

MINUTES OF THE
FOURTH MEETING BPR SUBGROUP OF THE
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

BPRS-4
15-16 MARCH 2017
Helsinki, Finland

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Glossary of acronyms and abbreviations

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

I. Summary record of the proceedings

The items reported in the minutes refer to the final agenda adopted at the BPRS-4 (Content IV, Annex I).

Item 1 – Welcome and introduction

1.1 Opening by the Chair of the BPRS

The Chair of the BPRS welcomed the participants and opened the meeting. He announced apologies, invited experts, and stated the proxies appointed. The Chair informed that the quorum requirement was met.

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

1.2 Adoption of the agenda

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

1.3 Declarations of conflicts of interest with regard to agenda items

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

1.4 State of play with regard to the action points from BPRS-1

The ECHA Forum Secretariat informed the plenary on the status of the action points from the BPRS-3 (document ECHA/BPRS-4/2018/1.4) and highlighted that all actions were discharged and many were addressed in agenda items of the BPRS-4.

1.5 Report of the written procedures and other issues between BPRS-3 and BPRS-4

The Chair informed the BPRS that a meeting document (i.e. ECHA/BPRS-4/2018/1.5) reported the results of the written procedures that took place since BPRS-3.

Item 2 – Updates from Forum

2.1 Updates from Forum-29

One of the members of the BPRS briefly summarised, on behalf of the Chair of the Forum, the subjects discussed at the Forum-29 meeting that were relevant for the BPRS:

- Discussion on the first joint session of the plenary meetings Forum/BPRS. The Forum members agreed to have the first joint session in March 2019;
- Discussion on the next open session with ASOs to be potentially held jointly with the BPRS:
 - Forum members agreed to have the first joint open session in November 2018 at the Fourm-30/BPRS-6;
 - ASOs invitation to submit project proposals will be sent in the late summer of 2018.

The Chair updated the BPRS members about the meeting held with ECHA Directors. The main highlights of the meeting relevant to the BPRS were the discussion related to the Forum/BPRS Work programme - MAWP 2019-2023. The Chair informed the plenary that

the ECHA Directors suggested to include a chapter on Brexit in the new Forum MAWP. The Chair informed the plenary that the discussion about the MAWP 2019-2023 and the collaboration with ASOs will be touched upon during the item 3.5 and 5 of the BPRS-4.

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

3.1 - First BPR enforcement project – Treated Articles

3.1.1 WG progress report

The Chair of the BPRS WG “First enforcement project on Treated Articles (BEF-1)” introduced the work done by the WG and its conclusions since November 2017 (BPRS-3). The WG started drafting the preliminary draft manual on the enforcement of Treated Articles that will be used during the operational phase of the project by the national inspectors. An activity plan for the preparatory phase of the enforcement project for the year 2018 was also compiled and uploaded onto CIRCA-BC.

As per action point from the BPRS-3, the WG analysed the outcome of the survey on national BPR enforcement activities which was run among the BPRS members (see further details in agenda item 3.1.2).

Finally, the WG analysed the concept and role of national coordinators in the framework of the BEF-1. The WG members decided that a training for national coordinators will take place in October 2018. In this light, the Chair of the WG invited the BPRS members to nominate a national coordinator per country by 20 April 2018.

One member of the BPRS asked the Chair of the WG if it is already clear which treated articles will be prioritised during the operational phase of the first enforcement project. The Chair of the WG replied that the WG members together with the Forum Secretariat will soon launch a questionnaire among the BPRS in order to gather suggestions and preferences of treated articles to be enforced in the course of 2019. The Chair of the WG welcomed any comment from the BPRS members and stated that they will be used to better scope the manual of the BEF-1.

3.1.2 Outcome of the survey on ‘national enforcement activities’ run among the BPRS members

One of the WG members presented the outcome of the survey on ‘national enforcement activities’ run among the BPRS members.

In total 19 Member States responded to the survey. Almost all MSs have indicated to perform inspections during the transitional periods established by the BPR.

Nine MSs have already inspected treated articles under the BPR regime. Examples of treated articles inspected at national level are: permethrin treated bug-socks, antibacterial coatings, treated wood products and medical keyboards.

Fourteen Member States reported to have regular contact with their national customs for biocides control.

Among the national enforcement activities currently performed by MSs, most are focused on:

- i) labelling of biocidal products;
- ii) Article 95;
- iii) Non-approved active substances; and
- iv) National authorisations.

