

Multi-Annual Work Programme of the Forum 2014-2018

Version 2

January 2018

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2	Reviewed version. Included Forum BPRS Subgroup and its activities. Added main outputs to activity descriptions of the Forum.	December 2017

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LIST OF ACRONYMS

ADCO	Administrative Coordination Group: Sector specific informal groups of market surveillance authorities
BPR	Biocidal Products Regulation
BPRS	Forum Biocidal Products Regulation Subgroup
CA	Competent authority
CARACAL	Competent authorities for REACH and CLP
CLEEN	Chemicals Legislation European Enforcement Network
CLP	Classification, labelling and packaging
CLP Regulation	Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures
COM	European Commission
DNA	Designated national authorities
EC	European Communities
ECHA	European Chemicals Agency
EDEXIM	European Database on Export and Import of Dangerous Chemicals
EIES	Electronic information exchange system
EEA	European Economic Area
ePIC	ECHA database for information submitted under the PIC Regulation
EU	European Union
FAQ	Frequently asked question
Forum	Forum for Exchange of Information on Enforcement
GDAERF	Guide for developing Forum advice on the enforceability of restriction proposals
HM WG	Forum Working Group "Horizontal methodology (HM) for a harmonised elaboration, management, reporting and evaluation of Forum coordinated enforcement projects"
ICSMS	Information and Communication System for the pan-European Market Surveillance
IED Directive	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)
IMPEL	European Union Network for the Implementation and Enforcement of Environmental Law
IMP, IMP/MSG, IMP/ICSMS	Expert Group on the Internal Market for Products and its Working Group on Market Surveillance and on ICSMS

MAWP	Multi-Annual Work Programme
MOC	Manual of Conclusions of the Forum
MS	Member State
MSCA	Member State competent authority
NEA	National enforcement authority
NONS	Substances notified to Member State competent authorities under Directive 67/548/EEC
OR	Only representative
OSH	Occupational safety and health
PAHs	Polycyclic aromatic hydrocarbons
PARCS	Customs network – Expert group on Customs Action to protect Health, Cultural Heritage, the Environment and Nature
PIC	Prior Informed Consent
PIC Regulation	Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals
PPORD	Product and process orientated research and development
REACH Regulation	Regulation (EC) No 1907/2006 of the European Council and the Parliament of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
REF project	REACH-EN-FORCE project. They are called REF, even if they cover other legislations addressed by the Forum.
ROHS Directive	Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment
RIPE	REACH Information Portal for Enforcement
Risk-based Approach to Enforcement	Approach to enforcement, in which National Enforcement Authorities address those situations that already do or could potentially pose a threat to human health or the environment.
ROP	Rules of procedure
SDS	Safety data sheet
SLIC	Senior Labour Inspectorates Committee
SLIC CHEMEX	Senior Labour Inspectorates Committee Working Group for Chemical Monitoring
SME	Micro, small and medium-sized enterprises
SONC	Statement of non-compliance
SVHC	Substance of very high concern
WG	Working Group (of the Forum)
WP	Work Programme

FOREWORD BY THE CHAIR OF THE FORUM

REACH entered into force in 2007, and by now all of its provisions are in operation. Two registration deadlines are over, evaluation decisions are adopted regularly, authorisation requests are submitted to ECHA and new restrictions are included continuously into Annex XVII. Also we are approaching the 2015 deadline of CLP, while all substances are already to be classified, labelled and packaged according to the regulation.

Still, the most important question is how efficient the implementation of the existing legislation is. So, interest in the work of enforcement authorities is growing. The most visible representative of enforcement authorities under REACH, CLP and now also under the PIC Regulation, is the Forum for Exchange of Information on Enforcement.

The Forum strives for coordination and harmonisation of enforcement since 2007. While it regularly deals with actual, problematic cases of enforcement that may require coordinated approach by the national enforcement authorities, it faces more and more challenges, it needs to address areas of concern, and most importantly it has to consider how to prevent free-riding. The Forum needs a strategic approach to live up to all these requirements.

The Multi-Annual Work Programme of 2014-2018 is the third document that sets the longer term priorities and key tasks of the Forum for the upcoming years. The Forum considered the key points of the work programme of ECHA, the upcoming deadlines, the most challenging provisions and built on the experiences of the past years. The MAWP balances the need for continuity and the need to deal with new tasks. While the national enforcement authorities have their own priorities and work plans, the MAWP of the Forum gives a good hint on what may be addressed in the upcoming years during enforcement of the REACH, CLP and PIC regulations.

To ensure that the approach of the Forum is up to date and reacts to the problems of actual implementation, the programme is to be reviewed in 2017. However, until then there are many important tasks to be completed as projected in this document. All will be addressed by the Forum, and the results, conclusions and lessons learnt from those actions will support the work of national enforcement authorities, ECHA, competent authorities, the European Commission as well as proper implementation of REACH, CLP and PIC obligations by the concerned industry.

Dr Szilvia Deim
Chair of the Forum
June 2014

INTRODUCTION

Revision note: This document was originally developed in 2013-2014 and published in 2014. It was reviewed in 2016-2017 and the updated version published in January 2018. The revision did not change the main content of the Work Programme, nor alter the structure or type of the planned activities. The main changes are the addition of the BPR to the scope of the Forum, the reference to Forum's BPR Subgroup, as well as inclusion of some of the main outputs in the activity descriptions.

The successful implementation of REACH, CLP and PIC regulations relies to a substantial degree on the effective enforcement of these regulations. Whereas the European Member States (MS) are responsible for setting up and maintaining their national systems for enforcement, the Forum for the Exchange of Information on Enforcement (the Forum) of the European Chemicals Agency (ECHA) plays an important role in harmonising the approaches for enforcement taken in different countries.

The Forum aims at providing support and practical assistance to the national enforcement authorities (NEAs) in the Member States while promoting harmonised strategies for enforcement. It shares best practice, provides training and organises common enforcement projects, all with the aim of supporting the NEAs in providing a level playing field for companies in Europe.

As the implementation of REACH, CLP and PIC has progressed, the Forum – being a body of ECHA – has moved beyond its start-up phase and has now established a good operational basis for the manifold tasks it needs to address in the upcoming years. The latest addition to these was established by the PIC Regulation, which enters into operation on 1 March 2014.

In addition, as of 2017 the Forum has taken on the responsibilities for coordinating a network of Member State authorities for enforcement of the Biocidal Products Regulation through its Forum Biocidal Products Regulation Subgroup (BPRS), further expanding the remit of the Forum.

Guided by the four strategic objectives of ECHA as spelled out in the Agency's Multi-Annual Work Programme 2014-2018 and subsequent Programming Documents, the Forum is set to focus on the first of these goals, which is to maximise the availability of high-quality information for the safe manufacture and use of chemicals. As this information is provided by duty holders, the NEAs are called upon to engage the relevant actors into providing this information through a combination of enforcement and awareness-raising activities if the duty holders do not submit it voluntarily. The Forum will support the national authorities in their efforts and provide orientation towards a common approach to enforcement, while acknowledging that enforcement is seen as an "ultima ratio" measure.

In light of the current enforcement needs in implementing the REACH, CLP and PIC Regulations, the Forum will set its focus on supporting both ECHA and the Member States during the follow-up processes after regulatory actions have been taken by the Agency. Based on the Forum's work on "interinstitutional interlinks", the Forum will strive towards enabling and strengthening the transition from ECHA's regulatory action to a Member State's enforcement action. However, to carry out its tasks the Forum also needs support from ECHA, the Member States and the Commission. It is important that such support is maintained or even strengthened in the course of this MAWP.

The Forum's strategy for enforcement activities supports the second of ECHA's four

strategic objectives, “Mobilising authorities to use information intelligently to identify and address chemicals of concern”. It is based upon an analysis of the risk of non-compliance, and the Forum will therefore focus its efforts for example on the non-compliance of companies with those decisions that address substances of very high concern (SVHCs).

When setting up its Work Programme, the Forum has taken on board numerous existing and new challenges identified during the implementation of REACH, CLP and PIC regulations. In addition to promoting the safe use of chemicals by addressing risk through coordinated enforcement actions, the Forum will focus in particular on the new duties for registrants and downstream users coming into operation within the years 2014-2018, thereby contributing to increasing the level of compliance among duty holders. It is set to address, for instance: authorisation obligations under REACH; the obligation to deliver extended SDSs with information for safe use of substances and mixtures; the obligation to classify, label and package mixtures under CLP; and the new duties for exporters under the PIC Regulation.

Another main task of the Forum is to strengthen the exchange of information and coordination between inspectorates, including customs, in different Member States in order to promote the safe use of chemicals across the whole of Europe. In this context, the Forum strives in particular to improve the NEAs' access to registration and notification data. Through this information, national authorities will be able to identify the presence on the market and the use of substances of concern, which deserve special attention.

By working towards a harmonised enforcement of REACH, CLP and PIC regulations across Europe, the Forum also plays an important role in creating a level playing field for duty holders. It strives towards enabling authorities to address in particular those duty holders that are not manufacturing and using chemicals safely, thus protecting the interests of compliant companies.

This Multi-Annual Work Programme is designed to structure the execution of these and other tasks and to steer the Forum on a short- and medium-term basis.

THE ROLE OF THE FORUM

The Forum as designed by the REACH legislation is a “first of its kind” body of ECHA, which has especially been set up to coordinate the network of enforcement authorities in the different Member States. While the members of the Forum are appointed by the Member States¹, the Forum is a body of ECHA – its administrative coordination is ensured by the Agency’s Forum Secretariat, which also serves as a bridge to ensure the link between the Forum and the other bodies and units of ECHA.

The Forum collaborates with both the Committee for Risk Assessment and the Committee for Socio-Economic Analysis during the development of recommendations regarding the enforceability of proposals for restrictions, of which ECHA expects approximately seven per year. It also works closely with the REACH and CLP Helpdesk Network (HelpNet) when identifying and discussing practical issues regarding enforcement. As the implementation of REACH and the CLP Regulation through regulatory actions picks up speed, the Forum will become more and more intertwined with regulatory work from Member States, the Commission and ECHA. It will support and

¹ The term “Member States” is understood to cover both EU Member States and EEA States.

cooperate with both ECHA and the national authorities in the follow-up to the regulatory actions taken by ECHA, thereby relying on the strategies previously developed during the Forum's work on defining "interinstitutional interlinks".

As an ECHA body, the Forum innately supports and shares the mission, vision and values of the Agency: as the driving force among regulatory authorities in implementing the EU's chemicals legislation, ECHA helps companies to comply with the legislation, advances the safe use of chemicals, and addresses chemicals of concern for the benefit of human health and the environment as well as for innovation and competitiveness. While carrying out these tasks ECHA is transparent, independent, trustworthy and efficient.

