

FINAL MINUTES

SEVENTH MEETING OF THE BPR SUBGROUP OF THE

FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

BPRS-7

21-22 MARCH 2019

ECHA, Helsinki (FI)

Contents

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Glossary of acronyms and abbreviations

AOB	Any Other Business
ASOs	Accredited Stakeholder Organisations
BEF-1	First Biocides Enforcement Project
BPRS	BPR Subgroup, a Subgroup of the Forum which coordinates the BPR enforcement
BPC	ECHA Biocidal Product Committee
CLP	Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
COM	European Commission
DG	Directorate General at the Commission
DG SANTE	Directorate General on Health and Food Safety/European Commission
EU	European Union
FORUM	The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC and BPR regulations in the EU, Norway, Iceland and Liechtenstein
ICSMS	Internet-supported information and communication system for the pan-European market surveillance
MAWP	Multiannual Work Programme
MOC	Manual of Conclusions
MS	Member State
NEAs	National Enforcement Authorities
PD-NEA	Portal Dashboard for National Enforcement Authorities – the successor system to RIPE
RAPEX	Rapid Alert System
REACH	Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF	REACH-EN-FORCE, Coordinated Enforcement Project of the Forum
ROPs	Rules of Procedure
SPC	Summary of Product Characteristics
TA	Treated Articles
TF	Task Force of the Forum/BPRS
WG	Working Group of the Forum/BPRS
WIN PPIE	ECHA Work Instruction - Processing Practical Issues for Enforcement

I. Summary record of the proceedings

The items reported in the minutes refer to the final agenda adopted at the BPRS-7 (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. The plenary was held at the ECHA premises in Helsinki, Finland.

He announced apologies, proxies, participating invited experts, advisers and COM representative (who attended the plenary via WebEx). 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 informed the plenary about new agenda items and two room documents circulated to the members.

The final agenda was adopted with the inclusion of two AOBs, namely an update from the FR member on nanomaterials and a presentation from the UK member on internet investigation.

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-4

The ECHA Forum Secretariat informed the plenary on the status of the action points from the BPRS-6 (document ECHA/BPRS-7/2019/1.4). Almost all the actions were discharged, and three of them were to be addressed in agenda items of the BPRS-7.

1.5 Report of the written procedures and other issues between BPRS-6 and BPRS-7

The Chair informed the BPRS that a meeting document (i.e. ECHA/BPRS-7/2019/1.7) reported the results of the written procedures that took place since BPRS-6.

Item 2 – Update and cooperation with the Forum

2.1 Updates from Forum activities

One of the members of the BPRS briefly summarised, on behalf of the Chair of the Forum, the subjects discussed at the Forum-31 (that took place in November 2018 after the BPRS-6) and Forum-32, which ended on the morning of 21 March 2019.

The key messages relevant for the BPRS were focused on the common activities that the two groups are currently tackling. This included a quick update on the new enforcement project (REF-8) on online sales, on the REF-6 on Classification and Labelling, and on the preparatory activities for the next 'training for trainers' event. Further discussion among the BPRS members took place under the agenda item 6 of the BPRS-7.

The second relevant point was an update from the newly established Forum WG on reporting, and the consideration to include also the obligations foreseen by the Article 65(3) of the BPR in its scope of work. Further discussion was planned to take place under the agenda item 5 of the BPRS-7.

The Chair informed the plenary that the Forum members decided to organise an open session with ASOs during the next November plenary in 2019 focused on topics related to REACH/CLP. After discussion the plenary agreed to launch an invitation to the ASOs for BPR topics and to analyse the potential suggestions. Based on the proposals received from ASOs the BPRS will consider the need to organise the second BPRS open session (potentially in November 2019).

Finally, the Chair updated the plenary about the Forum intention to include BPR modules in future Forum enforcement projects only after defining their exact scopes. The BPRS agreed to put in place the same approach with reference to future BEF projects and possible connections with the REACH/CLP.

2.1 Update from ECHA Directors meeting

The Chair updated the plenary about the meeting that took place with ECHA Directors on 18 March 2019. Two points were relevant for the BPRS i.e. ECHA reorganization and implications related the UK withdrawal from EU (further discussion took place under agenda item 2.2 and 3.1).

The Chair tasked the Forum Secretariat to gather subject proposals from the BPRS members for the next ECHA Directors meeting that will take place before the BPRS-8.

