



Forum-43/M/2023 – Public
Adopted on 27 June 2023

**Minutes of the
43rd meeting of the Forum for Exchange of Information on Enforcement
Remote meeting**

14-17 March 2023

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I. Summary record of the proceedings

Item 1 – Welcome and introduction

1.1 Welcome and opening by the Forum Chair

The Forum Chair welcomed all the participants and opened the meeting. She announced the attendance of 26 Forum members from EU Member States with voting rights and the three EEA countries. Romania was not represented and provided the proxy to Sweden. The Chair informed that the quorum requirement was met.

1.2 Adoption of the agenda

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

1.3 Declarations of conflicts of interest with regard to agenda items

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

Chair informed that the annual collection of declarations of interest of Forum members was launched and that an automated email including a personal link was sent. Forum members were encouraged to submit their declarations by the deadline.

1.4 State of play with action points from Forum-42

Forum members took note of the status of the action points from Forum-42 as listed in the meeting document.

1.5 Results of the written procedures and other issues between Forum-42 and Forum-43

The Chair referred to the document with the results of the written procedures between Forum-42 and Forum-43.

Item 2 - Forum's enforcement activities - Ongoing projects

2.1 Prioritisation of REF projects

2.1.1 Discussion of the proposals for the next pilot project

The WG chair presented the outcome of the prioritisation of the proposals for Forum small-scale pilot projects received by the WG.

The Forum concluded that the next Forum pilot project will focus on the enforcement of perfluorocarboxylic acids (PFCAs) and related substances focusing on cosmetics.

The WG chair informed that the deadline to submit the proposals for REF-13 and BEF-3 projects by Forum/BPRs members, COM, ECHA and ASOs was mid-April 2023.

2.1.2 Mandate amendment

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

2.2 REF-12 on the compliance of imported substances, mixtures and articles

2.2.1 Agreement on the scope of the project

The Forum took note of the work done by the WG that has started to prepare the project manual. The project will investigate the REACH obligations concerning Registration, Authorisation and Restriction, to be checked in collaboration with Customs.

The WG was exploring the possibility to include in the project's scope the new TARIC codes for REACH Annex XVII that were introduced in February and which were found challenging to implement in practice.

The WG was prioritising the substances/mixtures/articles to be targeted for inspections by performing risk profiles. The Forum members showed interest in assessing an example of a risk profile to better understand how the dialogue with the customs authorities could be pursued nationally. Moreover, the Forum was concerned about the workload that such profiling could originate for the WG members.

The Forum agreed with the plan of the WG to continue building the risk profile, with attention to the resources spent on this particular task. The Forum would be able to analyse and comment on it during the consultation of the draft manual during the summer.

2.2.2 A game change for improved import controls? REACH Annex XVII restrictions introduced in TARIC on 10.2.2023

A Forum member presented the issue that was originated with the publication of the new TARIC measures regarding REACH restricted substances, in particular the new Y conformity declaration codes that needed to be consistent with REACH. Moreover, these new measures were considered only informative and should be more precise and product-related. For that reason, the Member States/NEAs had to perform their own interpretation and it would be more efficient if there was a harmonised methodology for its implementation in the whole EU. In the meantime, it was proposed for NEAs to contact their customs authorities and discuss the best way forward.

The Forum agreed to mandate the WG REF-12 to analyse this issue by liaising with COM/DG TAXUD in order to clarify the applicability of the codes. The Forum requested support from DG TAXUD to work with REF-12. The WG would consider including it in the scope of the project and present the status of this task to the next Forum meeting.

2.2.3 Mandate amendment

The Forum adopted the updated mandate ([Annex 2b](#)). The WG requested additional customs experts to be nominated to be part of this WG.

2.3 Enforceability of Restrictions

2.3.1 WG progress report

The Forum took note of the work done by the experts in the WG and its advices.

2.3.2 Mandate amendment

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

2.4 REF-9 on Authorisation

2.4.1 WG Progress report

The WG chair informed that the project report was adopted on 13 February 2023 and published on ECHA website on 8 March 2023 together with the news release and podcast. The practical guide on enforcement of REACH authorisation obligations was under preparation by the WG.

The Workshop with ECHA Accredited Stakeholder Organisations (ASOs) and industry on the REF-9 project results and recommendations would take place remotely on 12 May 2023. ECHA ASOs, representatives of the industry, COM representatives,

ECHA experts, Forum members, REF-9 National Coordinators, NEAs representatives and RAC and SEAC members would be invited for this event.

2.4.2 Mandate amendment

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

2.5 Pilot project on classification of mixtures focusing on detergents and cleaning products

The WG Chair updated the Forum with the progress made by the WG.

The Forum members were invited to nominate experts to continue the analysis on the concerned national cases on mixture classification.

2.5.2 Mandate amendment

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

2.6 Projects not for discussion and with no progress report

The Forum addressed and confirmed the mandates of the WGs that were not discussed at the meeting:

2.6.1 REF-10 on Integrated control of products: The mandate was amended ([Annex 2f](#)).

2.6.2 REF-11 on SDS: Mandate amendment ([Annex 2g](#)).

2.6.3 Train the enforcement trainers 2023: The Training 2023 event will take place on 22-23 November 2023 in ECHA premises. The Forum members were invited to nominate two participants per Member State. The mandate was amended ([Annex 2h](#)).

Item 3 - Forum's new projects and tasks

3.1 Forum's next multiannual work programme

The current Forum Work Programme 2019-2023 will expire at the end of 2023 and a new work programme needs to be prepared to present and describe the work of the Forum in sufficient detail. The Chairs considered that in "ECHA Programming Document" the Forum outputs were covered for years 2023 and 2024, but the Forum chapter was very concise and does not provide details on the planned actions. Additionally, there should be also an alignment of the Forum's work with relevant sections of the EUPCN work programme.

The Forum agreed to draft a short and concise document, jointly with HET, proposing the Forum's multiannual enforcement priorities and outlining the main deliverables for the next years with the suggested timeline. Moreover, it could be reviewed annually to better reflect the work being developed and the decisions made by the Forum.

The first draft of the new work programme will be presented at Forum-44 and then consulted with the Forum. Members were encouraged to volunteer to participate in the informal drafting group working on the first draft of the ECHA Work Programme.

HET informed about the timeline for the preparation of ECHA's new programming document 2024-2027.

ECHA Management Board was also working on a new strategic document and Forum members might be approached by their Management Board member to provide input for this exercise.

3.2 Next Forum pilot project: Mandate set-up

The Forum set-up and adopted the mandate for the WG managing the 'Pilot project on enforcement of PFCA and related substances focusing on cosmetics' ([Annex 2i](#)).

Item 4 - Forum's enforcement activities – Projects under finalisation

4.1 Member State reporting

4.1.1 WG final report

The Forum took note of the final tasks of the WG, where the Forum adopted via written procedure the recommendation on counting methods. The Member States were invited to implement such recommendations in the coming years.

Replying to a Forum member, the Chair highlighted that in the context of EUPCN, whenever the issue on ICSMS is discussed, the position of the Forum Chairs would be to avoid double reporting.

4.1.2 Mandate closure

The mandate of the WG was closed ([Annex 2j](#)).