The Forum also shares the four strategic objectives of ECHA, by contributing in particular to:

- maximising the availability of high-quality information to enable the safe manufacture and use of chemicals through the coordination of enforcement actions, which in turn serve to improve the rate of compliant dossiers;
- mobilising authorities to use information intelligently to identify and address chemicals of concern through exchanging information on enforcement and through further developing the interlinks between ECHA and national authorities; and
- embracing current and new legislative tasks efficiently and effectively, while adapting to upcoming resource constraints by using its unique expertise to concentrate the limited resources of national authorities and to maximise the benefits of enforcement activities.

While adhering to ECHA's objectives, the Forum is also focused on maintaining the good cooperation and mutual support with the Member States. By maintaining relevant contacts with the NEAs and competent authorities (CAs) of their Member States, Forum members form an important link between their national authorities and ECHA. However, as representatives of their Member States, Forum members are bound by and committed to their national mandates. At the same time they are asked to act as part of an ECHA body, whose priorities and interests may at times differ from those of the Member States. It is thus the task of Forum members to ensure appropriate coordination between the activities of the Forum and those of the national authorities, while adhering to their national mandates and the resources available to the NEAs.

Forum members are supported by the scientific, technical and personal resources of their national authorities. The ever increasing demand for enforcement actions in the context of REACH, CLP and PIC regulations will need to correlate with heightened enforcement efforts at Member State level. In times of economic constraint, it will be crucial to use existing resources efficiently and economically in order to achieve progress at EU level.

One of the Forum's key tasks is to ensure an effective exchange of information and knowledge between ECHA and national authorities in order to maximise the impact of existing resources. In this regard, the Forum is the focal point for the exchange of information on enforcement for REACH, CLP and PIC regulations. With the development of its interlinks strategy, the Forum has established an important starting point to ensure effective cooperation between all parties involved. It will now need to intensify its practical and strategic support to ECHA and national authorities during the follow-up processes to regulatory actions, to allow for a smooth and secure transfer of information between these EU partners.

THE FORUM WORK PROGRAMME

The Forum Work Programme sets out to provide orientation to the work of the Forum by addressing its operational need and by giving its work the requisite strategic mid- and long-term direction. Unlike the Agency's work programme documents, which have to be adopted by ECHA's Management Board, the Forum Work Programme is essentially an internal Forum document. As of 2019 it will be referred to as the Forum Action Programme.

This Work Programme is the third multi-annual work plan of the Forum, succeeding the previous ones which covered the years 2008-2010 and 2011-2013, respectively. It thus builds on the progress made in the past and accommodates the recommendations contained in the Commission's REACH Review² of February 2013 and the Member States reports under Articles 117(1) of REACH and 46(2) of the CLP Regulation. It also adapts the Forum's direction to the lessons learnt from exchanging information on enforcement so far as well as to the current enforcement needs in implementing REACH, CLP and PIC regulations.

The time period covered by this Work Programme spans from 1 January 2014 to 31 December 2018 and thus exceeds the three-year period of previous Forum Work Programmes in order to allow more stability in the mid-term planning of the Forum. The Forum will assess the new timeline over a period of three years with regard to its practicability and compatibility with its work method to ascertain the benefits of continuing with the set timeline.

This MAWP provides orientation for the coming years under various chapters ("Activities"), each of which sets goals and foresees outputs for specific tasks of the Forum. These Activities are suitable to be handled by working groups, task forces or to be covered by the Forum as individual tasks, which are described in the main body of this document. Annex I, which will be regularly revised by the Forum, defines and describes the priorities and the plans for the different activities. Short-term objectives of the Forum with regard to individual Activities (Working Group or Task Force mandates) are available in the mandates of the WGs, included in the minutes of each Forum plenary meeting provided in the Forum Section on the ECHA website. Annex II contains a list of enforcement networks relevant for Activity B3, "Information exchange and cooperation with other enforcement authorities and networks".

All Activities are driven by several key priorities for Member States and ECHA for the years to come. Even though the perception of these priorities might evolve over this period of time, the Forum shall especially serve to coordinate enforcement activities aimed towards promoting the safe use of chemicals across Europe. It should do so by addressing existing and new key provisions within REACH, CLP and PIC regulations through a risk-based approach, which allows NEAs to address those situations that already do or could potentially pose a threat to human health or the environment, or that might hinder competitiveness at EU level, thus improving the communication and collaboration of Member State authorities, including customs. This should help to ensure

² Cf.: "General Report on REACH – Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions in accordance with Article 117(4) of REACH and Article 46(2) of CLP, and a review of certain elements of REACH in line with Articles 75(2), 138(2), 138(3) and 138(6) of REACH" (COM (2013) 49 final) and the "Commission Staff Working Document accompanying the document General Report of REACH – Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions in accordance with Article 117(4) of REACH and Article 46(2) of CLP, and a review of certain elements of REACH in line with Articles 75(2), 138(2), 138(3) and 138(6) of REACH" (SWD (2013) 25).

that enforcement activities are fair, consistent and coordinated across Member States and with respect to imports from third countries.

So far, very few performance and other indicators (such as qualitative and quantitative indicators) have been included in this Work Programme. In 2016 the Forum agreed to use, as of 2017, indicators reflecting its operation which were originally proposed in a study on EU enforcement indicators and then adjusted by the Forum. This study was carried out by the European Commission in cooperation with the Forum in 2013-2015³. The indicators will be updated annually and published on the ECHA website.

Since as of 2017 the Forum has taken on additional responsibilities with respect to the Biocidal Product Regulation through the BPRS, this MAWP is expanded with Activity F.4 to specifically cover the BPR-related actions. Any BPR activities falling in the scope of other generic activities (e.g. enforcement projects) will be covered in their respective Activity chapters.

³ See: http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8280

FORUM ACTIVITIES

Activity A: Forum Coordinated Enforcement Projects

One of the tasks of the Forum is to propose, coordinate and evaluate harmonised enforcement projects and joint inspections (Article 77(4)(h) of the REACH Regulation). The Forum also has a similar role for the CLP (Article 46(3)) and PIC regulations (Article 18(2)). Common projects contribute to achieve a harmonised approach to the enforcement of REACH, CLP and PIC regulations. They help to methodologically explore new issues and set standards for exchanging data between NEAs. These projects are known as REACH-EN-FORCE projects or REF projects⁴ and are one of the main outputs of the Forum. The REACH Review highlighted a number of issues relating to enforcement activities which could steer the scope of future REF projects.

In 2013 the Forum developed a methodology for the selection, management and evaluation of the harmonised enforcement projects coordinated by the Forum (REF Project Methodology).

This methodology has been developed by taking into account the experience gathered from previous REF projects and is used by the relevant Working Groups as detailed in Activity A.1 and A.2.

In summary, the REF Project Methodology foresees that proposing, prioritising and agreeing the scope of REF projects is done at specific times in the yearly cycle, targeting decisions at specific Forum plenary meetings. Moreover, there should be a REF project operational every year at the same time as a previous and a future project are being completed and planned, respectively. Once fully operational (in 2017), the methodology will ensure that over the course of a given year, four different REF projects – each at a different stage of the project cycle – are active: one to be selected, one under preparation, one in the operational phase, and one being reported about, as illustrated in the table below.

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
REF a	Proposals and selection	Preparation phase	Operational phase	Reporting and evaluation phase		
REF a+1		Proposals and selection	Preparation phase	Operational phase	Reporting and evaluation phase	
REF a+2			Proposals and selection	Preparation phase	Operational phase	Reporting and evaluation phase
REF a+3				Proposals and selection	Preparation phase	Operational phase
REF a+4					Proposals and selection	Preparation phase

⁴ Although CLP and PIC will be included in the scope of the REF projects as appropriate, the Forum will continue to call them REF projects rather than add reference to CLP and PIC, as the acronym REF is well understood.

This procedure will allow for more standardised planning, preparation, monitoring and evaluation of future REF projects. This should ensure that the process is transparent and efficient while enabling enforcing authorities and ECHA to plan and resource their activities and to get engagement from MSCAs, national inspectors and external stakeholders. Where relevant, the Forum should outline the added value for policy makers among others by highlighting problems at community level. These tasks are focused towards the REF projects (as detailed in Activity A.2). The Forum may, on an *ad hoc* basis, agree to undertake smaller pilot projects (Activity A.3); these projects do not need to be undertaken using these principles. However, the proposal of subjects for the pilot projects is often a result of the prioritisation process mentioned above. As a result the selection of pilot projects is done in the same time as the selection of the REF projects.

The first two REF projects – REF-1 on registration and REF-2 on supply chain duties – were completed prior to this MAWP, as were the pilot projects on PAHs in tyres, on intermediates and on PPORDs/ORs. REF-3, focusing on registration and cooperation with customs, was completed in 2015, while the operational phase of REF-4, which focused on restrictions, took place in 2016; REF-5, on extended safety data sheets, started in 2017.

This activity will also cover any BPR-related enforcement projects prepared and undertaken by the Forum from 2017 onwards.

Activity A.1: Prioritisation of Coordinated Enforcement Projects

The Forum recommended that a WG be set up with a remit to make proposals to the Forum for the topics to be considered for REF Projects (Prioritisation WG); the mandate for this WG is available on the ECHA website. The Forum also made recommendations about how these topics could be brought forward to the Prioritisation WG and also suggested mechanisms as to how these could be captured for future reference. The methodology is summarised below.

Timing	Task
Last Forum of year N-1	Stakeholders asked for issues to be routed through the Forum Secretariat
Forum 1 of year N	Plenary asked to submit proposals
Forum 1 plus 1 month	Deadline for approved/agreed proposals to be submitted to Forum Secretariat
Forum 1 plus 2 months	Deadline for final proposals to be presented to Prioritisation WG (after completeness check by Forum Secretariat)
Forum 2 of year N	Plenary asked to comment on proposals from Prioritisation WG
Forum 2 plus 2 months	WG to make any final changes and agree a proposed scope for REF project
Forum 3 of year N	Plenary to agree scope of REF project and mandate of the REF WG
Year N+1	New REF WG starts the preparation phase

This methodology formalises the process for the submission, consideration and agreement of topics for REF projects. Consequently Forum members and stakeholders are aware of when they should submit proposals. The Forum Secretariat can also plan agenda time into the relevant plenary meeting for discussion. This methodology should ensure that each new REF project is scoped by the end of each year so that the preparation phase can start in the following year.

As an additional output of the REF project prioritisation process, the Prioritisation WG also annually prepares a shortlist of potential subjects for Forum pilot enforcement projects. These subjects are usually chosen from subjects that are deemed important but do not fulfil the prioritisation criteria for a REF project – see Activity A.3 for more details.