2.2 Practical implications of the UK withdrawal from the EU on the operation of the BPRS

Representative of the ECHA Secretariat outlined the consequences of the different scenarios of UK withdrawal on the work of the BPRS. Following instructions from COM from February 2019, the UK representatives would not be able to attend BPRS meetings nor contribute with experts for the WGs after 29 March 2019. Inspectors would not have access to ECHA's IT tools after that date if there is no agreement. If a transitional period or postponement would be granted, the access will be maintained (until the new withdrawal date).

The Chair thanked the UK BPRS member and experts for the all the work done in the BPRS and for contributing to the harmonisation of enforcement in the EU.

The Forum Secretariat will include a follow-up agenda item at the next BPRS plenary.

Item 3 – Updates from the Forum Secretariat

3.1 Reorganization at ECHA, what's new?

A representative of the ECHA Secretariat updated the BPRS members on the new ECHA's organigram, which reflects ECHA's priority for the upcoming years.

3.2 Forum advice on enforceability on REACH restriction proposals

A member of the Forum Secretariat delivered a presentation on the Forum process for advising on enforceability of REACH restriction proposals. The speaker highlighted that the

Forum advice is foreseen by the REACH Regulation and that the process in place used dedicated guides, addressing such elements as availability of analytical methods, sampling methods and clarity of the wording of the proposed restriction.

3.2.1 Potential cooperation with the BPC, BPRS analysis of the mitigation measures for biocidal products

The Chair of the Biocidal Product Committee (BPC) introduced the paper about the potential collaboration between the BPC and the BPRS.

The BPC indicated the need for expert advice on enforceability of risk mitigation measures proposed in applications for approval of an active substance and in Union authorisations of biocidal products. Examples of risk mitigation measures may be label conditions to keep by-standers or general public away from treated areas.

During the discussion some BPRS members asked for clarifications concerning the expertise required for the consultation, time and volume of the evaluation requested per year.

After discussion BPRS agreed to work together with the BPC and to test the workability of the collaboration via a pilot phase that will consider either an ad hoc consultation or an analysis of a list of standard mitigation measures – this will depend on the readiness of the BPC to launch the pilot phase. The Forum Secretariat was tasked to follow up the issue after the plenary and to inform the BPRS on the next steps.

3.3 Update on the ECHA guidance

A member of the Forum Secretariat updated the plenary on the Guidance work. From 1 March 2019 the BPR guidance documents were taken over by the ECHA Biocides Units. For this reason no update will occur in future BPRS plenaries from the ECHA Forum Secretariat's side. If BPRS members need information on ECHA BPR Guidance they are invited to examine the ECHA website or submit an ad hoc request to the Forum Secretariat, who will channel it to the relevant Biocides Unit at ECHA.

Item 4 – Practical issues for enforcement

4.1 Items raised by the BPRS/ECHA/COM

- Issue BEG 3.2 - Article 95 enforcement

The Chair presented the status of the issue. Based on the discussion from BPRS-6 the Forum Secretariat was tasked to draft an outline of argumentation for the new conclusion of the Practical Issue BEG 3.2 on Article 95.

The issue was discussed again at the plenary and BPRS members decided to close it without agreement.

- 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. At BPRS-4 the members decided to park the Issue 3.1 until the Practical Issue BEG 3.2 was resolved since both issues had to describe what NEAs will do when they encounter a specific non-compliance.

After the decision to close the BEG-3.2 with no resolution, the BPRS members agreed to reopen the issue 3.1 and tasked the Forum Secretariat to launch a written consultation preparing the conclusion.

- Issue BPRS 5.1 – Is repackaging or refilling of biocidal products by distributors allowed under BPR? (Assuming that distributors do not change the composition of the biocidal products and label them correctly)

The Forum Secretariat presented the status of the issue. The Practical Issue went through five rounds of written consultations before the BPRS-7. BPRS members provided further comments during the meeting concerning the clarity of the conclusion and the correct use of the terminology. The Forum Secretariat was asked to integrate them and launch another written consultation accordingly.

