

Work Programme of the Forum 2024-2025

Adopted on 7 November 2023

Disclaimer

In order to reflect developments in its work, the Forum for Exchange of Information on Enforcement (or the ECHA Harmonised Enforcement Team on its behalf) is entitled to modify or revise this document at any time.

This publication is solely intended for information purposes and does not necessarily represent the official opinion of the European Chemicals Agency. The European Chemicals Agency is not responsible for the use that may be made of the information contained in this document.

Work Programme of the Forum for Exchange of Information on Enforcement 2024-2025

Reference: ECHA-23-R-14-EN

ISBN: 978-92-9468-339-7

Cat. Number: ED-02-23-287-EN-N

DOI: 10.2823/06871

Publ.date: December 23

Language: EN

© European Chemicals Agency, 2023

Cover page © European Chemicals Agency, 2023

If you have questions or comments in relation to this document please send them (quote the reference and issue date) using the information request form. The information request form can be accessed via the Contact ECHA page at:

<http://echa.europa.eu/contact>

European Chemicals Agency

Mailing address: P.O. Box 400, FI-00121 Helsinki, Finland

Visiting address: Telakkakatu 6, Helsinki, Finland

Table of Contents

List of acronyms	4
Introduction	8
EU Level Enforcement Priorities 2024-2025	10
Horizontal enforcement priorities.....	10
Specific enforcement priorities	11
Priorities for ways of working in 2024-2025	12
Planned Actions	14

List of acronyms

ADCOs	Administrative Cooperation Groups, sector-specific groups of market surveillance authorities
BEF project	BPR-EN-FORCE project
BPR	Biocidal Products Regulation
BPRS	Forum Biocidal Products Regulation Subgroup
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
CSS	Chemicals Strategy for Sustainability
COM	European Commission
EC	European Communities
ECHA	European Chemicals Agency
EEA	European Economic Area
EU	European Union
Forum	Forum for Exchange of Information on Enforcement
HelpNet	BPR, CLP and REACH Helpdesks' Network
ICSMS	Information and Communication System for Market Surveillance
IMPEL	European Union Network for the Implementation and Enforcement of Environmental Law
Interact Portal	Interact Portal is the central IT portal that supports Member States authorities, Committees and working groups of ECHA in their tasks related to the chemicals legislation under the mandate of ECHA.
IRS	ECHA's Integrated Regulatory Strategy to identify substances of concern and prioritise them for regulatory action
Manual of Conclusions (MOC)	Forum document for inspectors, in which conclusions to practical enforcement questions are listed
MS	Member State
MSCA	Member State competent authority
NEA	National enforcement authority (in EU/EEA States and, for BPR only, also Switzerland)
OSH	Occupational safety and health
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
POPs	Persistent organic pollutants

POPs Regulation	Regulation (EU) No 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants.
PREG	Prohibitions & Restrictions Expert Group – EU level network of customs authorities
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 legislation addressed by the Forum.
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
RoHS Directive	Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment
SDS	Safety data sheet
SLIC	Senior Labour Inspectorates Committee
SLIC CHEMEX	Working group for Chemical Monitoring of the Senior Labour Inspectors Committee
Stockholm Convention	The Stockholm Convention on Persistent Organic Pollutants
WG	Working Group (of the Forum)
WP	Work Programme

Foreword by the Chairs of the Forum and BPRS

The introduction of directly acting chemicals legislation in the EU started in 2007 when the REACH Regulation entered into force, followed by the CLP, Biocidal Products, PIC and POP Regulations. Now, over 15 years later, all processes under these regulations have been set up and are in full flow, prompting authorities and stakeholders to look more and more towards proper implementation and enforcement of the legislation.

In the EU's chemicals strategy for sustainability there is an emphasis on enforcement and zero tolerance to non-compliance and a level playing field between the EU and non-EU companies. To work towards these goals, enforcement needs to be strengthened. The activities described in this Work Programme are steps towards this. It will thereby promote the safe use of chemicals, address chemicals of concern and strengthen controls, particularly when it comes to imports and online sales, by enhancing the harmonisation of enforcement.