The Prioritisation WG, as it recommends scopes of future REF projects, should feed this information to the Training WG to ensure that any “Training for Trainers” events can consider the relevant topics. This should however not remove the need for further training of national coordinators.

The BPRS, through a dedicated WG “Prioritisation of BPR enforcement projects”, will examine whether the prioritisation methodology used for REACH, CLP and PIC projects can be used to select the BPR enforcement projects. Moreover, this BPRS WG will also recommend the subject of the first standalone BPR project.

As noted in the introduction, the REACH Review identified a number of potential issues

for inclusion into the scope of future REF projects – these are highlighted below together with an indication of Forum projects or other activities under which they have been addressed:

Potential issue	Covered by
General duties, such as dossier compliance (including substance sameness and opt-out dossiers) and testing proposal compliance	Interlinks process, enforcement of ECHA dossier evaluation decisions
SDS duties (content, extended SDSs/exposure scenarios, language)	REF-5
CLP duties (inventory, notification (in particular following harmonised classification), general CLP inspections)	REF-6
ECHA decisions	Interlinks process
Authorisations	Pilot projects: - Authorisation 1 - Authorisation 2
Restrictions	REF-4

Priority: Very High

Basis in Forum Rules of Procedure: Article 2(1)(b), (e), (g)

Basis in the legal text: Article 77(4) of REACH, Article 46(3) of CLP, Article 18(2) of PIC, Article 76(1)(h) and (l) of BPR

a. Objectives

The Prioritisation WG should aim to:

- collect all proposals and prioritise them using the agreed methodology based on the strategic considerations outlined in the introduction to this MAWP and current Forum activities, focusing on a risk based approach; all proposals should seek to include all Member States and focus on relevant legal provisions;
- submit proposals, on an annual basis, to the Forum plenary for a project to be conducted in the following year;
- update a document capturing all proposals made and the scope of all REF projects undertaken such that the prioritisation of REF projects follows the standard Forum procedure;
- if indicated, revise methodology for prioritising REF projects;
- examine if the methodology can be utilised to prioritise BPR enforcement projects.

b. Main outputs

- A list of all proposals made for the scope of the REF projects on an annual basis.
- A recommendation for the scope of a REF project on an annual basis.
- A recommendation for subjects of pilot Forum enforcement projects on an annual

basis (see activity A.3).

- A document capturing the scope of each REF project.
- An updated methodology for the prioritisation of a REF project where appropriate.

Activity A.2: REACH-EN-FORCE projects

As noted above, the REF projects are one of the key tasks of the Forum. The Forum has agreed a standardised way in which REF projects will be delivered. In order to do that, the Forum has established a WG which will carry out the prioritisation process (Activity A.1) every year to deliver the scope of the REF projects.

The timelines of REF projects foreseen in the period of this MAWP are shown in Annex 1. The mandates of the WGs working on REF projects as well as the reports of the completed REF projects are published on the ECHA website.

Priority: Very High

Basis in Forum Rules of Procedure: Article 2(1)(b), (e), (g)

Basis in the legal text: Article 77(4) of REACH, Article 46(3) of CLP, Article 18(2) of PIC and Article 76(1)(h) and (l) of BPR⁵

a. Objectives

Through the implementation of the REF projects, the Forum aims for the following:

- that the documentation and methodology used will be standard;
- that in any one year (once the process is fully operational) there will be activities undertaken on four REF projects:
 - prioritisation
 - preparation
 - operation
 - reporting.
- that all REF projects will have common goals and objectives in line with Forum priorities.

b. Main outputs

- Four REF projects started in the period covered by this MAWP (REF-4 to REF-7).
- Four reports of REF projects (REF-3 first phase, REF-3 final report, REF-4 and REF-5 final reports) completed in the time period covered by this MAWP.
- REF-3: Third Forum enforcement project: "Registration, obligations of Only Representatives and cooperation with customs authorities" (2012-2015).
- REF-4: Fourth Forum enforcement project: "Restrictions" (2015-2017).
- REF-5: Fifth Forum enforcement project: "Extended Safety Data Sheets, exposure scenarios, risk management measures and operational conditions" (2016-2018).

⁵ For continuity of naming, all major Forum projects are called REACH-EN-FORCE (REF), even if they will deal with obligations of CLP, PIC or BPR.

- REF-6: Sixth Forum enforcement project: "Classification Labelling and Packaging" (2017-2019), including a BPR module.
- REF-7: Seventh Forum enforcement project "Registrations of substances, including registrations of intermediates" (2018-2020).
- A BPR enforcement project with subject chosen in 2017 (2018-2020).

Activity A.3: Forum Pilot Enforcement Projects

In addition to the REF projects, pilot projects are organised when:

- the subject is of interest to a smaller number of Member States, for example, in the case of the Forum project on PAHs; or
- the subject focuses on a narrow scope of obligations or a small sample of results, for example, in the case of the pilot project on harmonised classification of CMRs and skin sensitisers, based on ECHA's screening results; or
- Forum members wish to test different procedures or tools for inspectors.

Topics for these projects will be presented to, and agreed by, the Forum. The topics will be shortlisted by the Prioritisation WG on an *ad hoc* basis and should reflect high priority issues that arise occasionally either in a Member State (e.g. frequent cases of non-compliance with specific obligations) or in ECHA as it undertakes its duties (e.g. potential compliance issues discovered by ECHA's automatic screening of dossiers, or findings made on occasion of carrying out other processes such as dossier evaluation). They could also arise from discussions in the Forum break-out groups or from new legal obligations, such as authorisation or upcoming deadlines under the CLP Regulation. The number of these projects may be small, as many proposed projects should fall within the scope of a full REF project.

These projects do not need to follow the processes agreed by the Forum for full REF projects nor should they necessarily seek to include all Member States. Dependent on the outcome of these projects they may form the basis of a future REF project. Some of the issues noted under Activity A.1 may be candidates for a pilot project (e.g. dossier compliance, testing proposal compliance, ECHA decisions and authorisations) as these topics may not allow all Member States to contribute. Such projects should aim to improve the Forum's communications (interlinks) and increase its knowledge of compliance issues.

Priority: High

Basis in Forum Rules of Procedure: Article 2 (1) (b), (e), (g)

Basis in the legal text: Article 77 (4) of REACH, Article 46 (3) of CLP, Article 18 (2) of PIC and Article 76 (1) (h) and (l) of BPR

a. Objectives

- Each project should have clearly defined aims and objectives which should be linked to the strategic aims of the Forum, and should seek to improve the Forum's knowledge and communications processes;
- The projects should also be time bound.

b. Main outputs

- A report should be written to identify the major findings and lessons learnt including a recommendation as to whether the topic should be included in the list of priorities for a full REF project or taken into account in other Forum activities.

- Pilot project on Authorisation 1 (2014-2016).
- Pilot project on CLP: Child resistant fastenings (2014-2016).
- Pilot project on CMRs and skin sensitisers (2014-2016).
- Pilot project on Authorisation 2 (2015-2017).
- Pilot project on CLP: Internet sales (2016-2018).
- Pilot project on substances in articles (2016-2018).

Activity B. Coordination of enforcement strategies

REACH, CLP, PIC and BPR apply equally to all Member States and, therefore, coordination among them is required with the intention to achieve a more harmonised enforcement in all Member States. All Forum activities contribute to this aim but the coordination of enforcement strategies is really important.

The Forum already has experience with the majority of the activities and tasks included in this section and they are:

- The update of the two best practice documents: one document describes the common Forum strategy for enforcement and the other one the minimum criteria for inspections. These documents provide the agreed basis for Member States to develop their own national enforcement strategy in relation to REACH and the CLP Regulation. The update will also adapt both documents for the purposes of PIC and Biocidal Product regulations.
- REACH, CLP and PIC contain many processes and actors. A proper coordination of 'who does what and when' is key for an efficient implementation of these regulations. For this reason, the Forum initiated a process to evaluate the different processes required, clarify the institutional interlinks between actors (e.g. ECHA, NEA, MSCA) and identify the information that needs to be exchanged in each case. In the last Work Programme, the first milestone was achieved by developing the first inventory of interlinks. This inventory should be tested, consolidated, updated and developed in more detail in the course of this WP. In doing so, it may appear necessary to develop procedures that facilitate the exchange of the relevant information between relevant actors.
- The Forum will continue to collaborate with other enforcement networks in charge of enforcement of other chemicals-related legislation. This helps to coordinate enforcement strategies with other networks and contributes to a more efficient enforcement of these regulations in Europe;
- To have up-to-date knowledge about implementation of legislation is key to have a correct assessment of the needs required and eventually consider changes in order to improve legislations. For this reason, Member States regularly report to the Commission on the implementation of these Regulations. Moreover, to contribute to this and facilitate the reporting tasks of Member States, the Commission with the support of the Forum will develop enforcement indicators (as stated in the REACH Review). Therefore, in this area, the Forum will contribute to the development of enforcement indicators, will provide input to the review of the Member State reporting tool for Member State reports under Articles 117 (1) of REACH and 46 (2) of CLP, and will support the Commission in setting up a reporting template under Article 22 (1) of PIC and Article 65 (3) of BPR.

Activity B.1: Best Practice documents

The original two Forum Best Practice documents were:

- "Strategies for enforcement of Regulation (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), of Regulation (EC) No. 1272/2008 on the classification, labelling and packaging of substances and mixtures (CLP)"
- "Minimum Criteria for REACH and CLP inspections" – which sets a framework for inspections under the chemicals legislation (REACH and CLP Regulation).

These documents were adopted by the Forum at its third (2-4 December 2008) and sixth meeting (8-10 December 2010), respectively, and initially covered issues related only to REACH. Subsequently, the documents were amended as part of the work on the MAWP of the Forum for 2011-2013. The second version of the strategy documents was adopted at Forum-9 (1-3 March 2011) and had as its main objective to additionally cover all issues related to CLP enforcement.

A third amendment of both documents is being prepared in 2017. The new versions of the strategy documents will then additionally cover enforcement activities related to the PIC Regulation and also consider comments on enforcement practice made in the first REACH Review report. Additionally, the BPR is within the remit of the Forum as of 2017. Thus the Forum will also need to consider whether the scope of both documents can also be expanded to cover the BPR enforcement (see Activity F.4).

