focus on the control of biocidal products and approved active substances. The WG has prepared a manual in 2021 and the inspections will start in 2022.

ASOs were invited to submit BPR topics for the next BPR enforcement project (BEF-3) by April 2023 or approach HET whenever needed.

#### **OS 2.2 Projects and related activities finalised during 2021**

##### **OS 2.2.1 REF-8**

The WG chair presented the results of the project REF-8 on online sales and informed that the report would be published in ECHA's website in December 2021<sup>3</sup>. The main non-compliances found were: 78% for REACH Restrictions; 5% REACH Article 31(1)(3)/(5); 75% CLP Article 48 and 77% BPR (more details in the report).

She informed that the follow-up of the project will consist in organising a dedicated workshop, in Q2 2022, with the main stakeholders addressed in the project. The objective of such workshop was to discuss the recommendations and brainstorm on ways to improve the situation and issues found in the project.

An ASO representative noted that the results of the project were not surprising and similar findings have been encountered by the members of his organisation.

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<sup>2</sup> All presentations of the open session are available on the Forum's webpage: <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/forums-open-sessions-2021>

<sup>3</sup> Post-meeting note: project report available here: [https://echa.europa.eu/documents/10162/17088/project\\_report\\_ref-8\\_en.pdf/ccf2c453-da0e-c185-908e-3a0343b25802?t=1638885422475](https://echa.europa.eu/documents/10162/17088/project_report_ref-8_en.pdf/ccf2c453-da0e-c185-908e-3a0343b25802?t=1638885422475)

The WG chair clarified that inspections of the REF-8 project did not include a follow-up to check whether the non-compliant product reappeared after being taken down by the marketplace. There had been some work developed by COM with the use of artificial intelligence (web crawlers), which identify similar products.

Other ASO representative highlighted that most likely the non-compliant companies were the ones not members of a trade association/organisation.

Replying to a participant, the WG chair clarified that the report did not include sector-specific information and there will not be any review of the report in the future.

It was suggested for the consumer organisations to follow-up on the findings of the report by liaising with the national authorities. It was noted that sanctioning was not the enforcement action mostly used by the inspectors in such cases and it was mainly due to national procedures and the need to evaluate the severity of each case by the inspectors.

### **OS 2.2.2 ASOs Workshops related to the projects Customs 2, REF-7 and BEF-1**

The Forum Chair summarised this new activity of the Forum's projects, which brings together the interested Stakeholders and the WG managing the project to discuss the findings and recommendations, ideally agreeing on an action plan to help improve the situation in the future.

There were three remote workshops held in 2021 and the participants found the workshop very helpful and instructive.

## **Item OS 3 – Discussion topics proposed by ASOs**

### **OS 3.1 Enforcement of in-situ generated Biocides - European Ozone trade Association (BPR)**

The presenter introduced the '*in-situ* generated biocide' and its challenges for the enforcement of the BPR. In particular, the devices present in the market used for the generation of the active substance that will be 'orphan' devices, approved devices and non-approved devices. The issue would be relevant in the years to come and there was a lot of work still to be done to ensure the level playing field in this area.

The BPRS Chair informed that enforcement is an exclusive competence of the Member States for all chemicals legislation and Forum is not a central enforcement "Agency", nor could it take on the tasks described in the presentation.

At present, the BPRS had no experience in addressing duties related to *in situ* generation. BPRS took note of the concern and will take action to collect the experience of the BPR NEAs with ozone generating devices and consider if there is a widespread compliance problem. Some BPRS members shared their national experiences.

BPRS indicated that EUOTA could submit a list of duty holders or products which generate ozone *in situ* considered to be breaching the BPR duties. The BPRS would consider whether and how to take such information forward and respond to EUOTA.

### **OS 3.2 How would future enforcement activities work in practice: enforceability of broad restrictions and revocation of registration numbers – Cefic**

The presenter highlighted the ambition of CSS to raise the regulatory bar and to prioritise enforcement. Enforcement is a matter of people's safety and a non-compliant product poses a serious health and safety risk to consumers. Furthermore, enforcement is a matter of competitiveness and level playing field and "free riders" should not be allowed to bypass EU rules. In particular, in products purchased online, most from "unknown" countries, it was still possible to find concentrations of the restricted substances much higher than the limit values.

Cefic welcomed EU's ambition to step up enforcement and questioned whether there was a process in place to enforce revocations.

The Forum was supportive of the proposals from the CSS and welcomed further development by COM on the highlighted areas to improve enforcement.

The Forum/NEAs have in place a process to enforce revocations detected by ECHA, for example, during the SME verification. That same process can be used for general revocations, if introduced in the next REACH revision.

The Forum Vice-chair added that it was impossible for NEAs to check all products for restrictions and have to set priorities at national level. It could be one area that it could be beneficial to liaise with the sector organisations to have intelligence of the products that enforcement could focus on.

Some ASOs and Forum members shared their experience with broad restrictions and its enforcement. It was referred to the Forum Compendium of analytical methods<sup>4</sup>, which is often used by authorities and in the advice of enforceability of restrictions by the Forum.

### **OS 3.3 Consistency of enforcement between Member States - Photoinitiator Platform**

The presenter highlighted the issue of harmonisation of enforcement in particular regarding the ORs and their responsibility in the supply chain for the SDS and ORs. In his view, REACH and the guidance documents lays down requirements and processes for compliance. However, the presenter alleged that the Member States do not have the same interpretation on these requirements.

The Forum discussed the OR's responsibility for SDS at length in the past. The REACH supply chain communication model does not provide explicit rules for responsibility of OR and importers that they cover. The Forum is working on a conclusion for this issue that will give a clear line for NEAs to follow in a harmonised way. The Forum hoped that OR's duties related to SDS will be explicitly clarified in legal text during the upcoming REACH Revision – this was suggested to COM's services.

NEAs can only act when a clear breach of the legal duty has been identified and inspectors can gather proof. A "postbox OR" is usually not illegal – national legislations that define requirements for establishment of companies usually require an address not an office. A relevant criterion is the existence of the company. In some situations, where NEAs can confirm that a company fails to meet

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[https://echa.europa.eu/documents/10162/17088/compendium\\_of\\_analytical\\_methods\\_en+%281%29.pdf/4c730fb9-1b48-2e14-6ee3-7a36391b7322?t=1626370365832](https://echa.europa.eu/documents/10162/17088/compendium_of_analytical_methods_en+%281%29.pdf/4c730fb9-1b48-2e14-6ee3-7a36391b7322?t=1626370365832)

the requirements for existence under the national law, they can then take action and ECHA can revoke such registration.