Some suggestions for future harmonised enforcement projects to be managed by the BPRS were also collected during the survey, namely:

- i) Biocidal products containing active substances not in the review programme/approved;
- ii) SPC information and labelling of biocidal products;
- iii) *In situ* generated active substances (focus on PT4, PT5 and PT11);
- iv) Article 95 provision; and
- v) National authorisations (focus on PT2, PT4, PT14, PT21 and PT22).

A member of the Forum Secretariat asked the WG members whether the results collected via the survey were useful in order to scope the first enforcement project, and whether future surveys will be run among the BPRS members. The presenter confirmed the great utility of the survey in having a general view of the national enforcement activities, and mentioned that future surveys will be run in order to gather more information on specific topics relevant for the BPRS and the BEF-1.

3.2 Forum WG Prioritisation of REACH-EN-FORCE project

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

A member of the Forum Secretariat updated the BPRS members on the status of the revision of the REF Project Methodology for the selection, management and evaluation of harmonised enforcement projects.

The revision of the methodology was agreed at the BPRS-3 in order to adapt the document in line with the essential requirements of the BPR and amend it by the inclusion of the BPR terminology.

The task is currently led by the representative of the BPRS who was appointed to the WG for this specific goal.

The Forum Secretariat mentioned that the REF Project Methodology will also foresee an appropriate evaluation system for ASOs proposals.

The revised document will be presented at the next plenary in 2018 after its adoption by the Forum.

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

3.3.1 Forum WG progress report

A member of the Forum Secretariat informed the plenary about the progress of the REF-6 project. The operational phase of the project was kicked off in January 2018. The translated manual and questionnaires were provided to the National Coordinators accordingly. The operational phase is on-going as planned, and no issues have emerged so far.

3.4 Training for Trainers 2018 – BPR module

3.4.1 WG progress report

The Chair of the BPRS WG "Training for Trainers on treated articles" reported to the plenary the status of the activities within the WG. The WG drafted the preliminary draft agenda of the Training for Trainers event to be held on 4-5 October 2018 at ECHA. The training agenda was circulated for adoption by the BPRS members via written procedure.

The WG drafted also an activity plan for the preparation for the training event and agreed on the scope of the training subjects. The preparation of the training materials (presentations and case studies) was also initiated.

Among the topic discussed during the WG meetings held so far, the WG members touched upon the importance of the term 'Member State of Introduction' in the framework of Article

58(6) of the BPR and the differences in the German translation. The Chair of the WG introduced the matter to the BPRS and asked for further inputs from the plenary.

The BPRS members were invited to check the actual translation of "Member State of Origin" and "Member State of Introduction" in their national language, and to provide the feedback to the Forum Secretariat after the BPRS-4. A follow-up discussion will take place in the WG involving also the colleagues from the European Commission.

The BPRS members were invited to nominate one participant per country for the training event on 4-5 October 2018. The nominated trainees should have at least basic knowledge of the BPR. In the interest of efficient use of resources they could also be the National Coordinator for the BEF-1 project.

3.5 Forum Work Programme 2019-2023

3.5.1 WG progress report

The Forum Secretariat presented the progress report of the WG and highlighted the key messages.

The WG will prepare the work programme of both groups, BPRS and Forum, from the year 2019 onwards (the previous activity programme ends in 2018).

The Forum Multiannual Work Programme 2019-2023 will cover five years. The WG decided to use the existing structure of the MAWP 2014-2018 with some modifications e.g. addition of a new chapter focused on the cooperation with ASOs.

In order to gather a broader perspective in defining enforcement priorities, the WG agreed to seek input not only from the Forum and BPRS members, but also the Management Board, CARACAL, BPR CAs and DNAs.

The BPRS members were invited to provide suggestions on the BPRS enforcement priorities in the years 2019-2023, and to indicate if they wish that BPRS will produce enforcement guides in addition to those being produced or planned now, i.e. Manual Of Conclusions, "hints from projects".

The BPRS members were also invited to provide comments to the ECHA strategic plan 2019-2023 during the public consultation phase foreseen for April 2018.

Item 4 – Updates from the Forum Secretariat

4.1 Practical operation of BPRS

A member of the Forum Secretariat presented the key concepts of the operation of the BPRS. The presentation covered the Rules of Procedures and processes by which BPRS takes decisions and how it conducts its work. The presentation was well received by the BPRS members, and it was useful to clarify important aspects of the formal processes of operation of the BPRS.

4.2 Update on the discussion concerning joint sessions Forum/BPRS

The Chair of the BPRS summarised the feedback received by the Forum and BPRS members with reference to potential joint sessions.

The benefit of establishing a joint session during future plenaries of the Forum/BPRS was considered beneficial from both group members. Common topics could be dealt in joint agenda items involving all the members of the Forum and BPRS.