Priority: Medium

Basis in Forum Rules of Procedure: Article 2(1)(d)

Basis in the legal text: Article 77(4)(d) of REACH, Article 46(3) of CLP, Article 18(2) of PIC and Article 76(1)(h) and (l) of BPR

a. Objectives

- Forum Best Practice documents are periodically reviewed and amended in order to cover new issues and any changes that affect the implementation of chemicals legislation.
- The revision of these documents will be discussed in a WG or a Task Force set up for the purpose of revision within the time frame of this MAWP. Afterwards, the documents will be re-examined, if necessary, every time the MAWP of the Forum is revised.
- If the Forum is going to obtain new responsibilities due to the adoption of new legislation, this has to be pictured in the documents, as has been the case with respect to the BPR. Therefore the review of 2017 will also consider the applicability of the documents to BPR enforcement.

b. Main outputs

- Revised document "Strategies for the enforcement of REACH and CLP",

considering the PIC and BPR provisions and the experience of the Forum since 2011.

- Revised document "Minimum Criteria for REACH and CLP Inspections", considering the PIC and BPR provisions and the experience of the Forum since 2011.

Activity B.2: Development of institutional interlinks

In order to have an efficient and targeted enforcement of REACH, CLP and PIC regulations, there is a need for close cooperation and information exchange between ECHA, Member State competent authorities (MSCAs) and Member State national enforcement authorities (NEAs) working with the different processes during the implementation of REACH, CLP and PIC.

The different tasks and interlinks between ECHA, MSCA and NEAs in relation to REACH and CLP have been identified in the high level "interlinks inventory" in the previous Forum Work Programme. However, there is a further need of an analysis of the PIC Regulation in order to identify and clarify the different tasks and interlinks between ECHA, MSCA and NEAs in relation to this regulation.

Moreover, in relation to the enforcement of non-compliance with ECHA's decisions issued under different REACH and CLP processes, there is need of further clarification and fine-tuning of the procedures of cooperation between NEAs, MSCAs and ECHA.

The enforcement of the regulations lies with the Member States, so the NEAs can have different legal basis and powers for the enforcement of breaches of the regulations. When preparing the procedures for the cooperation it is important to ensure that they are in line with the legal basis for the NEAs.

Therefore, during the period of this MAWP, it will be necessary to discuss and regularly fine-tune the interlinks processes. The Forum has established a WG for this purpose, tasked with the preparation of the Interlinks Guide detailing the cooperation between NEAs, MSCAs and ECHA in specific interlinks cases.

Potentially, the BPRS may start defining the interlinks related to BPR towards the end of the time period covered by this work programme.

Priority: Very High

Basis in Forum Rules of Procedure: Article (2) 1 (a), (e), (f), Article (16)

Basis in the legal text: Article 77(4)(a), (e) of REACH, Article 46(3) of CLP

a. Objectives

- Good and effective cooperation and communication between the different authorities involved in the implementation of REACH, CLP and PIC regulations, forming the basis for effective enforcement.
- In order to achieve the generation of high-quality information for the safe manufacture and use of chemicals, it is important to have a harmonised approach to the cooperation and an effective communication between the actors involved in the different key processes in the regulations. The Forum will support both ECHA and the Member States during the follow-up of regulatory actions taken by the Agency and in the case of non-compliance with ECHA's decisions. It is important to develop harmonised working procedures for the most important interlinks involving the enforcement authorities.
- The Forum will fine-tune and consolidate the implementation of the most relevant interlinks procedures by developing their detailed description or, where needed,

by carrying out pilot projects. It will also strive to ensure that these procedures are known by the inspectors in order to ensure effective cooperation between all parties involved.

- The Forum will mobilise the NEAs to use information intelligently to identify and address chemicals of concern by targeted enforcement based on information about non-compliance and screening reports from ECHA.

b. Main outputs

- An updated and fine-tuned inventory of interlinks between NEAs, MSCA and ECHA related to the enforcement of REACH, CLP and PIC regulations, integrated in the Interlinks Guide.
- A workshop on interlinks in 2015 – with participation of ECHA, MSCAs and/or DNAs, Forum members and members of the WG “Interlinks” – in order to clarify, discuss and reach agreement on how the cooperation and communication in relation to the different interlinks can be carried out in the most effective way. At least one workshop will be organised when preparing the Interlinks Guide; further workshops may be organised if needed on the basis of experience collected (e.g. after enforcing substance evaluation decisions).
- A comprehensive Interlinks Guide describing the processes of cooperation and communication between the actors for the most important interlinks.
- In order to fine-tune and consolidate the cooperation procedures, the Forum aimed to carry out at least one pilot project to test the interlinks. To this end, the Forum decided to test the interlinks where ECHA produces information through screening on which NEAs can act – the result was the pilot project on CMRs and skin sensitisers.
- Maintaining routine and well-functioning cooperation on enforcement cases between ECHA, NEAs and MSCAs for the interlinks covered in the Interlinks Guide.

Activity B.3: Information exchange and cooperation with other enforcement authorities and networks

There are several European networks on enforcement of other legislation – related to specific chemicals, the use of chemicals for certain purposes, and the protection of human health and safety and the environment from hazardous chemicals – with overlaps to REACH, CLP, PIC and BPR that may be of interest to the Forum.

In the Forum work activities regarding enforcement of the regulations, it is important to keep good contact and cooperate with other relevant enforcement networks. It is very useful to exchange experiences and to discuss borderline questions between different legislation with the other networks. Duplication of work could be avoided by considering enforcement experiences from former enforcement cooperation and by using synergies. Specific experiences could be used in connection with coordinated enforcement projects and in the work done in other of the Forum working groups or by other of the networks.

The Forum will invite the customs network and some of the other most relevant networks mentioned in Annex II to present their networks at a Forum meeting in order to evaluate if it will be useful to extend the cooperation with other relevant networks.

When planning Europe-wide enforcement projects, there should be cooperation and coordination between the different enforcement networks, since the resources available at national level are limited. The networks may be invited to participate in relevant working groups and to joint projects and workshops planned by the Forum in order to use the experience of the networks especially where expertise in other chemicals legislation covered by the networks is needed.

The Forum will also encourage its members to participate and contribute to relevant projects and working groups planned by the other networks since it would be beneficial for the cooperation both in the Forum and at national level.

Since the networks have a long experience in developing different tools for inspectors, criteria for minimum requirements for inspections, performance indicators, etc., their experience may be useful input to the work of the Forum and will contribute to the relevant working groups.

Priority: Medium

Basis in Forum Rules of Procedure: Article 2(1)(g)

Basis in the legal text: Article 77(4)(g) of REACH, Article 46(3) of CLP, Article 18(2) of PIC and Article 76(1)(h) and (l) of BPR

a. Objectives

- To strengthen the cooperation and information exchange between networks covering enforcement of chemicals or chemicals-related legislation in order to promote the safe use of chemicals across the whole of Europe. When relevant, the networks will be invited to participate in the Forum's activities, such as trainings or common Europe-wide projects in cooperation with Forum WGs, and the Forum encourages its members to participate in projects initiated by other networks.

- To encourage and initiate a closer cooperation between the different enforcement authorities at the national level in order to use the exchange of information to coordinate joint enforcement actions addressing chemicals of concern or other specific targets.
- It is important that there is a harmonised approach and understanding of the rules in the regulations and other related legislation. When needed, the Forum will invite relevant networks covering enforcement of the regulations and related legislation to elaborate a shared position with respect to legislative enforcement interactions or implications.
- To strengthen the involvement of inspectorates in the field of chemicals, especially in those cases where the inspectorates deal with other activities and thus cooperate with partner networks to develop synergies.

b. Main outputs

- The SLIC, which has its competence in the field of occupational health and safety, is invited to the Forum plenary meetings on a regular basis. Also, for several years, an expert from the SLIC has been invited to train in the Forum's "Training for Trainers" sessions. The participation of the other enforcement networks (CLEEN, IMPEL and the network for enforcement of ROHS Directive) to the Forum work is welcome and they will be invited on a case-by-case basis to contribute to projects or training, or to report about their activities related to the scope of the Forum (e.g. former CLEEN projects on BPR are of high relevance to the BPRS).
- To avoid overlapping projects between the Forum and the networks mentioned above, the Forum Secretariat will make sure that the networks are informed of each other's plans for projects and inspection campaigns and will keep the Forum updated with news from the networks at the Forum meetings with a yearly information round with relevant networks.
- Exchange of relevant tools for inspectors, performance indicators, FAQ, etc. The Forum will invite the customs network and some of the other most relevant networks mentioned in Annex II to present their networks at a Forum meeting in order to evaluate if and how cooperation and exchange of experience could be arranged with the networks in the future.
- Whenever the need arises, the Forum will work with relevant networks to elaborate a shared position on enforcement interactions/implications such as common interpretations of the terms and concepts used in the legislation and potential conflicts or gaps between the regulations. This may involve sharing of any practical issues from the Manual of Conclusions, if agreed with the Forum, on a case-by-case basis.

Activity B.4: Structured and quantitative reporting

In its REACH Review communication, the Commission invited ECHA to make a more systematic use of information gathered through the procedures of REACH so as to suggest targeted enforcement activities. National enforcement authorities were also invited to prioritise their enforcement policies. It appears that the Forum, while facilitating exchanges of information, experience and feedback, could play a key role in suggesting such targeted enforcement actions and helping NEAs setting up their priorities. Such priority setting could for example be based on the reports submitted by the Member State in accordance with Article 117(1) of REACH, Article 46(2) of CLP and Article 22(1) of PIC and on the results of Forum activities (e.g. REF projects).

During the years 2014-2018 the Forum will provide input for the update of the existing reporting templates (for REACH and CLP) and the drafting for the new template for PIC.

The BPRS will also contribute to the preparation of the new template for the Member State reports under Article 65(3) of the BPR.

In the future, it should attempt to create synergies between the different reporting obligations in order to allow Member States to use resources wisely. The data requested from the Member States should allow for an analysis of enforcement actions in the Member State by the Forum. The subsequent report from the Commission could then be used to identify priorities for the Forum, in particular when preparing or reviewing the Forum MAWP.

In addition to the three Member State reports, which are to be submitted every five years, voluntary reports by NEAs on particular national actions or priorities could be used to initiate discussions among Forum members on relevant enforcement targets. For example, if a NEA reports non-compliances on a precise regulatory item or in a particular business sector, other Forum members might find the information useful to propose action programmes in their Member States following a risk-based approach. Such actions could also be triggered by an analysis of data reported under the ICSMS or RAPEX systems. The Forum might take advantage of the data collected to suggest enforcement targets.

Information collected through REF projects and reports identified in this activity, whether obligatory or voluntarily, will be beneficial for the programming of future Forum MAWPs. Furthermore, information provided by Forum members on enforcement priorities in their Member States can provide a basis for deriving policy objectives and ensuring that enforcement priorities from all countries are considered. Their input can also give an overview and understanding of the different approaches to enforcement and allow identifying areas that are important for all countries.

