



Forum-30/M/2018 – Public

Adopted on 27/09/2018

**Minutes of the
30th meeting of the Forum for Exchange of Information on Enforcement
Helsinki, Finland
19-20 June 2018**

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Opening by the Vice-Chair of the Forum

The Vice-Chair¹ welcomed all the participants. She announced apologies from Liechtenstein and Icelandic Forum members, which did not appoint a proxy. She stated that Latvia was nominated as the proxy for Malta for the first day of the meeting.

The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda

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

1.3 Declarations of conflicts of interest with regard to agenda items

The Chair requested all participants to declare any potential conflicts of interest for any of the agenda items, according to Article 9(2) of the Rules of Procedure. No conflicts of interest were declared in the meeting.

1.4 State of play with action points from Forum-29

The ECHA Forum Secretariat informed the plenary on the status of action points from Forum-29 and highlighted the open actions.

1.5 Report of the written procedures and other issues between Forum-29 and Forum-30

The Chair referred to the document with the results of the written procedures between Forum-29 and Forum-30.

The Chair informed that the Nickel institute contacted the Chairs in relation to the ongoing development by ECHA of a new Guideline on the existing EU restriction on nickel in “articles intended to come into direct and prolonged skin contact” (REACH Annex XVII, Entry 27). The information was forwarded to the WG Restrictions and a reply to the Nickel institute was sent out on behalf of the Forum Chair.

Item 2 – Address by ECHA's Director of Registration

The Director informed the Forum that more than 11 000 substances and 33 000 dossiers were registered by 1 June 2018. It was noted that this number was about half of what was expected. That might be due to the changes in the market since the forecast was done by the COM many years ago. After the deadline, ECHA would focus more on evaluation activities, finding substances of concern and on risk management measures. It was reasonable to expect that most companies have registered but free riders may still exist and the enforcement of the registration duty remains as important as it was. Despite the fewer registrations, a major issue was the lack of dossier updates. The Director thanked the Forum for including the Directors’ suggestion into the Forum Multiannual Work Programme of the Forum 2019-2023 as an enforcement priority. Making the check of duty to update the dossier a routine part of inspections, would improve the chances of having better risk management measures circulated in the supply chain.

The Director welcomed the scope of the projects proposed for 2020. She highlighted the importance of the continued enforcement of authorisation duties,

¹ In the absence of the Forum Chair, the Vice-Chairs took over the chairing of the Forum-30 meeting. In the context of this document, the Vice-Chair who was chairing the meeting at the time is hereinafter referred as the Chair (of the Forum-30 meeting).

as it was a fundamental aspect of REACH covering the substances of concern. She also raised concern about the high non-compliance rate of the latest Forum project on internet sales.

Item 3 – Follow up from ECJ judgement on SONCs

ECHA's Executive Director presented the outcome of the European Court of Justice (ECJ) on the case T-283/15 Esso Raffinage versus ECHA related to a statement of non-compliance (SONC) issued on the registration by Esso Raffinage, and addressed the follow-up to evaluation in general.

ECHA Forum Secretariat would update the "Interlinks Guide" describing the DEV decisions communication process and consult with the Forum.

Item 4 - Forum's enforcement activities- Projects under preparation

4.1 Prioritisation of REF projects

4.1.1 WG progress report

4.1.1.1 Discussion on the scope of REF-8 and future pilot projects

The WG Chair presented the outcome of the prioritisation exercise made by the WG, according to the methodology, based on 16 project proposals received from Forum members and COM. The WG recommended the scope of REF-8 to focus on "on line" sales due to the high non-compliance found in the Forum's pilot project or on the restriction obligations.

The scope of the project on on-line sales, as presented by the WG, would tackle at least the Article 48 of CLP related to the advertisement of substances and mixtures and the REACH Restrictions. The scope would need to be further refined when the project manual is elaborated.

The project on restrictions would put emphasis on entries affecting professional use and would include imports (cooperation with customs), targeting categories of articles that were showed to be problematic (findings from REF-4). Such a project would promote the protection of workers, amongst other objectives.

An alternate member suggested for the project on on-line sales to include restricted substances in its scope.

The Forum members expressed their preferences for the project. The Forum members voted and, by majority, agreed that the next REF project to be on on-line sales, including restrictions.

The WG recommended continuing the enforcement of authorisation obligations by having a pilot project with operational phase in 2020. That could be done by having a fourth Authorisation project or by postponing the timeline of the third Authorisation project. That would allow to check substances with sunset date in 2019 and to consider the authorisation decisions issued by that time.

A Forum member was in favour of not having a fourth pilot project on authorisation but a REF on authorisation, taking in all the experience from previous pilots on the issue and encouraging other Member States to venture in such project. Other members voiced support for a future REF project on authorisation. In the meantime, they supported the recommendations from the WG of a pilot project with operational phase in 2020.

The Forum agreed to change the timeline of the ongoing third pilot project on authorisation (agenda item [5.10](#)) and set its operational phase to start in 2020.

4.1.1.2 Discussion on miscellaneous recommendations regarding the project proposals

The WG Chair presented the outcome of the discussion on other proposals received that were not prioritised for the shortlist of projects presented in the previous agenda point.

On a proposal for a project to deal with the problem of mixtures with extreme pH, the WG recommended for this topic to be subject to an awareness raising campaign and requested ECHA the support to reach the duty holders of such mixtures before the Forum decides to undertake a coordinated joint project. The Forum agreed with the WG recommendations.

4.1.1.3 Discussion on recommendation for improvement of REF project methodology

The WG suggested to include an additional step in the project methodology to test the project's manual and questionnaire during the preparation phase. The WG Chair highlighted that this task should be part of the mandate of future WGs, as it would be reflected in the project methodology. The pilot project on Customs 2 would be the first to include this new task.

4.1.2 Mandate amendment

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

4.2 Train the trainers 2019

4.2.1 Mandate set-up

The Forum set-up the mandate of the new WG to manage the training in 2019 ([Annex 2b](#)).

Item 5 - Forum's enforcement activities- Ongoing projects

5.1 Characterisation of risks

5.1.1 TF progress report

The Chair informed about the progress of the Task Force (TF) that have been developing different examples of methodologies to categorise risks. The objective would be to link it to the use of ICSMS to ensure that categorisation of risks is done consistently.

5.1.2 Mandate amendment

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

5.2 Pilot project on Substances in Articles (SiA)

5.2.1 WG progress report

The Chair summarised the activities of the WG, informing that the operational phase was ongoing. The WG continued to gather questions from the WG members and national coordinators and finding solutions for the problems identified.

5.2.2 Mandate amendment

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

5.3 Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs

5.3.1 WG progress report

The Chair informed that the WG described the joint action and has commented on the reporting tool to gather the deficient SDS. The tool would be sent to the participating Member States and to the Stakeholders. The results will be presented at the open session of the Forum in November.

5.3.2 Mandate amendment

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

5.4 Enforceability of restrictions

5.4.1 WG progress report

The Chair informed about the activities of the WG concerning the advices elaborated after Forum-29 and the number of future Annex XV proposals. The activity plan was further detailed to accommodate the new proposals. Additionally, the WG has started preparing the first draft of the registry of concerns for restrictions identified by NEAs and submitted by Forum members.

The WG proposed to inform the CARACAL in November about the Forum Compendium of analytical methods and the plans for its revision. That would be an opportunity to raise the status of the document amongst the MSCAs and other stakeholders. The COM representative expressed support for this Compendium and ensured it was a reference document for COM when dealing with restrictions. He suggested to present it in the Enforcement Conference, in November.

ECHA Forum Secretariat presented the activity plan, where a heavy workload was foreseen for the WG, and invited the Forum members to appoint more rapporteurs to handle the expected new proposals.

5.4.2 Mandate amendment

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

5.5 Implementation of PD-NEA

5.5.1 WG progress report

The Chair informed that the WG have revised the data requirements for DU reports (to be changed to DU CSR reporting), DU notifications, application for authorisation and SiA. That would allow to have these file types also searchable and will be implemented in future releases during 2018 and 2019. The WG also discussed potential improvements to the current interlinks table and have communicated the new potential features for the contractor to develop.

5.5.2 Update on ECHA IT tools for inspectors

ECHA Forum Secretariat informed on the new release dates of the PD-NEA tool, which would bring more functionalities. The feedback collected from the survey sent to the users in February clearly indicated that the tool was needed. However, it was suggested to improve the search functionality – which would be covered in future releases - and to provide training.

ECHA Forum Secretariat informed about the future “Interact authority platform”, which would be a single entry point to all authorities to e.g. access different ECHA tools.

The ePIC tool had a new search criteria for searching substances (by Annex and/or by part of Annex I).

5.5.3 Mandate amendment

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

5.6 REACH-EN-FORCE-6 on CLP

5.6.1 WG progress report

The Chair informed that the operational phase of this project was ongoing and the national coordinators raised no issues so far.

5.6.2 Mandate amendment

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

5.7 PIC pilot project

5.7.1 WG progress report

The Chair summarised the activities of the WG that was in stand-by during the operational phase (by 30 June 2018). National coordinators would report their national results by 31 August 2018.

5.7.2 Mandate amendment

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

5.8 REACH-EN-FORCE-5 on Extended SDS, exposure scenarios, risk management measures and operational conditions

5.8.1 WG progress report

The Chair informed that the national coordinators submitted the national data by 31 March 2018. The WG met in May and discussed the results to prepare the draft report. The Forum consultation of the draft report was planned to take place in September.

5.8.2 Preliminary results

The WG Chair presented the preliminary results of the project, which were still under development by the WG members. In general, 29 countries participated and 898 companies were inspected. Since more than one substance could be investigated per company, 1435 substances were checked in total for compliance with the various REACH articles in the scope of this project.

5.8.3 Mandate amendment

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

5.9 Training for enforcement trainers 2018

5.9.1 WG progress report

The WG Chair updated the Forum on the activities of this WG that was preparing the presentations, documents and cases for the next Training for Trainers event in ECHA (3-4 October 2018). Forum members were reminded to nominate the trainees and inform on the number of remote attendees.

5.9.2 Mandate amendment

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

5.10 Third pilot project on authorisation

5.10.1 WG progress report

The Chair informed that the WG have elaborated the draft manual and it was consulted with the Forum. Taking in consideration the discussion under agenda point [4.1](#) (Prioritisation of projects), the operational phase of the project will run in 2020 instead of 2019. Hence, the preparatory phase of this project will be extended and the manual revised before December 2019. Forum members were invited to signal the intention of participating in this project by June 2019.

A Forum member suggested to initiate the operational phase of the project earlier, taking advantage of the fact that the manual and questionnaire were almost finalised. The Chair reminded that the operational phase was agreed to start at 2020 to allow to investigate as much granted authorisation decisions as possible and to give a longer period for DU notification to be processed.