The control of quantities corresponding to tonnage band is one of the standard checks when controlling registration duties by NEAs. In case there is knowledge that the tonnage band was exceeded, it should be reported to the respective NEAs.

HET added that ECHA does not have the legal mandate to re-assign the role of the lead registrant and that was left for the members of the joint submission to discuss and take legal action in national courts. On the quality of data in the dossiers, HET informed that ECHA and NEAs have a robust process in place for the enforcement of dossier evaluation decisions.

Other issues brought by the presenter were out of the scope of the Forum and he was advised to contact ECHA Secretariat.

### **OS 3.4 Consumer organizations as core partners in a zero-tolerance approach to non-compliance – BEUC**

The presenter referred to the CSS and its zero-tolerance approach to non-compliance, as well as empowerment of consumers and consumer organizations as their behaviour is a powerful driver to ensuring compliance with legislation.

The participants were informed on the activities of the International Consumer Research & Testing (ICRT), a global consortium of consumer organisations that collaborate on research and testing of consumer products.

The Forum Chair thanked the valuable work that consumer organisations do across the EU and for helping raising awareness of the findings of enforcement authorities about unsafe products. She highlighted that CSS calls for greater cooperation between enforcement and civil society organisations and the Forum would welcome exploring possibilities for further cooperation.

Testing products is critical part of enforcement and NEAs resources for analytical tests are limited as well as there is limited capacity to follow up intelligence from consumer organisations.

Hence, in order to promote cooperation between NEAs and consumer products in the future, ideally during the operational phase of REF - 10 that deals with consumer products, it was proposed for national consumer organisations and NEAs to liaise at national level and discuss the potential cooperation. The feedback on these contacts would be discussed in the upcoming Forum meeting and communicated to BEUC.

### **OS 3.5 Planning progress on Market Surveillance, from REACH4textiles project, to the CSS to Member States**

The presenter informed the participants about the organisation and their concern with the new REACH restrictions on textiles and its enforcement in the different Member States. There are a great number of products under these new restrictions and it would be impossible for NEAs to check them all. The presenter welcomed the changes in the Market Surveillance regulation and the work to be done under the CSS, combined with more Forum projects and actions from industry as steps towards the enhancement of the effectiveness of the enforcement of restriction.

The "REACH4textiles" project was supported by COM and it was an effort to scale up improvement on market surveillance across industry and in the scope of CSS. Volunteering Forum members were invited to participate in its advisory board.

The Forum welcomed the project of the textile industry associations and looked forward to its results that will facilitate control of textile products.

#### **Item OS 4 – COM report on the REACH and CLP enforcement indicators**

The DG GROW representative gave a brief introduction of CSS and its main five areas related to enforcement that will be addressed. He then presented the findings of COM's report on the EU Enforcement indicators, highlighting the results of the 13 EU level enforcement indicators calculated from the period of 2007-2019. Interpretation of the figures was a work still ongoing in the COM and will be used in the upcoming REACH/CLP revision.



**II. MAIN CONCLUSIONS & ACTION POINTS - Forum-39****9-12 November 2021**

(Adopted at the Forum-39 meeting)

<b>Agenda point</b>	<b>Conclusions / decisions / minority opinions</b>	<b>Action requested after the meeting</b>
<b>Item 1 - Welcome and introduction</b>		
1.2 Adoption of the Agenda	The agenda was adopted.	
1.5 Results of the written procedures and other issues between Forum-38 and Forum-39		
<b>Item 2 – Planning of Forum’s tasks</b>		
2.1 Outcome of the survey on Forum participation and individual interviews with Forum Chairs	.	
2.2 Draft Forum chapter of ECHA Programming Document 2022 – Result of the consultation with the Forum Chairs		<p>HET will generate an excerpt of the final PD 2022-2025 after it is adopted by the Management Board in December and send it to the Forum members.</p> <p>HET to communicate the request from the Forum to increase visibility from the Forum work – either by repeating them or including them only in the Forum chapter.</p>
<b>Item 3 – Forum’s enforcement activities - Ongoing projects</b>		
<b>3.1 Prioritisation of REF projects</b>	Forum agreed to organise a pilot project on DCM and NMP.	
3.1.1 WG progress report		
3.1.2 Planning of future Forum’s pilot projects		
3.1.3 Mandate amendment	The Forum revised the mandate.	Forum members are invited to volunteer to chair the WG.

<b>3.2 REF-8</b> 3.2.1 Mandate amendment		
3.2.2 Adoption of the project report	The Forum adopted the report with changes proposed.	
3.2.3 Mandate amendment	The Forum revised the mandate.	
<b>3.3 REF-10</b> 3.3.1 WG progress report	Forum agreed to invite the HelpNet representatives to the REF-10 training.	HET to invite representatives from national helpdesks to participate in the Training on REF-10 project.  WG REF-10 will consult the draft practical guide with the Forum before consulting it with the NCs.
3.3.2 Mandate amendment	The Forum revised the mandate.	
<b>3.4 Enforceability of Restrictions</b> 3.4.1 WG progress report		Forum members are invited to send comments to the document "Assessment of Enforceability of new REACH Annex XVII restrictions and analysis of Forum advice contribution to development of restrictions" by 17 December.  WG Enforceability of restrictions will review the document taking into account the comments received.  HET will launch the written procedure for the adoption of the revised document.
3.4.2 Mandate amendment	The Forum revised the mandate.	Forum members appointing new WG members are invited to send names by 3 December.
<b>3.5 REF-9</b> 3.5.1 WG progress report		
3.5.2 Mandate amendment	The Forum revised the mandate.	Forum members appointing new WG members are invited to send names by 3 December.
<b>3.6 Pilot project on recovered substances</b> Mandate amendment	The Forum revised the mandate.	

<b>Item 4 – Update on relevant developments by the Commission</b>		
4.1 General updates by the European Commission		<p>Forum members are invited to actively get involved with the COM's contractor and contribute to the study on the EU Audit Capacity.</p> <p>COM is invited to consider sharing the interim report of the study with the Forum.</p> <p>COM is invited to share further developments in this study at future plenary meetings.</p>
<b>4.2 Work on the Chemicals Strategy for Sustainability</b> 4.2.1 Preparations for the High-Level Roundtable meeting		
4.2.2 Report on the preparations for the High-Level Roundtable meeting		
4.2.3 CSS WG 9 on Enforcement		
<b>Item 5 – Results of the Member State reports (Art 117.1 REACH and 46.2 CLP)</b>		
<b>Item 6 – Debriefing of the meeting with ECHA Directors</b>		
<b>Item 7 – Preparation for the Joint Open session</b>		
<b>Item 9 – Debriefing of the Open session</b>		
<b>Item 10 – Forum's enforcement activities - Upcoming projects</b>		
<b>10.1 REF-11</b> 10.1.1 Mandate set-up	The Forum established a WG REF-11	Forum members appointing new WG members are invited to send names by 3 December.