Priority: Medium

Basis in Forum Rules of Procedure: Article 2(1)(a), (d)

Basis in the legal text: Articles 77(4)(a), (d), 117(1) of REACH, Articles 46(2), (3) of CLP, Articles 18(2), 22(1) of PIC, Article 65(3) of BPR

a. Objectives

- Ensure that the Forum provides input during the development of templates for accurate and timely reporting from Member States.

- Use feedback from NEAs' enforcement activities to develop priority areas of enforcement.
- Develop synergies with regard to the reporting obligations of the Member State, such as common reporting requirements, harmonised data collection methods, etc.

b. Main outputs

- Forum input on the Member State reporting templates prepared by the Commission for reports according to Articles 117(1) of REACH, 46(2) of CLP, 22(1) of PIC and 65(3) of BPR.
- Optional reports by Member State authorities on their enforcement activities, if the Forum considers them necessary.

Activity C. Harmonised practices and training

Development of guides for inspectors, organisation of European training programmes and exchange of inspectors between Member States contribute to have a more harmonised approach for the enforcement of REACH, the CLP and PIC regulations and the BPR. These three Forum activities have been included in this section and they can be seen as preparation of material and activities for national inspectors. Thus, enforcement at national level improves by:

- providing national inspectors with guide documents developed by the Forum. These documents, typically produced by Forum Working Groups, are commented, revised and agreed by all Forum members. One important example is the Manual of Conclusions that the Forum started to develop in the last few years. This manual is populated with enforcement-related questions and answers from Forum members. Also the manuals of different enforcement projects (REF projects and pilot projects) are valuable material to inspectors enforcing these issues later after the specific project;
- organising regular training on enforcement aspects of the regulations that Forum considers important to be discussed at European level.
- having the possibility to host or send national inspectors from/to other Member States to learn/show how enforcement activities are organised and carried out.

Activity C.1: Forum harmonised guides for inspectors

Article 77(4) of REACH mandates the Forum to spread good practice and to highlight problematic issues at Community level. Practical guides such as the Manual of Conclusions (MoC) serve as a platform to provide practical harmonised information for addressing such issues and they are also a kind of best practice document for the inspectors.

The MoC is a compendium of enforcement issues that have been raised and discussed at Forum plenary meetings by members of the Forum, the BPRS, the European Commission and by the ECHA Secretariat. Additionally, when relevant, feedback has been collected and discussed. The MoC serves as a useful tool for avoiding duplication of work or any other unnecessary efforts for the Forum members when considering issues similar to those already reflected in the document. The Manual of Conclusions is intended for the use of Forum members, their advisers, Forum observers, national inspectors and the Forum Secretariat. It is also made available to HelpNet to ensure that national helpdesks provide answers which are in line with agreed enforcement practice.

The Manual of Conclusions is updated after each Forum plenary or whenever the Forum adopts a conclusion on enforcement issues or questions posed by Forum members, the European Commission or the ECHA Secretariat. As the Manual of Conclusions is updated (if necessary) multiple times per year, it should be regarded as a living document and further conclusions are being added on a regular basis as a means to tackle enforcement issues in Member States. Within the Manual of Conclusions, a short abstract of the issue and the Forum's conclusion are presented, along with any additional information relevant for the conclusion.

Currently, areas covered in the Manual of Conclusion under REACH are general issues, registration issues, information in the supply chain, evaluation, and restrictions. Under the CLP Regulation, the areas covered are general issues, hazard communication in the form of labelling, packaging, harmonisation of classification and labelling of substances and the classification and labelling inventory, as well as common and final provisions. Following the establishment of the BPRS, the manual will be expanded with sections relevant to the BPR: general issues, approval of active substances, authorisation of biocidal products and treated articles. As previously mentioned, due to the nature of the Manual of Conclusions, more conclusions will be inserted following future Forum plenary meetings. These new entries could in the future also include practical issues under the PIC Regulation.

In the period of this MAWP, the Forum will also work towards preparing other guides or recommendations for inspectors. These guides will take the form of "tips and hints for inspectors" and collect the experience from REF projects and practical recommendations for inspectors about enforcing the obligations which were covered by the scope of these projects. The WG in charge of managing a REF project will consider preparing such guides after completion of every REF project. The REF manuals themselves can also be considered guidance for the inspectors and used after the completion of the projects.

Priority: Very High

Basis in Forum Rules of Procedure: Article 18(3)

Basis in the legal text: Articles 76(1), 77(4) of REACH, Article 46(3) of CLP, Article 18(2) of PIC, Article 76(1)(h) and (l) of BPR

Objectives

- Continue to develop the Manual of Conclusions on a multi-annual basis as a means to improve enforcement of REACH, the CLP and PIC regulations and the BPR throughout EU and EEA Member States;
- Develop other practical harmonised information for inspectors, particularly on the basis of experience from REF projects.

Main outputs

- Updates of the Manual of Conclusions and its distribution to the relevant parties within a month after the conclusions are adopted.
- Guides, in the form of “tips and hints for inspectors”, which collect the practical recommendations about enforcing the obligations of REACH/CLP which were covered in REF projects:
 - Tips and hints on enforcing restrictions covered in the REF-4 project (2017);
 - Tips and hints on enforcing extended safety data sheets (REF-5, 2018).
- Other practical harmonised information for inspectors, for example, checklists for inspections.

Activity C.2: Training programme for inspectors

Enforcement activities carried out in the EEA states by well-qualified competent inspectors at the enforcement authorities will ensure comparable inspections and results as well as an equal level playing field for duty holders under REACH, the CLP and PIC regulations, and the BPR.

Training is the basis for such effective enforcement activities. The Forum training program is aimed at supporting the activities of the enforcement authorities by capacity building and awareness raising among inspectors of the regulations to be enforced and by sharing information on best practice and methods to be used in monitoring compliance of duty holders with the legal requirements. The training programme and cooperation within the Forum will thus be used as a lever for enforcement activities throughout the EEA. Resources can be more efficiently and effectively used through coordination and sharing of knowledge and experience, dissemination of best practice and uniform enforcement activities within the EEA.

Attuned and uniform understanding of the legislation and of the enforcement methods is essential for strengthened and harmonised enforcement actions. This can be achieved by common training, by providing certain tools to support inspectors and by joint inspections.

Training subjects, discussed and chosen in plenary sessions of the Forum, will be prepared for the (annual) training events by a Working Group consisting of both Forum members and national invited experts. Past trainings have been focused on the needs of inspectors. Experience shows that the range of subjects has been broad but it is necessary to consolidate and enhance the knowledge level of inspectors to enforce REACH and CLP and to develop the necessary tools to transfer this knowledge at national level. After conducting trainings on general REACH and CLP issues, also more focused trainings (e.g. on CLP obligations related to mixtures or extended safety data sheets) will be conducted in the years 2014-2018. Trainings topics are often chosen based on the scope of the future enforcement projects. Topics for training aiming at increasing consistency of enforcement actions of ECHA's regulatory decisions establishing non-compliance of registration dossiers with a view to improve the safe use of chemicals (e.g. exposure scenarios and extended SDSs, substances in articles and authorisation) by companies are particularly relevant. Furthermore, the focus of the training events could be extended to the BPR and the PIC Regulation. A specific methodology for the identification of relevant training topics and a prioritisation of training needs, which will allow the Forum to make actual and *ad hoc* decisions prior to each individual training event, has been established.

Where appropriate, other enforcement authorities besides the REACH and CLP enforcement authorities will be involved in the preparation of and in conducting such training events as well (e.g. labour and environmental inspectors or customs).

Financial support to the training workshops will be considered, where appropriate, and depend on the outcome of the annual ECHA budgetary process. New technologies to maximise the outreach of the events, such as webinars or webstreaming, will be used where appropriate.

Priority: Very High

Basis in Forum Rules of Procedure: Article 2(1)(a), (d), (e)

Basis in the legal text: Article 77(4)(a), (e) of REACH, Article 46(3) of CLP, Article 18(2)

of PIC and Article 76(1)(h) and (l) of BPR

a. Objectives:

- Plan, prepare and deliver trainings for trainers appointed by Member States enforcement authorities for REACH, the CLP and PIC regulations and/or the BPR according to identified needs and priorities.
- Spread common understanding of the provisions and good enforcement practice of REACH, the CLP and PIC regulations and the BPR, and thus contribute to the implementation of ECHA's MAWP and subsequent programming documents.
- Compile and share training material between Member States to ensure a harmonised approach to enforcement and to avoid duplication of work.

b. Main outputs:

- Envisage one training session per year for trainers on the enforcement of REACH, CLP and PIC regulations and, if resources are available, the BPR:
 - 2014: SDSs and extended SDSs; classification and labelling of mixtures;
 - 2015: Classification and labelling of mixtures;
 - 2016: Exposure scenarios and extended SDSs;
 - 2017: Classification and labelling of mixtures; authorisation;
 - 2018: Training on subjects approved in early 2018, also including BPR.
- Prepare documents, presentations and case studies for the training.
- Make a summary report of and assess the training session.
- Deliver training materials such as the documents, presentations and case studies mentioned above to participants of the training event and separately to Forum members via s-CircaBC.

Activity C.3: Exchange of inspectors

To reach a comparable and similar quality level of enforcement of REACH, CLP and PIC regulations in the Member States, there is a need for well-qualified and competent inspectors.

There are different approaches and enforcement methods throughout the Member States and the numbers of national authorities that enforce different aspects of REACH, CLP, PIC and BPR varies. To encourage a common approach to enforcement of the legal requirements of the regulations, exchange of inspectors between Member States is of great use.

Knowledge about new working methods, best practice on enforcement, agreements on solutions to cross-boundary issues, strengthening capabilities in areas of limited expertise/resources can all be derived from this activity.

Funding is an important aspect to realise the exchange of inspectors between Member States. ECHA offered financing to the Pilot Project of inspector exchanges, but longer-term financing could be provided by the European Commission or the Member States themselves. One of the experiences from the pilot project shows that it is possible to organise a good exchange programme with other Member States with a relatively small budget.

Another possibility of funding exchange of inspectors is the LIFE+ programme in the EU. LIFE+ is the EU's financial instrument supporting environmental and nature conservation projects and every year there is a call for proposals.

Priority: Medium

Basis in Forum Rules of Procedure: Article 2(1)(c)

Basis in the legal text: Article 77(4) of REACH, Article 46(3) of CLP, Article 18(2) of PIC, and Article 76(1)(h) and (l) of BPR

a. Objectives:

- Exchange of inspectors in order to spread knowledge about new working methods, best practice on enforcement and to facilitate cooperation in cross-boundary enforcement cases.

b. Main Outputs:

- Encourage the Member State to organise exchanges of inspectors, especially when new REF or pilot Forum projects are launched.