Another Forum member suggested to use the hiatus to try to list the actors in the supply chain of the authorisation decision. Other Forum members raised concern that it would involve much workload from the Member States due to the complexity of the supply chains. To allow time for such task, the operational phase would need to start earlier. The WG would discuss the prolongation of the operational phase to make it possible for the countries to investigate the users of the granted authorisations in the beginning of the operational phase.

5.10.2 Mandate amendment

The Forum adopted the updated mandate with the new timeline ([Annex 2l](#)).

5.11 REACH-EN-FORCE-7 on Registration

5.11.1 WG progress report

The Chair informed that the drafting of the project manual was close to finalisation and both Forum and national coordinators have been consulted.

The ECHA Secretariat identified several cases of potential non-compliances related to too low tonnage band. The Forum members were asked whether those cases should be included in the REF-7 project or rather taking them for investigation as standard interlink cases. Some countries have already initiated investigations of the cases. The progress report of the WG would be updated to reflect such cases.

From the Action 1 of the REACH review referring to the update of the dossier, the WG REF-7 was invited to draft question(s) for the questionnaire to record the check of the update duty under Article 22 of REACH.

5.11.2 Mandate amendment

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

5.12 Forum Action Programme 2019-2023

5.12.1 WG progress report

The WG Chair informed that the Forum Multiannual Work Programme (MAWP) 2019-2023 was drafted and consultation was launched with the Forum and BPRS. The WG prepared the enforcement priorities considering the suggestions from MSCAs, DNAs, Management Board and ECHA Secretariat.

5.12.2 Recommendations from REACH review

5.12.2.1 Actions related to enforcement

The COM representative highlighted the actions coming from the REACH review that were relevant for the WG, in particular Action 13 (2)². He acknowledged that Member States were already reporting to COM on various obligations and encouraged the WG to assess what was already being reported and use that information as much as possible. In that way, this new reporting exercise would not be burdensome to the Member States.

He stated that the information reported by the Member States to COM was used in many activities within COM, in particular when replying to stakeholder's queries on enforcement.

5.12.2.2 WG recommendations on addressing the actions

The WG invited the Forum members to implement the annual reporting referred in the REACH review to ECHA based on the Member State Reports to the European Commission. The reports could be done using the existing templates for REACH Article 117(1) (and Article 46(2) of CLP), for which the Member States have already a system to collect that data. The purpose of this reporting would be threefold:

- To give a full overview to the Forum of the enforcement activities undertaken on Member State level (at present it is only partial);
- To facilitate project planning by the Forum (e.g. it would allow to address gaps in national activities);
- To promote information about enforcement activities on the national level and thus give realistic information on the scale of enforcement to the general public (which is aware mostly of actions on the Forum level).

The WG recommended for the Forum to establish a WG at the end of 2018, which would work through 2019 and define what information from the reports, or based on the reports, should be made public. This WG could also work on the revision of the reporting template for the next reporting cycle.

The Forum members discussed the use of such reporting template and were invited to submit comments in writing.

The WG concluded that the Forum could support the implementation of the REACH review action 12(2)³ by collecting information on existing interaction of OSH and REACH enforcement. For that, the WG would prepare a survey and send it to Forum members in the summer/autumn 2018. The WG suggested adding a new task to the mandate of the WG to reflect the preparation of the survey.

5.12.3 Mandate amendment

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

5.13 Cooperation with Customs 2

5.13.1 WG progress report

The Chair informed that the manual for the pilot project on cooperation with customs was drafted and the Forum and PARCS would be consulted during the summer. The WG collected feedback how the draft AMS regulation impacted on the

² ECHA's Forum and Member States are requested to establish comparable parameters on enforcement. On the basis of those parameters, Member States should report annually to ECHA for the purpose of monitoring enforcement activities by Member States.

³ Improve the coordination of national enforcement authorities of REACH and OSH legislation

framework of the cooperation between NEAs and Customs defined by WG Customs 2 and agreed to prepare a position paper for COM during the summer 2018.

The Forum members were invited to confirm participation in the pilot project and indicate which other restrictions would like to cover in the project.

5.13.2 Mandate amendment

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

5.14 Information and Communication System for Market Surveillance (ICSMS)

5.14.1 WG progress report

The Chair informed that the WG provided feedback on the PIC directive related product information (DRPI) form. The WG did the final test of the REACH, CLP and PIC DRPI and it was expected the release to be in June 2018⁴. For users who did not yet have access to ICSMS, a special "ICSMS access request process" allowed them to access it.

Having all the tasks of the WG's mandate completed, the WG Chair thanked all the members and ECHA Forum Secretariat. She encouraged the members of the TF Categorisation of risks to take advantage of the tool and use all of its potential.

5.14.2 Mandate amendment/closure

The Forum closed the mandate ([Annex 2p](#)) of the WG.

Item 6 – Update on relevant developments by the Commission

6.1 General updates by the European Commission

The COM representative informed on several issues with interest for the Forum. The Forum was invited to submit comments to the documents submitted for the meeting.

6.2 POP recast and the current discussion of the role of the ECHA Forum - AT NEA's proposal

The COM representative summarised the state of play of the discussions in relation to the recast of the Persistent and Organic Pollutants (POPs) regulation and its relevance to ECHA and the Forum. There would be a new role for ECHA to assist the Commission with technical and administrative aspects and to provide scientific support. Moreover, the recast would propose to use the Forum set for REACH (CLP and PIC) to coordinate Member State's POPs Regulation enforcement activities. The presenter highlighted that the regulation text was being discussed and there was no clarity if this new role for the Forum would require new resources or even setting up a new sub-group.

Some Forum members expressed support for having a generic reference to Forum and to Article 76(1)(f) of REACH. The formulation should be similar and consistent with the one in PIC Article 18(2).

A Forum member summarised the timelines expected for the discussions of the POP recast with the Council in the upcoming months and was seen possible for the Forum to convey its message. The Forum agreed to elaborate a Forum's position

⁴ Post-meeting note: the release was postponed until July 2018

on the potential tasks of the Forum to be relayed by ECHA's Executive Director for consideration of the Council in the upcoming meeting.

The Forum members were encouraged to liaise with the national authorities contributing to this discussion with the Council and forward the Forum's concerns and suggestions.

6.3 EU level enforcement indicators and additional information on enforcement

The COM representative informed that the REACH and CLP enforcement indicators document was finalised. The document was based on the reports from the Member States (REACH Article 117(1)) and included information on the structure of enforcement in the Member States. The latter was added with the view to clarify the stakeholders on the existence of different national enforcement structures and strategies. The document was created with the objective to contribute to the communication on enforcement as it provided a more concrete picture about enforcement in EU. The Forum was invited to submit comments on the document.

Some participants noted that the definition of "control" presented in the meeting document would need to be further clarified. The presenter acknowledged that it was a complex term but considered it as an improvement.

Item 7 – Inspectors Exchange Programme

7.1 Overview of the IEP and its funding

The COM representative presented a summary of the results of the inspectors exchange programme organised so far by ECHA and COM. It was expected for the programme to be repeated in 2019 by DG GROW and it will be explored whether the Member States could contribute to the programme.

Some Forum members expressed their appreciation for such exchanges, for both visitors and organisers. A Forum member informed that also an exchange of inspectors outside the COM's programme was being organised between two authorities.

7.2 Member States experiences with the exchange visits

The Chair summarised the feedback received from the Forum on the events and organisation of the visits of inspectors from another country. All respondents shared that it was a very positive experience, easy to organise and served as a training for inspectors. Some Forum members also shared the experience and value added by the exercise.

It was noted that the language was a limitation as not all inspectors were able to speak English proficiently.

7.3 Progress of the LIFE + CHEREE project

The Cypriot Forum member gave an update on the progress of the project between Greece and Cyprus on the enforcement of chemical legislation and SEVESO.

Item 8 – Updates on the cooperation between Forum and BPR Subgroup

The Chair of the BPRS informed the Forum on the conclusion from the previous meeting and gave a preview of the expected discussion in the upcoming one (BPRS-5)⁵.

Item 10 – Updates from other networks

The Chair referred to the meeting document submitted which included the updates of the work developed by SLIC CHEMEX.

Item 11 – Conclusions from day 1

The Forum adopted the conclusions and actions points collected for the issues discussed during the day.

Item 12 – Debriefing of the meeting with ECHA Directors

The Chairs summarised the discussions held with ECHA's directors.

Item 13 – Practical issues for enforcement of REACH and CLP

The ECHA Forum Secretariat informed that issues 28.1 on co-axial cartridges and 29.1 on the SDS information were ready and would be adopted via written procedure after the meeting.

Issue 21.2 - Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?

ECHA Forum Secretariat reminded the Forum on the history of this practical issue as it was re-open to reflect the new COM's position in 2016 in relation to Article 8 of REACH, for it to be understood to transfer the obligation for the provision of SDS to the OR. The Forum expressed some concerns about this position as it has far reaching implications for import of substances and mixtures. The COM have responded and clarified the issues raised by the Forum. The ECHA Forum Secretariat drafted a new conclusion for the practical issue for the Forum to comment.

Issue 26.4 - Can NEAs accept test results on a multi-constituent substance containing a constituent with a harmonised classification in Annex VI where the test result contradicts the classification of the multi-constituent substance based on its constituents?

ECHA Forum Secretariat reminded that two questions remained open from this issue and they were raised in HelpNet in the CLP HelpEx. There were a few responses and a request to prolong the deadline by July. After conclusion of the HelpNet discussion, the matter would be brought back to the Forum.

Issue 27.1 - Does Article 25(4) of CLP apply where the use of the wording "non-toxic" etc. does not refer to the hazard classification assigned to the product?

This issue was adopted in September 2017. However, DG ENV dealing with the Ecolabel provisions and the respective criteria contacted the ECHA Forum Secretariat. ECHA legal unit assessed the COM's view and confirmed what was

⁵ Minutes of the BPRS meetings available in <https://echa.europa.eu/about-us/who-we-are/enforcement-forum/meetings-of-the-forum/2018>

adopted by the Forum for this conclusion. The issue would not be reopened and the conclusion would remain the same.

Issue 29.3 - How to identify all sites concerned with an authorisation decision: not only the applicant but are also DUs and other actors covered by it?

After Forum-29, there were two more written consultations with the Forum. The Forum had not raised any issue with the latest version of the conclusion and it was expected to undergo adoption via written procedure after the meeting.

Issue 29.4 - Is it possible for the applicant and DUs to implement different conditions than what appears in the CSR?

The issue concerned the situation where OC/RMM found on the site differed from the ones in the CSR and from the application and authorisation.

The ECHA Forum Secretariat informed that the consultation showed the Forum members were supportive of the conclusion drafted. Additional clarification would be prepared in the form of a Q&A.