4.2 Train the enforcement trainers 2022

4.2.1 Final report

The WG prepared and delivered the training in ECHA premises on 24-25 November 2022 on the topic of enforcement of the Safety Data Sheet. The WG Chair presented the summary of the training, which 100% of the core participants rated as "good" or "excellent". The WG also outlined some recommendations for future trainings.

The Forum adopted the WG report.

4.2.2 Mandate closure

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

Item 6 - Potential cooperation between OLAF, Forum and NEAs

A representative from the European Anti-Fraud Office (OLAF) presented in detail the "step-by-step" approach of their processes and the way they cooperated with Member States.

The Forum members welcomed the presentation and shared their questions and views. The Forum invited OLAF to report on the progress with defining their role under REACH and to discuss any other aspects of cooperation in one of the future Forum meetings.

Item 7 – Update on relevant developments by the Commission

7.1 REACH and CLP revision: Quick overview

DG GROW gave an update on the timeline of REACH and CLP revisions and their current content.

The presenter replied to some of the Forum members' questions and clarified that there was an intent to cover online sales in the REACH revision in conjunction with CLP and the Digital Services Act, the latter already in force and describing the set-up of marketplaces and its interfaces.

Following a question from a Forum member on the Forum's list of priorities for the REACH Review that was sent to COM in 2021, the COM representative will seek out

the possibility to provide the Forum a status of how far the Forum's comments were taken into consideration for the revision.

COM would also reply in writing whether the annual exchange of inspectors funded by COM would still continue after the hiatus caused by the pandemic.

7.2 Basic Regulation: Follow-up on the survey on the functioning of the Forum

The Forum took note of the feedback received from members on the functioning of the Forum that was collected by COM for the purpose of drafting the Basic Regulation and the next steps. In general, the replies suggested that the Forum is effective and the main challenge is the resourcing.

COM would consider the changes in CLP and REACH in order to assess the needed resources and will then mirror them in the Basic Regulation, hence the timeline for the finalisation of the Basic Regulation will be after the REACH/CLP revision.

7.3 Online sales new provisions under CLP

The Forum took note on the changes planned for CLP regarding the distance sales offers and advertisement. Obligations for online marketplaces were described in the Digital Services Act provisions.

Item 8 – Enforcement in the Member States

8.1 The new restriction of diisocyanates (#74/Annex XVII/REACH): Austrian NEAs support for implementation and their actions 2023 addressing duty holders' compliance

The Austrian Forum member presented national experiences with implementation of enforcement of the new restriction of diisocyanates. This NEA was developing a national REACH training for checking compliance with that restriction and will prepare for that a questionnaire, which can be translated and shared with the Forum.

Upon questions from the participants, the presenter clarified that there was contact with the OSH authority and with SLIC-CHEMEX. Most likely the timeline of a project on diisocyanates being developed by SLIC-CHEMEX will not align with the Austrian initiative.

8.2 National Authorities – implementation and enforcement of REACH and CLP in Bulgaria

The Forum took note of the organisation of enforcement in Bulgaria and the challenges faced by the national authorities.

8.3 Experiences with controls of REACH registration of ozone from generating devices

The Forum member from Bulgaria reported on the findings about the Ozone generating devices in Bulgaria, following Eurozone's presentation in the last Forum open session.

Forum members were encouraged to continue investigating this issue and to present potential results to the Forum in future Forum meetings.

8.4 Nordic Exposure Group report on minimum requirements for exposure scenarios

The Forum noted the information about a Nordic project on the identification and assessment of exposure scenario minimum requirements.

Item 9 – Cooperation with other networks

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

The Forum took note of the information from the EUPCN and ADCO Chairs' meetings as well as meetings of the EUPCN Partner Group on ICSMS that were attended by the Chairs and referred to in the meeting document.

9.2 Updates from SLIC-CHEMEX

The Forum took note of the information provided by the SLIC-CHEMEX Working Group via the meeting document.

Item 11 – Updates from the ECHA Secretariat

11.1 Activities of the Regulatory Support team

The team leader of ECHA's Regulatory support team (REST), previously known as "Helpdesk", gave an overview of the current activities the team supported and main topics industry request support to ECHA and national Helpdesks.

The Forum Chair welcomed the continuous cooperation between REST and the Forum in the yearly training for trainers events and other areas. In the same light, agendas of future Helpnet meetings could be shared with the Forum and if interested, Forum members can join the Helpnet meetings. Moreover, the Forum was interested in being informed about any enforcement related questions raised by the Instrument for Pre-Accession Assistance (IPA) countries.

It was important for inspectors to document the cases and for that ECHA's FAQ were commonly used as a source of information. New FAQ website has made access and search much more accessible but the display of the FAQs was found lacking as it was difficult to retrieve text except via screen-shots. Additionally, it was challenging to retrieve archived materials, such as guidance. The Forum would be informed on those issues via HET.

11.2 Update on Interact portal

The ECHA presenter highlighted the expected features of Interact portal in the upcoming releases, the open feedback form available to all Interact users to make suggestions for improvement and invited the Forum members to participate in the informal group of Interact User group, to discuss the tool's functionalities and the feedback received.

ECHA would explore adding the possibility of downloading a document from a closed collaboration. Moreover, the Forum Chair suggested collecting statistics on the use/download of Forum documents in Interact to assess its usage.

11.3 Importance of enforcement of Dossier Evaluation decisions

The Team leader of the DEV follow-up team highlighted the importance and impact of the enforcement of evaluation decisions by Member States' authorities and presented some successful examples.

He indicated that, by default, ECHA does not communicate with the registrants once the decision has been issued and re-assesses its dossier once an update is received. When it concerns the enforcement of the decision, it is in the remit of NEAs, who could contact ECHA to clarify any case-related issues.

The Forum Chair noted that the Forum's document on this issue, the "Interlinks Guide" describing all the communication processes concerning exchange of information between ECHA and Member States, could benefit from a revision. Forum members were invited to indicate the challenging topics to be addressed in this targeted revision.

11.4 Follow-up of ECHA Decisions

The Forum took note on the statistics about the cases sent to the Member States Focal points until 16 February 2023.

11.5 Breach of CLH cases in registrations identified by ECHA

The ECHA presenter informed on the result of the project where ECHA identified cases on breach of duty to use harmonised classification in registration dossier.

Item 12 – Discussion on the enforcement of specific REACH restrictions entries

12.1 Commission mandate on CMRs in childcare article

The ECHA dossier manager presented the Commission mandate for ECHA to prepare an investigation report to support the preparation of a restriction proposal on the use and presence of CMR 1A or 1B in childcare articles on the basis of REACH Article 68(2). Information about the call of evidence running by 31 March 2023 was sent to Forum members.

ECHA welcomed the input of the Forum on the draft report and its opinion on the enforceability of the restriction as well as the available analytical methods.

Forum members expressed concern with the tight timeline for the report and requested ECHA Secretariat to reiterate the request to COM to extend the deadline of this mandate.

Forum Chairs and the WG Restrictions would assess how the input from the Forum could be provided and included in the investigation report.

12.2 Restriction on PFOA in fire-fighting foams

The Forum took note of a presentation regarding the enforcement experiences in Flanders on the control of PFOA in fire-fighting foams.