Activity D. Electronic information exchange tools

To carry out their work, enforcement authorities need access to the data contained in the IT systems developed and administrated by ECHA, and they need to electronically exchange information among each other and with the Agency. ECHA hosts several IT systems that are required to properly manage the information required by REACH, CLP PIC and BPR. This was why ECHA has been developing an application for enforcement authorities (initially called RIPE, and as of 2016 replaced by PD-NEA, the Portal Dashboard for National Enforcement Authorities) to provide inspectors with access to information from REACH-IT (containing, for example, REACH registration information and CLP information). This way, enforcement authorities can have quick access to the updated data, facilitating their daily work (e.g. in the course of targeted investigations). A similar data access will have to be established for the data available at ECHA under the PIC Regulation and eventually for the BPR. However, the inclusion of BPR data in the PD-NEA tool will not happen during the timeline of this Work Programme.

In addition, enforcement authorities need to exchange information with other national authorities and/or with enforcement authorities from other Member States. For example, it is not uncommon that inspectors carrying out a certain investigation need to liaise with other authorities to check certain aspects. In order to facilitate this exchange of information, the Forum set up one working group to develop a common electronic information exchange system between NEAs, the so-called EIES. Due to the nature of the information that needs to be exchanged, such a system needs to be an IT tool accessible to national inspectors and able to cope with certain important requirements (e.g. confidentiality). Several options for an EIES have been analysed. After investigations of information needs and justification of the Commission-owned ICSMS⁶, ICSMS was chosen for the new IT system and will be put under use for REACH, CLP and PIC.

⁶ ICSMS: The internet-supported information and communication system for the pan-European market surveillance.

Activity D.1: Access to information administered by ECHA

D.1.1. Access to data from REACH-IT and IUCLID (PD-NEA: Portal Dashboard for National Enforcement Authorities)

Access to information from REACH-IT databases, e.g. on companies and substances, is important for the enforcement of REACH and the CLP Regulation. By using this information to identify cases of non-compliance, NEAs support the second of ECHA's four strategic objectives: "Mobilising authorities to use information intelligently to identify and address chemicals of concern".

Most of the relevant REACH data are made available to the relevant national inspectorates through the Portal Dashboard for National Enforcement Authorities (PD-NEA)⁷. The Forum will continue to support ECHA in the continuous development of the PD-NEA by testing the system for its practicability and by suggesting improvements. With the decision of the Agency to develop the PD-NEA to replace RIPE, the Forum WG will continue to play an active role in supporting the development and implementation of the new tool. This will comprise input for the specification of the PD-NEA, as well as the subsequent and the final formal user acceptance testing.

The Forum will further evaluate the functional scope of the database against the practical needs of inspectors in the field. When addressing the availability of high-quality information for the safe manufacture and use of chemicals through enforcement actions NEAs rely on up-to-date information provided through the PD-NEA. Therefore it is the Forum's task to provide a platform for exchanging information with the system's administrators at ECHA on the needs and practical requests of inspectors with regard to the development of the PD-NEA.

In order to optimise the use of data in REACH-IT and IUCLID in an intelligent way, the Forum will give input to ECHA on what kind of data from the relevant screenings made by ECHA should be made available to NEAs in the PD-NEA.

D.1.2. Access to ePIC

With the entry into operation of the PIC Regulation in 2014, the Forum will start to provide support for the implementation and adaptation of data access for inspectors to the ePIC system in order to allow enforcers – beyond customs inspectors – access to the data system. During the adjustment of ePIC for use by NEAs the practical needs of inspectors will have to be considered in order to allow them to easily and securely retrieve the data submitted by industry and designated national authorities (DNAs) to ECHA under the PIC Regulation.

D.1.3 Access to information from R4BP3 and IUCLID (PD-NEA: Portal Dashboard for National Enforcement Authorities)

Access to biocides data held at ECHA is crucial for the NEAs responsible for enforcement of the BPR. At present the data are available to inspectors only through the MSCAs.

⁷ In early 2016, the PD-NEA superseded RIPE (REACH Information Portal for Enforcement), the previous ECHA IT system for NEAs.

Effective enforcement of BPR is possible only if BPR inspectors can access these data directly. In the long term, ECHA plans to make these data available through the PD-NEA which already serves the REACH/CLP inspectors. In the medium term, part of these data will become available via the ECHA Dissemination portal.

The Forum has supported ECHA in defining the requirements for PD-NEA expansion since 2014. As of 2017, the Forum will continue to do so through a dedicated Working Group of the BPRS (see Activity F.4).

Priority: High

Basis in Forum Rules of Procedure: Article 2(1)(e), (f)

Basis in the legal text: Article 77(4)(e), (f) of REACH, Articles 18(2), 6(1)(a) of PIC, and Article 76(1)(h) and (l) of BPR

a. Objectives

- Support the access to information from REACH-IT and IUCLID for enforcers by supporting the development and implementation of the PD-NEA.
- Ensure the practicability of the system by testing new versions and by suggesting improvements necessary for the day-to-day needs of inspectors.
- Support ECHA in ensuring access for enforcers to the PIC database ePIC.
- Support the access to information from R4BP3 and IUCLID for BPR enforcers by supporting ECHA in the preparation, development and implementation of the BPR module of PD-NEA (to be developed in 2019) and of other ECHA tools available to inspectors.

b. Main outputs

- Recommendations for the scope and practical implementation of the PD-NEA, including the BPR module.
- Support for the development of adjustments to ePIC that reflect the needs of NEAs.
- Recommendations for improvements based on the testing sessions.
- User Acceptance Tests for the major new releases of the PD-NEA.

Activity D.2: Electronic information exchange system (EIES)

According to Article 77(4)(f) of the REACH Regulation, the development of an electronic information exchange procedure is a task of the Forum.

The NEAs need an electronic information exchange system (EIES) for easy and secure communication between each other. Such system will facilitate the enforcement of REACH, CLP and PIC regulations and make it more efficient. It is a very important tool for the inspectors and the other actors working with REACH, CLP and PIC processes, both for alerts and for exchanging confidential information related to enforcement.

The Forum mandated the WG EIES (renamed WG ICSMS in 2014) to take action towards the establishment of such a system. The WG defined the information to be exchanged between inspectors and prepared the requirements specification for the EIES. Since the Commission-owned ICSMS⁸ system potentially offered the desired functionalities, the Forum decided to test the system for compliance with EIES requirements.

The WG ICSMS concluded that conditional acceptance of ICSMS is possible provided that the Commission implements the changes requested. It has provided a detailed specification of the changes needed to the Commission inviting it to state to what extent it is willing to implement the requested changes.

In the context of the present work programme the Commission has agreed to implement all the changes requested by the Forum. The work of the Forum under the present work programme focuses on supporting the development of ICSMS by the Commission, testing it and contributing to its uptake by users, by developing user guides for the system and organising a training.

Another task in this work programme is to examine the new PIC Regulation to clarify if there is a need for the NEAs to exchange information via EIES in relation with the processes in the regulation or when they are enforcing violations of the regulation. In 2015, the Forum decided that ICSMS will also be suitable for exchange of information related to enforcement of the PIC Regulation and the Commission is developing a customised form for exchanging information on PIC-related cases.

Towards the end of the time period covered by this Work Programme, the BPRS will also start defining the requirements for exchanging information related to BPR enforcement cases via ICSMS.

Priority: Very High

Basis in Forum Rules of Procedure: Articles 2(1)(a), (e), (f)

Basis in the legal text: Article 77(4)(f) of REACH, Article 46(3) of CLP, Article 18(2) of PIC and Article 76(1)(h) and (l) of BPR

a. Objectives

- The Forum will strengthen the exchange of information and coordination between

⁸ ICSMS: The internet-supported information and communication system for the pan-European market surveillance.

enforcement authorities in different Member States by supporting the continued development, implementation and use of an electronic information exchange system (EIES).

- To promote the safe use of chemicals across the whole of Europe, it is crucial to make the exchange of information efficient in a secure way so the different enforcement authorities in the Member States can coordinate and harmonise the enforcement actions.
- The Forum will examine if ICSMS fulfils the needs for exchange of information in relation to the PIC Regulation and if it does not, it will take action to ensure that relevant changes are implemented.

b. Main outputs

- Draft conclusion for the Forum about the acceptance or rejection of ICSMS as the tool to fulfil the EIES purpose.
- Contribution to the development of ICSMS by the Commission through testing and giving feedback on needs and improvements.
- Guidance on the use of ICSMS.
- A workshop for NEAs on the use of ICSMS in 2016.
- Clarification whether and to what extent EIES can be used for exchange of information related to enforcement of the PIC Regulation, or whether other systems are more suitable.
 - In 2015 the Forum decided that ICSMS will also be suitable for exchange of information related to enforcement of the PIC Regulation and the Commission is developing a customised form for exchanging information on PIC-related cases.

Activity E. Expertise on enforceability of regulatory measures

The Forum is required to highlight problems at Community level. Enforcement authorities have the closest view to the market and they have the powers to remediate cases of non-compliance. While carrying out their work, inspectors may be confronted with situations where the enforceability of certain requirements of these regulations is a challenge. These issues are typically brought to the attention of the Forum and discussed in the plenary Forum meetings.

However, in the case of new proposals for restrictions, REACH requires the Forum to examine restriction proposals and provide an 'ex-ante' advice on enforceability. Therefore, in this particular case, the Forum has the opportunity to provide their opinion and eventually the restriction proposal can be modified before ECHA provides its final advice to the Commission to modify Annex XVII of REACH. Since the beginning of the Forum, a working group was set up to carry out this task and therefore it has a long experience. The WG has provided 10 enforceability advices to restrictions proposals in the period 2008-2013, has developed their own procedures and documents (including the coordination with other ECHA bodies) and have also been tasked to work in the area of analytical methods. This area has emerged due to the fact that it is key to determine compliance with certain restrictions the use of analytical methods to analyse products. Exchange of information among enforcement authorities in this area (e.g. good practice, techniques used) will make enforcement more efficient and effective in Europe. The Forum also considers that stakeholders can also contribute in this area.

Activity E.1: Restrictions and analytical methods

The Forum WG "Enforceability of restrictions" examines new restriction proposals (Annex XV proposals) and provides the Forum with advice on enforceability. In the period 2008-2013, the WG has provided such advices on 10 restriction proposals. ECHA, in its MAWP, expects that the number of restriction proposals will be approximately 5 per year in the period 2014-2018.

The WG nominates a member of the group to lead the advice process for each restriction proposal in accordance with the Forum Working Procedure for developing Forum advice on enforceability of the Annex XV proposals for restrictions. The WG shall report to the Forum the results of its findings and its actions between the plenary meetings.