The Chair of the BPRS explained to the members that giving the time required to organise the first joint session and the circumstances affecting the next plenaries to be held in June and November 2018 (i.e. shorter schedule due to summer holiday in June, meeting to be held in Brussels in November), the first indicative date for a pilot joint session to be held

at ECHA would be March 2019 (as already indicated by the Forum colleagues during the Forum-29). The suggestion was welcomed also by the BPRS members.

The Forum Secretariat mentioned that both groups will be consulted when preparing the agenda for the first joint session.

The request received by some BPRS members to have two participants per MS during the joint sessions was accommodated by the Forum Secretariat.

The Chair of the BPRS updated the BPRS members also on the arrangements for the Forum-31 and BPRS-6 to be held in Brussels in November 2018.

The plenaries will be held back-to-back to the European Conference for Enforcement organised in Brussels by the European Commission. In particular, the plan of the week foresees:

- Monday 12 November - BPRS-6 (hosted by the Polish Permanent Representative);
- Tuesday 13 November - Enforcement Conference organised by COM;
- Wednesday 14 November – open session with ASOs (joint Forum/BPRS);
- Thursday and Friday 15-16 November - Forum-31.

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

4.3 Update on the ECHA guidance

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

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

One member asked the status of the guidance note on Treated article under the BPR. The ECHA representative replied that such note for guidance is completely in the remit of European Commission. He specified that treated articles are partially addressed in the ECHA four main volumes of Guidance (i.e Volumes I-IV) and particularly in Volume II Efficacy, Parts B+C¹.

Item 5 – Implementing elements of the MAWP

5.1 Liaising with industry, follow-up on discussion from BPRS-3 and topics received from ASOs

The Chair of the BPRS introduced the topic to the BPRS members as a follow-up discussion from the last plenary meeting in November 2017, where the format of the future liaisons with ECHA's Accredited Stakeholders Organisations (ASOs) was discussed.

As already mentioned in the update from the Forum, the BPRS was invited to agree to the first joint open session with the Forum at BPRS-6/Forum-31 to be held in Brussels in November 2018. The proposal was well received and agreed by the BPRS members.

The ECHA Forum Secretariat (as per action point from the BPRS-3) had invited the ASOs to suggest topics they would like to discuss with the BPRS. ASOs sent in two proposals so far. The request to ASOs is still open and further proposals may still be received in view of the first open session.

Item 6 – Updates on relevant developments by the European Commission

¹ ECHA Guidance on BPR at: <https://echa.europa.eu/guidance-documents/guidance-on-biocides-legislation>

6.1 General updates on the BPR provisions by the European Commission

The COM representative (DG SANTE) gave an update of the COM's activities that were relevant for the work of the BPRS, in particular the progress of the fact-finding missions organised and managed by DG SANTE², the work related to Endocrine Disruption substances, the status of the Article 3.3 of the BPR requests triggered by MSs, and the progress on the discussion related to the EU Council decision on Diagnostic kits and reagents of veterinary use in the context of the BPR in vitro diagnostics.

The COM representative gave also the BPRS an update on the COM's activities related to the illegal use of fipronil (contaminated egg incident). The Standing Committee on Plants, Animals, Food and Feed is still analysing the data collected by the ad-hoc monitoring exercise in the food chain, launched in order to obtain an EU-wide view on the contamination of eggs and chicken meat due to the illegal use of acaricides (non-authorized use of biocide for food producing animals).

The COM mentioned that the criminal procedure is still ongoing and that the BPRS members will be kept posted on the final outcome of the monitoring exercise.

One BPRS member asked the COM representative to update the plenary on the status of the new Article 3.3 request on pepper spray. The COM replied that a decision proposal will be presented to the Standing Committee for biocides in May 2018. The COM will follow up the matter at the BPRS-5.

Another BPRS member asked COM's opinion concerning the enforcement of illegal treated articles placed in one member state market and further distributed in the whole European Union. The COM representative said that the BPR is focused on the first making available of treated articles (concept of 'placing on the market') and it foresees that NEAs can enforce only this aspect. Illegal treated articles distributed ('made available') in other member states' markets cannot be enforced. The COM representative also mentioned that a good communication system among the NEAs should be established in order to solve this issue. The actors who place illegal treated articles on the market should be identified and enforced. The BPRS member replied that she fundamentally disagree with the Commission's position and she quoted the guidance document "Concepts of placing and making available on the market in the context of Regulation (EU) No 528/2012" (CA-Sept15-Doc.7.6 – Final, SANTE 2015-10467) that supports the principle that treated articles cannot be made available on the market (not only placed) if they are not compliant with the BPR. The CA paper also states that suppliers shouldn't distribute Treated Articles that are not compliant with the BPR.