<p><b>10.2 Pilot project on classification of mixtures focusing on detergents and cleaning products</b></p> <p>10.2.1 Mandate set-up</p>		<p>Forum members appointing new WG members are invited to send names by 3 December.</p>
<p><b>10.3 Train the enforcement trainers 2022</b></p> <p>10.3.1 Proposed topics for the training</p>	<p>The Forum established a WG Training for Trainers 2022</p>	<p>Forum members appointing new WG members are invited to send names by 3 December.</p> <p>Forum members are invited to send or suggest any support materials relevant for the SDS topic by the 11 February 2022</p>
<p>10.3.2 Mandate set-up</p>	<p>The Forum revised the mandate.</p>	
<p><b>10.4 Member State reporting</b></p> <p>10.4.1 Mandate set-up</p>	<p>The Forum established a WG MS Reporting</p>	<p>HET will distribute the results of previous work of this WG to the Forum by 26.11</p>
<p><b>Item 11 – Update of ECHA screening of registrations to verify update duties</b></p>		
<p><b>Item 12 – Forum contribution to REACH Review</b></p>		
	<p>The Forum adopted the list of proposals for REACH Review</p>	<p>HET will send the final list to the COM by 19 November</p>
<p><b>Item 13 – Practical issues for enforcement of REACH/CLP/PIC/POPs</b></p>		
<p>Practical issues</p>		<p>HET will reopen HELPEX issues that timed out recently.</p> <p>Forum members are invited to provide feedback.</p> <p>HET will send out a written status update on all practical issues processed via written consultations by 26 November</p> <p>Forum members are invited to submit new practical issues by 24 January 2022</p>

Issue 31.2 Creosote treated wood	The Forum adopted the conclusion of the issue.	HET will send it for editorial consultation by 19 November
Issue 39.1 CLP Article 35.2	The Forum adopted the conclusion of the issue.	HET will send it for editorial consultation by 19 November
Issue 39.2 Aerosol ISO Standard		HET will contact the European Aerosol Federation to inquire about the requirements for the tactile symbol for direction of spray by 19 November  HET will revise the conclusion based on the feedback and send it for written consultation with the Forum
Issue 39.3 Aerosol FAQ		Forum members will submit written comments on the conclusion by 3 December  HET will revise the conclusion based on the feedback and send it for written consultation with the Forum
<b>Item 15 – Enforcement in the Member States</b>		
15.1 Market Surveillance of imported chemical products used in motor factor sector for compliance with REACH and CLP		
15.2 Enforcement perspective on communication in supply chain		
<b>Item 16 - Updates from the ECHA Harmonised Enforcement team (HET)</b>		
16.1 'Access to documents' requests		
16.2 Pilot exercise on the Member State annual reporting on enforcement to ECHA		HET and WG MS Reporting will schedule this subject for discussion at Forum-42 in November 2022
16.3 Enforcement implications of UK withdrawal		

16.4 Follow-up of ECHA Decisions: updates from ECHA		
16.5 Future reporting tool of Forum's projects		<p>HET will deliver a remote training on EU Survey for National Coordinators on 30 November</p> <p>HET will share the materials from the training with all Forum members after the event for further reference.</p> <p>HET will deliver the test data from setting up the EU Survey to the countries that set-up their own tool for option 4.</p>
<b>Item 17 – Cooperation with other networks</b>		
17.1 Potential work of the Forum with the European Anti-Fraud Office (OLAF)		<p>HET will liaise with OLAF regarding further examples of cooperation between OLAF and national enforcement authorities and report back to the Forum in one of the plenary meetings in 2022.</p> <p>COM will inform the Forum of the proposed changes in the remit of OLAF that may affect the cooperation with the NEAs in one of the future updates on the progress of work on CSS.</p>
17.2 Forum's contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs' meetings		<p>Forum members are invited to express interest in topics related to market surveillance regulation they wish to be informed upon by 18 January.</p> <p>HET to liaise with COM to explore if such presentation(s) could be arranged in one of the future plenary meetings.</p> <p>Chairs to follow the developments of EUTF and report back at Forum-40 in March</p>
17.3 Updates from SLIC-CHEMEX		WG TFT 2022 will consider whether to liaise with SLIC-CHEMEX in preparation of the training event

		and if so, liaise with CHEMEX directly.
<b>Item 18 – Updates from BPR Subgroup</b>		
18.1 Update on the coordination of the BPR enforcement		
<b>Item 19 – AOB</b>		
19.1 Consequences of the judgment case C-663/18 (Cannabidiol)		Forum members are invited to share experiences related to existence of CBD manufacturers and importers on the market in their countries and NEA's experience related to compliance with REACH by 18 January

**OPEN SESSION – 10 November 2020**

<b>Agenda point</b>	<b>Conclusions / decisions / minority opinions</b>	<b>Action requested after the meeting</b>
<b>Item OS 1- Welcome and introduction</b>		
<b>Item OS 2 – Updates from the Forum/BPRS</b>		
OS 2.1 Update on the scope of upcoming REF/BEF projects		ECHA Accredited Stakeholder Organisations are invited to submit proposals for REF-12 project on REACH, CLP, PIC or POPs by 13 April 2022.  ECHA Accredited Stakeholder Organisations are invited to submit BPR topics by April 2023
OS 2.2 Projects and related activities finalised during 2021 OS 2.2.1 <i>REF-8</i>		
OS 2.2.2 ASOs Workshops related to the projects Customs 2, REF-7 and BEF-1		
<b>Item OS 3 – Discussion topics proposed by ASOs</b>		
OS 3.1 Enforcement of in-situ generated Biocides - <b>European Ozone trade Association</b>		EUOTA is welcome to submit a list of duty holders or products which generate ozone in situ known to be breaching the BPR duties. This information should be submitted by end of January 2022  BPRS will consider whether and how to take it forward and respond to EUOTA.
OS 3.2 How would future enforcement activities work in practice: enforceability of broad restrictions and revocation of registration numbers - <b>Cefic</b>		