Issue 30.1- Suggestion for the wording of derogations in future restrictions for Annex XVII, which are dependent on the date of placing on the market.

The submitter presented the issue on the enforcement of restrictions that provide a derogation for products that were "placed on the market *for the first time*, before certain date".

Based on the feedback and internal discussion, a draft conclusion was prepared. In light of discussion at the meeting, the Forum would be consulted on the draft conclusion.

Issue 30.2- Do the Forum members agree with the opinion of the Commission and ECHA that food substance intermediates are excluded from REACH registration? If so, do the Forum members agree to ask ECHA to add this opinion to Q&A 1092?

The submitter presented the issue, based on a potential non-compliance found in his country in which the company presented the position of COM stating the exemption from REACH registration for such products. After being commented by the Forum, it was concluded that it was an issue referring to the interpretation of provisions regarding the scope of exemptions. Moreover, ECHA Secretariat proposed to review the FAQ 1092 to address also the question of substances used in production of food that were not part of the final food product. The FAQ will be processed according to the FAQ procedure, involving the consultation with HelpNet.

Therefore, the Forum agree that this issue was not suitable to be addressed by the Forum at this point in time. The Forum members were invited to submit specific questions to be taken into consideration when preparing the FAQ update.

Item 14 - Updates from the ECHA Secretariat

14.1 2018 Registration deadline

The ECHA Secretariat presented the statistics from the 2018 REACH registration deadline. The Forum was informed that 671 companies applied for the solutions offered by the Director's contact group (DCG).

The presenter clarified some points from the presentation upon the Forum members' request concerning the statistics presented. The NEAs would be informed

via PD-NEA about the companies that applied to the DCG solutions once the information is processed.

The Chair suggested a future project, with the collaboration of ECHA Secretariat, to investigate the status of the registration of substances that should have been registered in this deadline.

14.2 Enforcement of dossier updates

The ECHA Secretariat highlighted the importance of dossier updating and the fulfilling of the REACH Article 22 duty. The reality was that more than half of the dossiers have never been updated. From a survey, the majority of the stakeholders were aware of that obligation but did not have a process in place to handle it. Most updates observed were a consequence of a request from ECHA or a letter campaign. The presenter shared some possible reasons why companies were not updating their dossiers and suggested some actions that companies could implement to allow them to better fulfil this obligation.

The REACH review Action 1 encouraged the updates of the registration dossier. Hence, the Forum members were invited to enforce Article 22 and continue enforcing the registration duties during the routines activities. As agreed in agenda point [5.11](#), REF-7 will include questions to investigate whether the companies have updated their dossier.

14.3 Documents needed for legal entity change

The Chair summarised ECHA's actions in cases of legal entity change (LEC). When companies contact ECHA's Helpdesk for advices regarding a LEC, ECHA referred to the Practical Guide on legal entity changes and to the companies' national authorities in terms of what was considered a LEC and which documentation was appropriate. The Forum members were invited to indicate the type of documents the NEAs expect the companies to hold and submit to ECHA in order to demonstrate their LEC. That would allow ECHA to provide more specific advices to companies.

14.4 Results of the consultation with the Forum on the 'standard phrases' for setting the conditions used by RAC/SEAC

The ECHA Secretariat summarised the feedback received from the Forum members after Forum-29. Overall, the comments were in line with the approach from RAC, ECHA and COM. ECHA would investigate further the suggestions made by the Forum and continue to monitor the enforceability of the additional conditions and monitoring arrangements. The Forum's comments would be presented in the RAC meeting for discussion. In the future, it was advisable to create a more systematic collaboration between RAC and Forum.

The Forum members were invited to send further feedback on the standard phrases.

14.5 Understanding downstream user information needs

The Chair referred to the meeting document that summarised the results of ECHA projects designed to better understand what kind of information, generated under the REACH Regulation, end users of substances and mixtures need from their suppliers to manage risks. The project allowed ECHA to make suggestions to improve the situation, where the NEAs might contribute by raising awareness among the companies by disseminating ECHA's REACH material and trainings. The Exchange Network on Exposure Scenarios (ENES) will set up a monitoring system

for the flow and use of REACH safe use information at the end of the supply chain. It was suggested for the Forum's mandated ENES contact persons (nominated after Forum-29) to follow such activities on behalf of the Forum and to contribute to the ENES work, as appropriate.

ECHA Secretariat will develop more training and material to help the DU tackle the shortcomings identified in the project and invited the Member States authorities to disseminate such material.

14.5 Follow-up of ECHA Decisions: updates from ECHA

The Forum took note of the meeting document that included a summary of the cases sent to the Member States Focal points.

14.6 Update on ECHA Guidance activities

The Forum took note of the updates from ECHA Guidance. Additionally, ECHA was initiating the preparation of the Guidance on nano-materials. The Forum would be consulted on the Guidance on harmonised information relating to emergency health response – Annex VIII to CLP prepared by ECHA.

Item 15 – Enforcement projects in Member States

15.1 Classification and labelling of construction products – Nordic CLP project

The Danish Forum member presented the project⁶ run by the Nordic Inspection Group, targeting construction products for the general public from "Do it yourself" DIY warehouses, webshops and builders merchants. 105 mixtures were inspected resulting in 46% non-compliances with CLP regulation. 85 SDS were checked and 63% were found non-compliant.

Some Forum members shared experiences with similar projects. The presenter clarified that some participating countries targeted products with known problems. The packaging, in particular the child resistant fastening, was also covered in the project.

Item 16 – Cross-border cooperation

16.1 Bottleneck of Italian procedure when conducting analytical controls: the case where the dutyholder placing on the market the product is located in another Member State

An invited expert shared the procedures when dealing with the involvement of parties (enterprises) based in another Member State when sampling a product (*e.g.* to check compliance with REACH restriction) and performing an analysis. According to the Italian procedure, the dutyholder responsible for placing the article on the market should be approached and informed about his right to defence (he can even choose to participate in the analysis). If the duty holder was located in another Member State, cooperation with the NEAs of the Member State of the duty holder was of extreme importance.

The presenter clarified that the analysis were performed by public laboratories accredited for the test or for ISO 17025. In case of a non-compliance, the analysis procedure gave the possibility for the company to test a second sample themselves

⁶ Full report: <http://norden.diva-portal.org/smash/get/diva2:1177199/FULLTEXT02.pdf>

to refute the non-compliance and a third test, done by the authority, being the one decisive.

Some participants gave their views on the possible scenarios proposed. The Forum members were invited to provide written replies to the questions posed by the presenter.

16.2 General process for cross-borders cooperation

The ECHA Forum Secretariat presented the feedback collected from the Forum members after Forum-29 on the practices used for contacting the NEAs in other Member State. Most of the members used the messaging system available on PD-NEA. However, at Forum-17, the Forum conditionally accepted that ICSMS should be the tool for the exchange of information between NEAs.

The Forum agreed to test the ICSMS after its release and provide feedback on the usability of this tool to contact and cooperate with NEAs in other Member States. A Forum member noted that both manuals of ICSMS and Interlinks would then needed to be updated and aligned.

The Forum acknowledged there would be situations where PD-NEA would need to still be used to exchange information between NEAs, *e.g.* in case of exchanging confidential information originating from PD-NEA or where the communication was not about a specific product (ICSMS is product based), but rather a duty holder or another general inquiry.

One Forum member shared that PD-NEA messaging should be improved to allow including attachments. ECHA Forum Secretariat clarified that attachments can and have been sent via PD-NEA. The Forum was invited to provide further examples of situations for which PD-NEA would need to be used, after some experience is gathered in using ICSMS. The feedback would be discussed at Forum-32.

Item 17 – Updates from the ECHA Forum Secretariat

17.1 Discussion on the follow-up of the REF-4 project results

The ECHA Forum Secretariat informed on the feedback received from the Forum members regarding the possible follow-up actions resulting from the REF-4 project on restrictions. Some of the proposals were introduced at Forum-29 and have been further elaborated afterwards.

It was proposed for the recommended actions for Forum and NEAs to be included in the MAWP 2019-2023. Those included strategic decision-making related to non-compliances, report of national inspections related to restrictions, new REF project on restrictions, further development of enforcement guidance for enforcement of restrictions and assessment of the enforceability of newly adopted restrictions and management of a registry of concerns with enforcement of restrictions. An invited expert added that the pilot project on customs will also include the checking of restricted substances/articles.

The REF-4 report recommended actions for Commission and the COM representatives were invited to report at Forum-31 on the possibility to implement the development of unique CN codes for substances/articles restricted, whether funding should be made available to undertake analysis and to re-consider the idea to elaborate a list of analytical laboratories capable of analysis of Annex XVII.

The Forum agreed with the proposed way to tackle the recommendations of the REF-4 project.

17.2 Follow-up on the results of the pilot project on internet sales

The ECHA Forum Secretariat informed on the actions done after adoption of the project report on 19 March 2018. Taking into account the recommendations elaborated in the report by the WG, as follow-up actions, it was suggested to undertake new REF project on control of internet sales (agreed that [REF-8](#) will be on internet sales).

Additionally, it was suggested to actively send the project report and ECHA [Q&A 0273](#) to the stakeholders, to both EU trade associations and national stakeholders, with the recommendation for them to develop guidance/strategies to clarify what was a lawful internet sale. They could also be invited to submit any issues for the Forum to discuss.

The same information could also be sent to national website providers and professional suppliers which have a web shop. More than being informed, they would be requested to take appropriate actions and implement a monitoring mechanism to remove non-compliant offers. COM already created contact points for big internet traders platforms (e.g. Amazon, E-bay) and it was recommended to do the same at national level.

The Forum members were invited to submit written feedback on the proposed follow-up actions and to suggest other ways to implement the recommendations included in the report, for further discussion, if relevant, in Forum-31.

17.3 Publication of Forum indicators

The ECHA Forum Secretariat informed that the Forum indicators agreed at Forum-25 have been calculated based on the available data.

It was foreseen that the calculation and publication of the Forum indicators in ECHA website would be an annual exercise.

Forum members were invited to comment on the draft for publication of the indicators.

17.4 Renewal process for the Forum and BPRS members

The ECHA Forum Secretariat reminded that once a new Forum member was appointed or his/her mandate was renewed, there was also a need to renew the mandate of the alternates, including BPRS members/alternates, whose mandate was linked to the Forum member's mandate.

17.5 Updates of the dates of the Forum meetings in 2019/2020

The ECHA Forum Secretariat informed about the proposed dates for the Forum meeting in the next two years. There were some changes to the dated presented at Forum-29. The Forum members took note of the updated dates:

- Forum-32: 18-22 March 2019
- Forum-33: 17-20 June 2019
- Forum-34: 4-8 November 2019
- Forum-35: 23-27 March 2020
- Forum-36: 22-26 June 2020
- Forum-37: 26-30 October 2020

Item 18 – Use of alternatives to testing in animals – Update from DE

The German Alternate presented the enforcement actions underwent when following up the cases sent by ECHA regarding animal testing.