The COM representative will follow up the issue with its legal service and further update the BPRS in the next plenary. A similar discussion will take place also at the CA meeting in May 2018.

6.2 Presentation of the final template for the report in accordance with Article 65(3) of the BPR

The COM circulated the final draft template of Article 65(3) report to the BPRS members as per action point from the BPRS-3. The feedback previously received by the Forum and BPRS members was taken into account and integrated in the document together with the comments collected at the Competent Authority meeting for Biocides. The final template was endorsed at the Competent Authority meeting for Biocides in November 2017.

The COM is currently working on the IT reporting tool for the submission of the reports from the MSs. The colleagues from the COM are exploring if the BPR reporting could be merged with reporting tool for REACH and CLP. A two-stage approach on reporting will be probably applied. The first reporting will require less detail of information, while

² Directorate F - Health and food audits and analysis Unit, Pesticides and biocides, Grange, Ireland

subsequent reporting rounds (from 2025 onwards) could provide the information collected in a structured manner.

The COM will update the BPRS at the next plenary on the future developments on the IT tool.

6.3 Follow-up discussion on the alert/coordination biocides systems - BPRS Chair

The Forum secretariat briefed the BPRS members on the current situation on alert/coordination biocides systems existing in the NEAs.

The information collected via the survey which was launched as per action point from the BPRS-3 were reported to the plenary. Several tools are currently in use in case of incidents related to biocides by the NEAs, although no harmonised approach is in place among the BPRS members. In general two different uses could be distinguished:

- Exchange of information for routine cases and discussion between the NEAs;
- Alerts for cases of serious risk where e.g. the product needs to be taken from the market

In this light, the Forum Secretariat and the Chair of the BPRS reflected on the importance of having a consistent way of reacting in case of a future crisis. It's important to be prepared and consistent in order to better tackle the incidents. It's also important to adopt a consistent method for a common system for exchanging of information among the NEAs.

The BPRS agreed during the plenary to use RAPEX (the European Commission Rapid Alert system) for public alerts on BPR related issues.

The BPRS, decided to choose the system for exchanging of information for BPR NEAs from among the following two options:

- Option 1) ICSMS – generic form;
- Option 2) ICSMS – customised for BPR.

A written consultation will be launched by the Forum Secretariat after the BPRS-4 in order to take the final decision.

The Forum Secretariat will schedule a follow-up final discussion at the BPRS-5.

Item 7 – Practical issues for enforcement

7.1 Items raised by the BPRS/ECHA/COM

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

At the BPRS-3 the Commission representative communicated that the Commission's legal service decided that no transitional period is allowed for Article 3(3) decisions.

The BPRS had decided to park the Practical Issue at hand until the Practical Issue BEG 3.2 will be agreed by the BPRS members. This is because both issues have to describe what NEAs will do when they encounter a specific non-compliance. The same principle will be applied in both draft conclusions.

- Issue BEG 3.2 - Article 95 enforcement

The Forum Secretariat presented the status of the issue.

- New practical issues for BPRS-5

The Chair of the BPRS invited BPRS members to submit new practical issues for enforcement for the next BPRS 50 days before the next meeting, i.e. by 10 May 2018. The new practical issues should be sent using the revised template of Annex II of the MoC.

The Portuguese BPRS member was invited to submit as a Practical Issue the topic on master batches presented at the BPRS-3 in order to be assessed by the BPRS members and discussed at the next BPRS-5.

Under agenda item 8.1 the Chair of the BPRS suggested the Polish representative to prepare an *ad hoc* Practical Issue on repackaging to be further discussed at the BPRS-5.

The Swedish BPRS member was asked to follow up with the BPRS members the pending Practical Issue BPRS-2.1 on the labelling of treated articles recently discussed at the CA meeting for biocides.

Item 8 – Information on National enforcement activities

8.1 National policy for the enforcement of BPR in UK

The UK BPRS member presented the enforcement activities in his country. The focus of the presentation was on the national legal framework, the organisation and distribution of enforcement duties in UK, the Health and Safety Department's enforcement strategy (HSE), the offences created by the biocides regime, and the enforcement tools and penalties in place in UK.

The presenter introduced to the BPRS members also how the HSE investigates reactive cases and its complaints procedure.

Some issues of non-compliance were reported during the presentation, namely: using of unacceptable active substances, supplying of biocidal products inconsistent with authorisations, not seeking of authorisation of biocidal products, using of unauthorised products, and misusing of authorised products.