Item 5 - BPRS enforcement activities (on-going projects)**5.1 - First BPR enforcement project BEF-1****5.1.1 WG progress report**

The Vice-Chair of the BPRS WG "First BPRS enforcement project on Treated Articles (BEF-1)" introduced the work done by the WG and its conclusions since November 2018 (BPRS-6). The WG kicked off the operational phase of the BEF-1 project. Based on the needs expressed by the National Coordinators for the BEF-1, the manual and questionnaire were translated in the national EU languages. Together with the ECHA Communication Unit, the WG elaborated an 'Inbrief' leaflet on treated articles, which is available on ECHA website in all the EU languages.

The speaker proposed to organise a workshop focused on the best practises of the BEF-1 to be held the afternoon before the BPRS-8 (i.e. 19 June 2018). The main goals of the workshop would be the sharing of experiences and challenges encountered during the inspections of treated articles and the setting of harmonised approaches. The BPRS welcomed the proposal and tasked the WG to design and deliver it.

5.2 BPRS Training for Trainers 2019**5.2.1 WG progress report**

The WG Chair informed the plenary that the preparation of the second training for national inspectors under the umbrella of the BPRS was kicked off in January 2019. The WG prepared and agreed that the scope of the training event will be online sales of biocides and BPR border line issues.

BPRS adopted the agenda of the event that was drafted by the WG. The WG members started the analysis of the material for the elaboration of the presentations and case studies for the event. The training will be designed for a medium level of BPR enforcement knowledge. The collaboration with the Forum/BPRS WG REF-8 on online sales and with the European Commission has been established.

For the sake of transparency with the ECHA Accredited Stakeholders, the draft agenda of the training event will be made publicly available on the ECHA website after the event in October.

5.3 Implementation of the PD-NEA BPR**5.3.1 WG progress report**

Forum Secretariat representative informed the plenary about the investigation performed by the WG members and the ECHA Secretariat on the dissemination site for biocides. The outcome of the investigation highlighted that the ECHA website was considered suitable

for NEAs purposes related to enforcement of active substances. However, the site for biocidal products was found not fulfilling the BPRS needs. The speaker informed the plenary about the ECHA decision that was taken in December 2018 on the continuation of the work on the Portal Dashboard for BPR in order to include data on biocidal products. The work on the software will continue during 2019 and 2020.

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

5.4.1 WG progress report

A representative of Forum Secretariat informed the plenary about the progress of the REF-6 project. The operational phase ended in December 2018 and the WG was working with the National Coordinators on the reporting phase. The final Project Report will be delivered towards the end of the 2019.

5.5 REF-8 on online sale – BPR module

5.5.1 WG progress report

A BPRS member of the Forum WG informed the plenary about the progress of the REF-project. The joint Forum/BPRS WG was tasked to develop the manual which contains a common methodology for the inspections of products sold online for the enforcement of CLP, REACH and BPR.

The WG decided to distribute the work into four subgroups: 'CLP', 'REACH', 'BPR' and 'Methodology' that are currently preparing the manual elements and the respective questionnaire.

The scope of the BPR part of REF-8 was conceived to be wide ranging in order to have the majority of the NEAs on board. It will target biocidal products made available through on-line sales (both authorised and available under transitional measures). The scope of checks will include evaluation of the on-line advertising of biocidal products under Art 72 of the BPR. The project will not focus on specific product types.

The speaker informed the plenary that the training for the National Coordinators (NCs) of the REF-8 will take place on 3 October 2019, back-to-back with the "Training for trainers (TfT) 2019".

Item 6 – Updates on relevant developments by the European Commission

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 on-going work related to in situ biocidal products; the progress on the Endocrine disruptors Technical guidance and CA guidance; the status of Review Programme of existing active substances; and the status of the work of Article 50 Task Force on the UK withdrawal.

Moreover, the speaker briefed the plenary on the 'Fact finding missions for biocides', which ended last June 2018. Five Member States were visited by DG SANTE: HU, DE, ES, BE, and NL. The main objective was the investigation of the implementation of certain provisions of the BPR, e.g. relevant national legislation, designation of competent authorities, compliance with deadlines, and official controls of biocidal products. The final report of that exercise identified good practices and obstacles. The report also concludes that a significant amount of non-authorised products are still present on the EU market.

In this light, the implementation and enforcement of the transitional measure established by the BPR should be of highest interest for the NEAs.