Item 19 – A.O.B.

19.1 Change in the Rules of procedure

The Chairs proposed to amend Article 13 of the Forum's Rules of procedure to include a second consultation of the draft agenda with the Chairs. In the invitation for the meeting, the members will continue to be invited to submit further suggestions for the draft agenda but a shorter deadline would be given, allowing some time for the ECHA Forum Secretariat to contact the Chairs and confirm or not the inclusion of such new points in the agenda for the meeting.

19.2 Debriefing of the presentation of the Forum's MAWP in the Management Board meeting (MB-50)

The Chair of the WG MAWP informed that she had presented the Forum's Multi-annual work programme 2019-2023 and the Forum's priorities for the upcoming years to the Management Board (MB) members. There was much interest from the members and most comments were related to the annual reporting (the idea of which was clearly supported), indicators and working with customs. The WG Chair communicated what was discussed and agreed with the Forum (agenda item [5.12](#)).

ECHA Forum Secretariat presented the evolution of the staff and the work of the Forum. The MB members were appreciative of the Forum's work.

Item 20 – Conclusions from day 2

The Forum adopted the conclusions and actions points collected for the issues discussed during the day.

Item 21 – Closing of the meeting

The Chair thanked the participants, the COM and the ECHA Forum Secretariat for their contributions and support. With that, she closed the meeting.

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-30**19-20 June 2018**

(Adopted at the Forum-30 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.2 Adoption of the Agenda	Agenda was adopted.	
Item 2 – Address by ECHA's Director of Registration		
Item 3 – Follow up from ECJ judgement on SONCs		
		Forum-S to revise the “interlinks guide” and consult the Forum by Forum-31.
Item 4 – Forum’s enforcement activities- Projects under preparation		
4.1 Prioritisation of REF projects 4.1.1 WG progress report		
4.1.1.1. Discussion on the scope of REF-8 and future pilot projects	The Forum decided that the REF-8 project will focus on the internet sales. Detailed scope of the project will be specified later. Forum decided to move the operational phase of pilot project Authorisation 3 to 2020	Forum-S will prepare and send a brief questionnaire on the topics listed below by 6 July Forum members are invited to submit feedback whether Authorisation is a concern in their country and whether they believe that there are duty holders (authorisation holders and DUs) of any authorisation related duties in their countries by 15 August. WG prioritisation is invited to consider clarification of the criterion “Majority of MSs concerned” for the next revision of the prioritisation methodology.
4.1.1.2. Discussion on miscellaneous recommendations regarding the project proposals		Forum-S will consult the ECHA Secretariat about the possibilities for the awareness raising campaign for duty holders regarding the mixtures with extreme ph.
4.1.1.3. Discussion on recommendation for improvement of REF project methodology		WG Cooperation with customs is invited to test the questionnaire of the pilot project on cooperation with customs with the national coordinators (three members of the WG will test the questionnaire with their NCs)
4.1.2 WG Mandate amendment	The Forum revised the mandate of the WG.	
4.2 Train the trainers 2019 4.2.1 Mandate set-up		Forum members nominating members for the WG are invited to indicate their names by 13 July

		Forum members are invited to submit proposals of three topics for the Training 2019 by 31 August 2018. The Forum members are asked to rank the topics in order of priority 1, 2 and 3.
Item 5 – Forum’s enforcement activities- Ongoing projects		
5.1 Characterisation of risks 5.1.1 TF progress report		
5.1.2 Mandate amendment	The Forum revised the mandate of the TF.	
5.2 Pilot project Substances in Articles 5.2.1 WG progress report		
5.2.2 WG Mandate	The Forum revised the mandate of the WG.	
5.3 Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs 5.3.1 WG progress report		
5.3.2 WG Mandate amendment	The Forum revised the mandate of the WG.	
5.4 Enforceability of Restrictions 5.4.1 WG progress report		Forum members are invited to <ul style="list-style-type: none"> • appoint invited experts to the WG or • appoint invited experts as ad hoc rapporteurs (not part of WG) or • nominate themselves as members or • express their willingness to act as rapporteurs (not part of WG) for upcoming dossiers by 14 August. Forum-s will present to the CARACAL the Forum Compendium and the plans for its revision at the CARACAL and the ASOs at the end of 2018.
5.4.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.5 Implementation of PD-NEA 5.5.1 WG progress report		
5.5.2 Update on ECHA IT tools for inspectors		
5.5.3 Mandate amendment	The Forum revised the mandate of the WG.	

5.6 REF-6		
5.6.1 WG progress report		
5.6.1 Mandate amendment	The Forum revised the mandate of the WG.	
5.7 PIC pilot project		
5.7.1 WG progress report		
5.7.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.8 REACH-EN-FORCE-5		
5.8.2 WG progress report		
5.8.2 Preliminary results		
5.8.3 Mandate amendment	The Forum revised the mandate of the WG.	
5.9 Training for enforcement trainers 2018		Forum members are invited to submit the number of the core remote attendees by 14 September 2018.
5.9.1 WG progress report		
5.9.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.10 Third pilot project on authorisation		
5.10.1 WG progress report		
5.10.2 Mandate amendment	The Forum revised the mandate of the WG.	WG pilot project Authorisation 3 is invited to consider the prolongation of the operational phase to allow the participating countries to investigate supply chains related to granted authorisations.
5.11 REF-7 project		Forum members are invited to indicate if they wish to receive the cases of potential non-compliance now (as interlinks) or in REF-7 by 25 July
5.11.1 TF progress report		WG REF-7 is invited to draft question(s) for the questionnaire to record the check of the update duty under Art 22 of REACH.

		Forum-S will update the progress report to add the cases for NL and IE that were sent in the past.
5.11.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.12 Forum Action Programme 2019-2023 5.12.1 WG progress report		Forum members are invited to provide comments on the attached Draft 2 of the Multi-Annual Work Programme of the Forum 2019-2023 by 4 July
5.12.2 Recommendations from REACH review 5.12.2.1 Actions related to enforcement		
5.12.2.2 WG recommendations on addressing the actions		
5.12.2 Mandate amendment	The Forum revised the mandate of the WG.	
5.13 Cooperation with Customs 2 5.13.1 WG progress report		
5.13.2 WG Mandate	The Forum revised the mandate of the WG.	
5.14 Information and Communication System for Market Surveillance (ICSMS) 5.14.1 WG progress report	The WG has concluded its activities and was closed.	Forum members are invited to provide the contact details of their REACH/CLP/PIC National Contact Point (NCP) to the Forum Secretariat. That list will be provided to the NCPs in order for them to be able to know who to contact when a baton needs to be passed on to another MS (see the Manual for further details) by 31 July. Forum members are invited to observe the ICSMS access request process in case they need to obtain the access to the ICSMS if not already in place.
5.14.2 Mandate amendment/closure		
Item 6– Update on relevant developments by the Commission		
6.1 General updates by the European Commission		COM is invited to seek further clarification regarding the COM request to NEAs to be involved in cases where the authorisation holder changes the conditions of use.

		Forum Members are invited to submit written comments to the document “Summary of available information from Member States and through public consultation on enforcement ”to the COM by 16 July 2018.
6.2 POP recast and the current discussion of the role of the ECHA Forum - AT NEA’s proposal	Forum decided to convey its concerns to the Executive Director of ECHA who will attend the Council meeting in July.	<p>Forum-s and Chairs will formulate the suggestions from the Forum based on the discussion at Forum-30 and provide them to Forum for consultation.</p> <p>Forum-S will send the draft to the Forum for consultation by 26 June.</p> <p>Forum members will comment by 28 June</p> <p>Forum members are invited to provide feedback on the following questions:</p> <ol style="list-style-type: none"> 1. Do Forum members have empowered to enforce POP regulation? Or would they have to coordinate the enforcement with other authorities? 2. Do the Forum members have or have access to expertise on waste and waste management? 3. Would the Forum members wish it is their task to prepare guidance on analytical methods for checking compliance with POPs Regulation? <p>Feedback is invited 31 July 2018</p>
6.3 EU level enforcement indicators and additional information on enforcement		
Item 7 – Inspectors Exchange Programme		
7.1 Overview of the IEP and its funding		
7.2 Member States experiences with the exchange visits		
7.3 Progress of the LIFE + CHEREE project		
Item 8– Updates on the cooperation between Forum and BPR Subgroup		
Item 10 – Updates from other networks		

Item 12 – Debriefing of the meeting with ECHA Directors		
Item 13 – Practical issues for enforcement of REACH and CLP		
Practical issues		Forum members are invited to submit new practical issues by 20 September 2018
26.4 Can NEAs accept test results on a multi-constituent substance containing a constituent with a harmonised classification in Annex VI where the test result contradicts the classification of the multi-constituent substance based on its constituents?		
29.3 How to identify all sites concerned with an authorisation decision: not only the applicant but are also DUs and other actors covered by it?		
29.4 Is it possible for the applicant and DUs to implement different conditions than what appears in the CSR?		<p>Forum-S will send out the draft Q&A for Forum comments by 27 June</p> <p>Forum members will comment on the draft Q&A by 11 July</p> <p>ECHA Secretariat will further consult the draft Q&A with the COM and RAC considering the feedback from the Forum.</p>
30.1 Suggestion for the wording of derogations in future restrictions for Annex XVII, which are dependent on the date of placing on the market.		Forum-s will send the draft conclusion for written consultation by 29 June.
30.2 a) Do the Forum members agree with the opinion of the Commission and ECHA that food substance intermediates are excluded from REACH registration?	Forum agreed to close the issue and relay it for further processing in HelpNet via the FAQ.	<p>Forum members are invited to send in questions that they wish are clarified by the FAQ by 6 July</p> <p>ECHA Secretariat will consider these questions when drafting the FAQ revision.</p>

b) If so, do the Forum members agree to ask ECHA to add this opinion to Q&A 1092?		COM is invited to verify the position on the COM services responsible for food legislation.
27.1 Does Art. 25(4) of CLP apply where the use of the wording "non-toxic" etc. does not refer to the hazard classification assigned to the product?		Forum-S will initiate the consultation of the optional ecolabel statement with the Forum by 13 July
21.2 Who is responsible for the elaboration of a Safety Data Sheet when an only representative is appointed?		Forum-s will send the draft conclusion for written consultation by 29 June.
Item 14 – Updates from the ECHA Secretariat		
14.1 2018 Registration deadline		
14.2 Enforcement of dossier updates		
14.3 Documents needed for legal entity change		The Forum members are invited to reply to the questions in annex to the room document, especially on which documentation is requested from the companies in case of a legal entity change by 31 August.
14.4 Results of the consultation with the Forum on the 'standard phrases' for setting the conditions used by RAC/SEAC		
14.5 Understanding downstream user information needs		<p>Forum members are invited to take note of the market study findings as well as give feedback on topics that may be relevant to the Forum's MAWP 2019-23 by 6 August.</p> <p>Forum mandated ENES contact persons are invited to contribute to the actions listed in Section 3 of the document by 6 August</p> <p>Forum members are encouraged to share information about the survey material and provide ECHA with information on national activities on the flow of exposure scenario information by 6 August.</p>