12.3 Experiences with the restriction of hazardous substances used in tattooing inks and permanent make up

The Dutch Forum member invited the Member States to join in an exercise to sample tattoo inks. The Dutch NEA would coordinate the sampling, perform the analysis and bare its costs. More details on the scope, logistics and timeline of this exercise will be agreed with the participating Member States.

Forum and COM welcomed the initiative and multiple Forum members expressed their interest in participating.

Additionally, COM noted that industry had raised issues with the enforcement of this restriction and was interested in following this discussion in the future and present its view. This issue was also being addressed in the Council of Europe – European Directorate for the Quality of Medicines and Health Care (EDQM).

Another Forum member shared the experience with this restriction, where documentary check was carried out on the Safety Data Sheets. The inspectors concluded that the products contained substances falling within the scope of entry 75 of REACH Annex XVII and thus were not placed on the market.

The Chair encouraged the Forum members to continue investigating this issue and present their experiences to the Forum in future meetings.

Item 13 – Administrative costs of the enforcement of REACH restrictions

A Forum member raised the concern on the current “administrative costs” of enforcement for the REACH restrictions that were considered during the preparation of Annex XV dossiers. It was clear that the default amount is, in most if not all cases, a severe underestimation of the real costs for enforcement in the Member States. It was suggested that such cost should be made more visible, *e.g.* in the recitals.

The Forum member invited COM and the dossier submitter to provide, as much as possible, robust figures which may, in the course of the restriction process, lead to a substantiated estimate of capacity and budget needed for enforcement and if possible, to reflect it in the REACH Revision.

The Forum supported these proposals and highlighted the need to raise awareness with all parties involved in the assessment of enforcement costs.

Item 14 – Enforcement in the Member States

14.1 Enforcement activities in Belgium

The Forum took note of the 2021-2022 Belgium national REACH campaigns on textiles, creosote and charcoal.

Forum members were interested in more information on the analytical methods used in the textiles project.

14.2 Results from analytical campaigns on REACH restrictions

The Forum took note of the national campaigns in Cyprus during 2021 and 2022 related to restrictions. As per request of the members, the list of laboratories used in these campaigns would be shared with the Forum.

The Forum Vice-Chair encouraged the Forum members to raise the issue of the need for EU testing facilities for CLP/REACH with their national single liaison officer (SLO), to bring it to the attention of the participants of the EUPCN meetings.

This presentation raised a topic for future discussion on the best way to target the restrictions for controls. The Forum members were invited to share the experiences on this issue as well as on the use of screening devices.

14.3 Challenges of POP Regulation enforcement

The Forum took note of the challenges found when enforcing POPs regulation in Estonia.

The Forum members were invited to provide feedback on the issues raised in the presentation.

Item 16 – Practical issues for enforcement of REACH, CLP, PIC and POPs

Forum discussed one open practical issue relevant to enforcement in break-out groups, *Issue 41.1 – Training requirements under the diisocyanates restriction.*

The comments gathered from the discussions will be processed by HET to generate the next version of the draft conclusion of this issue, which is then to be consulted with the Forum members.

Members were invited to submit new practical issues by 24 April 2023.

Item 17 – Debriefing of the meeting with ECHA Directors

The Chair informed the Forum about the discussions that took place during the meeting with the ECHA management on 15 March 2023.

Item 18 – Updates from BPR Subgroup

The BPRS Chair briefed the Forum on the issues to be discussed at the BPRS-18 plenary meeting. In particular, the BEF-2 reporting phase was kicked off in January 2023 and the deadline for submitting the data was set on 3 March. Afterwards, national coordinators will be invited to validate their national data. The WG will start the analysis of the BEF-2 data matrix around April 2023, involving also the ECHA Biocides Unit in retrieving supplementing information from R4BP 3 database (or ECHA dissemination website) such as: i) product type; ii) user category; iii) active substance names; iv) CAS numbers; v) authorisation start and end date. The preliminary results of the BEF-2 are expected at the BPRS-19.

The BPRS Training event was remotely delivered on 2 December 2022. The training was focused on 'CLP for biocides, in situ generation systems, and BPR borderline issues'. More than 400 participants attended the event. Almost all participants rated the training as 'excellent' or 'good'.

BPRS finalised Practical Issues on legal aspects of 'ecolabelling' for biocidal products (i.e. issue BPRS-17.1) and authorised rodenticides sold to non-professional users (i.e. issue BPRS-16.1). Two new practical issues are currently under discussion with the BPRS members touching upon labelling obligations for biocides (i.e. issue BPRS-18.1) and concentrations of biocidal products (i.e. issue BPRS-18.2).

Item 19 – A.O.B.

19.1 Forum Chairs election in June 2023

The elections of Forum Chairs will take place in June, during the physical meeting Forum-44. Forum members were invited to consider the possibility to take up the role of Forum Chair or Vice-chair and submit nominations to HET by 26 May. The candidates will be invited to attend the pre-meeting of Forum-44.

19.2 Enforcement of authorisation conditions of 1,2-Dichloroethane

The German Forum member shared the experiences encountered by a German NEA when trying to enforce authorisation conditions (specifically the monitoring requirements) for the substance 1,2-Dichloroethane. Forum members were invited to share their experiences on enforcing monitoring conditions required in authorisation decisions.

19.3 Derogations from entries 28-30 of Annex XVII for artists paints

Forum members were invited to indicate their experience with interpreting the scope of derogation for artists paints (what products are covered). It was suggested for the presenter to submit it as a practical issue for discussion with the Forum at one of the future meetings.

II. MAIN CONCLUSIONS & ACTION POINTS - Forum-43

Agenda point	Conclusion / Decisions / Minority opinions	Action requested after the meeting
1.2 Adoption of the agenda	Agenda was adopted.	
1.4 State of play with action points from Forum-42		
1.5 Results of the written procedures and other issues between Forum-42 and Forum-43		
Item 2 – Forum's enforcement activities - Ongoing projects		
2.1 Prioritisation of REF projects 2.1.1 Discussion of the proposals for the next pilot project	The Forum agreed to conduct a pilot project controls of PFCA and related substances focusing on cosmetics.	CY Forum member is invited to share with HET the details of laboratories used by the NEA in Cyprus during controls of entry 50 (PAH) by 31 March
		HET will share the details with the Forum.
		Forum members and Commission are invited to submit proposals for REF-13 project by 14 April 2023.
2.1.2 Mandate amendment	The Forum revised the mandate.	
2.2 REF-12 on the compliance of imported substances, mixtures and articles 2.2.1 Agreement on the scope of the project		Forum members are invited to nominate the REF-12 National Coordinator and the trainees for the Training for Trainers 2023 by 2 June 2023. Forum members should also appoint the REF-12 National Coordinator as one of the trainees to participate in the Training for Trainer 2023 event Forum members to appoint additional customs experts to the WG, ideally by 31 March. WG REF-12 will report on the progress with the preparation of the risk profiles at Forum-44 for potential discussion with the customs authorities
2.2.2 A game change for improved import controls? REACH Annex XVII restrictions introduced in TARIC on 10.2.2023		REF-12 WG to inform the Forum about the possibility to incorporate the new TARIC changes into the scope of REF-12 by Forum-44 HET will share the document outlining the IT approach to implementing these TARIC measures. DG ENV is invited to bring the concerns of the Forum to the attention of DG TAXUD HET and REF-12 representatives will liaise with DG TAXUD to discuss the possibilities for clarifying the applicability of the codes and potential for their revision. HET will schedule a discussion on this subject at Forum-44.
2.2.3 Mandate amendment	The Forum revised the mandate.	
2.3 WG Enforceability of Restrictions 2.3.1 Progress report		
2.3.2 Mandate amendment	The Forum revised the mandate.	
2.4 REF-9 on Authorisation 2.4.1 Progress report		Forum members, NEA experts and REF-9 National Coordinators are invited to participate in the Workshop with ASOs scheduled for the 12 th May 2023.
2.4.2 Mandate amendment	The Forum revised the mandate.	