COM gave a general update on Article 65(3) reporting. The first reporting round (2013-2019) is due to by June 2020, and it is merely compiled of qualitative type of information. The second report to the Council and European Parliament will cover the period 2020-2024 and it needs to contain quantitative information, e.g. number of controls per main group and number of non-compliances. The Competent Authorities aim at endorsing a final template for the second reporting round by Q4 of 2019. The COM will regularly keep the BPRS up-to-date on the discussion to take place at the CA meetings.

One member of the Forum Secretariat informed the plenary that a new Forum WG 'MS reporting' was established during the Forum-32 with the objective to support the NEAs in the reports on enforcement to be delivered to the COM. The BPRS decided to join the Forum WG and to review the reporting template under the Article 65(3) of the BPR for the second reporting cycle starting in 2020. The joint Forum/BPRS WG established a cooperation with the COM.

Item 7 – Cooperation with other networks

7.1 Non safe uses of silver compounds in treated articles and the enforceability of restrictions

The Dutch BPRS member informed the plenary about the ongoing discussion within the Biocidal Product Committee on the approval of silver compounds in different product type combinations and their use in treated articles. The speaker highlighted the importance, the feasibility, and the enforceability of *ad hoc* restrictions and risk management measures that would guarantee the safe use of treated articles.

Item 8 – Any Other Business

8.1 Professional users training: survey to launch among the NEAs - experience and good practices – IT BPRS member

The Italian BPRS member delivered a presentation concerning the importance of and need for trainings for industrial or professional users of biocidal products. Due to their professional tasks a particular expertise in handling biocidal products is often required. Article 18 of the BPR states the measures to tackle in order to have a sustainable and safe use of biocidal products. According to the principles of good control practice, control measures must be practical, workable and workable for long lasting and effective results. Informing and training professionals on the risks related to the use of biocidal products should be a common practise in EU.

Moreover, the Italian BPRS member also mentioned the importance of having certified 'sale points' of biocidal products for professional users. That could be an additional way to guarantee the safe handling of hazardous products. Finally, the speaker put the attention on the need for regulating the use of drones for the application of biocidal products.

The BPRS members were invited to provide information on the professional trainings organised in their countries; on certified sale points; and on national rules that defined the use of drones for the application of chemicals at professional level. The information should be provided directly to the Italian member item will be followed up during the next plenary meeting.

8.2 Practises on the enforcement of biocides nanomaterial – French request

The French member asked the BPRS to share the practises that currently are in place in their countries on the enforcement of nanomaterials, for both biocidal products and treated articles. The speaker will follow up the outcome of the survey at the next BPRS plenary meeting.

8.3 Internet investigation – UK experience in enforcement

The UK BPRS member delivered a presentation about UK practises in control of online sales of chemicals, which will be relevant for inspectors involved in REF-8 project.

The BPRS members appreciated the informative presentation. The Working Group Training for Trainer 2019 was tasked to analyse the information provided and bringing it to the training event in October 2019, if needed.

II. MAIN CONCLUSIONS & ACTION POINTS - Adopted at the BPRS-7 (Public version)

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 with regard to agenda items		
1.4 State of play with action points from BPRS-6		
1.5 Report of the written procedures and other issues between BPRS-6 and BPRS-7		
Item 2 – Updates and cooperation with the Forum		
2.1 Updates from Forum-32	The BPRS agreed that ASOs will be invited for BPR topics every year to consider an open session of the BPRS.	COM will provide information on the ad hoc groups dealing with market surveillance and the frequency of their meetings by 1 April. Forum-S will ask for subject proposal to the BPRS for the next ECHA Directors meeting to take place before the BPRS-8
2.2 Practical implications of the UK withdrawal from the EU on the operation of the BPRS		
Item 3 – Updates from the Forum Secretariat		
3.1 Reorganization at ECHA, what's new?		
3.2 Forum advice on enforceability on REACH restriction proposals		
3.2.1 Potential cooperation with the	The BPRS agreed to cooperate with the BPC by providing advice on	Forum-S and BPC-S will liaise to discuss the planning