In the period 2013-2014, the tasks of the WG have been extended and analytical experts have joined the group to elaborate a compendium of recommended analytical methods and a best practice document for the enforcement of Annex XVII restrictions. The extended WG has also made contributions to the ECHA project on "Friendlier reading of Annex XVII" restrictions.

Furthermore, the WG is mandated to facilitate the elaboration of the revised Forum working procedure for developing Forum advice on enforceability of restriction proposals in close cooperation with ECHA. In addition, the WG will continue to assess the outcome of the Forum advices and to explore ways to improve the efficiency and effectiveness of the advice process.

In 2011, the WG initiated an exercise to assess the impact of the Forum advice on the development of the opinions. Two of the main conclusions from the impact assessment are that the dialogue between the Forum, the dossier submitter, RAC and SEAC has improved and that the Forum advice brings added value to the final opinions from RAC and SEAC that are submitted by ECHA to the Commission.

Priority: Very High

Basis in Forum Rules of Procedure: Article 2(1)(h)

Basis in the legal text: Article 77(4)(h) of REACH, Article 18(2) of PIC

a. Objectives

- Examine all Annex XV restriction proposals in conformity with the REACH requirements and prepare advice on their enforceability according to the working procedure on "Elaboration of Forum advice and Support to RAC and SEAC on Enforceability of Annex XV Restriction Proposals"
- Continue to assess the outcome of the Forum advices and to explore ways to improve the efficiency and effectiveness of the advice process.
- Propose a methodology for recommending analytical methods.
- Propose the elaboration of a compendium of recommended analytical methods.
- Develop and contribute to the development of tools facilitating the enforcement of restrictions – for example, the Forum guide on enforcement for dossier submitters, intended to facilitate enforceability aspects to be taken on board by dossier submitters already at the stage of preparing the Annex XV dossier.

b. Main Outputs

- Advice on Annex XV restriction proposals (approximately 5 dossiers per year)
- Amendment of the procedure and methodology for developing Forum advice on enforceability of restriction proposals – “Enforceability of Restrictions – Guide on Advice drafting” (ERGA)
- Elaboration of a compendium of recommended analytical methods.
- Collection of best practices for the enforcement of restrictions for the 14 restrictions covered in the REF-4 project. It will be included in the tips and hints for inspectors collected after the completion of the REF-4 project.

Activity F. Organisational and general administrative issues

This chapter describes the organisational and general administrative issues which allow the Forum to prioritise and deliver its work within the agreed timelines.

The Work Programme focuses on the internal prioritisation and planning of the Forum's activities. It enables the Forum to structure its legal tasks during the years to come as it breaks down the numerous duties of the Forum into comprehensive, yet condensed activities.

Additionally, this chapter describes the Forum's communication strategy, which is based on ECHA's transparency policy. Compared to other ECHA bodies, the tasks of the Forum and the companies' rights to confidentiality set, however, limits for the transparency of the Forum. The strategy aims to ensure the appropriate level of stakeholder engagement as well as the development of a communication strategy towards the general public.

Moreover, this chapter contains two Activities that are to be regarded as the organisational anchors for all the upcoming actions required to implement the new competence and activities of the Forum related to the PIC Regulation and the BPR.

Since all PIC- and BPR-related actions are in practice part of other Activities in the Work Programme, these anchoring Activities do not hold a priority. For each of the activities listed in Section F.3 (PIC) and F.4 (BPR), the relevant priority shall be identical to the one assigned to the Work Programme Activity referenced in the listed activity.

Activity F.1: Forum Work Programme

The Forum Work Programme is key to structuring the work of the Forum, since it describes the key tasks agreed by Forum members and highlights priorities.

When defining priorities for the enforcement of REACH, CLP, PIC and BPR, the Forum has employed a bottom-up approach taking due account of Member States' interests, the objectives of the regulations, the tasks of the Forum stipulated in them, the experience gained from the activities of the Forum since 2008, and the objectives as highlighted originally in ECHA's MAWP 2014-2018 and subsequent programming documents.

During its start-up phase, the Forum mainly had to focus on setting up its processes and working procedures. With the successful conclusion of this phase, the Forum is now asked to develop and define priorities for the upcoming years. It will do so by relying on its own experience (e.g. input provided by its Working Groups, based on plenary discussions or on previous consultations of the Forum) as well as on proposals from Forum members acting as representatives of their Member States, from the ECHA Secretariat (through the Agency's MAWP and subsequent Programming Documents) and from Member State authorities. Member State authorities may provide input to the Forum through regular Member State reports under REACH and CLP, through voluntary reports on specific national projects as described in Activity B.4, and through input provided by their Forum members, as this is their core competence and role. The Forum will thereby need to keep in mind, however, that it has a different role than a single Member State or an NEA and thus needs to develop its own, slightly different objectives and priorities, which are centred on the harmonisation of enforcement as a whole. Hence the Forum needs to consider issues like the need for cooperation and coordination during enforcement actions, common interpretations, skill building in NEAs, trans-boundary enforcement, etc., during the prioritisation exercise.

In order to define policy objectives, the Forum will set up a dedicated Working Group, which will discuss the issue and propose priorities to be agreed by the Forum plenary. The Working Group should tackle this task by first defining the policy objectives through developing fairly general criteria. It should then derive more specific priorities, i.e. areas of enforcement interest, from these policy objectives – based on proposals and input from Forum members, Member State authorities, ECHA and the Commission.

The priorities will then need to be translated into practical actions and assigned to the existing activities in this MAWP. They should encompass specific enforcement actions in defined priority areas, which then need to be planned appropriately. A regular monitoring and review of this planning will need to take place, taking due account of the available resources.

The current Work Programme has been drafted for five years. However, due to some major changes made during the drafting of the document in comparison to previous versions of the Work Programme, there is a review clause included in this document. This will also give the Forum an opportunity to include in the updated programme descriptions of the new legal tasks it will receive in 2014 and after. The Forum will revise the document, if indicated, after three years (in 2017) to ensure that it is still fit for the purpose of providing steer to the work of the Forum.

It is foreseen that the drafting of the new Work Programme for the years 2019 onwards will be commenced at the end of this five-year cycle. Since the drafting of such a document and the decision-making process require time, the Forum should commit itself to starting early with the drafting and consultation of the next Work Programme, i.e. no

later than the last Forum of 2017.

Priority: Very High

Basis in Forum Rules of Procedure: Article 2(1)(h)

Basis in the legal text: Article 77(4) of REACH, Article 46(3) of CLP, Article 18(2) of PIC, and Article 76(1)(h) and (l) of BPR

Objectives:

- Ensure the delivery of the Forum's Activities is completed according to the relevant timescales in line with the agreed priorities.

Main outputs:

- Up-to-date list of Working Groups and their mandates is maintained on ECHA's website.
- Revision of this MAWP after three years with the view to establish whether it is still fit for the purpose of steering and providing structure to the work of the Forum.
- Delivery of a new Forum Work Programme in time for the next planning cycle.

Activity F.2: Forum Communications Strategy

Improving the transparency of Forum activities and the links of the Forum with accredited stakeholders are among the priorities of the Forum in this MAWP. One should however keep in mind that, in doing so, the Forum should remain very careful about the companies' rights of confidentiality: compared to other ECHA bodies, this issue is even more important for the Forum tasks, and will set the limits of the transparency policy.

The dialogue with stakeholders, already introduced with an annual open session in a Forum meeting, could be improved by consulting them on key Forum activities such as future REF projects.

More generally, this could be accompanied by a communications strategy towards the general public. Indeed, enforcement activities in the field of chemicals have significantly increased over the recent period of time: the Forum should support the visibility of these activities and enhance the perception of enforcement (which is also likely to incite companies to comply with the regulations, all the more since enforcement appears to be developed). Forum indicators and outcomes of coordinated projects are of special interest for the Forum communication.

Towards the general public, Forum communication should put forward the achievements of enforcement and, when appropriate, some precautionary advice. Reports from Forum projects are always published on ECHA's website, describing enforcement activities at EU level and communicating quantitative and qualitative results of enforcement. In addition, individual Forum members may also publish information of national enforcement activities in their countries and seek visibility of enforcement activities in relevant media or sectoral conferences.

In line with the objective of transparency of the Forum, the companies and industrial organisations could also be made aware of the issues identified by inspectors and the (non-) compliances identified, so that they can improve their practices on these items. Communication on indicators (and the outcome of periodical reporting) could also improve the confidence with regard to the equity of enforcement across Member States and with respect to imports.

Inspectors should also be a target of communication on enforcement policies: some national inspectors deal with chemicals on a part-time basis and have recently developed their skills and committed to those new tasks. They could be provided with a clearer vision of the enforcement of chemicals legislation and where it is 'heading to' with the implementation of the regulations moving forward (beyond the very practical day-to-day on single items, the added value of which is not always obvious to them). It is highly likely that such actions will be very dependent on national institutional circumstances. Therefore, it is not recommended that the Forum develops a 'top-down' approach: with a 'bottom-up' perspective, Forum might take note of national initiatives in this field and provide Forum members with the opportunity to take advantage of the initiatives in other Member State.

Priority: High

Basis in Forum Rules of Procedure: Article 2(1)(a), (g)

Basis in the legal text: Article 77(4)(a), (g) of REACH, Article 46(3) of CLP, Article 18(2) of PIC and Article 76(1)(h) and (l) of BPR

a. Objectives

- That accredited stakeholders are informed of the Forum activities and associated to major choices such as the identification of future REF projects, especially through the means of Forum open sessions.
- That the Forum provides the public and other stakeholders with regular information on enforcement, especially the previous REF projects and, when applicable, the consolidated enforcement indicators of the previous year. Press releases could ensure a broad diffusion of information.

b. Main outputs

- An open session of the Forum should be organised once a year during the last Forum meeting of the year. Stakeholders should be consulted on strategic issues for the Forum activity.

Once a REF project is closed (i.e. approximately once a year), the report should be used to issue a press release.

- Forum enforcement indicators, when calculated and agreed by the Forum, could be disseminated to underline the achievements of enforcement.
- Continue to publicly distribute information produced by the Forum, including minutes and agendas of Forum meetings, this MAWP, and press releases of small projects, where appropriate. Make publicly available the information prepared for the accredited stakeholders after the Forum's annual stakeholder day. Furthermore, conclusion summaries of the Forum's main activities, such as guides on analytical methods, or Forum advices on restriction proposals, could be published.
- Maintain and update the list of national inspectorates on ECHA's website.
- In 2017, initiate joint action with accredited stakeholder organisations on the improvement of quality of safety data sheets.