Agenda point	Conclusion / Decisions / Minority opinions	Action requested after the meeting
2.5 Pilot project on classification of mixtures including detergents and cleaning products 2.5.1 Progress report		The Forum members are invited to nominate experts to the WG by 7 April.
2.5.2 Mandate amendment	The Forum revised the mandate.	
2.6 Mandate amendment of WGs not addressed at the meeting		
1) REF-10	The Forum revised the mandate.	
2) REF-11	The Forum revised the mandate.	
3) Train the Trainers 2023	The Forum revised the mandate.	Forum members are invited to nominate two participants per MSs for the 'Training for enforcement trainers 2023' by 02 June 2023. Forum members are invited to appoint additional customs experts to the WG, ideally by 31 March.
Item 3 – Forum's new projects and tasks		
3.1 Forum's next multiannual work programme		Chairs, HET and volunteering members will draft a Forum Work Programme for Forum-44 Forum members are invited to provide preliminary suggestions for content and signal if they want to participate in the drafting group by 7 April
3.2 Next Forum pilot project 3.2.1 Mandate set-up	The Forum established the WG to prepare the pilot project on PFCA and related substances focusing on cosmetics.	Forum members appointing additional WG members are invited to send names by 7 April.
Item 4 – Forum's enforcement activities - Projects under finalisation		
4.1 Member State reporting 4.1.1 Final report		
4.1.2 Closure of the mandate	The Forum closed the mandate.	
4.2 Train the trainers 2022 4.2.1 Final report		
4.2.2 Closure of the mandate	The Forum closed the mandate.	
Item 6 – Potential cooperation between OLAF, Forum and NEAs		
		Forum members are invited to comment in writing on the points brought in OLAF presentation and indicate a preferred way to cooperate with OLAF by 31 March. OLAF is invited to report to the Forum on progress with defining their role under REACH and to discuss any other aspects of cooperation in one of the future Forum meetings.
		HET will share the collected feedback with OLAF and the Forum.
Item 7 – Update on relevant developments by the Commission		
7.1 REACH and CLP revision: Quick overview		COM is invited to come back in writing to the questions raised by the Forum members.
7.2 Basic Regulation: Follow-up on the survey on the functioning of the Forum		
7.3 Online sales new provisions under CLP		

Agenda point	Conclusion / Decisions / Minority opinions	Action requested after the meeting
Item 8 – Enforcement in the Member States		
8.1 The new restriction of diisocyanates (#74 /Annex XVII/REACH). Austrian NEAs support for implementation and their actions 2023 addressing duty holders' compliance		AT Forum alternate is invited to provide a translated questionnaire from the Austrian project on control of Restriction Entry 74.
8.2 National Authorities – implementation and enforcement of REACH and CLP in Bulgaria		
8.3 Experiences with controls of REACH registration of ozone from generating devices		
8.4 Nordic Exposure Group report on minimum requirements for exposure scenarios		Forum members are invited to send further questions to the NO alternate member.
Item 9 – Cooperation with other networks		
9.1 Forum's contribution to the EU Product Compliance Network (EUPCN) and the ADCO Chairs' meetings		Forum members are invited to nominate themselves as additional experts for advising on issues related to ICSMS, Customs/imports, e-commerce and general market surveillance issues by 7 April The Forum Chairs will inquire with the COM whether it is possible to share the list of EUPCN Single Liaison Officers with the Forum.
9.2 Updates from SLIC-CHEMEX		
Item 11 – Updates from the ECHA Secretariat		
11.1 Activities of the Regulatory Support team	ECHA Secretariat will keep the Forum informed about any enforcement related questions raised by the IPA countries	Regulatory Support Team (REST) will share the agendas of the future meetings of HelpNet with the Forum, via HET. REST will look into the practical process for retrieving archive Q&As and inform the Forum via HET REST will send instructions to the Forum how to extract the new Q&As, via HET.
11.2 Update on Interact portal		HET will consider a change request for interact to include the option to download the document from closed collaboration
11.3 Importance of enforcement of Dossier Evaluation decisions		Forum members are invited to indicate the specific issues in the Interlinks process that have been a challenge for NEAs and would need to be addressed by 21 April. HET, in consultation with the Chairs, will propose a way to address these issues at Forum-44
11.4 Follow-up of ECHA Decisions		
11.5 Breach of CLH cases in registrations identified by ECHA		

Agenda point	Conclusion / Decisions / Minority opinions	Action requested after the meeting
Item 12 – Discussion on the enforcement of specific REACH restrictions entries		
12.1 Commission mandate on CMR's in childcare article		<p>Forum members are invited to share the presentation and link of the on-going call for evidence with enforcement authorities and laboratories. Call for evidence is open until 31 March but Forum members are invited for feedback until 5 April using the email or webform provided in the presentation.</p> <p>Forum members are also invited to provide contact details of relevant enforcement laboratories to HET by 5 April.</p> <p>HET will share the list with the Forum.</p> <p>ECHA Secretariat is invited to liaise with the COM and inform the Forum whether the timeline for consultation of the investigation report could be extended.</p> <p>HET, in consultation with ECHA Secretariat, the Chairs, WG Restrictions, will propose a practical way by which the Forum feedback on the investigation report can be collected.</p>
12.2 Restriction on PFOA in fire-fighting foams		
12.3 Experiences with the restriction of hazardous substances used in tattooing inks and permanent make up		<p>Forum members are invited to nominate themselves to take part in the Dutch initiative on sampling and testing tattooing inks to HET by 7 April</p> <p>HET will share the expressions of interest with the NL Forum member.</p> <p>NL and other participating members will coordinate on the timelines and the practical aspects of the project and update the Forum at one of its next plenary meetings.</p>
Item 13 - Administrative costs of the enforcement of REACH restrictions		
	The Forum agreed with the need to raise awareness about the necessity of making the cost for enforcement visible in the regulatory process for developing new restriction entries.	COM is invited to coordinate and provide feedback on the proposals of the Forum, in particular <ul style="list-style-type: none"> - whether the high enforcement costs of the new restrictions should be highlighted in the regulatory process, - whether the COM could consider developing a method for estimating enforcement cost of new restrictions or - whether the COM could reflect the need for robust assessment of enforcement cost in the REACH Revision.
Item 14 – Enforcement in the Member States – cont.		
14.1 Enforcement activities in Belgium		BE Forum member is invited to share information on the analytical methods used in the textiles project with the Forum and respond to the other questions raised in discussion.
14.2 Results from analytical campaigns on REACH restrictions		<p>Forum members are invited to respond to the questions raised in the presentation.</p> <p>CY Forum member will share the list of laboratories used for tests in these control campaign with the Forum members</p> <p>HET will schedule an agenda item to exchange experiences on targeting restriction controls and use of screening devices in one of the future plenary meetings</p>
14.3 Challenges of POP Regulation enforcement		Forum members are invited to provide additional feedback to the EE expert by 7 April.