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
BPC, BPRS analysis of the mitigation measures for biocidal products	enforceability of proposed mitigation measures and to test it through a pilot phase.	for the pilot phase of BPRS consultation by 19 April. BPC Secretariat will trigger the first stage of the pilot cooperation through an ad hoc consultation or a list of standard mitigation measures via the Forum-S.
3.3 Updates on ECHA guidance		
Item 4 – Practical issues for enforcement		
4.1 Items raised by the BPRS/ECHA/COM		Forum members are invited to submit new practical issues by 26 April 2019
BEG-3.2 How do MSs act in case of non-compliance of Art 95		
BEG-3.1 Does a transitional period apply to products available on the market in the scope of an implementing decision in accordance with Article 3(3) of Regulation (EU) No 528/2012 (BPR)?		Forum-s will review a conclusion and launch a written consultation with BPRS by 5 April
B-5.1 Is repackaging or refilling of biocidal products by distributors allowed under BPR?		Forum-s will review a conclusion based on the comments received and launch a written consultation with BPRS by 5 April
Item 5 – BPRS enforcement activities - on-going projects		
5.1 First BPR enforcement project – treated articles		
5.1.1 WG progress report	The BPRS agreed to organise a workshop of BEF-1 national coordinators attending the BPRS-8	WG BEF-1 will consider preparing the workshop with National Coordinators, and if appropriate design and deliver it by the next plenary meeting WG BEF-1 will contact the National Coordinators and explore the communication between the NEAs and national stakeholders.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
5.1.2 Mandate amendment	The BPRS revised the mandate of the WG.	
5.2 BPR Training for Trainers 2019		
5.2.1 WG progress report		BPRS members are invited to nominate one trainee per country by 14 June who will attend the training event on 2 October
5.2.2 Mandate amendment	The BPRS revised the mandate of the WG.	BPRS members nominating new members are invited to specify the names by 12 April
5.3 Implementation of PD-NEA BPR		
5.3.1 WG progress report		
5.3.2 Mandate amendment	The BPRS revised the mandate of the WG.	
5.4 REACH-EN-FORCE-6 on Classification and Labelling		
5.4.1 WG final report		
5.4.2 Mandate closure	The BPRS revised the mandate of the WG.	
5.5 REACH-EN-FORCE-8 on Online sales		
5.5.1 WG progress report		<p>BPRS members will liaise with the Forum member (if relevant) to agree on the nomination of one REF-8 National Coordinator per country.</p> <p>BPRS members and Forum members to nominate the REF-8 National Coordinator by 14 June 2019.</p> <p>BPRS members are invited to ensure that the REF-8 National Coordinator is nominated as one of the trainees for the Training for Trainer 2019 event (BPR or REACH/CLP training)</p>
5.5.2 Mandate amendment	The BPRS revised the mandate of the WG.	
Item 6 – Updates on relevant developments by the European Commission		

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
6.1 General updates on the BPR provisions by the COM	The BPRS joined the Forum WG "MS Reporting" to review the reporting template under Art 65(3) of BPR for the reporting cycle starting in 2020.	BPRS members nominating new members are invited to specify the names by 12 April
Item 7 – National enforcement policies / cooperation with other networks		
7.1 Non safe uses of silver compounds in treated articles and the enforceability of restrictions		
Item 8 – Any Other Business		
8.1 Professional users training: potential survey to launch among the NEAs - experience and good practices		<p>BPRS members are invited to send information about national restrictions on certification of professional users training and the point of sales for all Product Types to the IT BPRS member by 31 May.</p> <p>BPRS members are invited to indicate what are the rules of owning, flying and shooting down drones used for delivery of BP and PPPs in their countries to the IT BPRS member by 26 April</p> <p>IT BPRS member is invited to inform the BPRS about the outcome of the survey at the next plenary</p>
8.2 Nano-materials		<p>BPRS members are invited to send feedback on the enforcement BPR duties related to of nano-materials to the FR BPRS Forum member by 31 May</p> <p>FR BPRS member is invited to inform BPRS about the outcome of the survey at the next plenary</p>
8.3. UK experience in online controls		Forum-S will share the UK information on search engines used for online controls with the BPRS members by 5 April
Item 9 – Adoption of conclusions and action points		

III. List of attendees of the BPRS-7

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	JAROLÍM Oldřich
7	DE	FRENZEL Stefan (Forum member)
8	DK	HANSEN Lise Bach
9	EE	LINNO Annemari
10	ES	VAZQUEZ Margarita
11	FI	KARNANI Päivi
12	FR	CROIZE-POURCELET Gilles
13	HR	VRHOVAC FILIPOVIC Ivana
14	HU	NEMET Balázs
15	IE	WHELAN Michelle
16	IT	RAVAIOLI Francesca
17	IS	INGVARSDOTTIR Hafdis
18	LT	HAKAITE Palmira
19	LU	HERMES Joe
20	LV	ELFERTE Sintija
21	NL	BRAAM Marianne
22	NO	SKJARGARD Cathrine
23	PL	PISAREK Dominik
24	RO	CIRLAN Cristiana
25	SE	KARLSSON Jenny
26	SK	POCAROVSKA Miriam
27	UK	POTTS Mike