The Forum and the national enforcement authorities¹ are at the centre of multiple follow-up processes under REACH, CLP, BPR, PIC and POP. At the same time, they are asked by the European Commission, stakeholders and industry to ensure a level playing field across the participating Member States through enforcement.

To meet these aims, the Forum strives to work towards the harmonisation of enforcement through a number of different activities. It endeavors to create comparable enforcement across all participating Member States. It is the Forum's aim to conduct common enforcement campaigns, to set standards, provide guidance and thus enable enforcers to have a common understanding of enforcement issues. In addition, the Forum seeks to provide practical assistance to national enforcement authorities, in the form of training, manuals and project preparation, and also through the setting of priorities.

This Work Programme serves to channel the Forum's – and often subsequently the national enforcement authorities' – activities and resources in line with ECHA's Strategic Plan 2024-2028. The most visible outputs of the Forum are the REACH-EN-FORCE (REF) and BPR-EN-FORCE (BEF) projects which, through their uniform set-up and EU-wide participation of almost all Member States, directly provide for a level playing field in a certain area of law. However, as this document demonstrates, other activities are just as important for the harmonisation and improvement of enforcement in the Member States.

Over the last few years, the tasks of the Forum have grown. It is now responsible not only for the REACH, CLP, BPR and PIC Regulations, but also most recently for the POP Regulation. Except for creating the BPR Subgroup (BPRS), the Forum has managed to handle these tasks with existing resources, building on processes, routines and lessons learnt during more than 15 years of operation. This was possible thanks to the Forum developing its ways of working to adapt to the changing circumstances. In addition to finding efficiencies and absorbing new tasks, the Forum has become more transparent by publishing its advice on enforceability and organising dedicated workshops for the stakeholder organisations and industry.

¹ Enforcement authorities in EU/EEA States and, for BPR only, also Switzerland.

Changes in legislations such as REACH may add new tasks and responsibilities to the Forum and the national enforcement authorities in the coming years. So, an important task will be to follow the legislative developments and if changes are made, to evaluate how the Forum can handle these new tasks in an efficient way.

Henrik Hedlund
Chair of the Forum
October 2023

Helmut de Vos
Chair of the Forum's BPRS

Introduction

The Forum for Exchange of Information on Enforcement (Forum) is a well-established body of the European Chemicals Agency (ECHA) consisting of a network of national enforcement authorities with responsibility for the REACH, CLP, PIC and POPs Regulations in the EU/EEA and supported by the ECHA Secretariat. In 2017 the Forum set up the Biocidal Products Regulation Subgroup (BPRS), tasked with the coordination of Member State authorities with a remit for enforcement of the Biocidal Products Regulation (BPR).

The establishment and tasks of the Forum and the BPRS are set out in the legal text of the chemicals regulations. Under Article 77(4) of the REACH Regulation, Article 46(3) of the CLP Regulation, Article 18(2) of the PIC Regulation, Article 8(2) of the POPs Regulation and Article 76(1)(l) of the BPR the Forum and BPRS are assigned undertakings with the aim to ensure thorough, coordinated and harmonised enforcement of the regulations in all countries within the EU/EEA. In order to continue fulfilling this mandate, the Forum and BPRS set out their priorities for the years 2024-2025 in this Work Programme. While these priorities will provide steer at the EU level, enforcement priorities on the national level may be different.

In realising these aims in 2024 and 2025, the Forum and the BPRS will continue to coordinate, conduct and report on EU-wide projects as their main output. These projects, REACH-EN-FORCE (REF)², BPR-EN-FORCE (BEF) and pilots, are vital to improve the harmonisation of enforcement activities across Member States. Participating national enforcement authorities are supported by the Forum and BPRS through training carried out by members and the provision of guides and manuals.

The priorities for this Work Programme are aligned with ECHA's Strategy 2024-2029. They are also consistent with many ambitions for enforcement identified in the European Commission's Chemicals Strategy for Sustainability (CSS).