Activity F.3: Setting up the implementation of enforcement of the PIC Regulation

The successful achievement of the objective of the Rotterdam Convention to share the responsibility among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment strongly depends on the effective enforcement of the PIC Regulation (EU) No 649/2012. In the context in which the Member States are responsible for setting up and maintaining their national enforcement systems and the Forum coordinates the network of enforcement authorities, it would be important to set up common activities in the Forum, which will contribute to a harmonised approach for the enforcement of the PIC Regulation in the Member States.

While enforcement of the PIC Regulation will require the involvement of customs authorities, other enforcement authorities might be designated for this task (like chemicals inspection services or environmental inspection services) depending on the national enforcement arrangements in Member States. Exports according to the export notification procedure or PIC procedure involve designated national authorities (DNAs) and ECHA and rely on the operation of the relevant database ePIC. This will make mutual cooperation between enforcement authorities and customs, DNAs and ECHA important for a smooth and successful implementation of enforcement issues of the PIC Regulation in the routine work of NEAs.

Thus, because the Forum is the statutory coordination body on enforcement issues for the PIC Regulation, its tasks and activities related to PIC which will be covered in this MAWP are:

- Proposing and considering harmonised and common enforcement activities when prioritising coordinated enforcement projects in form of REACH-EN-FORCE projects or Forum pilot enforcement projects in close cooperation with customs authorities and DNAs (see Activities A.2 and A.3).
- Proposing and compiling best enforcement practice focusing on obligations of duty holders according to the PIC Regulation and covering strategies for enforcement and minimum criteria for enforcement (see Activity B.1).
- Providing an update of the institutional interlinks covering PIC-related processes that involve the Member State enforcement authorities, the customs authorities, the DNAs, the Commission and ECHA (see Activity B.2).
- Setting up and maintaining information exchange and cooperation on PIC issues with other relevant enforcement networks, such as PARCS (customs authorities), SLIC (labour inspection) or IMPEL (environmental inspection), for example (see Activity B.3).
- Proposing a reporting template focused on PIC enforcement activities in Member States suitable for the reporting required in Article 22(1) of the PIC Regulation in time for the reporting in 2015 (see Activity B.4).
- Developing guidance for inspectors on harmonised practices for PIC enforcement, coverage of PIC enforcement issues in related inspector training events and inspector exchange programmes (see Activities C.1 to C.3).
- Establishing access to the data in the ePIC database for designated national enforcement authorities involved in enforcement of the PIC Regulation (see Activity D.1).
- Considering the use of a future electronic information exchange system for the purpose of PIC-related processes of enforcement (information exchange between inspectors) (see Activity D.2).
- Considering PIC-related impacts (export) of bans and restrictions stipulated in

Annex XVII of REACH and the analytical methods used in the control of export of banned and restricted chemicals (see Activity E.1).

Priority: See related Work Programme Activities⁹

Basis in Forum Rules of Procedure: Article 2(1) to 2(3)

Basis in the legal text: Articles 18 and 22(1) of PIC

a. Objectives

- All Activities covering major coordination tasks of Forum updated to cover also the new enforcement activities required under the PIC Regulation.

b. Main outputs

- For main outputs of the individual nine PIC-related activities and tasks, please see the details given in the sections for Work Programme Activities referred to in the list of PIC-related activities.

⁹ For each of the activities listed, the priority shall be identical to the one assigned to the related Work Programme Activity referenced in brackets.

Activity F.4: Coordination of a network of BPR enforcement authorities by the Forum

The purpose of the BPR is to improve the functioning of the EU biocides market while ensuring the high level of protection of human health, animal health and the environment. This will require an effective enforcement of the regulation, refocusing existing national enforcement systems while taking into account the transitional measures in place in the different national regimes (based on the previous Biocidal Products Directive and the current BPR).

The Forum will coordinate the network of BPR enforcement authorities through the BPRS. The Subgroup will seek the highest degree of synergy with the Forum by seeking to re-use and adapt the existing practices and methodologies, wherever they are applicable for BPR.

In the years 2017-2018, the BPRS will focus on starting up practical harmonisation of BPR of enforcement practices by launching enforcement projects addressing the key obligations of the BPR. It will also harmonise practices by resolving practical issues under the BPR, including the conclusions in the Manual of Conclusions. The BPRS will also devote some of its efforts to discuss its way of operation and lay down operational practices. The Subgroup will also seek to leverage the existing outputs, practices and methodologies of the Forum, by gradually adapting them for use with BPR enforcement.

The BPRS will coordinate BPR enforcement through the following activities:

- Proposing and prioritising enforcement projects and agreeing on a methodology and procedure for such a prioritisation process (Activity A.1)
- Preparing, executing and reporting from enforcement projects (both in REACH-EN-FORCE and pilot scales), focusing on key obligations of the BPR to work out common enforcement practices (Activities A.2 and A.3).
- Proposing and compiling best enforcement practices for BPR and adapting for BPR the best practice documents on strategies for enforcement and minimum criteria for enforcement (see Activity B.1).
- Setting up and maintaining information exchange and cooperation on BPR issues with other relevant enforcement networks, such as CLEEN (see Activity B.3).
- Contributing to the development of a template for the reporting required from Member States in Article 65(3) of the BPR (see Activity B.4).
- Discussing and agreeing on conclusions on practical enforcement issues and recording conclusions in the Manual of Conclusions (see Activity C.1).
- If resources are available, developing a training module on BPR for the 2018 Training for Trainers event (see Activity C.2).
- If exchanges of inspectors are organised by the Forum, allowing for the programme of the exchange to also cover the BPR (see Activity C.3).
- Contributing to the development of an ECHA IT tool for BPR inspectors, in preparation of the BPR expansion of PD-NEA in 2019 (see Activity D.1).

- Considering the use of a future electronic information exchange system for the purpose of BPR enforcement (information exchange between inspectors)(see Activity D.2).
- Communicating the BPRS's activities to the accredited stakeholders (Activity F.2) and updating the Forum Work Programme (Activity F.2).

Priority: See related Work Programme Activities¹⁰

Basis in Forum Rules of Procedure: Articles 2(2) and 2(4)

Basis in the legal text: Articles 76(1) paragraphs (h) and (l) of BPR

a. Objectives

- Activities of the Forum listed in this section should also cover enforcement activities intended to enforce the requirements of the BPR.

b. Main outputs

- For main outputs of the individual BPR-related activities and tasks, please see the details given in the Work Programme Activities referred to in the list of BPR-related activities.

¹⁰ For each of the activities listed, the priority shall be identical to the one assigned to the related Work Programme Activity referenced in brackets.

ANNEX I – OVERVIEW

The table below summarises all the activities within the MAWP 2014-2018. It seeks to highlight when activity is expected for all Forum Activities and highlights both the priorities of the task and also in what year(s) of the MAWP that activity is foreseen. It shall be the responsibility of the Forum Secretariat together with the Forum Chair and Vice Chairs to evaluate and amend this table, the trigger being the first Forum meeting of the year based on input from Forum Members and WGs.

	Forum Activity	Priority	Working Group/Task force	Activity planned				
				2014	2015	2016	2017	2018
Activity A - Forum Coordinated Enforcement Projects								
A1	Prioritisation of Coordinated Enforcement Projects	Very high	WG ongoing					
A2	REACH-EN-FORCE Projects	Very high						
	REF-3 - Registration duties focusing on ORs and cooperation with customs		Closed					
	REF-4 – Restrictions		WG ongoing					
	REF-5 – Extended safety data sheets		WG ongoing					
	REF-6 – Classification and labelling		WG ongoing					
	REF-7 – (subject to be defined in 2017)							
A3	Forum pilot enforcement projects	High	WG ongoing					
	Pilot project: Authorisation 1		Closed					
	Pilot project: Authorisation 2		WG ongoing					
	Pilot project CLP: Child resistant fastenings		Closed					
	Pilot project CLP: Internet sales		TF ongoing					
	Pilot project: CMRs and skin sensitisers		Closed					
	Pilot project: Substances in articles		WG ongoing					

	Forum Activity	Priority	Working Group/Task force	Activity planned				
				2014	2015	2016	2017	2018
Activity B - Coordination of enforcement								
B1	Best practice documents	Medium	TF ongoing					
B2	Development of institutional interlinks	Very High	WG ongoing					
B3	Cooperation with other enforcement authorities and networks	Medium						
	Cooperation with Customs 2		TF ongoing					
B4	Structured and quantitative reporting	Medium						
C - Harmonised practices and training								
C1	Forum practical guides for inspectors	Very High						
C2	Training programme for inspectors	Very High	WG ongoing					
C3	Exchange of inspectors	Medium						
D - Electronic information exchange tools								
D1	Access to information administered by ECHA	High	WG ongoing					
D2	Electronic information exchange system (EIES)	Very High	WG ongoing					
E - Expertise on enforceability of regulatory measures								
E1	Restrictions and analytical methods	Very High	WG ongoing					
	Advice on restriction proposals							
	Compendium of analytical methods							
F - Organisational and general administrative issues								
F1	Forum Work Programme	Very High						

	Forum Activity	Priority	Working Group/Task force	Activity planned				
				2014	2015	2016	2017	2018
F2	Forum Communications Strategy	High						
F3	Setting up the implementation of enforcement of the PIC Regulation	See Activity description						
F4	Coordination of a network of BPR enforcement authorities by the Forum	See Activity description						

	Activities expected to be done this year
	Activities may be done this year
	Activities not expected to be done this year

ANNEX II – LIST OF ENFORCEMENT NETWORKS RELEVANT TO THE FORUM

Activity B.3: Cooperation with other enforcement authorities and networks

List of enforcement networks:

- The CLEEN network (Chemical Legislation European Enforcement Network) deals with other legislation on chemicals, biocides, POPs, detergents, fireworks, etc.
- The SLIC – CHEMEX working group: SLIC (Senior Labour Inspectors Committee) deals with labour inspection in the field of health and safety at work. The CHEMEX Working Group has been established by SLIC to investigate the impact of REACH on labour inspectors' activities.
- The RoHS enforcement network deals with enforcement of the RoHS Directive (Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment).
- The IMPEL network (European Union Network for the Implementation and Enforcement of Environmental Law) deals with environmental legislation.
- PEMSAC (Platform of European Market Surveillance Authorities for Cosmetics) deals with cosmetic products.
- Enforcement-related "network" under the General Product Safety Directive (e.g. Consumer Safety Network – CSN, PROSAFE).
- Enforcement-related "network" under the Accreditation and Market Surveillance Regulation No 765/2008 (the Commission working groups of the Expert Group on the Internal Market for Products (IMP) on Market Surveillance, IMP/MSG, and on ICSMS, IMP/ICSMS).
- Relevant ADCO expert network (e.g. toys) and the forum of ADCO Chairs – including enforcement activities.
- Customs networks, such as PARCS (Expert group on Customs Action to protect Health, Cultural Heritage, the Environment and Nature).

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