Invited Expert

	Country	Name
28	PT	DIAS Marina

Advisors

	Country	Name
29	DE	WURSTHORN Sibylle
30	DE	SCHOETER Meike
31	DK	SCHARFF Ida
32	FR	RASOOLY Emilie

	Country	Name
33	FR	TCHANAKIAN Fiona

ECHA's Forum Secretariat Staff

	ECHA	Unit
1	ALBERTO Joana	Support and Enforcement
2	BARANSKI Maciej	Support and Enforcement
3	CALVO TOLEDO Pablo	Support and Enforcement
4	FRONTINI Ales	Support and Enforcement
5	KRIMIANIOTIS Georgios	Support and Enforcement
6	MATEUS Tania	Support and Enforcement
7	NIKULA Terhi	Support and Enforcement
8	NOUWEN Johan	Support and Enforcement
9	TECCE Nicola	Support and Enforcement
10	TLOCZEK Magdalena	Support and Enforcement
11	TUOMAINEN Anita	Support and Enforcement

IV. List of Annexes

Annex 1. Final agenda of BPRS-7 (as adopted at the plenary)

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

- 2 a. BPRS WG - First BPR enforcement project – BEF-1
- 2 b. BPRS WG - Training for enforcement trainers 2019
- 2 c. Forum/BPRS WG - REACH-EN-FORCE-6 (BPR module)
- 2 d. BPRS WG – PD-NEA (BPR)
- 2 e. Forum/BPRS WG - REF-8 internet sale (BPR module)
- 2 f. Forum WG – Reporting

Annex 1. Final agenda of BPRS-7 (as adopted at the plenary)

Agenda of the seventh BPR Subgroup Forum meeting

BPRS-7

European Chemicals Agency - Helsinki, Finland

21 March 2019 from 14:00 to 18:00

22 March 2019 from 09:30 to 12:00

Item 1 – Welcome and Introduction

14:00–14:20

- 1.1 Opening by the Chair of the BPRS – *BPRS Chair*
- 1.2 Adoption of the Agenda – *BPRS Chair*
- 1.3 Declarations of conflict of interest with regard to agenda items – *BPRS Chair*
- 1.4 State of play with action points from BPRS-6 – *ECHA Forum Secretariat*
- 1.5 Report of the written procedures and other issues between BPRS-6 and BPRS-7 – *BPRS Chair*

For information/adoption

ECHA/BPRS-7/2019/1.4

ECHA/BPRS-7/2019/1.5

Item 2– Updates and cooperation with the Forum

14:20-15:30

- 2.1 Updates from Forum-32 (20') – *Forum Chair/Forum member*
 - 2.1.1 Update from the ECHA Directors meeting (5') – *BPRS Chair*
- 2.2 Practical implications of the UK withdrawal from the EU on the operation of the BPRS (45') - *Forum Secretariat*

For information

Item 3 – Updates from the ECHA Secretariat

15:30-16:40

- 3.1 Reorganization at ECHA, what's new? (5') – *Forum Secretariat*
- 3.2 Forum advice on enforceability on REACH restriction proposals (15') - *Forum Secretariat*
 - 3.2.1 Potential cooperation with the ECHA Biocidal Product Committee (BPC), BPRS analysis of the mitigation measures for biocidal products (45') – *BPC Chair*
- 3.3 Updates on ECHA guidance (5') – *Forum Secretariat*

For information/agreement

ECHA/BPRS-7/2019/3.2.1

Coffee break 30'