OS 3.3 Consistency of enforcement between Member States - <b>Photoinitiator Platform</b>		
OS 3.4 Consumer organizations as core partners in a zero-tolerance approach to non-compliance – <b>BEUC</b>		<p>BEUC is invited to request national consumer organisations to liaise with the NEAs in their countries.</p> <p>Wherever possible, Forum members are invited to liaise with the national consumer organisations in their countries to discuss potential cooperation on national level</p> <p>Forum members are invited to provide feedback indicating potential for cooperation related in REF-10 as well as any potential challenges and solutions in cooperation with consumer organisations in gathering evidence for enforcement. Feedback should be submitted by mid-February 2022.</p> <p>Forum will discuss the feedback collected at its next meeting in March 2022 and respond to BEUC afterwards.</p>
OS 3.5 Planning progress on Market Surveillance, from REACH4textiles project, to the CSS to Member States - <b>Euratex</b>		<p>Forum members interested in joining the advisory board of the "REACH4textiles" project in their national capacity are invited to volunteer by the end of November 2021</p> <p>Volunteering members are invited to liaise directly with EURATEX and copy HET.</p>
<b>Item OS 4 – COM report on the REACH and CLP enforcement indicators</b>		

**III. List of Attendees****Forum members**

	<b>Country</b>	<b>Name</b>
1	AT	ANWANDER Eugen
2	BE	VAN DEN HOLE Chris
3	BG	GAIGUROVA Margarita
4	CY	ORPHANOU Maria
5	CZ	JAROLÍM Oldrich
6	DE	VOM HOFE Katja
7	DK	SCHARFF Ida
8	EE	HONGA Aljona
9	EL	FOUFA Eleni
10	ES	TEBAR LUJAN Jorge
11	FI	MÄKI Markus
12	FR	RASOOLY Emilie
13	HR	PILETIC Kaća
14	HU	MAROSVÖLGYI Nikoletta
15	IE	McMICKAN Sinead
16	IS	BRAGASON Ísak
17	IT	ALESSI Mariano
18	LI	RELLA-QUADERER Maria Rosaria
19	LT	ŠPURIENĖ Otilija
20	LU	ENGELS Kim
21	LV	DAUGELE Santa
22	MT	GARG Ramandeep
23	NL	KLINGENBERG Albert
24	NO	HAGEN Gro
25	PL	MOCZULAK Aleksandra
26	PT	CENTENICO Ana
27	RO	MIJA Maria
29	SE	HEDLUND Henrik
29	SI	HAJRLAHOVIC MEHIC Semira
30	SK	POČAROVSKÁ Miriam

**Invited experts/Advisors**

	<b>Country</b>	<b>Name</b>
1	BG	TCHOBANOVA ELENA
2	CY	PALEOMILITOU Maria
3	DE	FRENZEL Stefan
4	DE	WURSTHORN Sibylle
5	DK	MIKKELSEN Sonja
6	DK	NIELSEN SCHULEIT Linda
7	EL	CHATZIANTONIOU Dimitris
8	ES	ZAMORA NAVAS Laura

	Country	Name
9	FI	TALASNIEMI Petteri
10	FR	TCHANAKIAN Fiona
11	HR	ŠKUGOR Dunko
12	HU	KOVÁCS Tamás
13	IE	COLLINS Karen
14	IE	WALSH Caroline
15	IT	RAVAIOLI Francesca
16	IT	SCIMONELLI Luigia
17	LT	UŽOMECKAS Žilvinas
18	LU	WEBER Jill
19	NO	SULEIMAN Abdulqadir
20	PT	GATO Ilda
21	PT	SANTOS Andrea
22	SE	RUMAR Karin
23	SE	NILSSON Caroline
24	SE	RAHM Charlotte

#### European Commission representative

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

	ECHA	Unit
1	ANNYS Erwin	Support and Enforcement Unit
2	BARANSKI Maciej	Support and Enforcement Unit
3	CALVO TOLEDO Juan Pablo	Support and Enforcement Unit
4	LEHTO Anastasia	Support and Enforcement Unit
5	MAK Istvan	Data Availability Unit
6	NIKULA Terhi	Support and Enforcement Unit
7	TŁOCZEK Magdalena	Support and Enforcement Unit

#### Additional participants in the Joint Session

##### Accredited Stakeholders Organisation representatives

	Organisation	Name
1	A.I.S.E	CHHUON Cindy
2	A.I.S.E	ROBINSON Jan
3	BEUC	MOOS Pelle
4	BEUC	MÜLLER Stine
5	Cefic	VAINI Nicole
6	Cefic	LEMOINE Sylvie
7	Cefic	DRMAC Dunja
8	CEPE	De PAUW Kristien

	Organisation	Name
9	CLEPA European Association of Automotive Suppliers	BUCZILOWSKI Marco
10	CropLife Europe	TODD Phil
11	DUCC	SEBASTIO Giulia
12	ECFIA	HEIDEGGER Ulrike
13	ecopa	ROVIDA Costanza
14	EDANA	BARBU Luminita
15	EUOTA aisbl	PRINCE Mike
16	EURATEX	SCALIA Mauro
17	EURATEX	Di PIETRA Marco
18	EURATEX	KOTIRANTA Sanni
19	EurEau	HEREDERO Rafael
20	EurO3zon	SIMOES Ines
21	EuroCommerce	ELS Bedert
22	Euromines	MESTANZA Cynthia
23	European Coalition to End Animal Experiments	WAGNER Kristina
24	Euroseeds	KAFKA Amalia
25	FACE	PUUSTINEN Seppo
26	Fecc	DREVE Simina
27	FuelsEurope	CHRISTOS Mavrogiannis
28	FuelsEurope	CLAES Inneke
29	ICRT	JACOBSEN Niels
30	Nanotechnology Industries Association (NIA)	VENTURINI Chiara
31	Nanotechnology Industries Association (NIA)	SUAREZ Blanca
32	PETA Science Consortium International e.V.	VEILLETTE Mandy
33	Photoinitiators Platform	RITCHIE Alan
34	SME United	SUSNIK Marko

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

	Country	Name
1	Albania	JONIDA Seferi
2	Albania	ROZANA Bineri
3	Montenegro	SLAVENA Vukovic
4	Montenegro	RADOJKA Scepanovic
5	Montenegro	RADA Raketik
6	Serbia	BOSILJIC Dragana

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

ANNEX 1. Final agenda Forum-39

ANNEX 2. Revision of mandates of Forum WGs

ANNEX 2 a – “Prioritisation of REF projects”

ANNEX 2 b – “REF-8 on online sales”

ANNEX 2 c – “REF-10 on Integrated chemical control of products”

ANNEX 2 d – “Enforceability of restrictions”

ANNEX 2 e – “REF-9 on Authorisation”

ANNEX 2 f – “Pilot project on recovered substances”

ANNEX 2 g - “REF-11”

ANNEX 2 h – “Pilot project on classification of mixtures including  
detergents and cleaning products”

ANNEX 2 i - “Train the trainers 2022”

ANNEX 2 j – “Member State Reporting”