14.6 Follow-up of ECHA Decisions: updates from ECHA		
14.7 Update on ECHA Guidance activities		
Item 15 – Enforcement projects in Member States		
Classification and labelling of construction products – Nordic CLP project		
Item 16 – Cross-border cooperation		
16.1 Bottleneck of Italian procedure when conducting analytical controls: the case where the duty holder placing on the market the product is located in another Member State		Forum members are invited to provide feedback to questions raised in the presentation by 31 August, directly to the IT Alternate (and cc to Forum-S)
16.2 General process for cross-borders cooperation		<p>Forum members are invited to use ICSMS after it is released and provide feedback to the following action points considering this experience.</p> <p>Forum members are invited to give feedback in which situations to use the ICSMS and the PD-NEA messaging systems to contact/refer cases to other MS by 31 January 2019</p> <p>Forum members are invited to give feedback if the processes described in the ICSMS and PD-NEA manuals are sufficient if changes are needed. In the latter case, the Forum members should suggest what changes are needed specifically. Feedback is invited by 31 January 2019</p> <p>Forum-S will table this subject for discussion at FORum-32 in March 2019</p>
Item 17 – Updates from the ECHA Forum Secretariat		
17.1 Discussion on the follow-up of the REF-4 project results		<p>WG MAWP is invited to consider the proposals 1-5 (and the pilot project on cooperation with customs) for the MAWP 2019-2023 by Forum-31.</p> <p>COM is invited to report back later on possibilities for tackling the recommendations 6-8 from the Forum by Forum-31.</p>

17.2 Follow-up on the results of the pilot project on internet sales		Forum members are invited to submit written feedback by 31 July 2018.
17.3 Publication of Forum indicators		Forum members are invited to provide comments to section 3 of the document by 13 July
17.4 Renewal process for the Forum and BPRS members		
17.5 Updates of the dates of the Forum meetings in 2019/2020	<p>The plenary meetings of the Forum for years 2019-2020 will take place in the following weeks</p> <p>In 2019:</p> <ul style="list-style-type: none"> ○ F-32: 18-22 March 2019 ○ F-33: 17-20 June ○ F-34: 4-8 November 2019 ○ <p>In 2020:</p> <ul style="list-style-type: none"> ○ F-35: 23-27 March 2020 ○ F36: 22-26 June 2020 ○ F-37: 26-30 October 	
Item 18 – Use of alternatives to animal testing – Update from DE		
		Forum member from FR is invited to indicate to Forum-S whether they would be willing to take action on any of the cases by 13 July
Item 19 – AOB		
		Forum-S will send out the proposal for updated rules of procedure for Forum consultation by 13 July.

III. List of Attendees**Forum members**

	Country	Name
1	AT	ANWANDER Eugen
2	BE	CUYPERS Paul
3	BG	ZIDAROVA Elena
4	CY	KYPRIANIDOU-LEONTIDOU Tasoula
5	CZ	JAROLÍM Oldřich
6	DE	FRENZEL Stefan
7	DK	BØRGLUM Birte Nielsen
8	EE	LINNO Annemari
9	EL	FOUFA Eleni
10	ES	SÁNCHEZ-PEÑA Pablo
11	FI	ASSMANN Mervi
12	FR	LEMAITRE Cecile
13	HR	KREKOVIĆ Marija Dubravka
14	HU	DEIM Szilvia
15	IE	MCMICKAN Sinead
16	IT	ALESSI Mariano
17	LT	ŠPŪRIENĖ Otilija
18	LU	ENGELS Kim
19	LV	KAZEROVSKA Kristine
20	MT	CASSAR Michael
21	NL	VAN DEN BERG Jos
22	NO	HAGEN Gro
23	PL	KITAJEWSKA Katarzyna
24	PT	BRAVO Graca
25	RO	MIJA Maria
26	SE	HEDLUND Henrik
27	SI	NOVAK Vesna
28	SK	POČAROVSKÁ Miriam
29	UK	POTTS Mike

Invited experts

	Country	Name
1	AT	WURM Gernot
2	BG	DIMITROVA Rada
3	CZ	MARKO Martin
4	DK	MIKKELSEN Sonja
5	EE	PROMET Natali
6	ES	ZAMORA NAVAS Laura
7	FI	MÄKI Markus
8	FR	TCHANAKIAN Fiona
9	IT	POLCI Maria Letizia
10	LT	UŽOMECKAS Žilvinas
11	LV	NEIMANE Jana

	Country	Name
12	NO	SULEIMAN Abdulqadir
13	PT	BARATA Sofia
14	SE	RUMAR Karin
15	SK	HULANSKÁ Katarína
16	UK	CARTER Paul

Advisers

	Country	Name
1	BE	LEYNEN Michel
2	DE	WURSTHORN Sibylle
3	DK	FAGERLUND Michael
4	FI	VALKAMA Tuuli
5	FI	RÄISÄNEN Jouni
6	SE	KARLSSON Jenny

European Commission representative

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

	ECHA	Unit
1	ALBERTO Joana	Support, Forum and HelpNet Secretariat
2	BARANSKI Maciej	Support, Forum and HelpNet Secretariat
3	CALVO TOLEDO Juan Pablo	Support, Forum and HelpNet Secretariat
4	CORNU Catherine	Dossier Submission and PIC
5	FRONTINI Ales	Support, Forum and HelpNet Secretariat
6	HANSEN Bjorn	Executive Director
7	MATEUS Tania	Support, Forum and HelpNet Secretariat
8	MUSSET Christel	Director of Registration
9	NICOT Thierry	Risk Management Implementation Unit
10	NIKULA Terhi	Support, Forum and HelpNet Secretariat
11	NOUWEN Johan	Support, Forum and HelpNet Secretariat
12	TŁOCZEK Magdalena	Support, Forum and HelpNet Secretariat
13	TUOMAINEN Anita	Support, Forum and HelpNet Secretariat

IV. List of Annexes

ANNEX 1. Final agenda Forum-30

ANNEX 2. Revision of mandates of Forum WGs/Task Forces

ANNEX 2 a – “Prioritisation of REF projects”

ANNEX 2 b – “Training for Enforcement Trainers 2019”

ANNEX 2 c – “Characterisation of risks”

ANNEX 2 d – “Pilot project on substances in article”

ANNEX 2 e – “Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs”

ANNEX 2 f – “Enforceability of restrictions”

ANNEX 2 g – “Implementation of PD-NEA”

ANNEX 2 h – “REF-6 on CLP”

ANNEX 2 i – “Pilot Project on control of PIC”

ANNEX 2 j – “REF-5 on Exposure Scenarios, extended SDS, RMM and OC”

ANNEX 2 k – “Training for Enforcement Trainers 2018”

ANNEX 2 l – “Authorisation 3”

ANNEX 2 m – “REF-7 on Registration”

ANNEX 2 n – “Forum Work Programme 2019-2023”

ANNEX 2 o – “Customs 2”

ANNEX 2 p – “Information and Communication System for Market Surveillance (ICSMS)”

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-30

19 June 2018

ECHA/Forum-30/2018/dA

**Thirtieth meeting of the
Forum for Exchange of Information on Enforcement
(Forum-30)**

19-20 June 2018

**European Chemicals Agency
Helsinki, Finland**

Tuesday, 19 June: starts at 09:00

Wednesday, 20 June: ends at 16:30

DAY 1 CLOSED SESSION Tuesday 19 June 2018

Item 1 – Welcome and Introduction

09:00-09:20

- 1.1 Opening by the Vice-Chair of the Forum – *Vice-Chair*
- 1.2 Adoption of the Agenda – *Vice-Chair*
- 1.3 Declarations of conflict of interest with regard to agenda items –
Vice-Chair
- 1.4 State of play with action points from Forum-29 – *ECHA Forum
Secretariat*
- 1.5 Report of the written procedures and other issues between Forum-
29 and Forum-30 - *Vice-Chair*

*ECHA/Forum-30/2018/dA
ECHA/Forum-30/2018/1.4
ECHA/Forum-30/2018/1.5*

**For adoption
For information**

Item 2 – Address by ECHA's Director of Registration

09:20-09:30

For information

Item 3 – Follow up from ECJ judgement on SONCs

09:30-10:30

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For discussion

Coffee break 10:30-11:00

**Item 4 – Forum's enforcement activities- Projects
under preparation**

11:00-12:00

- 4.1 *Prioritisation of REF projects (50')*
 - 4.1.1 *WG progress report – WG Chair*
 - 4.1.1.1. Discussion on the scope of REF-8 and future pilot projects
– *WG Chair*
 - 4.1.1.2. Discussion on miscellaneous recommendations regarding
the project proposals – *WG Chair*
 - 4.1.1.3. Discussion on recommendation for improvement of REF
project methodology – *WG Chair*
 - 4.1.2 *Mandate amendment - ECHA Forum Secretariat*

4.2 *Train the trainers 2019 (10')*

4.2.1 Mandate set-up - *ECHA Forum Secretariat*

*ECHA/Forum-30/2018/4.1.1
ECHA/Forum-30/2018/4.1.1_Annex2*

ECHA/Forum-30/2018/Draft_mandates

**For discussion
For adoption**

Item 5 – Forum’s enforcement activities- Ongoing projects

12:00-16:55

5.1 *Characterisation of risks (10')*

5.1.1 Task Force progress report – *Vice-Chair*

5.1.2 Mandate amendment - *ECHA Forum Secretariat*

5.2 *Pilot project on substances in articles (10')*

5.2.1 WG progress report- *WG Chair*

5.2.2 Mandate amendment - *ECHA Forum Secretariat*

5.3 *Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs (10')*

5.3.1 WG progress report - *WG Chair*

5.3.2 Mandate amendment - *ECHA Forum Secretariat*

5.4 *Enforceability of Restrictions (15')*

5.4.1 WG progress report - *WG Chair*

5.4.2 Mandate amendment - *ECHA Forum Secretariat*

5.5 *Implementation of PD-NEA (15')*

5.5.1 WG progress report – *WG Chair*

5.5.2 Update on ECHA IT tools - *ECHA Forum Secretariat*

5.5.3 Mandate amendment - *ECHA Forum Secretariat*

Lunch break 13:00-14:00

5.6 *REACH-EN-FORCE-6 on CLP (10')*

5.6.1 WG progress report - *WG Chair*

5.6.2 Mandate amendment - *ECHA Forum Secretariat*

5.7 *Pilot project on Control of PIC (10')*

5.7.1 WG progress report – *WG Chair*

5.7.2 Mandate amendment- *ECHA Forum Secretariat*

5.8 *REACH-EN-FORCE-5 on Extended SDS, exposure scenarios, risk management measures and operational conditions (20')*