Item 4 – Practical issues for enforcement

17:10-18:00

4.1 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-7/2019/4.1

End of DAY 1 at 18:00 on Thursday 21 March

Start of DAY 2 at 09:30 on Friday 22 March

**Item 5 – BPRS enforcement activities
On-going projects**

09:30-10:35

5.1 First BPR enforcement project, BEF-1 (10')

5.1.1 WG progress report - *WG Chair*

5.1.2 Mandate amendment - *ECHA Forum Secretariat*

5.2 BPR Training for Trainers 2019 (15')

5.2.1 WG progress report - *WG Chair*

5.2.2 Mandate amendment - *ECHA Forum Secretariat*

5.3 Implementation of PD-NEA BPR (20')

5.3.1 WG progress report - *WG Chair*

5.3.2 Mandate amendment - *ECHA Forum Secretariat*

5.4 REACH-EN-FORCE-6 on Classification and Labelling (BPR) (10')

5.4.1 WG progress report - *BPRS Chair*

5.4.2 Mandate amendment - *ECHA Forum Secretariat*

5.5 REACH-EN-FORCE-8 on Online sales (BPR) (10')

5.5.1 WG progress report - *BPRS Chair*

5.5.2 Mandate amendment - *ECHA Forum Secretariat*

For information/discussion/adoption

ECHA/BPRS-7/2019/6.1.1

ECHA/BPRS-7/2019/6.2.1

ECHA/BPRS-7/2019/6.3.1

ECHA/BPRS-7/2019/6.4.1

ECHA/BPRS-7/2019/6.5.1

Item 6 – Updates on relevant developments by the European Commission (via WebEx)	<i>10:35-10:55</i>
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6.1 General updates on the BPR provisions by the COM (20')

Coffee break 30'

Item 7 – National enforcement policies / cooperation with other networks	<i>11:25-11:40</i>
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7.1 Non safe uses of silver compounds in treated articles and the enforceability of restrictions (15') – *NL BPRS member*

For information/discussion

Item 8 – Any Other Business	<i>11:40-11:50</i>
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8.1 Professional users training: potential survey to launch among the NEAs - experience and good practices (10') – *IT BPRS member*

For information/discussion

Item 9 – Adoption of conclusions and action points	<i>11:50-12:00</i>
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End of Meeting	<i>12:00</i>
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Annex 2. List of mandates of BPRS WGs/Forum WGs

2 a. BPRS WG - First BPR enforcement project – BEF-1 “BPRS BEF-1”

BPRS Working Group “BPR enforcement project on treated articles” (Mandate adopted at BPRS-7)

Composition

Chair: Jenny KARLSSON (SE)

Vice-chair: Jabik DE BOER (NL)

BPRS Members/Alternates:

- Francesca RAVAIOLI (IT)
- Marios ADAMIDES (CY)
- Heribert BUERGY (CH)
- Emma BERGSTROM (SE)
- Marianne BRAAM (NL)

Invited Experts

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

ECHA: Nicola Tecce

Objective:

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

Mandate:

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

Timeline:

- Assessment of needs and proposals to facilitate the project: Q1 2018
- Approve the scope by the BPRS: Q2 2018
- Project manual: Q4 2018
- Prepare and deliver the training for project national coordinators:Q4 2018

- Operational phase: 2019
- Reporting phase: Q1 2020
- Questionnaire to be run after the BPRS-3
- BEF-1 workshop in June 2019

2 b. BPRS WG - Training for enforcement trainers 2019
“BPRS Train the trainers 2019”**BPRS Working Group**
“Training for enforcement trainers 2019”
(Mandate adopted at BPRS-7)**Composition**

Chair: Dominik PISAREK (PL)

BPRS Members/Alternates:

- Francesca RAVAIOLI (IT)
- Heribert BUERGY (CH)

Invited Experts:

- Nils Manegold (DE)
- Markus KLAR (SE)
- Nadine GRISEL (CH)
- Lena GRUHN (DE)

ECHA

- Nicola Tecce

Objective:

- Prepare and deliver the training for trainers on the enforcement of BPR in the fourth quarter of 2019.