ANNEX 3. Glossary of acronyms and abbreviations

## Annex 1 – Final agenda Forum-39

### Agenda Thirty ninth meeting of the Forum for Exchange of Information on Enforcement (Forum-39) 9-12 November 2021 Remote meeting

#### DAY 1 Tuesday, 9 November 2021 (10:30 – 16:00 EET)

##### Item 1 – Welcome and Introduction 10:30-11:00

- 1.1 Welcome and opening by the Forum Chair
- 1.2 Adoption of the Agenda
- 1.3 Declarations of conflict of interest with regard to agenda items and quorum
- 1.4 State of play with action points from Forum-38 – ECHA HET
- 1.5 Results of the written procedures and other issues between Forum-38 and Forum-39 - ECHA HET

ECHA/Forum-39/2021/dA  
ECHA/Forum-39/2021/1.4  
ECHA/Forum-39/2021/1.5

**For adoption  
For information**

##### Item 2 – Planning of Forum's tasks 11:00-11:45

- 2.1 Outcome of the survey on Forum participation and individual interviews with Forum Chairs
- 2.2 Draft Forum chapter of ECHA Programming Document 2022 – Result of the consultation with the Forum Chairs

ECHA/Forum-39/2021/2.1  
ECHA/Forum-39/2021/2.2

**For information  
For discussion**

#### Coffee break 11:45-12:00

##### Item 3 – Forum's enforcement activities - Ongoing projects 12:00-13:40

- 3.1 Prioritisation of REF projects (60')
  - 3.1.1 WG progress report – WG Chair
  - 3.1.2 Planning of future Forum's pilot projects – Forum Chair
  - 3.1.3 Mandate amendment - ECHA HET

ECHA/Forum-39/2021/3.1.1  
ECHA/Forum-39/2021/Draft\_mandates

**For discussion  
For adoption**

3.2 REF-8 on online sales (20')

3.2.1 WG Progress report – *WG Chair*

3.2.2 Adoption of the project report – *WG Chair*

3.2.3 Mandate amendment - *ECHA HET*

*ECHA/Forum-39/2021/3.2.1*  
*ECHA/Forum-39/2021/3.2.2\_1*  
*ECHA/Forum-39/2021/3.2.2\_2*  
*ECHA/Forum-39/2021/Draft\_mandates*

**For information**  
**For adoption**

3.3 REF-10 on Integrated control of products (20')

3.3.1 WG progress report – *WG Chair*

3.3.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-39/2021/3.3.1*  
*ECHA/Forum-39/2021/Draft\_mandates*

**For information**  
**For adoption**

**Lunch break 13:40-14:30**

**Item 4 – Update on relevant developments by the Commission**

*14:30-15:30*

4.1 General updates by the European Commission

4.2 Work on the Chemicals Strategy for Sustainability

4.2.1 Preparations for the High Level Roundtable meeting - *COM*

4.2.2 Report on the preparations for the High Level Roundtable meeting – *Forum Chair*

4.2.3 CSS WG 9 on Enforcement - *COM*

4.3 Debriefing of the meeting between COM and Forum Chairs

*ECHA/Forum-39/2021/4.2.1*  
*ECHA/Forum-39/2021/4.3*

**For information**  
**For discussion**

**Item 5 – Results of the Member State reports (Art 117.1 REACH and 46.2 CLP)**

*15:30-15:50*

**For discussion**

**Item 6 – Debriefing of the meeting with ECHA Directors**

*15:50-16:00*

**For information**

**End of day 1**

*16:00*

**Virtual social gathering (30')**

**DAY 2** Wednesday, 10 November 2021 **(10:30 -16:00 EET)**

**Closed session Forum and BPRS**

**Item 7 – Preparation for the Joint Open session** 10:30-11:30

- 7.1 Welcome to the BPRS members – *Forum/BPRS Chairs*
- 7.2 Discussion of the lines to take – *Forum/BPRS Chairs*

*ECHA/Forum-39/2021/7.2*

***For discussion***

**Coffee break 11:30-11:45**

**Joint Forum-BPRS OPEN SESSION (OS) (11:45- 16:00)**

**Item OS 1 – Welcome and Introduction to the OPEN SESSION** 11:45-12:00

- OS 1.1 Welcome to the participants – *Forum and BPRS Chairs*
- OS 1.2 Practicalities of a remote meeting – *ECHA HET*

***For information***

**Item OS 2 – Updates from the Forum/BPRS** 12:00-12:45

- OS 2.1 Update on the scope of upcoming REF/BEF projects (15')  
– *Chair of WG Prioritisation and BPRS Chair*
- OS 2.2 Projects and related activities finalised during 2021 (30')
  - OS 2.2.1 *REF-8 – WG Chair*
  - OS 2.2.2 *ASOs Workshops related to the projects Customs 2, REF-7 and BEF-1 – Forum/BPRS Chair*

***For information***

**Item OS 3 – Discussion topics proposed by ASOs** 12:45-15:30

- OS 3.1 Enforcement of in-situ generated Biocides - European Ozone trade Association (*Mike Prince*) (20')
- OS 3.2 How would future enforcement activities work in practice: enforceability of broad restrictions and revocation of registration numbers – *Cefic (Dunja Drmac)* (20')

**Lunch break 13:30-14:30**



OS 3.3 Consistency of enforcement between Member States -  
Photoinitiator Platform (*Alan Ritchie*) (20')

OS 3.4 Consumer organizations as core partners in a zero-tolerance  
approach to non-compliance – BEUC (*Pelle Moos*) (20')

OS 3.5 Planning progress on Market Surveillance, from REACH4textiles  
project, to the CSS to Member States - Euratex (*Mauro Scalia*)  
(20')

*ECHA/Forum-39/2021/OS3.5*

***For information  
For discussion***

**Item OS 4 – COM report on the REACH and CLP  
enforcement indicators**

*15:30-15:45*

***For information***

**Item OS 5 – Adoption of conclusions from the open  
session**

*15:45-16:00*

***For adoption***

**End of the open session**

*16:00*

**DAY 3** Thursday, 11 November 2021 **(10:30-16:15 EET)**

<b>Item 8 - Adoption of conclusions from day 1</b>	<i>10:30-10:45</i>
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***For adoption***

<b>Item 9 – Debriefing of the Open session</b>	<i>10:45-11:00</i>
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***For discussion***

<b>Item 3 – Forum’s enforcement activities - Ongoing projects (cont.)</b>	<i>11:00-12:25</i>
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3.4 *Enforceability of Restrictions (45')*

3.4.1 WG progress report – *ECHA HET*

3.4.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-39/2021/3.4.1*  
*ECHA/Forum-39/2021/Draft\_mandates*