The CSS is the blueprint for the EU's policy direction on chemicals regulation and identifies a number of high-level ambitions for enforcement. Some of these will require legislative change, which is ongoing at the time of preparing this Work Programme. Others are already reflected in the Forum's enforcement priorities and actions planned for 2024-2025.

The implementation of the CSS also brings the review of REACH, CLP as well as an ECHA new basic regulation. These legislative changes may result in new tasks and opportunities for the Forum and enforcement authorities. One of the key Forum priorities for the coming years will be to examine its new mandate once it becomes available. This will allow the Forum to review its priorities and ways of working to ensure that it is ready in time to deliver on both the new and existing tasks.

The current draft of ECHA Strategy Statement 2024-2029 identifies new priorities and goals for the Agency such as the need to ensure non-compliance with legal requirements is swiftly addressed by the Agency and its bodies or the relevant MS Authorities. Through its actions the Forum puts these priorities in practice. Forum's projects and the follow up of specific cases, such as non-compliance with ECHA dossier evaluation decisions, ensures that non-compliance with legal requirements is swiftly addressed.

² REACH-EN-FORCE (REF) is the name and acronym used for major harmonised projects of the Forum which address also other legislations in its mandate, such as CLP, POP or PIC. Only BPR focused projects have a dedicated name (BPR-EN-FORCE, BEF).

This Work Programme, which has been agreed by the Forum in 2023, sets out the enforcement priorities for the next 2 years and ensures that new challenges and areas where compliance levels need to improve in the EU market are addressed.

EU Level Enforcement Priorities 2024-2025

In the years 2024-2025 the following priorities will drive the Forum and BPRS work in harmonising enforcement of REACH, CLP, POPs, PIC and BPR on the EU level. Forum may still choose other focus areas for projects, if they are needed to address emerging issues or new priorities.

Other duties are also subject to enforcement and continue to be controlled by the NEA but are considered to be a part of the NEAs' enforcement routine.

Horizontal enforcement priorities

Imports and cooperation with customs: Results of previous enforcement projects show high non-compliance with chemicals legislation for imported mixtures and articles³. According to project data, the rate of non-compliance for imported products ranges from 17% (for REACH restrictions) to even 64% (for CLP labelling). In a recent pilot project overall 23% of all controlled imported products were found to be non-compliant, meaning that almost one in every four imported products was not in conformity with the chemicals legislation in the EU. Compliance levels must improve. Therefore, the Forum will prioritise action aimed at improving control of **imports and cooperation with customs** within the scope of the REF-12 project⁴.

Online sales: Low compliance level for chemicals and articles sold online is a well-documented issue. A recent Forum project⁵ on online sales, which used a risk-based approach to target the controls, identified that more than 3 out of 4 products or offers checked failed to comply. For REACH restrictions the rate of non-compliance was as high as 78%. New horizontal legislations that introduce stricter requirements for online sales⁶ and respective changes anticipated in the REACH and CLP Revisions will facilitate enforcement of chemicals legislation for online sales. The Forum should leverage these new provisions and build on its prior experience to prioritise controls and harmonise approaches to enforcing regulatory compliance in online sales of chemicals.

Integrated enforcement: With chemicals legislation fragmented, the same substance, mixture or article is often regulated by several pieces of legislation. This is most visible for common types of material that are used in many product categories such as soft plastic or textiles. For example, some articles could simultaneously be in the scope of restrictions under the REACH and POP Regulations, BPR, Waste Framework Directive, Toys Directive or RoHS Directive. Enforcement resources are limited, so to further increase efficiency, products should be checked for compliance for multiple legislations, where it is possible, building on the experiences garnered from the Forum's REF-10 project⁷.