Agenda point	Conclusion / Decisions / Minority opinions	Action requested after the meeting
Item 16 – Practical issues for enforcement of REACH/CLP/PIC/POPs		
16.1 Break out group discussions <i>PI 41.1 on Diisocyanates</i>		HET will revise the practical issue considering the feedback collected in the break out groups and send it for written consultation. Forum members are invited to submit new practical issues to HET by 24 April
Item 17 – Debriefing of the meeting between Forum Chairs and ECHA Directors		
		HET will provide a summary of further discussions after the remote meeting with the Directors Team
Item 18 – Updates from BPR Subgroup		
Item 19 – AOB		
19.1 Election of Forum Chairs in June		Forum members are invited nominate themselves or other Forum members as Chair and Vice-Chairs by sending an email to HET by 26 May.
19.2 Enforcement of authorisation conditions of 1,2-Dichloroethane		Forum members are invited to submit experiences on enforcing monitoring conditions required in authorisation decisions by 7 April
19.3 Derogations from entries 28-30 of Annex XVII for artists paints		Forum members are invited to indicate the experience with interpreting the of the scope of derogation for artists paints (what products are covered) by 31 March HET will inquire internally and clarify the ECHA interpretation by 31 March.

III. List of Attendees

Forum members

	Country	Name
1	AT	FUCHS Michael
2	BE	VAN DEN HOLE Chris
3	BG	GAYGUROVA Margarita
4	CY	ORPHANOU Maria
5	CZ	JAROLÍM Oldrich
6	DE	VOM HOFE Katja
7	DK	SCHARFF Ida
8	EE	HONGA Aljona
9	EL	FOUFA Eleni
10	ES	TEBAR LUJAN Jorge
11	FI	MÄKI Markus
12	FR	ABDELHAFIZ Sam
13	HR	VULJANIC Kristina
14	HU	MAROSVÖLGYI Nikoletta
15	IE	McMICKAN Sinead
16	IS	BRAGASON Ísak
17	IT	SCIMONELLI Luigia
18	LI	RELLA-QUADERER Maria Rosaria
19	LT	ŠPURIENĖ Otilija
20	LU	ENGELS Kim
21	LV	KAMERADE Kristine
22	MT	MIFSUD Shirley
23	NL	KLINGENBERG Albert
24	NO	HAGEN Gro
25	PL	MOCZULAK Aleksandra
26	PT	CENTENICO Ana
27	SE	HEDLUND Henrik
28	SI	HAJRLAHOVIC MEHIC Semira
29	SK	POČAROVSKÁ Miriam

Invited experts/Advisors

	Country	Name
1	AT	ANWANDER Eugen
2	BE	TANGHE Philip
3	CY	PALEOMILITOU Maria
4	CZ	MARKO Martin
5	DE	FRENZEL Stefan
6	DE	TSCHECH Guenter
7	DK	NIELSEN SCHULEIT Linda
8	DK	MIKKELSEN Sonja
9	EE	ARTUS Hannela
10	EL	APERGI Elli Maria

	Country	Name
11	ES	SANCHEZ CONDE Angela
12	FI	TALASNIEMI Petteri
13	FR	SIMBELIE Karine
14	FR	SRISSI-AMRAOUI Sammy
15	HR	ŠKUGOR Dunko
16	HU	KOVÁCS Tamás
17	IE	WALSH Caroline
18	LT	ŠIUUPIENĖ Julita
19	LU	WEBER Jill
20	NO	SULEIMAN Abdulqadir
21	PL	STULCZEWSKI Dawid
22	PT	SANTOS Andrea
23	PT	OLIVEIRA Elsa
24	RO	CHIRA Paula
25	SE	RUMAR Karin
26	SE	TAVOOSI Elmira
27	SE	EKSTIG Lisa
28	SE	ASHJA Maryam

European Commission representatives

	DG	Name
1	ENV	STRATAKIS Sofoklis
2	ENV	FABRE Julien
3	ENV	KIRIAZIS Alexandros
4	GROW	BLASS RICO Ana Maria
5	GROW	De BUSTOS Aurora
6	GROW	SKRYNIKOVA Svetlana
7	OLAF	SORENSEN Ivan
8	OLAF	DE JAGER Charles

	ECHA	Unit
1	ANNYS Erwin	Support and Enforcement Unit
2	BARANSKI Maciej	Support and Enforcement Unit
3	BIGI Elena	Support and Enforcement Unit
4	CALVO TOLEDO Juan Pablo	Support and Enforcement Unit
5	MAK Istvan	Data availability Unit
6	MATEUS Tania	Support and Enforcement Unit
7	NIKULA Terhi	Support and Enforcement Unit
8	TECCE Nicola	Support and Enforcement Unit
9	TŁOCZEK Magdalena	Support and Enforcement Unit
10	TUOMAINEN Anita	Support and Enforcement Unit
11	VERSONNEN Bram	Hazard II Unit

IV. List of Annexes

ANNEX 1. Final agenda Forum-43

ANNEX 2. Revision of the mandates of the Forum WGs

ANNEX 2 a - "Prioritisation of REF projects"

ANNEX 2 b – "REF-12 on imports"

ANNEX 2 c – "Enforceability of restrictions"

ANNEX 2 d – "REF-9 on Authorisation"

ANNEX 2 e – "Pilot project on classification of mixtures"

ANNEX 2 f – "REF-10 on Integrated chemical control of products"

ANNEX 2 g – "REF-11 on SDS"

ANNEX 2 h – "Train the trainers 2023"

ANNEX 2 i - "Pilot project on PFCA"

ANNEX 2 j – "Member State Reporting"

ANNEX 2 k – "Train the trainers 2022"

ANNEX 3. Glossary of acronyms and abbreviations

Annex 1 – Final agenda Forum-43

**Forty-third meeting of the
Forum for Exchange of Information on Enforcement
(Forum-43)**

**14-17 March 2023
Remote meeting**

DAY 1 Tuesday, 14 March 2023 (10:30 – 16:00 EET)

Item 1 – Welcome and Introduction	<i>10:30-11:00</i>
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- 1.1 Welcome and opening by the Forum Chair
- 1.2 Adoption of the agenda
- 1.3 Declarations of conflict of interest with regard to agenda items and quorum
- 1.4 State of play with action points from Forum-42 – *ECHA HET*
- 1.5 Results of the written procedures and other issues between Forum-42 and Forum-43 - *ECHA HET*

*ECHA/Forum-43/2023/dA
ECHA/Forum-43/2023/1.4
ECHA/Forum-43/2023/1.5*

***For adoption
For information***

Item 2 – Forum’s enforcement activities - Ongoing projects	<i>11:00-14:45</i>
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- 2.1 *Prioritisation of REF projects (45')*
 - 2.1.1 Discussion of the proposals for the next pilot project – *WG Chair*
 - 2.1.2 Mandate amendment - *ECHA HET*

*ECHA/Forum-43/2023/2.1.1
ECHA/Forum-43/2023/Draft_mandates*

***For discussion
For adoption***

Break (11:45-12:05)

