

MINUTES

**EIGHT MEETING OF THE BPR SUBGROUP OF THE
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT**

BPRS-8

20 JUNE 2019

ECHA, Helsinki (FI)

Contents

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Glossary of acronyms and abbreviations

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

I. Summary record of the proceedings

The items reported in the minutes refer to the final agenda adopted at the BPRS-8 (Content IV, Annex I).

Item 1 – Welcome and introduction

1.1 Opening by the Chair of the BPRS

The Chair of the BPRS welcomed the participants and opened the meeting. The plenary was held at the ECHA premises in Helsinki, Finland.

He announced apologies, proxies, participating invited experts, advisers and COM representative. The quorum requirement was met.

The Chair debriefed the plenary about the workshop on the BEF-1, which was held on 19 June afternoon at ECHA. More details about the event were shared under item 7 of the BPRS-8.

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

1.2 Introduction of the new HoU of A2

The Chair introduced the new manager of the Support and Enforcement Unit who started working at ECHA on 3 June 2019. Mr Annys Erwin (BE) gave an overview of his career and shared with the members the interesting pathway which led him to ECHA.

The Chair welcomed the continuation of the good cooperation between the BPRS and the Support and Enforcement Unit in view of the future challenges of the next years.

1.3 Adoption of the agenda

The Chair informed the plenary about a new agenda item concerning the cooperation between BPRS and BPC on risk management measures, and two room documents circulated to the members.

The final agenda was adopted with the inclusion of an AOB requested by the Austrian BPRS member related to the availability of information on applications for Union Authorisations to the NEAs.

1.4 Declarations of conflicts of interest with regard to agenda items

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

1.5 State of play with regard to the action points from BPRS-7

The ECHA Forum Secretariat informed the plenary on the status of the action points from the BPRS-7 (document ECHA/BPRS-8/2019/1.5). Almost all the actions were discharged, and three of them were to be addressed in the agenda items of the BPRS-8.

The ECHA Forum Secretariat informed the plenary also on three action points which were pending from the BPRS-6.

1.6 Report of the written procedures and other issues between BPRS-7 and BPRS-8

The Chair informed the BPRS that a meeting document (i.e. ECHA/BPRS-8/2019/1.6) reported the results of the written procedures that took place since BPRS-7.

55 Item 2 - Address by ECHA Deputy ED– Mr Jukka Malm

56

57 The Chair introduced Mr Malm Jukka (FI) who is the Deputy Executive Director of ECHA.
58 In his welcome speech Mr Malm touched upon the ECHA reorganisation 2019, and the
59 activities of the ECHA Directorate A, i.e. "Submissions and Interaction". This is the
60 Directorate where the Unit A2 belongs, and that covers all the horizontal work with
61 enforcement authorities, support to industry and communication to the general public.

62

63 The speaker further highlighted the need to tighten the cooperation among the NEAs in
64 order to cope the challenging of the future years. He mentioned the importance of the
65 Forum/BPRS strategic plan for the 2019-2023, and the relevance of the new cooperation
66 with the Biocidal Product Committee on the enforceability of risk mitigation measures.
67 The expertise of the BPRS in enforcement of provisions of BPR and the national biocides
68 legislations is a very important asset that could make the regulatory risk management
69 more enforceable and therefore more impactful.

70

71 Finally, Mr Malm encouraged the BPRS to consider annual reporting on BPR enforcement
72 activities to ECHA, to mirror the pilot phase installed by the Forum regarding REACH and
73 CLP. He emphasised the value of the annual reporting as a good advertisement tool of the
74 work performed by the NEAs. He encouraged the BPRS members to observe the results
75 from the Forum test phase and to consider the future involvement of the BPRS.

76

77 Item 3 – Update and cooperation with the Forum

78

79 3.1 Updates from Forum activities

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81 One of the members of the BPRS briefly summarised, on behalf of the Chair of the Forum,
82 the subjects discussed at the Forum-33, which ended the afternoon of 19 June 2019.

83

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

90 The second relevant point was an update from the discussion of a joint REACH-BPR
91 practical issue to be covered under item 5 of the BPRS-8.

92

93 Finally, the BPRS mandated the AT BPRS member to represent the group at the meetings
94 of the European cooperation on market surveillance (Administrative Cooperation Groups -
95 AdCos), while the LU BPRS member will participate to the meetings of the ICSMS Working
96 Group organised under the umbrella of the Commission.

97

98 3.2 Update from the cooperation between BPRS and BPC on risk management
99 measures

100

101 The Chair of the Biocidal Product Committee (BPC) updated the plenary about the status
102 of the collaboration between the BPC and the BPRS on the enforceability of risk mitigation
103 measures (RMMs) proposed in applications for approval of an active substance and in
104 Union authorisations of biocidal products.

