

20TH PLENARY MEETING OF THE BPR SUBGROUP OF THE
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

14 NOVEMBER 2023

REMOTE MEETING

BPRS-20 MINUTES

Adopted on 16 February 2024

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I. Summary record of the proceedings

Item 1 - Welcome and introduction

1.1 Welcome and opening the BPRS Chair and Vice Chairs

The BPRS Chair welcomed all the participants and opened the meeting. He announced that the members from the 23 EU Member States with voting rights and the three EEA countries and Switzerland were attending remotely. The proxy from Czech Republic was given to Slovakia. The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda and declarations of conflicts of interest

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

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

1.3 Status of action points and written procedures from BPRS-19

Forum members took note of the status of the action points from the last plenary meeting, where all were done/closed except one. The Chair referred to the document with the results of the written procedures between BPRS-19 and BPRS-20.

The Chair informed about the discussions that took place during the meeting with the ECHA management on 7 November 2023.

Item 2 – BPRS enforcement activities

2.1 BEF-3 – Mandate set-up

The BEF-3 will focus on controlling the Summary of Product Characteristics (SPC) and potentially elements of the Safety Data Sheet.

SPCs are established for authorised products under the BPR, and they are published on ECHA's website. Products' labels should be in accordance with SPCs. Within the BEF-3, NEAs will check products compliances and compare their labels against SPCs.

The goal of the BEF-3 would be to indicate if SPCs were fit for purpose, leading to better quality of SPCs and therefore product labels.

The newly established WG will specify the project scope and legal requirements to be checked. Different pieces of legislations as BPR, REACH, CLP, and national requirements might be touched upon. Support from the REACH and CLP authorities may be welcome.

The BEF-3 mandate was adopted.

2.2 BEF-2

2.2.1 Progress report

The WG Chair presented to the BPRS members the future tasks of the WG.

The BEF-2 report was adopted by the BPRS on 6 November and published on ECHA website¹. Communication products were released by ECHA accordingly.

The WG will elaborate the BEF-2 Practical guide for inspectors in the course of Q1 2024. The WG will also organise a workshop with ASOs in Q1 2024.

2.3 Training for national inspectors 2023 - Mandate amendment

The WG Chair updated the BPRS about the organisation of the next BPRS training for national inspectors.

The event will be delivered remotely via WebEx on 1 December 2023. Invitation, link and materials were distributed among BPRS members. The BPRS members were invited to share the link within authorities.

The training will be focused on Summary of Product Characteristic (SPC) for biocides and related information on labels, BPR borderline issues and critical/forbidden claims.

One person from the ECHA Biocidal Products Committee Secretariat will cover SPC, while DG SANTE will speak about borderline issues and forbidden/misleading claims.

Case studies with answers together with presentations delivered at the training will be shared with all participants after the event.

2.4 Forum-BPRS Prioritisation - Mandate amendment

The BPRS took note that the tasks related to the prioritisation of BEF projects was completed. Participation of BPR experts would be needed once again upon the prioritisation exercise for BEF-4.

Item 3 – Enforcement of BPR in the Member States

3.1 Biocides Enforcement in Switzerland and the Principality of Liechtenstein

The BPRS members of Liechtenstein and Switzerland made a joint presentation regarding the joint enforcement of Biocides in the two adjacent countries, based on their Customs Union Treaty. Switzerland established a mutual recognition agreement for biocidal products with EU and (a separate one) with Liechtenstein, allowing Liechtenstein to cooperate with Switzerland in the field of authorisation procedures for biocidal products.

¹ <https://echa.europa.eu/-/one-in-three-checked-biocidal-products-found-to-be-non-compliant>

3.2 Enforcement practices in AT

The BPRS took note of the enforcement system and transitional rules in Austria. Additionally, a few example cases were shared, in particular a follow-up on the specific case on B401 Certan initially raised in BPRS-19.

3.2.1 Follow-up on the Austrian NEA observation concerning a biocidal product "B401 CERTAN" made available on the market which acts against wax moths in bee hives

The BPRS took note that this insecticide, whose active substance was neither approved nor in the review programme, was illegal under the BPR and thus could not stay on the market. The BPRS members were invited to share information about this product and any actions taken. If needed, an update could be given at the next plenary meeting.

Item 4 - Updates on developments by the European Commission

4.1 Update from DG SANTE

The BPRS took note about the postponement of the deadline of the review programme and the new information regarding the active substance ethylene oxide. The COM representative also informed about masterbatches conferring biocidal properties and the fact that several companies make such masterbatches available without complying with the BPR requirements. She invited BPRS members to share any experiences in controls of masterbatches.