2.2 *REF-12 on the compliance of imported substances, mixtures and articles (30')*

2.2.1 Agreement on the scope of the project – *WG Chair*

2.2.2 A game change for improved import controls? REACH Annex XVII restrictions introduced in TARIC on 10.2.2023 – *AT Forum member*

2.2.3 Mandate amendment - *ECHA HET*

ECHA/Forum-43/2023/2.2.1_room_doc
ECHA/Forum-43/2023/Draft_mandates

For discussion
For adoption

2.3 *WG Enforceability of Restrictions (40')*

2.3.1 Progress report – *WG Chair*

2.3.2 Mandate amendment - *ECHA HET*

ECHA/Forum-43/2023/2.3.1
ECHA/Forum-43/2023/Draft_mandates

For information
For adoption

Break (13:15-14:00)

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

2.4.1 Progress report – *WG Chair*

2.4.2 Mandate amendment - *ECHA HET*

ECHA/Forum-43/2023/2.4.1_room_doc
ECHA/Forum-43/2023/Draft_mandates

For discussion
For adoption

2.5 *Pilot project on classification of mixtures including detergents and cleaning products (15')*

2.5.1 Progress report – *WG Chair*

2.5.2 Mandate amendment - *ECHA HET*

ECHA/Forum-43/2023/2.5_room_doc
ECHA/Forum-43/2023/Draft_mandates

2.6 Mandate amendment of WGs not addressed at the meeting (no progress report) (10'):

- 1) REF-10 on integrated control of products
- 2) REF-11 on SDS
- 3) Train the trainers 2023

ECHA/Forum-43/2023/Draft_mandates

For adoption

Item 3 – Forum’s new projects and tasks

14:45-15:10

3.1 Forum's next multiannual work programme (10') – Forum Chair

For information

3.2 Next Forum pilot project (15')

3.2.1 Mandate set-up - ECHA HET

ECHA/Forum-43/2023/Draft_mandates

For adoption

Item 4 – Forum’s enforcement activities - Projects under finalisation

15:10-16:00

4.1 Member State reporting (30')

4.1.1 Final report – WG Chair

4.1.2 Closure of the mandate - ECHA HET

*ECHA/Forum-43/2023/4.1.1
ECHA/Forum-43/2023/Draft_mandates*

For information

4.2 Train the trainers 2022 (20')

4.2.1 Final report – WG Chair

4.2.2 Closure of the mandate - ECHA HET

*ECHA/Forum-43/2023/4.2.1
ECHA/Forum-43/2023/Draft_mandates*

For adoption

End of day 1

16:00

DAY 2 Wednesday, 15 March 2023 (10:30 – 15:30 EET)

Item 5 - Adoption of conclusions from day 1 10:30-10:45

For adoption

**Item 6 – Potential cooperation between OLAF,
Forum and NEAs** 10:45-11:45

For discussion

Break (11:45-12:05)

**Item 7 – Update on relevant developments by the
Commission** 12:05-13:00

- 7.1 REACH and CLP revision: Quick overview
- 7.2 Basic Regulation: Follow-up on the survey on the functioning of the Forum
- 7.3 Online sales new provisions under CLP
Debriefing on the meeting with online e-commerce platforms and European Commission officials - Revision REACH and CLP Regulations

For information

Break (13:00-13:45)

Item 8 – Enforcement in the Member States 13:45-15:00

- 8.1 The new restriction of diisocyanates (#74 /Annex XVII/REACH). Austrian NEAs support for implementation and their actions 2023 addressing duty holders' compliance (30') – *AT Forum member*
- 8.2 National Authorities – implementation and enforcement of REACH and CLP in Bulgaria (30') - *BG Forum member*
- 8.3 Experiences with controls of REACH registration of ozone from generating devices (5') – *BG Forum member*
- 8.4 Nordic Exposure Group report on minimum requirements for exposure scenarios (10') – *NO Alternate member*

For information

Item 9 – Cooperation with other networks 15:00-15:30

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

ECHA/Forum-43/2023/9.1_room_doc

For information

9.2 Document for information: Updates from SLIC-CHEMEX

ECHA/Forum-43/2023/9.2

End of day 2 15:30

DAY 3 Thursday, 16 March 2023 (10:30- 15:50 EET)

Item 10 - Adoption of conclusions from day 2 10:30-10:45

For adoption

Item 11 – Updates from the ECHA Secretariat 10:45-11:45

11.1 Activities of the Regulatory Support team (25')

11.2 Update on Interact portal (20')

11.3 Importance of enforcement of Dossier Evaluation decisions (15')

For information

11.4 Document for information: Follow-up of ECHA Decisions

ECHA/Forum-43/2023/11.4

11.5 Breach of CLH cases in registrations identified by ECHA (10')

For information

Break (11:55- 12:15)

Item 12 – Discussion on the enforcement of specific REACH restrictions entries 12:15-13:00

12.1 Commission mandate on CMR's in childcare article (15') – *ECHA*

12.2 Restriction on PFOA in fire-fighting foams (20') – *BE Alternate member*

12.3 Experiences with the restriction of hazardous substances used in tattooing inks and permanent make up (10') – *NL and BG Forum members*

For discussion

Item 13 - Administrative costs of the enforcement of REACH restrictions 13:00-13:30

13. Administrative costs of the enforcement of REACH restrictions – *NL Forum member*

ECHA/Forum-43/2023/13

For discussion

Break (13:30-14:20)

Item 14 – Enforcement in the Member States – cont. 14:20-15:50

14.1 Enforcement activities in Belgium (30') - *BE Forum member*

14.2 Results from analytical campaigns on REACH restrictions (30')– *CY Forum member*

14.3 Challenges of POP Regulation enforcement (30') – *EE invited expert*

For information

End of day 3 15:50

DAY 4 Friday, 17 March 2023 (10:30- 13:15 EET)

Item 15 - Adoption of conclusions from day 3 10:30-10:45

For adoption

Item 16 – Practical issues for enforcement of REACH/CLP/PIC/POPs 10:45-12:30

16.1 Break out group discussions:

16.1.1 Introduction (5')

16.1.2 Discussion in groups (45')

Break (11:35-12:00)

16.2 Wrap-up (30')

ECHA/Forum-43/2023/16

For discussion

Item 17 – Debriefing of the meeting between Forum Chairs and ECHA Directors 12:30-12:40

For information

Item 18 – Updates from BPR Subgroup 12:40-12:50

Update on the coordination of the BPR enforcement – *BPRS Chair*

For information

Item 19 – AOB	<i>12:50-13:05</i>
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- 19.1 Election of Forum Chairs in June
- 19.2 Enforcement of authorisation conditions of 1,2-Dichloroethane

For information

Item 20 – Adoption of conclusions from day 4	<i>13:05-13:15</i>
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For adoption

End of meeting	<i>13:15</i>
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Annex 2 a “Prioritisation of REFs”

Forum Working Group Work Package A.1 “Prioritisation of REF Projects” (Mandate adopted at Forum-43 and BPRS-18)

Composition

Chair:

Maria ORPHANOU (CY) - rotating Chair

Forum Members/Alternates

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

Invited Experts

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

Ad-hoc invited experts from BPRS (cooperating in the elaboration of the Registry of legal obligations subject to previous enforcement projects and BEF-3 topics):

- Jenny Karlsson (SE)
- Helmut de Vos (BE)
- Anna GRONWALD-MACEDO (DE)

ECHA:

- Magdalena TLOCZEK;
- Nicola TECCE

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

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

1. Review annually a list of proposals for REF projects submitted by Forum members, ECHA Secretariat, the Commission and the Stakeholder Organisations accredited by ECHA (ASOs);
2. Prioritise the subjects by applying Forum’s methodology for the prioritisation, selection and management of REF projects
3. Draft a recommendation proposing the subject for the next REF project
4. Elaborate and update an inventory of project recommendations and a registry of legal obligations subject to previous enforcement projects in the following regulatory areas: REACH, CLP, PIC, POP, BPR.
5. Propose to the Forum topics for pilot and small-scale projects as an output of the prioritisation exercise where appropriate.
6. In addition, the WG will revise, when needed, the methodology for the prioritisation, selection and management of REF projects and implementing its working procedures to be adopted by the Forum.