105 After the BPRS-7, the BPC Secretariat analysed the adopted BPC opinions issued so far by
106 the body at ECHA, and created a list of concerned RMMs / label provisions on which the
107 BPRS will be consulted. The document is now tabled for discussion at the next BPC plenary
108 meeting to be held on 25-26 June 2019.

109 The Chair of the BPC also mentioned to the plenary the need for the BPC to revisit some
110 of these RMMs / label provisions in order to increase consistency for certain categories of
111 substances.

112
113 The Forum Secretariat will launch the consultation with the BPRS members of the
114 concerned list once approved by the BPC members.

115 **Item 4 – Debriefing of the meeting with ECHA Directors by BPRS Chair**

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117
118 The Chair debriefed the plenary about the meeting with ECHA Directors that took place on
119 17 June at ECHA. The key topics were related to the REACH evaluation action plan (REAP),
120 and to Authorisations and Restrictions under REACH. No BPR issues were discussed.
121 For sake of example the Chair of the BPRS mentioned to the members the points related
122 to the BPR which were discussed in previous Directors meetings. The Forum Secretariat
123 will share these points via email with the BPRS members before asking for new agenda
124 items for the next Directors meeting before the BPRS-9.

125 **Item 5 – Practical issues for enforcement**

126 **5.1 Items raised by the BPRS/ECHA/COM**

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

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129
130 At the BPRS-3 the Commission representative communicated that the Commission's legal
131 service decided that no transitional period is allowed for Article 3(3) decisions.

132
133 At the BPRS-7 it was decided to reopen the Issue 3.1 about the Commission's decision on
134 'horse rugs impregnated with permethrin'. The BPRS members tasked the Forum
135 Secretariat to revise its conclusion together with the originator of the Issue and the ECHA
136 Legal Affair Unit / COM.

137
138 The new revised conclusion was consulted twice with BPRS members before its written
139 adoption by consensus. The issue is now reported in the related BPR Manual of
140 Conclusions.

141 **- Issue BPRS 5.1 – Is the refilling or repackaging of an authorised biocidal 142 product allowed under the BPR before the product is placed on the market?**

143
144
145 The Forum Secretariat presented the status of the issue. The Practical Issue went through
146 six round of written consultations before the BPRS-8. Based on the last comments
147 suggesting the cancellation of the issue (see Annex 3) the Forum Secretariat internally
148 consulted the ECHA Legal Affair Unit and the Biocides Unit. After the discussion at the
149 plenary the members decided to close the Issue as it is currently conceived, and tasked
150 the Forum Secretariat to propose a new simple practical issue to reflect the outcome of
151 the discussion.

152 **- Issue BPRS 8.1 – Treated articles**

153
154
155 The Forum Secretariat introduced the new practical issue submitted by Germany. The
156 Issue is focused on the enforceability of the labelling requirements for treated articles
157 incorporating the active substance permethrin.

158 After the discussion at the plenary, the BPRS decided that further analysis on the
159 conclusion is needed. The Forum Secretariat will follow up the Issue after the BPRS-8.

160 **- Joint Issue Forum/BPRS**

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162

163 One member of the Forum Secretariat informed the plenary on the Forum Practical Issue
164 31.2 on creosotes, which also involves some aspects of the BPR. The Forum discussed how
165 to treat joint REACH/BPR issues and decided that further analysis among the Forum
166 Secretariat, BPRS and Forum will take place after the Forum-33/BPRS-8.

167 168 **Item 6 – Updates on relevant developments by the European Commission**

169 170 **6.1 General updates on the BPR provisions by the European Commission**

171
172 The COM representative (DG SANTE) gave an update of the COM's activities that were
173 relevant for the work of the BPRS. In particular the presentation touched upon the
174 application of Unique Formula Identifier (UFI) to biocidal products; the protection of
175 cultural heritage and the potential derogation of the Article 55(3) of the BPR; the on-going
176 work related to the renewal of active substances; the update of the information
177 requirements of the BPR; the status of work on the in situ biocidal products; and the
178 release of the guidance on the biocide product family (BPF).

179
180 Moreover, the speaker briefed the plenary on the workshop held on 19 June at DG
181 SANTE in Grange (IE) on the 'Fact finding missions for biocides'. The main concerns related
182 to enforcement activities which were highlighted in the final report were: wide range of
183 products to control at MS's level and several authorities involved in the process (co-
184 operation and co-ordination); difficulties in identify borderline products; e-commerce of
185 biocidal products; and treated articles.