Additionally, BPRS was informed that monitoring products for rodents were not in the scope of the BPR; however, if associated with a killing device or a lethal active substance, such products fall within the scope of the BPR.

Lastly, the BPRS took note of information on the future evaluation of the BPR (BPR REFIT) and that no definite roadmap/timeline was decided so far.

Item 5 – Practical issues for enforcement

The Chair updated the plenary about the ongoing discussion on the BPRS Practical Issue (i.e. BPRS-20.1) on Labelling requirements of treated articles. The practical issue was adopted by the BPRS in the plenary.

HET informed that the Manual of conclusions will be translated into the 22 EU languages and made available to inspectors.

Item 6 - Cooperation with ECHA Secretariat

6.1 Update on Interact Portal BPR developments

BPRS took note of the search and search results functionalities on Interact, the next development priorities for 2023-2024, about other actions planned for 2024 such as the reactivation of the user administrator and single point of contact appointment and their related training and sharing of the user manual. The ECHA presenter reminded that the Interact Portal user group meets 4 times a year and invited the BPRS members to volunteers to participate.

6.2 Improvement of the BPRS work – Discussion of the satisfaction survey

The Chair summarised the actions put in place to address the issues identified by the respondents of the survey concerning the work of the Forum during 2022. The BPRS members agreed with the actions proposed and were invited to submit further input in writing.

The satisfaction survey regarding the Forum's and BPRS' work in 2023 will be launched in Q1 2024 and HET will compare the results with the ones from 2022.

Item 7 - Cooperation with other networks

7.1 Update from Forum activities

The Forum Chair debriefed the BPRS on the main decisions taken at Forum-45. The Forum adopted a new work programme, covering also the BPRS. He thanked all BPRS members who worked together with their Forum members.

The annual open session was attended by 27 representatives from 18 ASOs and 7 representatives from four countries benefiting of the COM's Instrument for Pre-accession Assistance (IPA), including a dedicated session on BPR.

The Forum prolonged the mandate of the WG on the pilot project on classification of mixtures until March 2024 to deliver the guide for inspectors and a workshop for ASO. If there are delays, some of the BPRS actions for 2024 may be impacted due to limited resources in HET and will be communicated at BPRS-21 in March 2024.

The Forum set-up the new WG for the REF-13 project on the enforcement of chemical products sold online and the WG Train for trainers 2024, and reviewed the results of REF-10 on integrated controls and the pilot project on the classification of mixtures in the Open session. There were presentations from various Member States on their enforcement strategies and organisation, on national projects such as PAH, tattoo inks, scents/air freshener products and nanoforms.

The Forum agreed to provide REACH SDS experts to support the BEF-3, after the project scope is defined and it is considered such experts are needed.

7.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN)

The BPRS Vice-Chair summarised the main points from the three EUPCN and one AdCo Chair meeting since BPRS-19, which were shared via a meeting document. He highlighted that the Guidance on the Peer Review Process was adopted and a pilot peer review was started. One AdCo informed about a combined round robin test among MSAs on conformity assessment of a case and then entering the result into ICSMS in a comparable form.

AdCO Toys reported from an exercise to compile a summary table for all discussions/decisions/agreements recorded in AdCO meeting minutes since 2015.

DG JUST informed about the implementation of the General Product Safety Regulation entering into application in December 2024 (new rules on online sale) and about the results of the coordinated actions (CASP) under the General Product Safety Directive in the years 2019-2022 and the planned CASP projects in 2024.

A survey of DG GROW among Member States has revealed the number of BPR enforcement authorities in each Member State with the majority of Member States indicating 1 to 2 enforcement authorities under the BPR.

Item 8 – AOBs

No AOBs were raised.

II. Conclusions & action points adopted at the BPRS-20

MAIN CONCLUSIONS & ACTION POINTS – BPRS-20

(Adopted at the BPRS-20 meeting)

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|---|--|--|
| Item 1- Welcome and introduction | | |
| 1.2 Adoption of the Agenda and declarations of conflict of interest | Agenda was adopted. | |
| 1.3 Action points and written procedures from BPRS-19 | | |
| Item 2 – BPRS enforcement activities | | |
| 2.1 BEF-3 - WG set-up | BPRS established a WG to prepare the BEF-3 project | BPRS members are invited to appoint members to the WG until 8 December |
| 2.2 BEF-2 2.2.1 Progress Report | BPRS adopted the final report of the BEF-2 project | DK BPRS member is invited to send further feedback in writing regarding the legal basis for the division of responsibilities under the AS review programme by 22 December. |
| 2.2.2 Mandate amendment | BPRS revised the mandate | |
| 2.3 Training for national inspectors 2023 Mandate amendment | BPRS revised the mandate | BPRS members are invited to circulate the training invitation, agenda, link and case studies to all inspectors interested in the event. HET will share the invitation with HelpNet representatives HET will share the invitation with COM, inviting distribution to the CAs. |
| Item 3 – Enforcement of BPR in the Member States | | |
| | | CY and CZ BPRS members are invited to prepare an enforcement related topic for BPRS-21. |
| 3.1 Biocides Enforcement in Switzerland and the Principality of Liechtenstein | | |
| 3.2 Enforcement practices in AT | | BPRS members are invited to provide feedback on any experience with control of |