In the ensuing discussion, one BPRS member asked whether the HSE is collecting samples of biocidal products available in the UK market and performing related laboratory tests. The UK representative replied that the HSE runs its own laboratory and tests are usually performed in order to determine the concentration of active substances in biocidal products. Overall, almost 100 laboratory tests per year are performed by the HSE.

Another BPRS member asked whether non-compliant biocidal products are generally withdrawn from the UK market.

8.2 Biocide products used for illicit alcohol production in Poland

The BPRS members reported similar experiences that were identified in their countries. Similar circumstances were reported also in relation to the illegal production of cosmetic products.

One BPR member stated that the problem might be solved by enforcing inappropriate labelling or misleading packaging affecting the concerned biocidal products. That might limit the availability of these products on the market. Another BPRS member suggested to limit only to professional users products that present a high concentration of ethanol.

In general the BPRS members agreed that national laws could try to solve the issue at hand avoiding the distribution to general public of biocidal products that might be misused for the production of alcoholic beverages.

Item 9 – Any Other Business

No other issues were reported at the plenary.

II. MAIN CONCLUSIONS & ACTION POINTS - Adopted at the BPRS-4

MAIN CONCLUSIONS & ACTION POINTS – BPRS-4

15-16 March 2018

(Adopted at the BPRS-4 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.1 Opening by the Chair of the BPRS		
1.2 Adoption of the Agenda	Agenda was adopted.	
1.3 Declarations of conflict of interest		
1.4 State of play with action points from BPRS-3		
1.5 Report of the written procedures and other issues between BPRS-3 and BPRS-4		
Item 2 – Updates from Forum		
2.1 Updates from the relevant discussions held at the Forum-29		
Item 3 – BPRS enforcement activities On-going projects		
3.1 BEF-1 WG		
3.1.1 WG progress report		BPRS members are invited to nominate one national coordinator per country by 20 April 2018
3.1.2 Outcome of the survey on 'national enforcement activities' run among the BPRS members		
3.1.3 Mandate amendment	The mandate was revised.	
3.2 Progress report from Forum WG Prioritisation of REACH-EN-FORCE project		
3.2.1 Amendment of the methodology in line with the BPR		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
3.2.2 Mandate amendment	The mandate was revised.	
3.3 REACH-EN-FORCE-6 on Classification and Labelling – BPR module		
3.3.1 Forum/BPRS WG progress report		
3.3.2 Mandate amendment	The mandate was revised.	
3.4 BPRS WG Training for Trainers 2018		
3.4.1 WG progress report		<p>BPRS members are invited to check in their translation of the BPR if the definitions of “Member State of Origin” and “Member State of Introduction” in Art 53(1) and 58(6) of the BPR accurately correspond to the meaning in the English version and whether they are consistent with the definition of placing on the market in Art 3(j) of the BPR.</p> <p>Forum-S will distribute the email forwarded by UK BPRS member by 23 March 2018.</p> <p>BPRS members are invited to send their feedback to the Forum-s by 13 April 2018.</p> <p>Forum-S will compile the results and provide them to the BPRS and the COM.</p> <p>WG Training for Trainers and WG BEF-1 will consider how to tackle these issues in context of their activities and bring it for discussion for BPRS-5, if needed.</p> <p>BPRS members are invited to nominate one participant for the training event on 04-5 October 2018 by 15 June 2018.</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
		<i>In the interest of efficient use of resources they could also be the National Coordinator (NC) for the BEF-1 project. NC training will take place in the beginning of October via WebEx.</i>
3.4.2 Mandate amendment	The mandate was revised.	
3.5 Forum Work Programme 2019+		
3.5.1 Forum WG progress report		<p>BPRS members are invited to provide suggestions on what they believe should be the BPRS enforcement priorities in the years 2019-2023 by 20 April 2018</p> <p>BPRS members are invited to indicate if they wish that BPRS produces enforcement guides in addition to those being produced or planned now (MOC, "hints from projects") by 20 April 2018.</p> <p>BPRS members are invited to provide comments to the ECHA strategic plan 2019-2023 during the public consultation phase foreseen for April and submit them to the Forum-S by the end of the consultation period</p> <p>Forum-S will relay the BPRS comments on the ECHA strategic plan to the Executive Office in ECHA.</p>
3.5.2 Mandate amendment	The mandate was revised.	
Item 4 – Updates from the Forum Secretariat		
4.1 Practical operation of BPRS		Forum-S will schedule time at BPRS-6 to allow for information about the inspector exchange between UK and FI.
4.2. Update on the discussion concerning joint sessions Forum/BPRS – feedbacks received by Forum/BPRS members	The BPRS agreed to have a joint session with the Forum in March 2019, depending on the availability of topics of joint interest.	Forum-S will assess the topics to be brought to Forum-32/BPRS-7 and decide, in consultation with the Chairs, if it is relevant to have a joint session in Forum-32/BPRS-7.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
4.3 Update on the ECHA guidance		
Item 5 – Implementing elements of the MAWP		
5.1 Liaising with industry, follow-up on discussion from BPRS-3 and topics received from ASOs	The BPRS agreed to have the joint open session with the Forum at BPRS-6/Forum-31 in November 2018	
Item 6– Updates on relevant developments by the European Commission		
6.1 General updates on the BPR provisions by the European Commission/Update on the fact-finding missions		<p>COM will provide the results of the fipronil investigation to the Forum-S when they are ready.</p> <p>Forum-S will distribute them to the BPRS.</p> <p>COM will provide the materials documenting the discussion on the labelling of treated articles by the BPR-CA to the Forum-s, who will distribute it to the BPRS by 30 March 2018.</p>
6.2 Presentation of the final template for the report in accordance with Article 65(3) of the BPR		<p>Forum-S will schedule an agenda item at BPRS-5 for a presentation from COM about the market surveillance regulation and the goods package and its impact on BPR enforcement.</p>
6.3 Follow-up discussion on the alert/coordination biocides systems		<p>BPRS members who see challenges in using RAPEX for public alerts about BPR related issues should make it known to the Forum-s by 20 April 2018.</p> <p>Forum-S will organise a written consultation on which IT tool the BPRS would like to use for exchange of information between BPR inspectors by 23 March 2018, giving the following options</p> <ul style="list-style-type: none"> - ICSMS generic - ICSMS customised <p>BPRS members are invited to respond by 20 April 2018.</p>