186
187 Moreover, during the discussion that followed the presentation, the BPRS tasked COM to
188 investigate the impact of the new Regulation 2019/515 on mutual recognition of goods on
189 the BPR mutual recognition mechanism. The COM will inform the BPRS at the next plenary
190 meeting.

191 192 **Item 7 - BPRS enforcement activities (on-going projects)**

193 194 **7.1 - First BPR enforcement project BEF-1**

195 196 **7.1.1 WG progress report**

197
198 The Chair of the BPRS WG "First BPRS enforcement project on Treated Articles (BEF-1)"
199 introduced the work done by the WG and its conclusions since March 2019 (BPRS-7).

200 The BEF-1 is in the middle of its operational phase, and the WG members are supporting
201 the NCs when needed. Inspections of treated articles are currently taking place in the MSs
202 involved in the project.

203 On 19 June afternoon the WG delivered to the BPRS members and NCs an *ad hoc* workshop
204 focused on the best practises of the BEF-1. The workshop was useful for the BPRS
205 members / NCs to share their problems and discuss the national practises in enforcing
206 treated articles. The most common challenge was the decision whether a product is a
207 treated article or a biocidal product.

208 As main outcome of the BEF-1 workshop the WG will elaborate a record of the discussion
209 in order to support the NCs in their duties during the course of the second half of 2019
210 (agenda of the workshop reported in Annex 3 to this document).

211
212 The Chair of the BPRS reminded the BPRS members and the NCs to send to the WG BEF-
213 1 any reflection or observation coming from the experience in enforcing treated articles.
214 The WG members will use these feedbacks when preparing the BEF-1 final report in 2020.

215 216 **7.2 BPRS Training for Trainers 2019**

217

218 7.2.1 WG progress report

219

220 The WG Chair informed the plenary that the preparation of the second training for national
221 inspectors under the umbrella of the BPRS is proceeding as per the Activity Plan. The scope
222 of the training event will be online sales of biocides and BPR border line issues. The final
223 agenda of the event was adopted via written procedure by the BPRS.

224 The BPRS members already nominated one physical trainee per country to be present at
225 the event at ECHA. The Chair of the WG acknowledged that the complexity of the topic
226 together with the difficulties in interpreting the BPR led the WG members to prepare
227 medium level training contents. Nominated trainees should have indeed medium
228 knowledge of the BPR. Part of the training event will be web-streamed for remote
229 attendees.

230 The WG members are currently preparing the materials to be delivered in the training
231 event (presentations and case studies for the break-out group sessions). The training will
232 be also characterized by a joint session with the 'Forum WG Training for Trainers 2019'
233 which is also focused on e-commerce. The topic of the joint session is the methodology
234 for control of internet sales.

235

236 7.3 Implementation of Interact BPR-NEA

237

238 7.3.1 WG progress report

239

240 A Forum Secretariat representative informed the plenary about the review of data and
241 functional requirements for biocidal products to be included in the Interact portal for BPR-
242 NEA. The revised requirements were provided to the IT contractor for further analysis. As
243 per earlier decision, no information on active substances will be showed in the final tool.
244 The activities of the WG will continue for the rest of 2019, in view of the release of the
245 new platform for the NEAs in 2020. An update on the work and timeline will be provided
246 at the next plenary meeting.

247

248 7.4 REACH-EN-FORCE-6 on Classification and Labelling – BPR module

249

250 7.4.1 WG progress report

251

252 A representative of Forum Secretariat informed the plenary about the progress of the REF-
253 6 project on classification and labelling of mixtures. The reporting phase is ongoing and
254 the WG members are analysing the data collected by the NCs with reference to the BPR
255 module of the project. The final Project Report will be delivered towards the end of the
256 2019.

257

258 7.5 REF-8 on online sale – BPR module

259

260 7.5.1 WG progress report

261

262 A BPRS member of the Forum WG informed the plenary about the progress of the REF-8
263 project. The joint Forum/BPRS WG was tasked to develop the manual which contains a
264 common methodology for the inspections of products sold online for the enforcement of
265 CLP, REACH and BPR.

266 The work is divided into four subgroups: 'CLP', 'REACH', 'BPR' and 'Methodology' that are
267 currently preparing the manual elements and the respective questionnaire. The BPR
268 module will target biocidal products made available through on-line sales (both authorised
269 and available under transitional measures), and advertising provisions.

270 The Forum and BPRS members, together with the NCs for the REF-8, are invited to submit
271 comments on the draft manual from the end of June until middle of August.