***For information***  
***For adoption***

**Coffee break 11:45-12:00**

3.5 *REF-9 on Authorisation (20')*

3.5.1 WG progress report – *WG Chair*

3.5.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-39/2021/3.5.1*  
*ECHA/Forum-39/2021/Draft\_mandates*

***For information***  
***For adoption***

*Mandate of the WG not addressed at the meeting:*

3.6 Pilot project on recovered substances

*ECHA/Forum-39/2021/Draft\_mandates*

***For adoption***

<b>Item 10 – Forum’s enforcement activities - Upcoming projects</b>	<i>12:25-13:45</i>
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10.1 REF-11 (15')

10.1.1 Mandate set-up - ECHA HET

10.2 Pilot project on classification of mixtures focusing on detergents  
and cleaning products (25')

10.2.1 Mandate set-up - ECHA HET

10.3 Train the enforcement trainers 2022 (20')

10.3.1 Proposed topics for the training – Forum Chair

10.3.2 Mandate set-up - ECHA HET

10.4 Member State reporting (15')

10.4.1 Mandate set-up - ECHA HET

*ECHA/Forum-39/2021/Draft\_mandates*

**For discussion  
For adoption**

**Lunch break 13:45-14:35**

<b>Item 11 – Update of ECHA screening of registrations to verify update duties</b>	<i>14:35-14:45</i>
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*ECHA/Forum-39/2021/11\_room\_doc*

**For information**

<b>Item 12 – Forum contribution to REACH Revision</b>	<i>14:45-15:00</i>
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12.1 Adoption of the Forum’s list of suggestions to facilitate  
enforcement

*ECHA/Forum-39/2021/12.1  
ECHA/Forum-39/2021/12.1\_room\_doc*

**For adoption**

<b>Item 13 – Practical issues for enforcement of REACH/CLP/PIC/POPs</b>	<i>15:00-16:15</i>
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Items raised by Forum/ECHA/COM (list of practical issues is prepared  
independently from the agenda)

**Coffee break 15'**

*ECHA/Forum-39/2021/13*

<b>End of day 3</b>	<i>16:15</i>
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**DAY 4** Friday, 12 November 2021 (10:30-14:30 EET)

**Item 14 - Adoption of conclusions from day 3** 10:30-10:45

***For adoption***

**Item 15 – Enforcement in the Member States** 10:45-11:15

15.1 Market Surveillance of imported chemical products used in motor factor sector for compliance with REACH and CLP (20') – *IE invited expert*

15.2 Enforcement perspective on communication in supply chain (10') – *NO Alternate member*

*ECHA/Forum-39/2021/15.2*

***For information***

**Item 16 – Updates from the ECHA Harmonised Enforcement team (HET)** 11:15-12:50

16.1 'Access to documents' requests (20')

***For discussion***

16.2 Pilot exercise on the Member State annual reporting on enforcement to ECHA (20')

**Coffee break 11:55-12:10**

16.3 Enforcement implications of UK withdrawal (15')

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

16.5 Future reporting tool of Forum's projects (20')

*ECHA/Forum-39/2021/16.2*

*ECHA/Forum-39/2021/16.4*

*ECHA/Forum-39/2021/16.5*

***For information***

**Item 17 – Cooperation with other networks** 12:50-13:45

17.1 Potential work of the Forum with the European Anti-Fraud Office (OLAF) (20')

17.2 Forum's contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs' meetings (30') – *Forum Chair*

*ECHA/Forum-39/2021/17.2*

***For discussion***

17.3 Updates from SLIC-CHEMEX (5') – *Forum Chair*

*ECHA/Forum-39/2021/17.3\_room\_doc*

***For information***

<b>Item 18 – Updates from BPR Subgroup</b>	<i>13:45-13:55</i>
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18.1 Update on the coordination of the BPR enforcement – *BPRS Chair*

***For information***

<b>Item 19 – AOB</b>	<i>13:55-14:10</i>
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19.1 Consequences of the judgment case C-663/18 (Cannabidiol) – *FR Forum member*

***For information***

<b>Item 20 – Adoption of conclusions from day 4</b>	<i>14:10-14:30</i>
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***For adoption***

<b>End of the meeting</b>	<i>14:30</i>
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## **Annex 2 a “Prioritisation of REFs”**

### **Forum Working Group Work Package A.1 “Prioritisation of REF Projects” (Mandate adopted at Forum-39)**

#### **Composition**

**Chair:** – rotating Chair

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

- Maria ORPHANOU (CY)
- Abdulqadir SULEIMAN (NO)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Markus MAKI (FI)
- Oldrich JAROLIM (CZ)

#### **Invited Experts**

- Tamas KOVACS (HU)
- Laura WILMS (DE)
- Andrea SANTOS (PT)

**Ad-hoc invited experts from BPRS (cooperating in the elaboration of the Registry of legal obligations subject to previous enforcement projects).**

- Jenny Karlsson (SE)

#### **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 an inventory of project recommendations and a registry of legal obligations subject to previous enforcement projects in the following regulatory areas: REACH, CLP, PIC, POP, BPR.
5. Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.
6. In addition, the WG will revise, when needed, the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum.

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

**Timelines:**

- The basic timeframes are regulated by the Forum Methodology on Prioritisation and Selection of Project Proposals and the working procedure for the prioritisation and selection of harmonised enforcement projects coordinated by the Forum
- Shortlist of subjects for REF-12 by Forum-42.

## **Annex 2 b “REF-8”**

### **Forum Working Group**

#### Work Package A.1

### **“Coordinated enforcement project REACH-EN-FORCE-8”**

(mandate adopted at Forum-39/BPRS-14)

#### **Composition**

**Chair:** Karin RUMAR (SE)

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

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

#### **Invited Experts**

- Kevin BUCKLEY (IE)
- Timea TARNOCZAI (HU)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)

#### **BPRS Members and Experts**

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

#### **ECHA**

- Tania MATEUS
- 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
7. Prepare and organize a short WebEx workshop for ECHA ASOs to present the results and recommendations from this 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: Q2 2022
- Workshop with ASOs: Q2 2022

## **Annex 2 c “REF-10”**

### **Forum Working Group**

#### Work Package A.1

### **“Coordinated enforcement project REACH-EN-FORCE-10”**

(mandate adopted at Forum 39)

## **Composition**

**Chair:** Karin RUMAR (SE)

### **Forum Members and Alternates**

- Kaca PILETIC (HR)
- Mariano ALESSI (IT)
- Eugen ANWANDER (AT)