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 7 – Practical issues for enforcement		
7.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda)		<p>BPRS members are invited to bring new practical issues by 20 April 2018.</p> <p>Forum-S, Chairs, BPRS members from EL, CY, ES and NL will continue to work on the practical issue BEG 3.2 and once compromise is reached will consult the draft with the BPRS.</p>
Item 8 – Information on National enforcement activities		
8.1 National policy for the enforcement of BPR in UK		<p>UK BPRS member is invited to send their public enforcement strategy to the Forum-S who will distribute it to the BPRS.</p> <p><i>UK BPRS member is invited to present examples of challenging BPR enforcement at BPRS-6, if needed</i></p>
8.2 Biocide products used for illicit alcohol production in PL		<p>The BPRS members are invited to send to the Forum-S the feedback on the questions raised in the presentation by 6 April 2018.</p> <p>PL BPRS member is invited to send a new practical issue on repackaging by 20 April 2018.</p>
Item 9 – Any Other Business		
9.1 Dates of the Forum plenary meetings in 2019 and 2020	<p>In 2019:</p> <ul style="list-style-type: none"> ○ F-32: 15 March 2019 or possibly 22 March 2019 ○ F-33: 14 June 2019 ○ F-34: 8 November 2019 <p>In 2020:</p> <ul style="list-style-type: none"> ○ F-35: 27 March 2020 ○ F-36: 26 June 2020 ○ F-37: 6 November 2020 	

III. List of attendees of the BPRS-4

BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	BG	HRISTOVA Viktoriya
4	CH	BUERGY Heribert
5	CY	GAVRIEL Alexandros
6	CZ	JAROLM Oldřich
7	DE	FRENZEL Stefan (Forum member)
8	DK	SKALS Dorrit
9	EE	LINNO Annemari
10	EL	MITSOPOULOU Kornilia
11	ES	VÁZQUEZ CORTIZO Margarita
12	FI	KARNANI Päivi
13	FR	PIONNEAU Clotilde (Forum member)
14	HR	KREKOVIC Dubravka Marija (Forum member)
15	IE	WHELAN Michelle
16	IS	INGVARSDOTTIR Hafđís Inga
17	IT	RAVAIOLI Francesca
18	LU	HERMES Joe
19	LV	KAZEROVSKA Kristine
20	MT	FARRUGIA Bernice
21	NL	BRAAM Marianne
22	NO	SKJAERGAARD Cathrine
23	PL	PISAREK Dominik
24	PT	MARTINS DE ALMEIDA Inês
25	RO	CIRLAN Cristiana
26	SE	BERGSTROM Emma
27	SK	POCAROVSKA Miriam
28	UK	POTTS Mike

Invited Expert

	Country	Name
1	HU	SZÁNTÓ Emese (representing BPRS member)