272
273 The speaker informed the plenary that the training for the National Coordinators (NCs) of
274 the REF-8 will take place on 3 October 2019, back-to-back with the "Training for trainers
275 (TfT) 2019".

276 277 **7.6 Forum/BPRS WG on Reporting**

278 279 **7.6.1 WG progress report**

280
281 A representative of the Forum Secretariat informed the plenary about the progress report
282 submitted to the BPRS members by the WG.

283 The draft reporting template elaborated by the WG is now under consultation by the Forum
284 and CARACAL. Action has not yet started on the annual report on the PIC template.

285 The BPRS agreed to consider the feasibility of annual reporting on national BPR
286 enforcement activities with the view of potentially joining the annual reporting pilot now
287 scheduled only for REACH and CLP.

288 The annual BPR enforcement reporting template would be prepared on the basis of the Art
289 65(3) report that the MSs need to submit to the COM every five years.

290 A follow-up discussion on the matter will take place at the next BPRS plenary meeting.

291 292 **Item 8 – National enforcement policies / Cooperation with other**

293 294 **8.1 The case of toilet disinfectants: change in formulation of biocidal products**

295
296 The Irish BPRS member informed the plenary about the ongoing case of toilet disinfectant
297 in his country. A toilet disinfectant was identified on inspection as having no approval
298 number or active substance information on the label. The retailer was instructed to remove
299 the product from sale and inform their supplier, the notification holder of the product, that
300 the product needed to be labelled in accordance with the Art 69 of the BPR prior to
301 returning to sale. On further investigation it was discovered that the retailer, acting as the
302 marketing company for their own-brand biocidal products, was tendering on an annual
303 basis for a toilet disinfectants, floor cleaners, wipes etc. A number of manufacturers
304 submitted tenders and were accepted to supply the toilet disinfectant under the own-brand
305 product name and branding of the retailer. However, each manufacturer supplied a
306 different formulation containing different active substances for the toilet disinfectant.
307 Consequently, two different toilet disinfectant formulations were available under the same
308 product name and branding. Both formulators had valid notifications and had submitted a
309 trade name with slight differences in the order of the words, so it was not picked up on
310 application that the product trade names were identical. Both applications submitted had
311 identical label which meant the trade name on the register was different to the trade name
312 on the label. The labels did not identify the notification holder, only the marketing company
313 which was the retailer, it was not clear what active substance was in the product. On
314 further investigation, the same situation was identified with all their biocidal product range.

315
316 The retailer was instructed to remove all biocidal product from sale until the issues were
317 rectified. Following meetings with the retailer to expand on the requirements on the BPR,
318 it was explained that their business model of tendering for a toilet disinfectant, or floor
319 disinfectant did not work with the BPR. They would need to become the notification holder
320 of the product and issue a tender to manufacture a specific formulation and identify all the
321 formulators in the notification, or they would need to pick one company, allow them to
322 become notification holder for the own-brand trade name and just purchase the product
323 from this formulator. The company was informed about the changes coming when the
324 active substance is approved, and the time taken to generate a dossier, and have it
325 evaluated. Annual tenders for a disinfectant would not work in a regulated market

326 especially after the date of approval as they would have a market freeze until authorisation
327 for the different products was complete. The Irish NEA also informed them that it is
328 essential that there is full traceability of the products and that on inspection the NEA must
329 be able to identify the product to determine the legal status of the product. If the NEA
330 cannot identify the product, it will be deemed non-compliant. The retailer whom has stores
331 across the EU has now rectified the situation in Ireland, they have chosen one company
332 to act as notification holder and revoked the other notifications.
333 The speaker finally wanted to make the BPRS aware that this situation is most likely
334 happening also in other member state.

335 336 **8.2 The concentration of active substances or how much DEET indeed? – A case** 337 **study**

338
339 The Swiss BPRS member shared with the plenary the outcome of an enforcement project
340 related to the active substance *N,N-Diethyl-meta-toluamide* (DEET) that was performed
341 in his country in 2017/2018.

342 The project involved laboratory analysis in order to identify and establish the concentration
343 of DEET in several biocidal products commercialised in Switzerland as repellents.

344 The main outcome of the project highlighted an average concentration of DEET generally
345 below the content indicated in the authorisations of the concerned products.

346 The repellents containing DEET were also examined to establish any deviation among
347 different batches of identical products. The analysis didn't detect any significant deviation.
348 Worth noticing that the analysis of different types of biocidal products detected a greater
349 variation of content compare to repellents. This is probably related to the manufacturers
350 of DEET-repellents, which are generally companies with a pharmaceutical background
351 using accurate methods and are working under GMP-conditions.

