

Preparing for BPR Enforcement

ECHA Biocides Day

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Preparing for BPR Enforcement

- ECHA Enforcement FORUM BPR Subgroup “BPRS”
- Enforcement Priorities of the BPRS
- Communication of the BPRS with stakeholders

ECHA Enforcement Forum BPR Subgroup

ECHA and enforcement tasks:

- Enforcement is in the sole **competence of the Member States** → Art 65(2) of the BPR
- Art 65(2) of the BPR: *“Member States shall make the necessary arrangements for official controls to be carried out in order to enforce compliance with this Regulation”*
- **One body of ECHA** is dealing with enforcement issues: *“Forum for Exchange of Information on Enforcement”* (Art 76(f) of the REACH Regulation)

ECHA Enforcement Forum BPR Subgroup

ECHA Forum BPR Subgroup BPRS:

- BPRS was **established** as a body of ECHA in **March 2017** based on Art 76(1)(I) of the BPR
- Coordination of BPR enforcement in **EU- and EEA-countries plus CH**
- Tight **link with ECHA REACH/CLP Forum** coordinating Member State enforcement of REACH, CLP and PIC (export)
- National Enforcement Authorities in **50% of MS cover REACH, CLP and BPR under one umbrella**
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Activities of the ECHA Forum BPRS

Tasks of the BPRS:

- **Enforcement projects** and joint inspections
- Spreading **good practice**
- **Exchange of inspectors**
- Enforcement **strategies, best practices**
- **Working methods and tools** for inspectors
- Electronic **information exchange**
- **Liaising with stakeholders**

Enforcement Priorities of the BPRS

- The **first priority** of the BPRS is to coordinate **enforcement projects** on BPR issues in the MSs
- The first coordinated **enforcement project in 2018** is on **CLP - classification and on CLP/BPR - labelling of mixtures including BP** (in cooperation with the REACH/CLP Forum project “REF-6”)

Enforcement Project 2018 on Biocidal Products

Activities under the REF-6 enforcement project:

- **All Member States** are participating
- **Inspections** will continue until end of **2018**
- Project content very much **related to the routine enforcement activities of MS inspectors** since many years
- **Public project report** available in **2019**

Enforcement Project 2019 on Treated Articles

Enforcement activities on Treated Articles:

- **Obligations on Treated Articles are new** since 9/2013 (BPR)
- **Extensive COM FAQ document** CA-Sept13-Doc.5.1.e (rev. 1 Dec 2014) available
- **ECHA list of active substances** allowed in Treated Articles
- **Some individual enforcement activities on TA in place in a few Member States**, but BPR provisions on TA are new in all MSs

Enforcement Project 2019 on Treated Articles

Existing enforcement activities on Treated Articles:

- **CLEEN Project in 2014/2015** on Treated Articles (EuroBiocides III)
- → mainly PT 1 and PT 9
- → mainly TA with a biocidal claim (90%)
- → **62% of TA not correctly** made available on the market
- → **63% of TA with biocidal claim show the obligatory (but often incomplete) label**
- → no focus on details of active substances used in TA

see: <http://www.cleen-europe.eu/projects/eurobiocides-iii.html>

Enforcement Project 2019 on Treated Articles

BPRS decided for an enforcement project in 2019 on Treated Articles (“BEF-1”):

- **New provisions** of Art 58 of the BPR introduced in 2013
- Enforcement **situation is the same in all MSs**
- So far **not much** specific enforcement **experience on TA** in MSs

Enforcement Project 2019 on Treated Articles

BPRS decided for an enforcement project in 2019 on Treated Articles ("BEF-1"):

- **Need for MS-MS cooperation:** BPR makes the person placing a TA on the market (for the first time) mainly responsible for the compliance of a TA
- Enforcement of TA duties will aim at **covering the full supply chain** (also duty holders making TA available on the market)
- **Broad participation** by most of the MSs

Enforcement Project 2019 on Treated Articles

Schedule for the enforcement project on Treated Articles ("BEF-1"):

- Project preparation during 2018 (scope, manual, questionnaire, inspector's training event of ECHA)
- **Inspections** in participating Member States in **2019**
- **Public Report** available in **2020**

Communication of the BPRS with stakeholders

Open plenary session of the BPRS

- A first **open session** of the BPRS **with stakeholders** is organised for 14 November 2018 in Brussels
- **Stakeholder proposals for discussion topics** already nominated (suppliers/distributors of active substances, detergents as Treated Articles, ...)
- Open session will cover BPR as well as REACH/CLP
- **ECHA Accredited Stakeholders** will be participating

Communication of the BPRS with stakeholders

European Commission 2nd Conference on REACH, CLP and Biocides Enforcement:

- A Conference on the **activities of the ECHA Forum** (both: REACH/CLP Forum and BPR subgroup)
- **Brussels, 13 November 2018**
- Contributions from COM, ECHA Forum, Member States and stakeholders

See: ec.europa.eu/growth/content/2nd-conference-reach-clp-and-biocides-enforcement_en

Conclusions

- The BPRS is now alive for 1 ½ years
- **Two enforcement project activities** of the BPRS are being conducted in 2018 and in 2019 covering labelling of Biocidal Products (including CLP) and compliance of Treated Articles
- In November **2018** the BPR Enforcement Forum's **interaction with stakeholders will commence** with an open plenary session and a stakeholder conference day.
- → *The BPR Enforcement Forum is looking forward to the mutual benefit of the common liaison!*

Thank you!

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