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|--|---|--|
| | | <p>the repellent mentioned in the presentation to the AT alternate member by 22 December</p> <p>AT alternate member is invited to present the follow up information at BPRS-21, if needed.</p> |
| 3.2.1 Follow-up on the Austrian NEA observation concerning a biocidal product made available on the market which acts against wax moths in bee hives | | AT alternate member is invited to present the follow up information at BPRS-21, if needed. |
| Item 4 - Updates on developments by Commission | | |
| | | BPRS members are invited to share with the COM any enforcement experience related to masterbatches that confer biocidal properties by 22 December |
| Item 5 - Practical issues for enforcement | | |
| BPRS-20.1 Labelling of treated articles without biocidal claims | BPRS adopted practical issue BPRS-20.1 | |
| | | BPRS members are invited to submit new Practical Issues to the HET by mid-Jan 2024 |
| Item 6 - Cooperation with the ECHA Secretariat | | |
| 6.1 Update on Interact Portal BPR developments | | BPRS members willing to join the Interact Portal user group are invited to inform HET by 1 December |
| 6.2 Improvement of the BPRS work – Discussion of the satisfaction survey | | BPRS members are welcome to submit written feedback to the document by 31 Jan 2024 |
| Item 7 - Cooperation with other networks | | |
| 7.1 Update from Forum activities | | HET will distribute the adopted Forum work programme on the BPRS by 17 November. |
| 7.2 Update from ADCO Chairs meeting and the EU Product | | |

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|----------------------------|---|------------------------------------|
| Compliance network (EUPCN) | | |
| Item 8 AOBs | | |
| | | |
| | | |

III. List of attendees of the BPRS-20

BPRS members

| | Country | Name |
|----|---------|------------------------------|
| 1 | AT | ANWANDER Eugen |
| 2 | BE | DE VOS Helmut |
| 3 | BG | HRISTOVA Viktoriya |
| 4 | CH | BUERGY Heribert |
| 5 | CY | ELIA Nikos |
| 6 | DE | FRENZEL Stefan |
| 7 | DK | JENSEN Nicholai Daugaard |
| 8 | EE | HONGA Aljona |
| 9 | EL | VAGIAS Vasileios |
| 10 | ES | TÉBAR LUJÁN Jorge |
| 11 | FI | OLLIKKA Jussi |
| 12 | FR | VERDIER Elodie |
| 13 | HR | VULJANIĆ Kristina |
| 14 | IS | INGVARSDOTTIR Hafdis |
| 15 | IT | LONGO Antonina |
| 16 | LI | RELLA-QUADERER Maria-Rosaria |
| 18 | LT | HAKAITE Palmira |
| 19 | LV | KAMERADE Kristine |
| 20 | MT | DEBONO Iain Robert |
| 21 | NL | BRAAM Marianne |
| 22 | PL | WAŚIK Romualda |
| 23 | PT | DIAS Marina |
| 24 | RO | CIRLAN Cristiana |
| 25 | SE | KARLSSON Jenny |
| 26 | SI | HAJRLAHOVIC-MEHIC Semira |
| 27 | SK | POCAROVSKA Miriam |

Advisers

| | Country | Name |
|---|---------|---------------|
| 1 | AT | EDER Brigitte |
| 2 | BE | QADARI Ali |
| 3 | CH | GRISEL Nadine |

| | Country | Name |
|----|---------|-------------------------|
| 4 | CZ | KOPEČNÁ Dagmar |
| 5 | DE | TSCHECH Guenter |
| 6 | DK | MADSEN Betina |
| 7 | EL | MARTIKA Anastasia |
| 8 | ES | ESCALADA AGUILERA Jesus |
| 9 | HR | SKUGOR Dunko |
| 10 | HU | BACSÓ János |
| 11 | IE | SLATERRY Michael |
| 12 | LV | VOITKEVIČA Lilita |
| 13 | PL | STULCZEWSKI Dawid |
| 14 | SE | ASTORS DOTTER Jennifer |