352 The speaker also mentioned that many manufacturers had problems in transposing the
353 labelling elements included in the concerned authorisations in the actual repellents placed
354 on the market. For example, only 50% of the special conditions as RMMs were transposed
355 correctly.

356
357 Finally, the speaker concluded the presentation highlighting the urgent need to complete
358 the review program of existing active substances in order to have the same conditions and
359 authorisations for all biocidal products currently on the EU market.

360

361 **Item 9 – Any Other Business**

362

363 **9.1 Professional users training: result of the survey – IT BPRS member**

364

365 At the BPRS-7 the Italian BPRS member delivered a presentation concerning the
366 importance of and need for trainings for industrial or professional users of biocidal
367 products. The BPRS members were invited to provide to the Italian member information
368 on the professional trainings organised in their countries; on certified sale points; and on
369 national rules that defined the use of drones for the application of chemicals at professional
370 level.

371 At the BPRS-8 the Italian member presented the results of the survey, and was tasked to
372 share them via email to the BPRS members.

373

374 **9.2 Practises on the enforcement of biocides nanomaterial: result of the survey** 375 **– French BPRS member**

376

377 At the BPRS-7 the French member asked the BPRS to share the practises that currently
378 are in place in their countries on the enforcement of nanomaterials, for both biocidal

379 products and treated articles. In the coming months the French NEA will start investigating
380 nanomaterials included in products and articles currently placed on the market.

381 Since no reply was received so far, the speaker remarked the need of feedbacks from the
382 BPRS members. The topic will be followed up at the next BPRS plenary meeting, if needed.

383

384 **9.3 Austrian request - Availability of information on applications for Union**
385 **Authorisations to the NEAs**

386

387 The Austrian member raised a question to the BPRS on the availability of information on
388 applications for Union Authorisations to NEAs, as long as the new tool called 'Interact BPR'
389 is not available yet to the enforcement authorities. These data indeed are currently
390 available only in R4BP 3 to which NEAs do not have direct access (while their related
391 Competent Authorities do). To check for a potential application for Union Authorisations,
392 which no authorisation number can be clearly identified, the AT NEA needs to inquire the
393 related Competent Authority to investigate the case in R4BP 3. The speaker mentioned
394 that potentially any biocidal product can be subjected to a Union Authorisation application.
395 After a brief discussion on the practises in place in different NEAs, the BPRS members
396 were asked to provide feedbacks on whether the access to those data appears to be
397 problematic during their routine inspections.

398 In case the unavailability of this information to NEAs become clearly a conundrum, the
399 BPRS could request ECHA Secretariat to temporarily help by providing a monthly list of
400 Union Authorisation applications.

401 The topic will be followed up at the next BPRS plenary meeting by the AT member in
402 cooperation with the Forum secretariat.

II. MAIN CONCLUSIONS & ACTION POINTS - Adopted at the BPRS-8 (Public version)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 1- Welcome and introduction		
1.1 Opening by the Chair of the BPRS		
1.2 Introduction of the new HoU of A2		
1.3 Adoption of the Agenda		
1.4 Declarations of conflict of interest with regard to agenda items		
1.5 State of play with action points from BPRS-6		BPRS members interested in linkage of the ECHA dissemination website to national IT systems are invited to inform ECHA Secretariat about the specific requirements by 20 August.
1.6 Report of the written procedures and other issues between BPRS-6 and BPRS-7		
Item 2 - Address by ECHA Deputy ED- Mr Jukka Malm		
Item 3 - Updates and cooperation with the Forum		
3.1 Updates from Forum-33	<p>BPRS mandated the AT Forum member to represent it at the meetings of the ADCO chairs group.</p> <p>BPRS agreed that the LU Forum member will represent BPRS at the meetings of the ICSMS WG of the Commission.</p>	Forum-S to expand the scope of the mandate of Forum representatives to the Commissions WGs to cover also BPRS
3.2 Update from the cooperation between BPRS and BPC on risk management measures		Forum-S will launch the consultation of risk mitigation measures with the BPRS, after the list has been approved by the BPC.
Item 4 - Debriefing of the meeting with ECHA Directors by BPRS Chair		
		Forum-S will prepare the list of BPR related topics that were discussed with ECHA Directors for the BPRS-9 invitation.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
Item 5 – Practical issues for enforcement		
5.1 Items raised by the BPRS/ECHA/COM		Forum-S will draft the new questions and conclusion for practical issue 5.1 and send it for consultation to BPRS.
Item 6 - Updates on relevant developments by the European Commission		
6.1 General updates on the BPR provisions by the COM		<p>BPRS members are invited to suggest subjects they wish to be informed by the COM in future plenary meetings.</p> <p>COM is invited to investigate the impact of the regulation 2019/515 on mutual recognition of goods on the BPR mutual recognition mechanism and inform the BPRS at the next plenary meeting.</p>
Item 7 – BPRS enforcement		
7.1 First BPR enforcement project, BEF-1		
7.1.1 WG progress report		<p>BPRS members and the NCs are invited to send any reflections or observations coming from the experience of operational phase of BEF-1 until February 2020</p> <p>WG BEF-1 will use this feedback when preparing the BEF-1 report.</p>
7.1.2 Debriefing from the BEF-1 workshop		WG BEF-1 will elaborate the record of the BEF-1 workshop including the discussions on borderline cases by mid-September 2019
7.1.3 Mandate amendment	The BPRS reviewed the mandate.	
7.2 BPR Training for Trainers 2019		
7.2.1 WG progress report		BPRS members who didn't nominate any trainee (AT, BG, CZ, DE, EL, FR, HR, IE, IS, IT, LI, LT, MT, NL and PT) are invited to do so by 5 July at the latest.