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

Timelines:

- The basic timeframes are regulated by the Forum Methodology on Prioritisation and Selection of Project Proposals and the working procedure for the prioritisation and selection of harmonised enforcement projects coordinated by the Forum
- Shortlist of subjects for REF-13 by Forum-45.

Annex 2 b “REF-12”

Forum Working Group
Work Package A.1
“Coordinated enforcement project REACH-EN-FORCE-12”
(mandate adopted at Forum-43)

Composition

Chair: Henrik HEDLUND (SE)
Vice-Chair: Maria ORPHANOU (CY)

Forum Members and Alternates

- Luigia SCIMONELLI (IT)
- Chris VAN DEN HOLE (BE)
- Markus MAKI (FI)
- Eugen ANWANDER (AT)

Invited Experts

- Marcus HAGBERG (SE)
- Jörgen ROSBERG (SE)
- Johannes LEOPOLDT (DE)
- Erik BARSEGHIAN (NL)
- Alfred EBNET (DE) (customs)
- Judith SCHMITT (DE) (customs)
- Joris ROBYN (BE) (customs)
- Hans VAN ROSSUM (NL) (customs)

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ECHA

- Tania MATEUS

Objective:

- Conceive and manage the twelfth major Forum project REF-12 on the enforcement on the compliance of imported substances, mixtures and articles.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. Liaise with the WG ‘Training for trainers 2023’
3. Define the specific duties to be covered in the project;
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
8. Prepare and organise remote WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline:

- Project manual: Q4 2023
- Prepare and deliver the training for project national coordinators: Q4 2023
- Operational phase: 2024
- Reporting phase (National Coordinators): Q1 2025
- Evaluation phase: Q3 2025
- Draft report: Q3 2025
- Adoption of the report: Q4 2025
- Tips and hints for inspectors: Q2 2026
- Workshop with ECHA ASOs: Q2 2026

Annex 2 c “Enforceability of restrictions”

Forum Working Group Work Package B12 **“Enforceability of restrictions”** (mandate adopted at Forum-43)

Composition

Chair: Albert KLINGENBERG (NL)
Vice-Chair: Eugen ANWANDER (AT)

Forum Members/Alternates

- Jorge TÉBAR LUJÁN (ES)
- Michael FUCHS (AT)

Invited Experts (advisory process)

- Leonello ATTIAS (IT)
- Tone Line FOSSNES (NO)
- Uwe LICHT-KLAGGE (DE)
- Gernot WURM (AT)
- Katharina PELS (DE)
- Charlotte RAHM (SE)
- Caroline NILSSON (SE)
- Raffaella CRESTI (IT)
- Regina WAGNER (DE)
- Edwin HEUVELING (NL)

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

- Erik BARSEGHIAN (NL)
- Philip TANGHE (BE)
- Sammy DRISSI-AMRAOUI (FR)

Invited experts (analytical methods) (TBC)

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

Process revision:

- Caroline NILSSON (SE) – invited expert
- Charlotte RAHM (SE) – invited expert
- Stefan FRENZEL (DE) – German alternate member
- Petteri TALASNIEMI (FI) – Finnish alternate member
- Eugen ANWANDER (AT) – Austrian alternatemember

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- Karin KILIAN (DG ENV)
- BERTATO Valentina (ENV)
- PIRSELOVA Katarina (ENV)

ECHA

- Juan Pablo CALVO TOLEDO

Mandate:

Advisory process (only task of the WG)

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

Analytical methods

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

2. Review in 2023 the information on analytical methods provided by the stakeholders and by the Member States by Q1 2023 and revise if needed the methodology and the compendium of analytical methods recommended for the enforcement of REACH Annex XVII restrictions by F-45 (Q4 2023).

Other

3. The WG shall report to the Forum plenary the results of its findings and its actions between the plenaries.
4. Review Working Procedure of the Forum for developing Forum advice and support to RAC and SEAC rapporteurs (extended for 2023) [horizontal task]

Timeline:

- Examination of proposals for restriction and support to RAC and SEAC according to plans
- 31 December 2023, reporting at each plenary meeting

Annex 2 d "REF-9"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-9"
(mandate adopted at Forum-43)

Composition

Chair: Eugen ANWANDER (AT)
Vice-Chair: Sam ABDELHAFIZ (FR)

Forum Members and Alternates

- Markus MAKI (FI)
- Mirjam VAN DER MEER (NL)

Invited Experts

- Elvera BREEDLAND (NL)
- Lisa EKSTIG (SE)
- Ilda Cristina de CARVALHO GATO (PT)
- Majella LOWE (IE)
- Jarmo OSMO (FI) (OSH)
- Monique WAEGEMAEKERS (NL)
- Sibylle WURSTHORN (DE)

SLIC CHEMEX

- Monique WAEGEMAEKERS (NL)

ECHA

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

Objective:

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

Mandate:

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

Timeline:

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

Annex 2 e “Pilot on Classification of mixtures”
Forum Working Group
“Pilot project on classification of mixtures including detergents and cleaning products”
(mandate adopted on Forum-43)

Chair: Eugen ANWANDER (AT)
Vice-Chair: Jorge TEBAR LUJAN (ES)

Forum Members and Alternates

-

Invited Experts

- Kristina KARLSSON (SE)
- Sibylle WURSTHORN (DE)
- Gaetano Abate (DE)
- Erik BARSEGHIAN (NL)
- Maria ALESSANDRELLI (IT)
- Sonia D'ILIO (IT)

ECHA

- Nicola TECCE
- Kirsi MYOHANEN

Objective: Conceive and manage the pilot project on classification of mixtures including detergents and cleaning products

Mandate:

1. Develop the criteria for national example cases on mixture classification that go beyond standard summation or additivity approaches for the execution of the pilot project
2. Consider whether the WG needs to collect input from ASOs or COM, and if so, liaise with the ASOs or COM to obtain it
3. Management of the analysis of the cases on mixture classification as submitted to the WG
4. If needed, follow-up the assessment phase of the pilot project with supplementary analysis of national cases on mixture classification as submitted to the WG
5. Elaborate a project report including a guidance for national inspectors focusing on the challenges/biases in the interpretation of CLP and mixture classification
6. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry

Timeline:

- Preparatory phase: January 2022-June 2022
- Analysis of submitted cases: July 2022-December 2022
- Drafting of project report/guidance: January-June 2023;
- Follow-up: July-November 2023.