Advisors

	Country	Name
1	DE	WURSTHORN Sibylle
2	DK	SKALS Dorrit
3	ES	SÁNCHEZ-PEÑA Pablo (Forum member)
4	FI	OLLIKKA Jussi
5	NL	DE BOER Jabik

European Commission representative

	DG	Name
1	SANTE	NAGTZAAM Mario

ECHA's Forum Secretariat Staff

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

IV. List of Annexes

Annex 1. Final agenda of BPRS-4 (as adopted at the plenary)

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

ANNEX 2 a BPRS WG - First BPR enforcement project

ANNEX 2 b Forum WG - Preparation of the Forum Action Programme 2019+

ANNEX 2 c Forum WG - Prioritisation of REF Projects

ANNEX 2 d BPRS WG - Training for enforcement trainers 2018 – BPR module

ANNEX 2 e Forum WG - Enforcement project REACH-EN-FORCE-6

Annex 1 – Final agenda of BPRS-4

European Chemicals Agency Helsinki, Finland

Starts on Thursday 15 March at 14:30

Ends on Friday 16 March at 12:10

Item 1 – Welcome and Introduction

14:30–14:50

- 1.1 Opening by the Chair of the BPRS – *Chair*
- 1.2 Adoption of the Agenda – *Chair*
- 1.3 Declarations of conflict of interest with regard to agenda items – *Chair*
- 1.4 State of play with action points from BPRS-3 – *ECHA Forum Secretariat*
- 1.5 Report of the written procedures and other issues between BPRS-3 and BPRS-4 – *Chair*

For information/adoption

ECHA/BPRS-4/2018/1.4
ECHA/BPRS-4/2018/1.5

Item 2 – Updates from Forum

14:50–15:00

- 2.1 Updates from the relevant discussions held at the Forum-29 – *Forum Chair/Vice Chair/Forum member*

For information

Item 3 – BPRS enforcement activities On-going projects

15:00–16:10

- 3.1 First BPR enforcement project – treated articles (25')
 - 3.1.1 WG progress report - *WG Chair*
 - 3.1.2 Outcome of the survey on 'national enforcement activities' run among the BPRS members – *WG member*
 - 3.1.3 Mandate amendment - *ECHA Forum Secretariat*
- 3.2 Progress report from Forum WG Prioritisation of REACH-EN-FORCE project (5')
 - 3.2.1 Amendment of the methodology in line with the BPR - *ECHA Forum Secretariat*
 - 3.2.2 Mandate amendment - *ECHA Forum Secretariat*
- 3.3 REACH-EN-FORCE-6 on Classification and Labelling – BPR module (10')
 - 3.3.1 Forum WG progress report - *BPRS Chair*
 - 3.3.2 Mandate amendment - *ECHA Forum Secretariat*
- 3.4 BPRS WG Training for Trainers 2018 (15')
 - 3.4.1 WG progress report – *WG Chair*
 - 3.4.2 Mandate amendment - *ECHA Forum Secretariat*

- 3.5 Forum Activity Programme 2019+ (15')
- 3.5.1 WG progress report - WG Chair
- 3.5.2 Mandate amendment - *ECHA Forum Secretariat*

***For information/discussion
For adoption***

ECHA/BPRS-4/2018/3.1.1
ECHA/BPRS-4/2018/3.2.1
ECHA/BPRS-4/2018/3.3.1
ECHA/BPRS-4/2018/3.4.1
ECHA/BPRS-4/2018/3.5.1

Item 4 – Updates from the Forum Secretariat

16:10-17:10

- 4.1 Practical operation of BPRS
- 4.2 Update on the discussion concerning joint sessions Forum/BPRS – feedbacks received by Forum/BPRS members
- 4.3 Update on the ECHA guidance

For information/discussion

ECHA/BPRS-4/2018/4.2
ECHA/BPRS-4/2018/4.3

Item 5 – Implementing elements of the MAWP

17:10-17:40

- 5.1 Liaising with industry, follow-up on discussion from BPRS-3 and topics received from ASOs

For discussion

ECHA/BPRS-4/2018/5.1

End of afternoon session at 17:40

RECEPTION at ECHA 17:40 – 19:00

Morning session DAY 2 starts at 08:30 on Friday 16 March

**Item 6 – Updates on relevant developments by the
European Commission**

08:30-10:10

- 6.1 General updates on the BPR provisions by the European Commission (25')
- 6.2 Presentation of the final template for the report in accordance with Article 65(3) of the BPR (15')
- 6.3 Follow-up discussion on the alert/coordination biocides systems - BPRS Chair (60')