Mandate:

1. Examine the training subjects relevant for enforcement in the fourth quarter of 2018 and prepare the priority topics for agreement by BPRS-7
2. Specify the envisaged level of the content of the training
3. Prepare materials necessary for the training such as presentations or documents
4. Cooperation with the Forum WG Tft 2019 and REF-8 on online sales
5. Actively conduct the training event with support from other BPRS members, ECHA and COM and other experts in specific topics as necessary.
6. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- By the BPRS-7: conclude on list of subjects and prioritisation, adopt the agenda of the training event
- BPRS-9: final report

**2 c. Forum/BPRS WG - REACH-EN-FORCE-6 (BPR module)
"REF-6"****Forum Working Group**Work Package A.1**"Coordinated enforcement project REACH-EN-FORCE-6"**

(Mandate adopted at Forum-32 and BPRS-7)

Composition:**Chair:** Henrik HEDLUND (SE)**Forum Members and Alternates**

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIANANTINO (EL Alternate)
- Graca BRAVO (PT)
- Pablo SANCHEZ-PEÑA (ES)
- Žilvinas UŽOMECKAS (LT)
- Markus MAKI (FI)

Invited Experts

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

BPRS Members and Experts

- Viktoriya HRISTOVA (BG)
- 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

**2 d. BPRS WG – PD-NEA (BPR)
“PD-BPR”**

**BPRS Working Group
“Implementation of PD BPR”
(Mandate adopted at BPRS-7)**

Composition

Chair: Eugen ANWANDER (AT)

BPRS Members/Alternates:

- Francesca RAVAIOLI (IT)
- Brigitte EDER (AT)

Invited Experts:

- Natalija UMBRASIENE (LT)
- Pia LINDFORS (FI)
- Jurgen SCHMID (DE)

ECHA

- Anita TUOMAINEN

Objective:

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

Mandate:

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

Timeline:

- BPRS-10 (Q1 2020)

**2 e. Forum/BPRS WG - REF-8 internet sale (BPR module)
"REF-8"**

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-8"
(Mandate adopted at Forum-32 and BPRS-7)

Composition:

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Eugen ANWANDER (AT)
- Martin MARKO (CZ)
- Maria Leticia POLCI (IT)

Invited Experts

- Kevin BUCKLEY (IE)
- Sara YASSINE (DK)
- Timea TARNOCZAI (HU)
- Maria PALEOMILITOU (CY)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)
- Lotta KAILA (FI)
- Olivier COUTURAUD (FR)
- Marilyn LUTSOJA (EE)

BPRS Members and Experts

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

COM

- Miguel AGUADO (DG GROW)

ECHA

- Tania MATEUS
- Ales FRONTINI
- Nicola TECCE

Objective:

- Conceive and manage the eighth major Forum enforcement project REF-8 'Enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold on-line'.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project, taking into account the learnings from previous Forum projects "control of internet sales" and "REF-4" and others at EU level;
2. Define the specific duties to be covered in the project;

3. Prepare and deliver the training for project national coordinators
4. Management of the Operational phase
5. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

- Project manual: Q4 2019
- Prepare and deliver the training for project national coordinators: Q4 2019
- Operational phase: 2020
- Reporting phase (National Coordinators): Q1 2021
- Evaluation phase: Q3 2021
- Draft report: Q4 2021
- Adoption of the report: Q4 2021
- Tips and hints for inspectors: Q4 2021

2 f. Forum WG – Reporting “MS reporting”

Forum Working Group “MS Reporting” (Mandate created at Forum-32 and BPRS-7)

Composition:

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

Forum Members/Alternates

- Katja VOM HOFE (DE)
- Michael FAGERLUND (DK)
- Markus MAKI (FI)
- Elenza ZIDAROVA (BG)
- Emily Rasooly (FR)

BPRS Members/Alternates

- Francesca RAVAIOLI (IT)
- Annemari LINNO (EE)
- Dominik PISAREK (PL)

Invited Experts

- Andrea MAYER-FIGGE (DE)
- Monika AVIZIENE (LT)

Commission

- Ligia NEGULICI (DG SANTE)

ECHA

- Maciej BARANSKI
- Ales FRONTINI

Objectives:

- Prepare the pilot for the Member States annual reports on enforcement as defined in Forum WP 2019-2023 and comment on the templates of the the Reports prepared by the Commission

Tasks:

- A. Review the templates for the reports to the European Commission required under Article 117(1) of REACH and Article 46(2) of CLP, Art 22(1) of PIC and art 65(3) of the BPR
- B. Liaise with COM consultant preparing the review reporting templates under the Art 117 of REACH, Art 46 of CLP and art 65(3) of BPR
- C. Draft the reporting template for annually reporting the Member States Enforcement activities
- D. Liaise with WG Interlinks regarding any data on interlinks to be included in the reports
- E. Start the pilot phase of the annual reporting exercise

Timeline: Forum-35 (March 2020)