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
7.2.2 Mandate amendment	The BPRS reviewed the mandate.	
7.3 Implementation of Interact BPR-NEA		
7.3.1 WG progress report		Forum-S will schedule the demonstration of Interact collaboration platform at future BPRS plenary.
7.3.2 Mandate amendment	The BPRS reviewed the mandate.	
7.4 REACH-ENFORCE-6 on Classification and Labelling		
7.4.1 WG progress report		
7.4.2 Mandate amendment	The BPRS reviewed the mandate.	
7.5 REACH-ENFORCE-8 on Online sales		
7.5.1 WG progress report		
7.5.2 Mandate amendment	The BPRS reviewed the mandate.	
7.6 Forum WG on Reporting		
7.6.1 WG progress report		
7.6.2 Mandate amendment	The BPRS reviewed the mandate.	
Item 8 – National enforcement policies / cooperation with other networks		
8.1 The case of toilet disinfectants: change in formulation of biocidal products		IE BPRS member will send the information about the case by email to the Forums by 28 June. Forum-S will distribute it to the BPRS members by 5 July.
8.2 The concentration of active substances or how much DEET indeed? – A case study		
Item 9 – Any Other Business		
9.1 Training for professional users of biocidal products: outcome of the survey		IT BPRS member to distribute the results of the survey prepared by the IT BPRS member by 28 June

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting
9.2 Practises on the enforcement of biocides nanomaterial: outcome of the survey		FR BPRS member is invited to remind the BPRS members to send in the information requested at BPRS-7
9.3 Any Other Business		<p>BPRS members are invited to provide feedback on whether the NEAs find it challenging to access information on applications for Union Authorisations by 20 August</p> <p>Forum-S will examine the feedback and if clear need is apparent, will investigate if provision of such data is possible before the release of Interact BPR NEA.</p>
Item 10 – Adoption of conclusions and action points		

III. List of attendees of the BPRS-8

BPRS members

	Country	Name
1	AT	ANWANDER Eugen
2	BE	DE VOS Helmut
3	BG	HRISTOVA Viktoriya
4	CH	BURGY Heribert
5	CY	GAVRIEL Alexandros
6	CZ	JAROLIM Oldrich
7	DK	HANSEN Lise Bach
8	EE	LINNO Annemari
9	ES	VAZQUEZ Margarita
10	FI	KARNANI Paivi
11	HU	NEMET Balazs
12	IE	MURPHY Brian
13	IT	RAVAIOLI Francesca
14	LT	HAKAITE Palmira
15	LU	HERMES Joe
16	LV	ELFERTE Sintija
17	NL	DE BOER Jabik
18	NO	SKARGARD Cathrine
19	PL	PISAREK Dominik
20	RO	CIRLAN Cristiana
21	SE	KARLSSON Jenny
22	SI	NOVAK Vesna
23	SK	POCAROVSKA Miriam
24	UK	POTTS Mike

Invited Experts

	Country	Name
25	DE	SCHROETER Meike
26	FR	TCHANAKIAN Fiona
27	PT	DIAS Maria

European Commission representative

	Country	Name
28	DG SANTE	NEGULICI Ligia

Advisers

	Country	Name
29	DE	WURSTHORN Sibylle
30	DK	SKALS Dorrit
31	UK	BISHOP Richard

ECHA's Forum Secretariat Staff

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

IV. List of Annexes

Annex 1. Final agenda of BPRS-8 (as adopted at the plenary)