Annex 2 f "REF-10"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-10"
(mandate adopted at Forum-43)

Composition

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Kaca PILETIC (HR)
- Eugen ANWANDER (AT)

Invited Experts

- Eric BARSEGHIAN (NL)
- Mieke CONICKX (BE)
- Anneli PÄRNÄNEN (FI)
- Emilie ROGERS (NO)
- Michel LEYNEN (BE)
- Frank VILSMEIER (DE)

Invited experts (training experts)

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

ECHA

- Juan Pablo CALVO TOLEDO
- Ignacio GONZALEZ RODRIGUEZ
- Telmo VIEIRA PRAZERES

Objective:

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

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project;
2. The WG will consider whether it needs to cooperate with other public enforcement networks and authorities such as customs, RoHs, Market Surveillance, environment and if so, liaise with them to facilitate this cooperation and coordinate the project accordingly
3. The WG will consider whether it needs to collect input from ASOs and if so, liaise with the ASOs to obtain it
4. Prepare and deliver the extended training for project national coordinators and inspectors (conditional on the availability of sufficient number of experts to prepare it)
5. Management of the Operational phase
6. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation

7. Prepare and conduct a remote workshop for ECHA ASOs to discuss the project results and recommendations for the industry
8. Elaborate a guideline and training to tackle the question related to the verification of the notification to the SCIP database and liaise if necessary with IMPEL to assist on this task
9. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline

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

Annex 2 g "REF-11"

Forum Working Group
Work Package A.1
"Coordinated enforcement project REACH-EN-FORCE-11"
(mandate adopted at Forum-43)

Composition

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

Forum Members and Alternates

- Ana CENTENICO (PT)

Invited Experts

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

ECHA

- Tania MATEUS
- Andrew MURRAY
- Fesil MUSHTAQ
- Outi TUNNELA
- Amandine JOMIER

Objective:

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

Mandate:

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

Timeline:

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

Annex 2 h “Train the enforcement trainers 2023”
Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2023”
(mandate adopted at Forum-43)

Composition

Chair: Chris van den Hole (BE)

Vice-Chair: Gro Hagen (NO)

Forum Members/Alternates:

- Otilija Spuriene (LT)

Invited Experts:

- Angelina Angelova (BG)
- Uwe Licht-Klagge (DE)
- Ricardo Marmelo (PT)
- Johannes Leopoldt (DE)
- Regina Wagner (DE)

ECHA:

- Magdalena TŁOCZEK
- Christina LOUKOU
- Istvan MAK
- Thierry NICOT

COM:

-

Objective:

- Prepare and deliver the training for trainers on the enforcement of imports in the fourth quarter of 2023.

Mandate:

1. Specify as early as possible the envisaged level of the content of the training
2. Prepare materials necessary for the training such as presentations or documents
3. Liaise with the WG REF-12
4. Actively conduct the training event with support from other Forum members, ECHA and COM and other experts in specific topics as necessary
5. Collect, summarise and evaluate the recommendations and reactions of participants

Timeline:

- Final report - Q1 2024

Annex 2 i “Pilot on PFCA”

Forum Working Group ‘Pilot project on enforcement of PFCA and related substances focusing on cosmetics’

(mandate created at Forum-43)

Composition

Chair: Henrik HEDLUND (SE)

Vice-chair:

Forum Members and Alternates

- Eugen ANWANDER (AT)
- Michael FUCHS (AT)
- Petteri TALASNIEMI (FI)

Invited Experts

- Mana ASHJA (SE)
- DE?

COM:

ECHA

- Magdalena TŁOCZEK
- Ignacio GONZALES RODRIGUEZ

Objective:

- Conceive and manage the small-scale pilot project on enforcement on PFCA (including PFOA) and related substances focusing on cosmetics.

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
5. Draft practical enforcement guidance for inspectors (tips and hints for inspectors)
6. Prepare and organise remote WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline:

- Project manual: 31 October 2023
- Prepare and deliver the training for project national coordinators: 31 October 2023
- Operational phase: 1 November 2023 – 30 April 2024
- Reporting phase (National Coordinators): 31 May 2024
- Project report: 31 October 2024
- Workshop with ECHA ASOs: Q1 2025
- Adoption of the practical enforcement guidance for inspectors (tips and hints for inspectors): Q1 2025

Annex 2 j “MS reporting”

Forum Working Group “Member States reporting” (mandate closed at Forum-43)

Composition

- **Chair:** Chris VAN DEN HOLE (BE)
- **Vice-Chair:** Katja VOM HOFE (DE)

Forum Members/Alternates

- Sinead MCMICKAN (IE)
- Sam ABDELHAFIZ (FR)
- Albert KLINGENBERG (NL)
- Henrik HEDLUND (SE)

Invited Experts

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

COM:

ECHA: Maciej BARAŃSKI

Objectives:

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

Tasks:

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

Timeline: Forum-43 (March 2023)

Annex 2 k “Train the enforcement trainers 2022”
Forum Working Group
Work Package C.2.
“Training for enforcement trainers 2022”
(mandate closed at Forum-43)

Composition

Chair: Henrik HEDLUND (SE)
Vice-Chair: Sam ABDELHAFIZ (FR)

Forum Members/Alternates:

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

Invited Experts:

- Angelina ANGELOVA (BG)
- Lisa EKSTIG (SE)
- Uwe LICHT-KLAGGE (DE)

ECHA:

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

Objective:

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

Mandate:

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

Timeline:

- Final report - Q1 2023

Annex 3- Glossary of acronyms and abbreviations

ADCO: Administrative Cooperation Groups
AfA: Application for Authorisation
ASO: ECHA's Accredited Stakeholder Organisations
BPR: Biocidal Product Regulation
BPRS: Biocidal Product Regulation Subgroup of the Forum
CA: Competent Authority
CARACAL: MSCA Committee for REACH and CLP
CL: Candidate List
CLP or CLP Regulation: Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures
C&L: Classification and Labelling
COM: European Commission
CSS: European Commission's Chemicals Strategy for Sustainability
DG: Directorate General at Commission
DG ENV: European Commission Directorate-General for Environment
DG GROW: European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
DG TAXUD: European Commission Directorate-General for Taxation and Customs Union
EAC: European Audit Capacity
ECHA: European Chemicals Agency
EU: European Union
EUPCN: EU Product Compliance Network under the Market Surveillance Regulation
HET: ECHA's Harmonised Enforcement Team
ICSMS: Information and Communication System for Market Surveillance
MSCA: Member State Competent Authority
NEAs: National Enforcement Authorities
OLAF: European Anti-Fraud Office
OR: Only representative
OSH: Occupational safety and health
POPs: Persistent Organic Pollutants
RAC: Risk Assessment Committee of ECHA
REACH and REACH Regulation: Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals
REF: REACH-EN-FORCE, Major Harmonised Enforcement Project of the Forum
SLO: Single liaison officer under the Market Surveillance Regulation
SEAC: Committee for Socio-economic Analysis of ECHA
SLIC: Senior labour inspectors committee
TARIC: integrated Tariff of the European Union, is a multilingual database integrating all measures relating to EU customs tariff, commercial and agricultural legislation
WG: Working Group of the Forum