For information/discussion

ECHA/BPRS-4/2018/6.2_room document
ECHA/BPRS-4/2018/6.4.1

Item 7 – Practical issues for enforcement

10:10-10:30

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

For discussion/adoption

ECHA/BPRS-4/2018/7.1

Coffee break 30'

Item 8 – Information on National enforcement activities

11:00-11:50

8.1 National policy for the enforcement of BPR in UK (30') – *UK BPRS member*
8.2 Biocide products used for illicit alcohol production in PL (20') - *PL BPRS member*

For information

Item 9 – Any Other Business

11:50-12:00

Item 10 – Adoption of conclusions and action points

12:00-12:10

End of Meeting

12:10

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

ANNEX 2 a – BPRS WG - First BPR enforcement project

(Mandate adopted at BPRS-4)

“BPRS BEF-1”

Composition:

Chair: Emma BERGSTRÖM (SE)

Vice Chair: Jabik DE BOER (NL)

Forum BPRS Members/Alternates:

Jabik DE BOER (NL)
Francesca RAVAIOLI (IT)
Marios ADAMIDES (CY)
Jenny Karlsson (SE)
Heribert Buergy (CH)

Invited Experts

Marianne BRAAM (NL)
Karin PFAFF (DE)
Jenny Karlsson (SE)
Nadine Grisel (CH)

Objective:

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

Mandate:

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

Timeline:

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

ANNEX 2 b - Forum WG - Training for enforcement trainers 2018 – BPR module

(Mandate adopted at BPRS-4)

“BPRS Train the trainers 2018”

Composition:

Chair: Mike POTTS (UK)

Vice-Chair: Jenny KARLSSON (SE)

BPRS Members/Alternates

Dominik PISAREK (PL)

Eugen ANWANDER (AT)

Heribert Bürgy(CH)

BPRS Invited Experts

Becky HAMER (UK)

Shelley Collins (UK)

Nadine Grisel (CH)

Margareta Daho (SE)

Commission

DG SANTE

ECHA

Nicola Tecce

Objective:

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

Mandate:

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

Timeline:

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

ANNEX 2 c - BPRS WG - Implementation of PD BPR

(Mandate adopted at BPRS-4)

"PD-BPR"

Composition

Chair: Eugen ANWANDER (AT)

BPRS Members/Alternates:
Francesca RAVAIOLI (IT)

Invited Experts:
Brigitte EDER (AT)
Natalja UMBRASIENE (LT)
Pia LINDFORS (FI)
Jurgen SCHMID (DE)

Objective:

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

Mandate:

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

Timeline:

- BPRS-4 (Q1 2018)

ANNEX 2 d - BPRS WG - Preparation of the Forum Work Programme 2019-2023

(Mandate adopted at Forum-29 and BPRS-4)

“Work Programme 2019+”

Composition:

Chair: Sinead McMICKAN (IE)

Forum/BPRS Members/Alternates

Katja VOM HOFE (DE)

Graça BRAVO (PT)

Dominik PISAREK (PL) (BPRS)

Eugen ANWANDER (AT) (BPRS)

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:

- Develop Forum Work Programme 2019-2023 describing the activities of the Forum and BPRS with accompanying high level planning
- Define the time scope of the Work Programme
- Comment on the ECHA strategic document 2019-2023
- 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
- Collect and process suggestions from the ECHA Management Board, CARACAL, BPR CAs and DNAs when drafting the Work Programme.

Tentative Timeline:

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

ANNEX 2 e - BPRS WG - Prioritisation of REF Projects

(Mandate adopted at Forum-29 and BPRS-4)

"Prioritisation of REF Projects"

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:

- 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);
- Prioritise the subjects by applying Forum's methodology for the prioritisation, selection and management of REF projects
- Draft a recommendation proposing the subject for the next REF project
- Elaborate and update a registry of legal obligations subject to previous enforcement projects.

Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.

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. 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 e - BPRS WG - Coordinated enforcement project REACH-EN-FORCE-6

(Mandate adopted at Forum-29 and BPRS-4)

1.1. "REF-6"

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)

Invited Experts

- Petra SCHLAG (DE)
- Markus MAKI (FI)
- Mariana DE VRIES-HLAVACOVA (NL)
- Žilvinas UŽOMECKAS (LT)
- Zsuzsanna KISS (HU)
- Panagiota SKAFIDA (EL)

BPRS Members and Experts

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

Objective:

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

Mandate:

- Management of the Operational phase
- Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
- Elaborate tips and hints for inspectors based on the relevant outcomes from the project
- Include biocides in the scope of the project in collaboration with the appointed BPR experts
- Define the scope of enforcement activities under Art 45 and Annex VIII of CLP
- 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