Improved cooperation between enforcement authorities and enforcement networks: With cross-border supply chains and fragmented responsibilities for control of different legislations, chemicals enforcement authorities must cooperate with their peers from other countries and other inspection services on the national level (e.g. **labour inspection, environmental inspection, customs**). **The Forum and the BPRS will explore means of effective** cooperation between the NEAs and prioritise enforcement

³ See the reports of Forum projects that show non-compliance for imported goods.

- [Pilot project on cooperation with customs](#) in control of CLP labelling and REACH Restrictions
- [REF-3 project on REACH registration](#)
- [REF-4 project on REACH Restrictions](#)

⁴ REF-12 project on control of imported substances, mixtures and articles

⁵ See the report of [REF-8 project on online sales](#) and pilot project on CLP focusing on control of internet sale

⁶ Digital Safety Act, General Product Safety Regulation

⁷ REF-10 – Integrated chemical compliance of products

action where cross-legislation cooperation with other inspection services can be proactively established and developed. One avenue of such cooperation will be through integrated enforcement. For example enforcement of some regulatory risk management measures (e.g. Authorisation) will need to be done in line with the OSH Regulatory Framework and in cooperation with labour inspectors. Where relevant for addressing its priorities, the Forum and BPRS will also proactively initiate cooperation with the European enforcement networks responsible for related legislations (e.g. SLIC CHEMEX, IMPEL, PREG). The Forum will continue to contribute to the work of the EU Product Compliance Network (EUPCN) and its partner groups to ensure that enforcement of chemicals legislation remains an integral part of EU market surveillance.

Specific enforcement priorities

Regulatory risk management measures: In line with the ECHA Integrated Regulatory Strategy (IRS), ECHA uses the information from registration dossiers to identify substances of concern and prioritise them for regulatory action. Enforcement of regulatory risk management measures should be a priority because these measures were put in place to address risk of substances of concern at the EU or global level. Therefore, enforcement of these duties will be most impactful in protecting human health and environment. Previous enforcement projects show that the non-compliance level for REACH Restrictions is ~18%, for REACH key duties related to Authorisation it is ~26% and for CLH it is ~9%.⁸ Considering that these measures are meant to regulate substances of concern, compliance should be improved. The Forum will prioritise enforcement action on duties related to **REACH Restrictions, REACH Authorisation, CLP Harmonised Classification and Labelling (CLH), POPs Restrictions⁹ or BPR product authorisation and use of approved substances.**

Information in the supply chain: Flow of quality safe use information in the supply chain is one of the cornerstones of REACH. Downstream users and professional users have the ability to safely use substances and mixtures if they receive good quality information from the suppliers further up the supply chain. Enforcement experience indicates that while the information generally flows well, its content is very often insufficient, which means that appropriate risk management measures cannot be applied by the end users. This is most impactful for substances of very high concern subject to Authorisation but affects the safe use of all mixtures, including approved biocidal products. As many as 52% of SDS have quality deficiencies¹⁰. Non-compliance at levels of over 30% in the SDS have been detected regularly over the years.¹¹ To address this persistent compliance issue the Forum will prioritise action to harmonise enforcement of duties related to the flow of information in the supply chain and its application in the workplace following on from the findings and recommendations in the REF-11 project¹².

Classification and labelling: Experience of enforcement of the CLP Regulation indicates that the **obligations ensuring safe use of mixtures and substances by consumers** require specific attention. Proper classification and correct hazard communication through labelling are critical to ensure safe use. The outcomes of a Forum project¹³ on classification and labelling of mixtures indicates that 44% of mixtures are non-compliant with CLP

⁸ See the reports of Forum projects: [REF-4](#) on Restrictions, [REF-6](#) on Classification and Labelling and [REF-9](#) on Authorisation.

⁹ POPs Restrictions are not part of the IRS, but they are globally regulated under the Stockholm Convention to address risk to human health and the environment posed by the POP substances.

¹⁰ See the report of the [REF-2](#) project on Obligations of Downstream Users - Formulators of mixtures.

¹¹ See the [report](#) of the Forum – Stakeholders joint initiative on improvement quality of SDS and reports of REF-6 project on classification and labelling of mixtures and REF-9 on Authorisation.