### **Invited Experts**

- Eric BARSEGHIAN (NL)
- Mieke CONICKX (BE)
- Anneli PÄRNÄNEN (FI)
- Emilie ROGERS (NO)
- Sharon McNULTY (IE)
- Michel LEYNEN (BE)
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### **Invited experts (training experts)**

- Uwe LICHT-KLAGGE (DE)
- Mariana PILENVIK (SE)
- Mirjam VAN DER MEER (NL)

### **ECHA**

- Juan Pablo CALVO TOLEDO
- Ignacio GONZALEZ RODRIGUEZ
- Telmo VIEIRA PRAZERES
- Augusto DI BASTIANO
- Anastasia LEHTO

## **Objective:**

- Conceive, manage and evaluate the tenth major Forum enforcement project REF-10 ‘Integrated chemical control of products’.
- Present the relevant project recommendations to ECHA ASOs to promote compliance
- develop practical enforcement guidance for enforcement authorities based on the lessons learnt from the project
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## **Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. The WG will consider whether it needs to cooperate with other public enforcement networks and authorities such as customs, RoHs, Market Surveillance, environment and if so, liaise with them to facilitate this cooperation and coordinate the project accordingly
3. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it

4. Prepare and deliver the extended training for project national coordinators and inspectors (conditional on the availability of sufficient number of experts to prepare it)
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
8. Elaborate a guideline and training to tackle the question related to the verification of the notification to the SCIP database and liaise if necessary with IMPEL to assist on this task
9. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

### **Timeline**

- Project manual: Q4 2021
- Prepare and deliver the extended training for project national coordinators and inspectors: Q4 2021
- Operational phase: 2022
- Reporting phase (National Coordinators): Q1 2023
- Evaluation phase: Q3 2023
- Draft report: Q4 2023
- Adoption of the report: Q4 2023
- Workshop with ECHA ASOs: Q2 2024
- Tips and hints for inspectors: Q2 2024

## **Annex 2 d “Enforceability of restrictions”**

### **Forum Working Group Work Package B12 “Enforceability of restrictions” (mandate adopted at Forum-39)**

#### **Composition**

**Chair:** rotating Chair (needs to be nominated)

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

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

- Mariano ALESSI (IT)
- Albert KLINGENBERG (NL)
- Jorge TÉBAR LUJÁN (ES)
- Karen COLLINS (IE)

#### **Invited Experts (advisory process)**

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

#### **Invited Experts ad-hoc (advisory process) [only under specific circumstances]:**

- Tara HORIGAN (IE)

#### **Invited experts (analytical methods) (TBC)**

- Nadja GOETZ (DE)
- Carolina FERRANTI (IT)
- Julia GONZÁLEZ GUTIÉRREZ (ES)
- Durk SCHAKEL (NL)
- Timokleia TOGKALIDOU (EL)
- Andromachi KATSONOURI (CY)

#### **Process revision:**

- Caroline NILSSON (SE) – invited expert
- Charlotte RAHM (SE) – invited expert
- Kevin BUCKLEY (IE) – invited expert
- ? (DE)
- Stefan FRENZEL (DE) – German alternate member
- Petteri TALASNIEMI (FI) ? – invited expert
- Chris Van den Hole (BE)- Belgian Forum member
- Eugen ANWANDER (AT) – Austrian Forum member
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#### **COM**

- Miguel AGUADO MONSONET (DG GROW)
- Karen KILIAN (DG ENV)

**ECHA**

- Juan Pablo CALVO TOLEDO
- Augusto DI BASTIANO

**Mandate:**

**Advisory process (only task of the WG)**

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

**Analytical methods**

[the task can be discussed on an ad-hoc basis depending on the needs]

**Other**

2. (only until November 2021)
3. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.
4. Review Working Procedure of the Forum for developing Forum advice and support to RAC and SEAC rapporteurs (for 2022) [horizontal task]

**Timeline:**

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- 31 December 2022, reporting at each plenary meeting

## **Annex 2 e “REF-9”**

### **Forum Working Group**

#### Work Package A.1

### **“Coordinated enforcement project REACH-EN-FORCE-9”**

(mandate adopted at Forum 39)

#### **Composition**

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

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

- Emilie RASOOLY (FR)

#### **Invited Experts**

- Elvera BREEDLAND (NL)
- Lisa EKSTIG (SE)
- Maria José FALCÃO (PT)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)
- Jarmo OSMO (FI) (OSH)
- Majella LOWE (IE)

#### **SLIC CHEMEX**

- Monique WAEGEMAEKERS (NL)

#### **ECHA**

- Magdalena TŁOCZEK
- Andrew MURRAY
- Fesil MUSHTAQ
- Thierry NICOT

#### **Objective:**

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

#### **Mandate:**

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

**Timeline:**

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 2021
- Reporting phase (National Coordinators): Q1 2022
- Evaluation phase: Q3 2022
- Draft report: Q4 2022 – *revisiting at Forum-40*
- Adoption of the report: Q4 2022
- Tips and hints for inspectors: Q2 2023
- Workshop with ECHA ASOs: Q2 2023

## **Annex 2 f “Recovered Substances”**

### **Forum Working Group**

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

(mandate adopted at Forum-39)

#### **Composition**

**Chair:** Oldrich JAROLIM (CZ)

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

- Ida SCHARFF (DK)
- Almudena OVEJAS ZAPATA (ES)

#### **Invited Experts**

- Maria Thestrup JENSEN (DK)
- Peter HELLEMA (NL)
- Frank PEEN (NL)
- Neide LOURENÇO (PT)

**COM:** Gert ROEBBEN (DG GROW)

#### **ECHA**

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

#### **Objective:**

- Conceive and manage the pilot project on recovered substances, with particular attention for the exemption from REACH registration obligation, according to REACH Art 2(7) d in the waste recycling sector.
- Optionally, include enforcement of the relevant obligations of the POPs regulation.