European Commission representatives

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

ECHA staff

| | ECHA | Unit |
|---|-----------------|---|
| 1 | ANNYS Erwin | Head of Unit Support and Enforcement |
| 2 | BARANSKI Maciej | Support and Enforcement |
| 3 | MATEUS Tania | Support and Enforcement |
| 4 | NIKULA Terhi | Support and Enforcement |
| 5 | TECCE Nicola | Support and Enforcement |
| 6 | TUOMAINEN Anita | Support and Enforcement |

IV. Annexes

Annex 1. Adopted agenda of BPRS-20

Agenda 20th meeting BPR Subgroup of the Forum

BPRS-20

Remote meeting

Date: Tue 14 November 2023 (10:30- 16:45) (Helsinki time)

| | |
|--|--------------------|
| Item 1 – Welcome and introduction | <i>10:30-10:45</i> |
|--|--------------------|

- 1.1 Opening by the BPRS Chair and Vice Chairs
- 1.2 Adoption of the agenda and declarations of conflict of interest
- 1.3 Action points and written procedures from BPRS-19

*ECHA/BPRS-20/2023/dA
ECHA/BPRS-20/2023/1.3*

For information/adoption

| | |
|---|--------------------|
| Item 2 – BPRS enforcement activities | <i>10:45-11:30</i> |
|---|--------------------|

- 2.1 BEF-3 - WG set-up (15')
- 2.2 BEF-2 (15')
 - 2.2.1 Final progress report
 - 2.2.2 Mandate amendment
- 2.3 Training for national inspectors 2023 - Mandate amendment (10')
- 2.4 Forum-BPRS Prioritisation - Mandate amendment (5')

ECHA/BPRS-20/2023/Draft_mandates

For information/adoption

| | |
|---|--------------------|
| Item 3 – Enforcement of BPR in the Member States | <i>11:30-12:50</i> |
|---|--------------------|

- 3.1 Biocides Enforcement in Switzerland and the Principality of Liechtenstein (30') – *CH and LI BPRS members*

Break 20'

3.2 Enforcement practices in AT (30') – *AT BPRS Alternate*

3.2.1 Follow-up on the Austrian NEA observation concerning a biocidal product "B401 CERTAN" made available on the market which acts against wax moths in bee hives

For information

| | |
|---|--------------------|
| Item 4 – Updates on developments by Commission | <i>12:50-13:30</i> |
|---|--------------------|

4.1 Update from DG SANTE on BPR provisions (40')

For information/discussion

Break 40'

| | |
|--|--------------------|
| Item 5 – Practical issues for enforcement | <i>14:10-14:40</i> |
|--|--------------------|

5.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda)

ECHA/BPRS-20/2023/5_room_doc

For discussion/adoption

| | |
|---|--------------------|
| Item 6 – Cooperation with the ECHA Secretariat | <i>14:40-15:30</i> |
|---|--------------------|

6.1 Update on Interact Portal BPR developments (20')

6.2 Improvement of the BPRS work – Discussion of the satisfaction survey (30')

ECHA/BPRS-20/2023/6.2

For information/discussion/adoption

| | |
|---|--------------------|
| Item 7 – Cooperation with other networks | <i>15:30-16:05</i> |
|---|--------------------|

7.1 Update from Forum activities (15')

7.2 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN) (20')

ECHA/BPRS-20/2023/7.2_room_doc

For information/discussion

Break 10'

Item 8 – AOBs

16:15-16:30

For information

Item 9 – Conclusions and action points

16:30-16:45

For adoption

End of BPRS-20 plenary meeting

16:45

**Annex 2. List of BPRS WG mandates adopted at BPRS-20
"BEF-2"****BEF-2 Working Group****"BPR Enforcement project on biocidal products containing non-
approved/approved active substances"**
(mandate adopted at BPRS-20)

Chair: Jenny KARLSSON (SE)

BPRS Members/Alternates

- Heribert BUERGY (CH)
- Eugen ANWANDER (AT)
- Helmut DE VOS (BE)
- Antonina LONGO (IT)
- Jabik de Boer (NL)

Invited Experts

- Nadine GRISEL (CH)
- Catherine BERTSCHY (CH)
- Tobias SCHLEICHER (DE)
- Mariana DE VRIES (NL)
- Raffaella PERRONE (IT)

ECHA: Nicola TECCE

Objective: Conceive and manage the second BPRS enforcement project on biocidal products containing non-approved/approved active substances

Mandate:

1. Defining the detailed scope of the BEF-2 in agreement with the BPRS members
2. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
3. Prepare and deliver the BPRS Training 2021 for national inspectors and national coordinators focused on the BEF-2
4. Management of the operational phase
5. Management the reporting phase: follow-up operational phase, collect the results and draft project evaluation
6. Elaborate a Practical guide for inspectors based on the relevant outcomes from the project
7. Design and deliver an *ad hoc* workshop focused on the best practises and problems encountered by inspectors during the operational phase, if appropriate
8. Prepare and organize a workshop for ECHA ASOs to present the results and recommendations from the project

Timeline:

- Approval of BEF-2 scope: Q1 2021
- Project manual: Q4 2021
- BPRS training 2021: Q4 2021
- Operational phase: 2022
- BEF-2 workshop: Q2 2022
- Reporting phase: 2023
- Workshop with ASOs: Q2 2024

“BPR - Train the enforcement trainers 2023”

BPRS - Working Group

“Training for national inspectors 2023”

(mandate created at BPRS-20)

Chair: De Vos Helmut (BE)

BPRS Members/Alternates :

- Eugen ANWANDER (AT)
- Aljona HONGA (EE)
- Jussi OLLIKKA (FI)

Invited Experts:

- Sylvie Van Nieuwenhove (BE)
- Birgit Lünemann (DE)
- Anna GRONWALD-MACEDO (DE)

ECHA: Nicola TECCE

Objective:

- Prepare and deliver the training for national inspectors for the enforcement of the BPR

Mandate

1. Examine the training subjects relevant for enforcement and prepare the draft agenda for agreement by end of Q2 2023
2. Specify the envisaged level of the content of the training
3. Prepare materials necessary for the training (presentations and case studies)
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

- Draft agenda for agreement by end of Q2 2023
- Delivery of the training: Q3/Q4 2023
- Final report adopted: Q4 2023/Q1 2024

“BEF-3”

BEF-3 Working Group

“BPR Enforcement project on controlling the Summary of Product Characteristics for biocides and elements of the Safety Data Sheet”
(mandate to be adopted at BPRS-20)

Chair: Jenny KARLSSON (SE)

BPRS Members/Alternates

- Helmut DE VOS (BE)
- Eugen ANWANDER (AT)
- Antonina LONGO (IT)

Invited Experts

- CH
- Yvonne DETTMANN (DE)
- Anna GRONWALD-MACEDO (DE)
- Andreas ELLMANN (DE)

ECHA: Nicola TECCE

Objective: Conceive and manage the third BPRS enforcement project on controlling the Summary of Product Characteristics and elements of the Safety Data Sheet

Mandate:

1. Define the scope of the BEF-3 in agreement with the BPRS members
2. Develop the project manual (guidance document, checklist, planning) for the execution of the project
3. Prepare and deliver the BEF-3 Training for national coordinators
4. Management of the operational phase supporting the national coordinators
5. Management the reporting phase: collect the results and draft project report
6. Elaborate a Practical guide for inspectors based on the relevant outcomes from the project
7. Design and deliver an *ad hoc* workshop with the BPRS members and national coordinators focused on the best practises and problems encountered by inspectors during the operational phase
8. Prepare and organize a workshop for ECHA ASOs to present the results and recommendations from the project

Timeline:

- Approval of BEF-3 scope: Q1 2024
- Project manual: by Q3/Q4 2024
- BEF-3 Training for national coordinators: Q3/Q4 2024
- Operational phase of the project: 2025
- BEF-3 workshop with BPRS members and national coordinators: Q2 2025
- Reporting phase: 2026
- Workshop with ASOs: Q4 2026

“Prioritisation of REFs”**Forum Working Group Work Package A.1
“Prioritisation of REF Projects”**
(Mandate adopted at Forum-45 and BPRS-20)

Chair: Maria ORPHANOU (CY) - rotating Chair

Vice-Chair: Jenny KARLSSON (SE) – for BPR topics

Forum Members/Alternates

- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Oldrich JAROLIM (CZ)
- Abdulqadir SULEIMAN (NO)

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 and BEF-3 topics):

- Helmut DE VOS (BE)
- Anna GRONWALD-MACEDO (DE)

ECHA: Kaisu RONTY; Nicola TECCE

Objective: Propose annually the subject for the next harmonised enforcement project coordinated by the Forum and BPRS (i.e. REF and BEF Projects)

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

1. Review annually a list of proposals for REF and BEF, when needed, 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 and BEF projects
3. Draft a recommendation proposing the subject for the next REF and BEF 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 and BEF projects and implementing its working procedures to be adopted by the Forum.

The WG will operate from Forum-45 (November 2023) until the end of 2024 (end of the Forum MAWP 2024 – 2025). 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-14 by Forum-47
- Shortlist of subjects for BEF-4 by BPRS-28