¹² REF-11 project on quality of Safety Data Sheets

¹³ See report of [REF-6](#) project on classification and labelling of mixtures.

duties. 17% of mixtures are incorrectly classified and 33% are incorrectly labelled. These findings are complemented by the results of the Forum's pilot project which found that 29% of products for which child-resistant fastenings was required did not comply. With such high non-compliance levels the Forum will consider prioritising action on harmonising enforcement of these fundamental CLP duties.

New provisions: Where relevant, the Forum will also prioritise action to harmonise enforcement of new provisions that have fully entered into force. This includes the **duties related to notification of information on hazardous mixtures to national appointed bodies and poison centres** according to Annex VIII of the CLP Regulation, for which the transitional period ends in 2025. It could also cover new requirements for importers of substances and mixtures sold online anticipated under the CLP revision. These duties will require efforts from many downstream users and all importers. This priority area may also include action on implementation of EU sanctions such as those resulting from the Russian invasion of Ukraine. The Forum will prioritise action where the best practice in enforcement of such new provisions can be developed.

Priorities for ways of working in 2024-2025

The work of the Forum goes beyond coordinating enforcement of specific provisions. In prioritising its work, the Forum will be guided not only by the need to enhance compliance with specific duties ('enforcement priorities'), but also by a clear preference on how its objectives should be achieved. This includes the preference for practical enforcement through projects and swiftly addressing political and regulatory developments, such as the need to work closely with customs or advise on enforceability of important new restrictions. Therefore, the Forum will also consider the following overarching priorities during the period of this Work Programme.

Focus on enforcement projects: For more than 15 years, the Forum has been carrying out **coordinated enforcement projects, which** allow it to harmonise control practice, gather information on compliance, develop guidance for inspectors and inform stakeholders and authorities alike about compliance issues and its recommendations. These coordinated projects are the most effective tool for strengthening and harmonising enforcement in the EU. The Forum and BPRS will continue to run these projects as its major output in order to address the enforcement priorities identified within this work programme. Considering the potential changes in its mandate the Forum will continue to reflect on its ways of working to ensure optimal efficiency and effectiveness of the projects.

Focus on enforceability advice for new restrictions: New legislation must be enforceable and Forum has years of experience of delivering advice on enforceability of proposals for new restrictions under REACH and in recommending analytical methods for enforcement of restrictions. The Forum will need to devote more attention to its enforceability advice due to the gradual shift towards broader restrictions that regulate more substances and are thus generally more difficult to enforce. The REACH revision and the Restrictions Roadmap¹⁴ may also result in higher demand for enforceability advice. Potentially, advice on new restrictions processed under REACH Article 68(2) may be requested by COM, therefore a swifter procedure for processing and delivering on such exceptional pieces of advice may be needed. Revision of the advice delivery processes of the Forum will be needed to address these developments and other known challenges. These changes may also require improved resourcing to bolster the Forum's capability to

¹⁴ <https://ec.europa.eu/docsroom/documents/49734>

deliver enforceability advice in the future, when the demand for it increases.

Improved cooperation with stakeholders: Sustainable improvement of compliance with the chemicals legislation requires engagement of industry and other stakeholders. The Forum will continue to explore further interactions with a wide range of stakeholders. This can happen through regular liaisons to hear the concerns of stakeholders during an annual open session or via dedicated workshops to communicate findings of enforcement and discuss recommendations for the industry. To support continued stakeholder engagement the Forum will continue to regularly communicate about its work and outcome of its projects through ECHA channels.

Prepare for potential changes in the Forum mandate: Revision of REACH and establishment of the basic regulation for ECHA may result in new tasks and opportunities for enforcement authorities such as establishment of the European Audit Capacity, new mandate for the European Anti-Fraud Office, new mechanisms for improved control of imports or expanded need for Forum advice on enforceability in regulatory processes. These and other changes may result in updated tasks for the Forum. Therefore, one of the key Forum priorities will be to examine its new mandate, once it becomes available, and review its priorities and practices. This will ensure that that the Forum is ready in time to deliver on its new mandate in case the new provisions include such changes.