5.8.1 WG progress report – *WG Chair*

5.8.2 Preliminary results – *WG Chair*

5.8.3 Mandate amendment- *ECHA Forum Secretariat*

5.9 Training for enforcement trainers 2018 (10')

5.9.1 WG progress report - WG Chair

5.9.2 Mandate amendment - ECHA Forum Secretariat

5.10 Third pilot project on authorisation (10')

5.10.1 WG progress report - WG Chair

5.10.2 Mandate amendment - ECHA Forum Secretariat

5.11 REACH-EN-FORCE-7 on Registration (10')

5.11.1 WG progress report – WG Chair

5.11.2 Mandate amendment - ECHA Forum Secretariat

5.12 Forum Work Programme 2019-2023 (50')

5.12.1 WG progress report – WG Chair

5.12.2 Recommendations from REACH review

5.12.2.1 Actions related to enforcement - COM

5.12.2.2 WG recommendations on addressing the actions – WG Chair

5.12.3 Mandate amendment- ECHA Forum Secretariat

Coffee break 16:00-16:30

5.13 Customs 2 (10')

5.13.1 WG progress report – WG Chair

5.13.2 Mandate amendment- ECHA Forum Secretariat

5.14 Information and Communication System for Market Surveillance (ICSMS) (15')

5.14.1 WG progress report - WG Chair

5.14.2 Mandate amendment - ECHA Forum Secretariat

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ECHA/Forum-30/2018/5.5.1

ECHA/Forum-30/2018/5.6.1

ECHA/Forum-30/2018/5.7.1

ECHA/Forum-30/2018/5.8.1

ECHA/Forum-30/2018/5.9.1

ECHA/Forum-30/2018/5.10.1

ECHA/Forum-30/2018/5.11.1

ECHA/Forum-30/2018/5.12.1

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ECHA/Forum-30/2018/5.12.1_Appendix_3

ECHA/Forum-30/2018/5.12.1_Appendix_4

ECHA/Forum-30/2018/5.13.1

ECHA/Forum-30/2018/5.13.1_Appendix_3

ECHA/Forum-30/2018/5.14.1

ECHA/Forum-30/2018/Draft_mandates

For information

For discussion

For adoption

Item 6 – Update on relevant developments by the Commission 16:55-17:45

- 6.1 General updates by the European Commission - *COM*
- 6.2 POP recast and the current discussion of the role of the ECHA Forum - AT NEA's proposal – *AT Forum member*
- 6.3 EU level enforcement indicators and additional information on enforcement - *COM*

ECHA/Forum-30/2018/6.1_1
ECHA/Forum-30/2018/6.1_2
ECHA/Forum-30/2018/6.1_3_room_doc
ECHA/Forum-30/2018/6.2_1
ECHA/Forum-30/2018/6.2_2
ECHA/Forum-30/2018/6.3

For information
For discussion

Item 7 –Inspectors Exchange Programme 17:45-18:05

- 7.1 Overview of the IEP and its funding – *COM representative*
- 7.2 Member States experiences with the exchange visits – *Forum member(s)*
- 7.3 Progress of the LIFE + CHEREE project – *CY Forum member*

ECHA/Forum-30/2018/7.2

For information
For discussion

Item 8 – Updates on the cooperation between Forum and BPR Subgroup 18:05-18:15

Updates from the BPRS discussions – *BPRS Chair*

For information

Item 10 –Updates from other networks 18:15-18:20

Updates from SLIC-CHEMEX – *Vice-Chair*

ECHA/Forum-30/2018/10

For information

Item 11– Adoption of conclusions from day 1 18:20-18:30

For adoption

18:30 - RECEPTION in ECHA Canteen

DAY 2 CLOSED SESSION Wednesday 20 June 2018

Item 12 – Debriefing of the meeting with ECHA Directors	<i>09:00-09:15</i>
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For information

Item 13 – Practical issues for enforcement of REACH and CLP	<i>09:15-10:30</i>
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Items raised by Forum/ECHA/COM (list of practical issues is prepared independently from the agenda)

*ECHA/Forum-30/2018/13
ECHA/Forum-30/2018/13_Annex1a
ECHA/Forum-30/2018/13_Annex2a
ECHA/Forum-30/2018/13_Annex3a
ECHA/Forum-30/2018/13_Annex4a
ECHA/Forum-30/2018/13_Annex2_room_doc
ECHA/Forum-30/2018/13_Annex2b_room_doc
ECHA/Forum-30/2018/13_Annex6_room_doc*

***For discussion
For adoption***

Coffee break 10:30-11:00

Item 14 – Updates from the ECHA Secretariat	<i>11:00-12:30</i>
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- 14.1 2018 Registration deadline (20')
- 14.2 Enforcement of dossier updates (25')
- 14.3 Documents needed for legal entity change (10')
- 14.4 Results of the consultation with the Forum on the 'standard phrases' for setting the conditions used by RAC/SEAC (20')
- 14.5 Understanding downstream user information needs (5')
- 14.6 Follow-up of ECHA Decisions: updates from ECHA (5')
- 14.7 Update on ECHA guidance activities (5')

*ECHA/Forum-30/2018/14.3_room_doc
ECHA/Forum-30/2018/14.5
ECHA/Forum-30/2018/14.6
ECHA/Forum-30/2018/14.6_Annex1
ECHA/Forum-30/2018/14.7*

For information

Lunch break 12:30-13:30

Item 15– Enforcement projects in Member States	<i>13:30-13:50</i>
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Classification and labelling of construction products – Nordic CLP project
– *DK Forum member*

For information

Item 16– Cross-border cooperation 13:50-14:30

16.1 Bottleneck of Italian procedure when conducting analytical controls: the case where the dutyholder placing on the market the product is located in another Member State- *IT alternate*

16.2 General process for cross-borders cooperation

ECHA/Forum-30/2018/16.2

For discussion

Item 17 – Updates from the ECHA Forum Secretariat 14:30-15:50

- 17.1 Discussion on the follow-up of the REF-4 project results (20')
- 17.2 Follow-up on the results of the pilot project on internet sales (30')
- 17.3 Publication of Forum indicators (20')
- 17.4 Renewal process for the Forum and BPRS members (5')
- 17.5 Updates of the dates of the Forum meetings in 2019/2020 (5')

ECHA/Forum-30/2018/17.3

For discussion

Item 18 – Use of alternatives to animal testing – Update from DE 15:50-16:00

For information

Item 19 – A.O.B. 16:00-16:15

For information

Item 20– Adoption of conclusions from day 2 16:15-16:30

For adoption

Item 21 – End of the meeting 16:30

Coffee available

[BPRS-5 to start Thursday 21/06/2018]

Annex 2 a "Prioritisation of REF Projects"

Forum Working Group Work Package A.1 **"Prioritisation of REF Projects"** (Mandate adopted at Forum-30)

Composition:

Chair: Tasoula KYPRIANIDOU LEONTIDOU (CY) – rotating Chair

Vice Chair(s):

-

Forum Members/BPRS Members / Alternates

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

Invited Experts

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

ECHA

- Juan Pablo CALVO TOLEDO

Objective:

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

Mandate:

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

1. Review annually a list of proposals for REF projects submitted by Forum members, ECHA Secretariat, the Commission and the Stakeholder Organisations accredited by ECHA (ASOs);
2. Prioritise the subjects by applying Forum's methodology for the prioritisation, selection and management of REF projects
3. Draft a recommendation proposing the subject for the next REF project
4. Elaborate and update a registry of legal obligations subject to previous enforcement projects.
5. Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.
6. In addition, the WG will revise the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum.
7. The WG will propose the adjustments of the methodology with regard to the inclusion of the BPR terminology and the Annex I with the essential requirements of BPR. The WG shall signal if any more significant changes will be needed to use the REF project methodology for the BPR projects so that BPR projects can be prioritised and managed according to this methodology (subject to the agreement in the BPR Subgroup to be decided at the BPRS-2).

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

Timelines:

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

Annex 2 b "Train the trainers 2019"

Forum Working Group

Work Package C.2.

"Training for enforcement trainers 2019"

(Mandate created at Forum-30)

Composition:

Chair:

- Henrik Hedlund (SE)

Forum Members/Alternates

- Martin Marko (CZ)
- Eugen Anwander (AT)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)

Invited Experts

- Uwe Licht-Klagge (DE)
- Maria Paleomilitou (CY) ?

Commission

ECHA

- Magdalena TLOCZEK

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH CLP and PIC in the fourth quarter of 2019

Mandate:

1. Examine the training subjects relevant for enforcement in the fourth quarter of 2019 and prepare the priority topics for agreement before Forum-31
2. Specify as early as possible the envisaged level of the content of the training
3. Prepare materials necessary for the training such as presentations or documents
4. Actively conduct the training event with support from other 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:

- Before Forum-31: conclude on list of subjects and prioritisation
- Forum-34/Forum-35: final report

Annex 2 c “Categorisation of Risks”

Forum Task Force
Work Packages B.1 and C.1
“Categorisation of Risks”
(Mandate adopted at Forum-30)

Composition:

Chair

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Paul CUYPERS (BE)
- Stefan FRENZEL (DE)
- Sofia BARATA (PT)

Invited Experts

- Margareta DAHO (SE)
- Andrea MAYER FIGGE (DE)
- Rune HJORTH (DK)
- Roberto VALADARES (PT)
- Olivier COUTURAUD (FR)

ECHA

- Juan Pablo CALVO TOLEDO
- Celia TANARRO (Unit A.2, Support, Forum & HelpNet Secretariat)

COM

- Miguel AGUADO (DG GROW)
- Ana BLASS (DG GROW)

Objective:

Develop the guidelines enabling the inspectors and NEAs to categorise the risks from non-compliance when using ICSMS.