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

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

Annex 3. Final agenda of the BEF-1 workshop

Annex 1. Final agenda of BPRS-8 (as adopted at the plenary)**European Chemicals Agency - Helsinki, Finland****20 June 2019 from 09:00 to 17:00****Item 1 – Welcome and Introduction** 09:00–09:30

- 1.1 Opening by the Chair of the BPRS – *BPRS Chair*
- 1.2 Introduction of the new HoU of A2
- 1.3 Adoption of the Agenda – *BPRS Chair*
- 1.4 Declarations of conflict of interest with regard to agenda items – *BPRS Chair*
- 1.5 State of play with action points from BPRS-7 – *ECHA Forum Secretariat*
- 1.6 Report of the written procedures and other issues between BPRS-7 and BPRS-8 – *BPRS Chair*

For information/adoption

ECHA/BPRS-8/2019/1.5
ECHA/BPRS-8/2019/1.6

Item 2 – Address by ECHA Deputy ED– Mr Jukka Malm 09:30-09:40**For information****Item 3 – Updates and cooperation with the Forum** 09:40-10:00

- 3.1 Updates from Forum-33 (15') – *Forum Chair/Vice Chair/Forum member*
- 3.2 Update from the cooperation between BPRS and BPC on risk management measures (5') – *BPC Chair*

For information**Item 4 – Debriefing of the meeting with ECHA Directors by BPRS Chair** 10:00-10:10**For information****Item 5 – Practical issues for enforcement** 10:10-11:00

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

For discussion/adoption

ECHA/BPRS-8/2019/5.1

Coffee break 30'

Item 6 – Updates on relevant developments by the European Commission

11:30-12:15

6.1 General updates on the BPR provisions by the COM (45')

For information/discussion

Lunch break 60'

Item 7 – BPRS enforcement activities

13:15-14:50

7.1 First BPR enforcement project, BEF-1 (15')

7.1.1 WG progress report - *WG Chair*

7.1.2 Debriefing from the BEF-1 workshop - *WG Chair*

7.1.3 Mandate amendment - *ECHA Forum Secretariat*

7.2 BPR Training for Trainers 2019 (10')

7.2.1 WG progress report - *WG Chair*

7.2.2 Mandate amendment - *ECHA Forum Secretariat*

7.3 Implementation of Interact BPR-NEA (BPR) (25')

7.3.1 WG progress report - *WG Chair*

7.3.2 Mandate amendment - *ECHA Forum Secretariat*

7.4 REACH-EN-FORCE-6 on Classification and Labelling (BPR) (20')

7.4.1 WG progress report- *WG member*

7.4.2 Mandate amendment - *ECHA Forum Secretariat*

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

7.5.1 WG progress report - *BPRS Chair*

7.5.2 Mandate amendment - *ECHA Forum Secretariat*

7.6 Forum WG on Reporting (BPR) (15')

7.6.1 WG progress report - *BPRS Chair*

7.6.2 Mandate amendment - *ECHA Forum Secretariat*

For information/discussion/adoption

ECHA/BPRS-8/2019/7.1.1

ECHA/BPRS-8/2019/7.2.1

ECHA/BPRS-8/2019/7.3.1

ECHA/BPRS-8/2019/7.4.1

ECHA/BPRS-8/2019/7.5.1

ECHA/BPRS-8/2019/7.6.1

Coffee break 30'

Item 8 – National enforcement policies / cooperation with other networks 15:20-16:00

8.1 The case of toilet disinfectants: change in formulation of biocidal products (20') - *IE BPRS member*

8.2 The concentration of active substances or how much DEET indeed? – A case study (20') – *CH BPRS member*

For information/discussion

Item 9 – Any Other Business 16:00-16:45

9.1 Training for professional users of biocidal products: outcome of the survey – *IT BPRS member* (10')

9.2 Practises on the enforcement of biocides nanomaterial: outcome of the survey – *FR BPRS member* (10')

9.3 Any Other Business

For information/discussion

Item 10 – Adoption of conclusions and action points 16:45-16:55

End of Meeting 17:00

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

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

BPRS Working Group

“BPR enforcement project on treated articles”

(Mandate adopted at BPRS-8)

Composition

Chair: Jenny KARLSSON (SE)

Vice Chair: Jabik DE BOER (NL)

BPRS Members/Alternates:

- Francesca RAVAIOLI (IT)
- Marios ADAMIDES (CY)
- Heribert BURG (CH)
- Marianne BRAAM (NL)

Invited Experts

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

ECHA: Nicola TECCE

Objective:

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

Mandate:

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

Timeline:

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

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

2 b. BPRS WG - Training for enforcement trainers 2019 "BPRS Train the trainers 2019"

BPRS Working Group "Training for enforcement trainers 2019"

(Mandate adopted at BPRS-8)

Composition

Chair: Dominik PISAREK (PL)

BPRS Members/Alternates:

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

Invited Experts:

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

ECHA

- Nicola TECCE

Objective:

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

Mandate:

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

Timeline:

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

2 c. BPRS WG – Interact (BPR-NEA)
“Interact BPR-NEA”
BPRS Working Group
“Implementation of Interact BPR NEA”
(Mandate adopted at BPRS-8)

Composition

Chair: Eugen ANWANDER (AT)

BPRS Members/Alternates:

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

Invited Experts:

- Natalija UMBRASIENE (LT)
- Jurgen SCHMID (DE)

ECHA

- Jolanta STASKO (D2)
- Anita TUOMAINEN

Objective:

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

Mandate:

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

Timeline:

- BPRS-10 (Q1 2020)

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

(Mandate adopted at Forum-33 and BPRS-8)

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

- Gro HAGEN (NO)
- Elena ZIDAROVA (BG)
- Dimitrios CHATZIAN TINOU (EL)
- Graca BRAVO (PT)
- Žilvinas UŽOMECKAS (LT)
- Markus MAKI (FI)

Invited Experts

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

BPRS Members and Experts

- Viktoriya HRISTOVA (BG)
- Anna MASLARSKA (BG)

ECHA

- Outi TUNNELA (B4)
- Ales FRONTINI
- Anita TUOMAINEN

Objective:

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

Mandate:

1. Management of the Operational phase
2. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
3. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
4. Include biocides in the scope of the project in collaboration with the appointed BPR experts
5. Define the scope of enforcement activities under Art 45 and Annex VIII of CLP
6. Address in the manual the issue of mechanical compression strength of the LLDCs

**2 e. Forum/BPRS WG - REF-8 internet sale (BPR module)
"REF-8"****Forum Working Group**Work Package A.1**"Coordinated enforcement project REACH-EN-FORCE-8"**

(Mandate adopted at Forum-33 and BPRS-8)

Composition:**Chair:** Karin RUMAR (SE)**Forum Members and Alternates**

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

Invited Experts

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

BPRS Members and Experts

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

ECHA

- Tania MATEUS
- Ales FRONTINI
- Nicola TECCE

Objective:

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

Mandate:

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

5. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project

Timeline:

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

**2 f. Forum WG – MS Reporting
“MS reporting”****Forum Working Group
“MS Reporting”**

(Mandate created at Forum-33 and BPRS-8)

Composition:

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

Forum Members/Alternates

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

BPRS Members/Alternates

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

Invited Experts

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

Commission

- Ligia NEGULICI (DG SANTE)

ECHA

- Maciej BARANSKI
- Ales FRONTINI

Objectives:

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

Tasks:

- Review the templates for the reports to the European Commission required under Article 117(1) of REACH and Article 46(2) of CLP, Art 22(1) of PIC and art 65(3) of the BPR
- Liaise with COM consultant preparing the review reporting templates under the Art 117 of REACH, Art 46 of CLP and art 65(3) of BPR
- Draft the reporting template for annually reporting the Member States Enforcement activities under REACH and CLP
- Liaise with WG Interlinks regarding any data on interlinks to be included in the reports
- Start the pilot phase of the annual reporting exercise
- Examine MS Report template under Art 65(3) and use it to draft a template for annually reporting the Member States Enforcement activities under BPR, for further consideration by the BPRS in November 2019

Timeline: Forum-35 (March 2020)

Annex 3. Final agenda of the BPRS BEF-1 workshop

Date: 19 June 2019 from 15:00 until 18:00

Place: ECHA Library room

Chair: Jenny Karlsson (SE BPRS member)

Time	Item	Subject
14:30	1.0	Arrival of participants and registration
15:00	2.0	Opening of the event and details on the workshop
15:15	3.0	Break-out groups discussion – First session
	3.1	<ul style="list-style-type: none"> • State-of play with national inspections • Communication with national stakeholders • Interactions among NEAs while enforcing treated articles
	3.2	<ul style="list-style-type: none"> • Interpretation of the Manual for the BEF-1 • How to use COM and CA documents • Article 94 list
	3.3	<ul style="list-style-type: none"> • Borderline/scope issues • Implementation of Article 3(3) decisions
16:15	4.0	Coffee break
16:30	5.0	Break-out group discussion - Second session
17:30	6.0	Debriefing by the break-out groups moderators
18:00	7.0	End of the workshop and reception offered by ECHA