#### **Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Recommend cooperation with IMPEL/waste authorities at national level of the participating countries
3. Prepare and deliver the training for project national coordinators
4. If WG resources are available, consider volunteer WG members to participate in the IMPEL training on ‘REACH and recovered materials’
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Draft practical enforcement guidance for inspectors (tips and hints for inspectors)

#### **Timeline:**

- Project manual: Q4 2020
- Prepare and deliver the training for project national coordinators: Q4 2020
- Operational phase: 1 January 2021 – 30 December 2021
- Reporting phase (National Coordinators): 28 February 2022
- Draft report: 31 May 2022
- Adoption and publication of the report: 30 June 2022
- Workshop with ECHA ASOs: Q4 2022



## **Annex 2 g “REF-11”**

### **Forum Working Group**

#### Work Package A.1

### **“Coordinated enforcement project REACH-EN-FORCE-11”**

(mandate created at Forum-39)

#### **Composition**

- **Chair:** Abdulqadir SULEIMAN (NO)

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

- Ana CENTENICO (PT)

-

#### **Invited Experts**

- Shara SMITH (IE)
- Linnea KANNING (SE)
- Mette KIILERICH KIRDAN (DK)
- Sonja HAGEN MIKKELSEN (DK)
- Barbara Schmid (DE)
- Milena ORSO GIACONE (IT)
- Carlo MUSCARELLA (IT)
- Antonietta COVONE (IT)
- Marius SULGA (LT)
- Anu MATILAINEN (FI)
- Tamás KOVÁCS (HU)
- Erik BARSEGHIAN (NL)

#### **ECHA**

- Juan Pablo CALVO TOLEDO
- Anastasia LEHTO
- Andrew MURRAY
- Fesil MUSHTAQ
- Outi TUNNELA

#### **Objective:**

- Conceive and manage the eleventh major Forum enforcement project REF-11 on SDS and checking the conformity with the requirements of the new Annex II of REACH.

#### **Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. Liaise with the WG ‘Training for trainers 2022’ (TBC)
3. Define the specific duties to be covered in the project;
4. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
5. Prepare and deliver the training for project national coordinators
6. Management of the Operational phase
7. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
9. Prepare and organise a short WebEx workshop for ECHA ASOs to present the results and recommendations from this project

**Timeline:**

- Project manual: Q4 2022
- Prepare and deliver the training for project national coordinators: Q4 2022
- Operational phase: 2023
- Reporting phase (National Coordinators): Q1 2024
- Evaluation phase: Q3 2024
- Draft report: Q4 2024
- Adoption of the report: Q4 2024
- Tips and hints for inspectors: Q2 2025
- Workshop with ECHA ASOs: Q2 2025

## **Annex 2 h “Pilot on Classification of mixtures”**

### **Forum Working Group**

#### **“Pilot project on classification of mixtures including detergents and cleaning products”**

(mandate adopted on Forum-39)

- **Chair:**
- **Vice-Chair:**

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

- Eugen ANWANDER (AT) - confirmed
- Dimitrios CHATZIANTONIOU (EL) - confirmed
- Karen COLLINS (IE) – *participation confirmed*
- Jorge TEBAR LUJAN (ES) – participation confirmed
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#### **Invited Experts**

- Kristina KARLSSON (SE) - *participation confirmed*
- Sibylle WURSTHORN (DE)
- Gaetano Abate (DE)
- Erik BARSEGHIAN (NL)
- Maria ALESSANDRELLI (IT)
- Sonia D'ILIO (IT)
- IT?
- DK?
- Fiona TCHANAKIAN (FR)

#### **ECHA**

Nicola TECCE

#### **Objective:**

- Conceive and manage the Pilot project on classification of mixtures including detergents and cleaning products

#### **Mandate:**

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
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. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
7. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

#### **Timeline:**

March 2022

- Where there are immediate changes (via CLP revision, UN GHS revision or other fora) that affect the project, Forum should then decide on timing of operational phase of the project

June 2022

- WG delivers project manual

Preparatory phase: November 2021-June 2022

Operational phase: July – December 2022, unless otherwise decided by Forum due to immediate changes that affect the project (UN GHS or other fora)

Reporting phase: January – June 2023

Follow-up: July-November 2023

## **Annex 2 i “Train the trainers 2022”**

### **Forum Working Group**

#### Work Package C.2.

### **“Training for enforcement trainers 2022”**

(mandate created at Forum-39)

#### **Composition**

**Chair:** Henrik HEDLUND (SE)

**Forum Members/Alternates:**

- Otilija SPURIENE (LT)
- Mirjam VAN DER MEER (NL)

**Invited Experts:**

- Angelina ANGELOVA (BG)
- Lisa EKSTIG (SE)
- Uwe LICHT-KLAGGE (DE)
- Mette KIILERICH KIRDAN (DK)

**COM:**

- DG GROW ?

**ECHA:**

- Magdalena TŁOCZEK
- Outi TUNNELA
- Andrew MURRAY
- Fesil MUSHTAQ

#### **Objective:**

- Prepare and deliver the training for trainers on the enforcement of SDS in the fourth quarter of 2022.

#### **Mandate:**

1. Specify as early as possible the envisaged level of the content of the training
2. Prepare materials necessary for the training such as presentations or documents
3. Liaise with the WG REF-11
4. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

#### **Timeline:**

- Final report - Q1 2023

## **Annex 2 j “MS reporting”**

### **Forum Working Group “Member States reporting” (mandate adopted at Forum-39)**

#### **Composition**

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

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

- Katja VOM HOFE (DE)
- Chris VAN DEN HOLE (BE)

#### **Invited Experts**

- Caroline NILSSON (SE)
- Katja TRAWNY (DE)

#### **COM:**

- Miguel AGUADO MONSONET (COM)

**ECHA:** Maciej BARAŃSKI;

#### **Objectives:**

- Establish a harmonised method of counting controls for the purposes of reporting enforcement activities by the NEAs

#### **Tasks:**

- A. Propose a harmonised method of counting controls for the purposes of reporting by NEA
- B. If needed, analyse national systems for collecting data and work with the Member States who need this analysis to define tailored practical recommendations on how to calculate the controls according to the recommended convention and assessing the effort needed

**Timeline:** Forum-42 (November 2022)

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

ADCO: Administrative Cooperation Groups  
ASO: ECHA's Accredited Stakeholder Organisations  
BPR: Biocidal Product Regulation  
BPRS: Biocidal Product Regulation Subgroup  
CA: Competent Authority  
CARACAL: MSCA Committee for REACH and CLP  
CL: Candidate List  
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures  
C&L: Classification and Labelling  
COM: European Commission  
CSS: Chemicals Strategy for Sustainability  
DEV: Dossier Evaluation  
DG: Directorate General at Commission  
DG ENV: European Commission Directorate-General for Environment  
DG GROW: European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
ECHA: European Chemicals Agency  
EU: European Union  
EUPCN: EU Product Compliance Network  
HLRT: High level round table  
MSCA: Member State Competent Authority  
NEAs: National Enforcement Authorities  
OR: Only representative  
OSH: Occupational safety and health  
POP: Persistent Organic Pollutants  
RAC: Risk Assessment Committee  
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals  
REF: REACH-EN-FORCE, Coordinated Enforcement Project of the Forum  
SEV: Substance Evaluation  
SEAC: Committee for Socio-economic Analysis  
SLIC: Senior labour inspectors committee  
UN GHS: United Nations Globally Harmonized System of Classification and Labelling of Chemicals  
WG: Working Group of the Forum