Mandate:

The Task Force shall:

1. Develop an example(s) enabling the Forum members to make a choice on the methodology to follow to elaborate the guidelines for inspectors and NEAs to categorise the risks
2. Elaborate the methodology to be validated by the Forum.
3. provide input to the COM projects undergoing developing guidelines to tackle serious risk (e.g. PROSAFE project) and assess the results of these projects.
4. To assess the objectives of the PROSAFE project and whether the Task Force could take over some of the tasks foreseen in the PROSAFE project

Timeline:

- F-29: Example(s) to be presented for the Forum for validation of the methodology utilised
- F-32: Guidelines for the inspectors for the use of ICSMS

Annex 2 d "Substances in Articles"

Forum Working Group

"Pilot project Substances in Articles"

(Mandate adopted at Forum-30)

Composition:

Chair: Karin RUMAR (SE Alternate)

Forum Members/Alternates

- Mervi ASSMAN (FI)
- Maria Letizia POLCI (IT Alternate)
- Eugen ANWANDER (AT)

Invited Experts

- Ingvild KVIEN (NO)
- Sibylle WURSTHORN (DE)
- Juergen SCHMID (DE)
- Susana BARBOSA ANDRADE (PT)
- Nikoletta MAROSVÖLGYI (HU)

Commission

-

ECHA

- Juan Pablo CALVO TOLEDO
- Ales FRONTINI
- Telmo VIEIRA PRAZERES
- Rémi LEFEVRE

Objectives:

- conceive and manage the pilot project on substances in articles

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Prepare and deliver the training for project national coordinators
3. Management of the Operational phase
4. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

Timeline:

- Project manual: Q3 2017
- Prepare and deliver the training for project national coordinators: Q3 2017
- Operational phase: 1 October 2017 – 31 December 2018
- Reporting phase (National Coordinators): 28 February 2019
- Draft report: 31 May 2019
- Adoption and publication of the report: 30 September 2019

Annex 2 e “Joint initiative on Improvement of the quality of SDSs”

Forum Working Group “Joint initiative ECHA Forum – ECHA ASOs on Improvement of the quality of SDSs” (Mandate revised at Forum-30)

Composition:

Chair: Henrik HEDLUND (SE)

Forum Members/Alternates

- Chiel BOVENKERK (NL Alternate)
- Sinead MCMICKAN (IE)
- Oldrich JAROLIM (CZ)
- Bernice FARRUGIA (MT Alternate)
- Abdulqadir SULEIMAN (NO Alternate)
- UZOMECKAS Zilvinas (LT)

Invited Experts

- Fatima ARMAGAN (DK)
- Tarja KARLEMO (FI)
- Filipe VITORINO (PT)
- Laura ABEL (DE)
- Paul CARTER (UK)
- Angelo TRAVAGLIA (IT)

Commission

- Miguel AGUADO MONSONET (DG GROW)

ECHA

- Juan Pablo CALVO TOLEDO
- Fesil MUSHTAQ

ECHA Accredited Stakeholder Organisations

- CEFIC
- ACEA
- Fertilizers Europe
- ECPA
- FECC
- EUROMETAUX
- CONCAWE
- ASD
- EURATEX
- ECOPA
- Orgalime
- ORO

MS volunteering to share deficiencies experiences with SDSs

- HU, CY, IT, IE, DK, CZ, DE, NO, SE, UK, NL, MT, PT, AT, FI, EE, LT

Objectives:

Identify the common deficiencies found in the SDSs and propose solutions for improvement and encourage ECHA ASOs to implement the solutions and monitoring the progress.

Mandate:

1. Define the detailed scope of the joint action
2. Prepare an action plan including such actions as:
 - a. The collection of data on deficient SDSs
 - b. Identify the topics that require priority actions
 - c. The analysis of the data and the identification of reasons for the deficiencies
 - d. The identification of potential solutions
 - e. The implementation by the ECHA ASOs of the solutions
 - f. The monitoring of the progress with the improvements
3. Oversee the implementation of the joint action
4. Oversee the reporting from the joint action and from follow-up of the solutions identified by it during the open sessions 2018/2019

Tentative Timeline:

- Draft scope and action plan: October 2017
- Adoption of the action plan: December 2017
- Implementation of the action plan:
 - o Data collection : May 2018 – August 2018
 - o Analysis of the data and identification of potential solutions– September 2018 – October 2018
 - o Presentation of the outcomes in the open session of Forum-31 (November 2018)
- Monitoring of results
 - o 2019 onwards: Implementation of the solutions proposed in the action plan by ASOs
 - o 2019 onwards: ASOs report on actions taken during annual open sessions of the Forum meetings

Annex 2 f “Restrictions”

Forum Working Group Work Package B12 **“Enforceability of restrictions”** (Mandate adopted at Forum-30)

Composition:

Chair: Maria Letizia POLCI (IT Alternate)– rotating Chair

Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Mariano ALESSI (IT)
- Jos VAN DEN BERG (NL)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)

Invited Experts (advisory process)

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

Invited experts (analytical methods)

- Werner ALTKOFER (DE)
- Kevin PITCHFORD (UK)
- Carolina FERRANTI (IT)
- Julia GONZALEZ GUTIERREZ (ES)
- Durk SCHAKEL (NL)
- Aristotelis PAPAGEORGIOU (EL)
- Andromachi KATSONOURI (CY)

European Commission

- Patricia HUALDE GRASA (DG GROW)
- Giuseppina LUVARÀ (DG ENV)

ECHA

- Juan Pablo CALVO TOLEDO
- Stephen HOLLINS

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Objective:

- Facilitate the enforceability of restrictions

Mandate:

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.

In the execution of this mandate, the members of the WG shall follow the rules and principles established in the mandate given by the Chair of the Forum to the individual members and invited experts of the WG.
2. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries
3. Review in 2019 the information provided by the stakeholders during 2016/2017/2018 and revise if needed the methodology and the compendium by F-34 (Q4 2019).
4. Provide advice to the Commission on the development of standard methods when invited to do so by the Commission, in line with the proposal from the Forum to the Commission on this matter.
5. Consider to provide an advice to the Commission on the restriction proposal prepared by the COM regarding Article 68 (2).
6. Provide ad-hoc support to the WG managing the pilot project on Substances in Articles
7. Propose to the Forum, in cooperation with ECHA Secretariat, a "Registry of concerns on restrictions" highlighting the potential issues identified by National Enforcement Authorities during the enforcement of REACH Annex XVII restrictions and a proposal to handle the resolution of these issues
8. Assess the enforceability of relevant new Annex XVII restrictions

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- Review Compendium of analytical methods: F-34
- First proposal of the "Registry of concerns": F-31
- Assessment of the enforceability of relevant new Annex XVII restrictions: F-34
- 30 November 2019, reporting at each plenary meeting

Annex 2 g "PD-NEA"

**Forum Working Group
"Implementation of PD-NEA"**
(Mandate adopted at Forum-30)

Composition:

Chair: Pablo SANCHEZ-PEÑA (ES)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Eleni FOUFA (EL)

Invited Experts

- Juergen SCHMID (DE)
- Maria Jose Falcao (PT)

ECHA

- Ales FRONTINI
- Anita TUOMAINEN

Objective:

- Support the implementation of the PD-NEA allowing inspectors access to data submitted to ECHA

Mandate:

1. Provide input during further development and implementation of PD-NEA
2. Verify that the UAT conditions are implemented with and follow up the implementation of the WG improvement requests

Timeline:

- Forum-32 (Q1 2019)

Annex 2 h "REF-6"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-6"

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

Composition:

- **Chair:** Henrik HEDLUND (SE)

Forum Members and Alternates

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

Invited Experts

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

BPRS Members and Experts

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

ECHA

- Outi TUNNELA
- Ales FRONTINI
- Anita TUOMAINEN

Objective:

- conceive and manage the sixth major Forum enforcement project REF-6

Mandate:

1. Management of the Operational phase
2. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
3. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
4. Include biocides in the scope of the project in collaboration with the appointed BPR experts
5. Define the scope of enforcement activities under Art 45 and Annex VIII of CLP
6. Address in the manual the issue of mechanical compression strength of the LLDCs

Timeline:

- Project manual: Q4 2017
- Prepare and deliver the training for project national coordinators: Q4 2017
- Define the scope of enforcement activities under Art 45 and Annex VIII of CLP: Q2 2018
- Operational phase: 2018
- Reporting phase (National Coordinators): Q1 2019
- Evaluation phase: Q3 2019
- Draft report: Q4 2019
- Adoption of the report: Q4 2019
- Tips and hints for inspectors: Q4 2019

Annex 2 i "Pilot Project on PIC"

Forum Working Group "Forum Pilot Project on PIC" (Mandate adopted at Forum-30)

Composition:

Chair: Jos VAN DEN BERG (NL)

Forum Members/Alternates

- Eugen ANWANDER (AT)

Invited Experts

- Panagiota SKAFIDA (EL)
- Andrea ENGELHARDT (DE)
- Isabel COSTA (PT)

COM

ECHA

- Tania MATEUS
- Ales FRONTINI
- Chiara MACCHI (Unit C1, Dossier submission and PIC)

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum pilot project on PIC.

Mandate:

1. Develop the project manual and other materials needed for the execution of the project
2. Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
3. Collect and compile results from the national coordinators
4. Prepare final project report and present it to the Forum plenary
5. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Preparatory phase: July – December 2017
- Operational phase: January - June 2018
- Reporting phase: July - December 2018

Annex 2 j “REF-5”

Forum Working Group

Work Package A.1

“Coordinated enforcement project REACH-EN-FORCE-5 on Exposure Scenarios, extended SDS, RMM and OC” (Mandate adopted at Forum-30)

Composition:

Chair: Abdulqadir SULEIMAN (NO Alternate)

Forum Members

- Dimitrios CHATZIANTONIOU (EL Alternate)
- Eugen ANWANDER (AT)
- Maria ORPHANOU (CY Alternate)
- Otilija ŠPŪRIENĖ (LT)
- Paul CUYPERS (BE)
- Sofia BARATA (PT Alternate)

Invited Experts

- Jan WESTERNLAKEN (NL)
- Marie CARDFELT (SE) (by August 2018)
- Annette KRÜGER (DE)
- Jouni RÄISÄNEN (FI)
- Ida SCHARFF (DK)
- Gediminas VALENTĖLIS (LT)
- Janka MORÁVKOVÁ (CZ)
- Kristina KARLSSON (SE)

ECHA

- Tania MATEUS
- Ales FRONTINI
- Andrew MURRAY (Risk Management Implementation Unit)
- Sandrine LEFEVRE-BREVART (Computational Assessment and dissemination Unit)
- Andreas AHRENS (Computational Assessment and dissemination Unit)

Objective:

- Conceive and manage the fifth major Forum enforcement project

Mandate:

1. Identify the difficulties for conducting the project and propose the actions to facilitate the project in 2017
2. Narrow down and propose a specific scope of the project and recommend it to Forum for adoption
3. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
4. Prepare and deliver, if needed, the training for project national coordinators
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Cooperate with WG Train the trainers 2016 during the preparation and delivery of the content of the training
8. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Assessment of needs and proposals to facilitate the project: Q4 2015
- Approve the scope by the Forum: Q4 2015
- Project manual: Q4 2016
- Prepare and deliver the training for project national coordinators:Q4 2016
- Operational phase: 2017
- Reporting phase: Q1 2018
- Evaluation phase: Q3 2018
- Draft report: Q3 2018
- Adoption of the report: Q4 2018
- Tips and hints for inspectors: Q4 2018

Annex 2 k "Training the trainers 2018"

Forum Working Group

Work Package C.2.