Planned Actions

To deliver on its priorities the Forum will undertake actions and deliver the outputs listed in the table below.

Forum activity	Outputs	
	2024	2025
Prioritisation of coordinated enforcement projects	Prioritise subject of REF-14 project	Prioritise subject of REF-15 project Prioritise subject of new pilot project
REACH-EN-FORCE and BPR-EN-FORCE projects		
REF-10 – Integrated chemical compliance of products	Follow up phase: Guide for inspectors and workshop for stakeholders including NGOs and industry	
REF-11– Quality of Safety Data Sheets	Reporting phase: Deliver project report.	Follow up phase: Guide for inspectors and workshop for stakeholders including NGOs and industry
REF-12 – Control of imported substances, mixtures and articles	Operations phase: Support inspections at national level	Reporting phase: Deliver project report
REF-13 – Online sales	Preparatory Phase: Deliver project manual	Operations phase: Support inspections at national level
REF-14 – Subject to be defined		Preparatory Phase: Deliver project manual
BEF-2 – Approved substances in biocidal products	Follow up phase: Guide for inspectors and workshop for stakeholders including NGOs and industry	

Forum activity	Outputs	
	2024	2025
BEF-3 – Control of the Summary of Product Characteristics and elements of Safety Data Sheets	Preparatory Phase: Deliver project manual	Operations phase: Support inspections at national level
Pilot projects		
Pilot project: PFCA and related substances in cosmetics	Operations phase: Support inspections at national level. Reporting phase: Deliver project report	Follow up phase: Guide for inspectors and workshop for stakeholders including NGOs and industry
Pilot project: Poison Centre Notifications under Annex VIII of CLP	Preparatory Phase: Deliver project manual	Operations phase: Support inspections at national level Reporting phase: Deliver project report
Cooperation between authorities – the interlinks process	Support NEAs in their enforcement of ECHA decisions and other specific cases	Support NEAs in their enforcement of ECHA decisions and other specific cases
Cooperation with stakeholders	Open session with stakeholder organisations Workshop on results of REF-10 project	Open session with stakeholder organisations Workshop on results of REF-11 project
Best practice and guides for inspectors	Guide for integrated control of products for REACH and POP restrictions and requirements for communication on substances in articles Guide for inspectors on control of approved substances in biocidal products Updated Forum and BPRS Manuals of Conclusions	Guide for inspectors on control of quality of SDS Guide for inspectors on control of PFCA and related substances in cosmetics Updated Forum and BPRS Manuals of Conclusions <i>Potentially, revise the document 'Strategies and minimum criteria for enforcement of Chemical Regulations'</i>

Forum activity	Outputs	
	2024	2025
Training programme for inspectors	Training for REACH, CLP inspectors Training for BPR inspectors	Training for REACH, CLP inspectors Training for BPR inspectors
Restrictions and analytical methods		
Advice on restriction proposals	Advice on enforceability of restriction proposals delivered as planned in registry of restriction intentions Test the revised process for delivery of enforceability advice <i>Potentially, advice on restrictions processed under REACH Article 68(2), if requested by the COM</i>	Advice on enforceability of restriction proposals delivered as planned in registry of restriction intentions <i>Potentially, advice on restrictions processed under REACH Article 68(2), if requested by the COM</i>
Compendium of analytical methods	Revised compendium of analytical methods	
Structured and quantitative reporting on enforcement		<i>Potentially, input to the MS reports to COM under REACH Article 117 (1) and CLP Article 46 (2), if requested by the COM</i>
Examine the impact of REACH and CLP Revision as well as the basic regulation on the Forum mandate	Review the impact of the anticipated legislative changes on the operation of Forum and prepare an implementation plan	

EUROPEAN CHEMICALS AGENCY
P.O. BOX 400, FI-00121 HELSINKI, FINLAND
ECHA.EUROPA.EU