"Training for enforcement trainers 2018"

(Mandate adopted at Forum-30)

Composition:

Chair: Mike POTTS (UK)

Forum Members/Alternates

- Bernice FARRUGIA (MT)
- Semira HAJRLAHOVIĆ MEHIĆ (SI)
- Krisitīne KAZEROVSKA (LV)
- Tasoula KYPRIANIDOU-LEONTIDOU (CY)
- Maria ORPHANOU (CY)
- Clotilde PIONNEAU (FR)
- Otilija SPURIENE (LT)
- Žilvinas UŽOMECKAS (LT)

Forum Invited Experts

- Gaetano ABATE (DE)
- Paul CARTER (UK)
- Nathalie HAYAUD (FR)
- Uwe LICHT-KLAGGE (DE)

Commission

ECHA

- Magdalena TLOCZEK
- Catherine CORNU
- Augusto DI BASTIANO
- Istvan MAK

Objective:

- Prepare and deliver the training for trainers on the enforcement of REACH, CLP and PIC in the fourth quarter of 2018

Mandate:

1. Examine the training subjects relevant for enforcement in the fourth quarter of 2018 and prepare the priority topics for agreement before Forum-28
2. Specify as early as possible the envisaged level of the content of the training
3. Prepare materials necessary for the training such as presentations or documents
4. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
5. Cooperate with the WG REF-7
6. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Before Forum-28: conclude on list of subjects and prioritisation
- Forum-31/Forum-32: final report

Annex 2 I "Authorisation 3"

Forum Working Group
Work Package A.1
"Third Forum Pilot Project on Authorisation"
(Mandate adopted at Forum-30)

Composition:

Chair: Jos VAN DEN BERG (NL)

Forum Members/Alternates

- Eugen ANWANDER (AT)
- Paul CUYPERS (BE)
- Majella LOWE (IE)
- Clotilde PIONNEAU (FR)
- Žilvinas UŽOMECKAS (LT)

Invited Experts

- Lina DUNAUSKIENĖ (LT)
- Lisa EKSTIG (SE)
- Nicole NOWKA-ROSSMANN (DE)
- Nathan KUPER (NL)
- Pirjo KORHONEN (FI)

SLIC-CHEMEX

- Nathan KUPER (NL)

ECHA

- Magdalena TLOCZEK
- Ales FRONTINI

Objectives:

- Coordinate and manage the preparatory, operational and reporting phases of the Forum third pilot project on authorisation aimed at building enforcement experience and practices involved in controlling authorization related obligations

Mandate:

1. Develop the project manual and necessary materials for the execution of the Forum third pilot project on authorisation related to the presence of chromium VI compounds and other substances subject to authorisation on the market
2. Prepare and deliver the training for the national coordinators
3. Coordinate and provide consulting assistance to the national coordinators from the participating countries during the operational and reporting phase of the project
4. Supply the national coordinators with up-to-date versions of project documents
5. Collect and compile results from the national coordinators
6. Prepare final project report and present it to the Forum plenary
7. prepare proposal to the Forum about the feasibility of timelines and substances to be included in scope taking into account the authorisation decisions issued by the end 2018

Timeline:

- Preparatory phase – March 2018 – December 2019
- Operational phase January – June 2020
- Reporting phase – July – December 2020

Annex 2 m "REF-7"

Forum Working Group

Work Package A.1

"Coordinated enforcement project REACH-EN-FORCE-7"

(Mandate adopted at Forum-30)

Composition:

- **Chair:** Paul CUYPERS (BE)

Forum Members and Alternates

- Michael FAGERLUND (DK)
- Clotilde PIONNEAU (FR)
- Abdulqadir SULEIMAN (NO)
- Jos VAN DEN BERG (NL)

Invited Experts

- Rui CABRITA (PT)
- Angelika HOOPS (DE)
- Tamas KOVACS (HU)
- Barbro SILLREN (SE)

ECHA

- Magdalena TLOCZEK
- Ales FRONTINI
- Catherine CORNU
- Augusto DI BASTIANO
- Istvan MAK

Objective:

- conceive and manage the seventh major Forum enforcement project REF-7 'Enforcement of Registration obligations after the last registration deadline in cooperation with customs authorities including the verification of the strictly control conditions applicable to the substances registered as intermediates'

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
2. Consider the inclusion of an optional module on the registration of monomers in polymers within the project
3. Discuss with ECHA Secretariat possibilities for preliminary screening of the registration dossiers and identification of some cases where there is concern
4. Prepare and deliver the training for project national coordinators
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
7. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Project manual: Q4 2018
- Prepare and deliver the training for project national coordinators: Q4 2018
- Operational phase: 2019
- Reporting phase (National Coordinators): Q1 2020
- Evaluation phase: Q3 2020
- Draft report: Q4 2020
- Adoption of the report: Q4 2020
- Tips and hints for inspectors: Q4 2020

Annex 2 n "Forum Work Programme 2019-2023"

Forum-BPRS Working Group "Preparation of the Forum Work Programme 2019-2023" (Mandate adopted at Forum-30 and BPRS-5)

Composition:

Chair: Sinead McMICKAN (IE)

Forum/BPRS Members/Alternates

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

Invited Experts

- DE

Commission

- Miriam GUTIERREZ-MEDINA (DG GROW)

ECHA

- Maciej BARANSKI

Objectives:

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

Mandate:

1. Develop Forum Work Programme 2019-2023 describing the activities of the Forum and BPRS with accompanying high level planning
2. Define the time scope of the Work Programme
3. Comment on the ECHA strategic document 2019-2023
4. Ensure that the Forum Work Programme 2019-2023+ is consistent, where applicable, with the strategic priorities and objectives defined in the ECHA strategic document 2019-2023
5. Collect and process suggestions from the ECHA Management Board, CARACAL, BPR CAs and DNAs when drafting the Work Programme.
6. Prepare, send and process the results of a survey to Forum members on existing interactions in OHS and REACH enforcement to allow the Forum to support and respond to Action 12(2) recommended in the REACH Review 2017

Tentative Timeline:

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

Annex 2 o "Customs 2"

Forum Working Group **"Cooperation with Customs 2"** (Mandate adopted at Forum-30)

Composition:

Chair: Tasoula Kyprianidou-Leontidou (CY)

Forum Members/Alternates

- Eleni FOUFA (EL)
- Pablo SANCHEZ-PENA (ES)
- Annemari LINNO (EE) (NEA)

Invited Experts

- Paivi SIMPANEN (FI) (Customs)
- Efstathios THEOCHAROUS (CY) (NEA)
- Sibylle WURSTHORN (DE) (NEA)
- Ricardo FERREIRA MARMELO (PT) (Customs)
- Alfred EBNET (DE) (Customs)

Commission

- Miguel AGUADO (GROW)
- Christophe ROELAND (COM)

ECHA

- Maciej BARANSKI
- Ales FRONTINI

Objectives:

- Prepare proposal for a framework of possible involvement of Customs in control of REACH and CLP and execute joint pilot project with the Customs related to enforcement of REACH and CLP

Mandate:

1. Collect and list the experience of countries where Customs was involved in checking of REACH and CLP and on that basis prepare a list of specific REACH and CLP checks that could potentially be done customs authorities.
2. Examine the outputs of Forum WG "Cooperation with Customs" and examine if the proposals made therein are still actual.
3. Once it becomes available in 2017, examine the COM position on the exact extent of the role of Customs on the application of REACH, and see whether any of the proposals identified in tasks 1 and 2 fall within the scope of Customs responsibilities identified by the COM.
4. Prepare the Forum position for the discussion with DG TAXUD and the Customs Authorities at the workshop planned by the COM in 2017.
5. Prepare, oversee and report from a pilot project testing the cooperation with customs authorities, in cooperation with the PARCS network. The WG will test the questionnaire by inviting the three members of the WG to test the questionnaire with their National Coordinators.
6. Examine the draft market surveillance regulation to see whether it affects the cooperation with customs as defined by the Working Group

Timeline:

- Tasks 1-4: Forum 29 (Q1 2018)
- Task 5: preparatory phase 2018, operational phase: Q1-Q2 2019 Reporting phase: Q3-Q4 2019
- Task 6: Q4 2018

Annex 2 p “ICSMS”

Forum Working Group

**“Information and Communication System for Market Surveillance
(ICSMS)”**

(Mandate adopted at Forum-30)

Composition:

Chair: Birte BØRGLUM (DK)

Forum Members/Alternates

- Pablo SÁNCHEZ PEÑA (ES)
- Elena ZIDAROVA (BG)
- Michael FAGERLUND (DK)

Invited Experts

- Tone Line FOSSNES (NO)
- Gernot WURM (AT)
- Piergiuseppe CALÁ (IT)
- Axel DORENBECK (DE)

Commission

- Peter BARICIC

ECHA

- Anita TUOMAINEN

Objectives:

- Support the European Commission in expanding the tool and contribute to promoting best practices in its use among REACH/CLP/PIC inspectors after it is released

Mandate:

1. Cooperate with the Commission to provide any necessary feedback about WG ICSMS requests or specification that are needed for implementing the agreed changes
2. Test the new version of ICSMS before it is released, ensuring that all agreed changes are in place

Timeline:

- Forum-30 (Q2 2018)

Annex 3- Glossary of acronyms and abbreviations

AMS: Accreditation and Market Surveillance regulation
ASO: ECHA's Accredited Stakeholder Organisations
BPR: Biocidal Product Regulation
CARACAL: MSCA Committee for REACH and CLP
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
CSA: Chemical Safety Assessment
CSR: Chemical Safety Report
DEV: Dossier Evaluation
DG: Directorate General at Commission
DNA: Designated national authority (PIC)
DNEL: derived no effect levels
DU: Downstream Users
ECHA: European Chemicals Agency
ECJ: European Court of Justice
ENES: Exchange Network on Exposure Scenarios
ES: Exposure Scenario
EU: European Union
ICSMS: Information and Communication System for Market Surveillance
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
OC: Operational conditions
OEL: occupational exposure limits
OSH: Occupational Safety and Health
PARCS: Prohibitions and Restrictions Customs Controls Strategy (Expert Group on Customs Action to protect Health, Cultural Heritage, the Environment and Nature)
POP: Persistent and Organic Pollutants
RAC: Committee for Risk Assessment
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
RMM: Risk Management Measure
PD-NEA: Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
SDS: Safety Data Sheet
SEAC: Committee for Socio-economic Analysis
SEV: Substance Evaluation
SME: Small and Medium Sized Enterprises
SONC: Statement of Non-Compliance
SVHC: Substance of very high concern
WG: Working Group of the Forum