



MSC/M/03/2008 Final
(adopted on 07/10/2008)

Final Minutes

**Minutes of the 3rd Meeting of the Member State Committee (MSC-3)
3-4 September 2008**

I. Summary Record of the Proceeding

Item 1 - Welcome and Apologies

The Chair of the Committee, Ms Anna-Liisa Sundquist, welcomed the participants to the third meeting of the Member State Committee (MSC).

For this third meeting, apologies were received from four members. The list of attendees is given in Part II of the minutes. Three members of the Committee prevented from participating in the meeting had notified their proxies. Members from the United Kingdom, Hungary and Spain had given their proxies to members from Ireland, Slovenia and France respectively.

The Chair welcomed the new member from Norway, Ms Linda Reiersen, to her first meeting of the Committee.

Although the letters inviting EEA/EFTA countries to appoint members had been sent out on 8 July, the formal nominations from Iceland and Lichtenstein have not yet reached ECHA. Ms Gunnlaug Einarsdottir from Iceland was welcomed by the Chair as observer.

Item 2 - Adoption of the Agenda

The Agenda was adopted without changes. The final Agenda is attached to these minutes.

Item 3 - Declarations of conflicts of interest to the items on the Agenda

No conflicts of interest were declared specific to any Agenda point of the meeting.

The Chair informed participants who attended a MSC meeting for the first time that they have to provide a declaration of confidentiality to the Secretariat at the beginning of the meeting.

Item 4 - Adoption of the draft minutes of the MSC-2

4a Adoption of draft minutes

No comments were received to the draft minutes of MSC-2 during the 4 weeks commenting period. The draft presented was the same as made available in June, except the Secretariat has introduced minor corrections in Annex II and IV on the list of attendees and included the full version of the conclusions and action points. The minutes were adopted without further modifications. The Chair reminded the MSC that the final minutes would be published on ECHA's website.

4b Action points

Most action points from the last meeting had been dealt with or would be covered by this meeting.

The Chair informed the meeting that an invitation has been sent to the OECD in July asking them to appoint an observer. ECHA had not yet received a nomination.

Item 5 - Administrative Issues

5a Reimbursement

The Secretariat informed the meeting that a more stringent line has been taken on the use of flexi tickets, and a justification for such tickets is absolutely needed. If no acceptable justification is provided a table for ceiling of prices from different countries has been established within ECHA, and the reimbursement of the ticket will be up to that figure only. It was also concluded that on request a member can receive from the Secretariat the figure for the flight price considered for her/his departure city.

According to the rules of reimbursement members have to book tickets for a meeting no later than five days after receiving an invitation. Concerns were raised by some members on the strict timeline and it was concluded that the Secretariat should send a reminder e-mail to members when an invitation is uploaded on CIRCA.

The Secretariat also advised members and experts regularly to check if the IBAN-code they have provided to the Secretariat is up to date and valid.

5b Annual declarations

The Chair informed that the annual declarations of interest from the members have been published on the ECHA website.

Item 6 – Stakeholder participation

6a Stakeholder participation

The Secretariat presented an oral update on the responses received from stakeholder organisations. Invitations were sent out to the 15 organisations, as agreed at MSC-2, asking them to nominate an observer by 1st September 2008. The nine organisations listed below have responded positively and will be invited to the MSC meeting in October.

- The Confederation of European Business,
- CEFIC (*European Chemical Industry Council*),
- CONCAWE (*The oil companies' European organisation for environment, health and safety*),
- European Trade Union Confederation (ETUC),
- FECC (*European Association of Chemical Distributors*),
- Greenpeace International,
- WWF European Policy Office,
- ECETOC (*European Centre for Ecotoxicology and Toxicology of Chemicals*),
- EUROTOX (*Federation of European Toxicologists & European Societies of Toxicology*).

6b Code of conduct for observers from stakeholder organisations

The Secretariat gave a short presentation of the process that has taken place since the last MSC meeting concerning the document on a Code of Conduct. Since the discus-

sion of elements for the Code of Conduct in the MSC-2 the ECHA Secretariat had prepared a draft for such Code taking into account the advice of the MSC. The document had then been discussed at a RAC meeting in July and following that a modified version was sent out for comments to the MSC members. No comments were received during the four weeks consultation period.

In the following discussion some minor clarifying modifications were introduced. In paragraph 16 it was concluded that 15 days should be changed to 12 days, so that the same timeframe applies to stakeholders as well as to members who want to submit material to a meeting.

After the modifications the Code of Conduct was endorsed by the MSC. The Chair informed the meeting that the Code of Conduct and the form for the confidentiality declaration will be provided to stakeholder organisations together with the invitation to their first meeting.

The Code of Conduct will also apply to stakeholders participating in other ECHA Committees and bodies.

Item 7 – Feedback from other ECHA bodies

The RAC Chair briefly informed the MSC about the third RAC meeting held on 1st to 3rd July 2008. The issues of relevance to the MSC were the following:

Based on the RAC decision the RAC Secretariat has invited 15 stakeholder organisations and OECD to appoint observers for the RAC and is currently waiting for their responses. RAC has made a pre-appointment of all rapporteurs and co-rapporteurs for the Annex XV dossiers for harmonised classification and labelling notified by the MSCAs in the Registry of Intentions.

RAC members have raised the need to establish working groups dealing with QSAR and PBT issues. The working groups could serve the needs of both RAC and MSC.

The Chair initiated a discussion on the need of joint working groups of the RAC and MSC, and invited members to give their views on the issue. Some members expressed their support for the idea to establish joint working groups dealing with QSAR in evaluation tasks and PBT preparatory work for the Annex XV dossiers. MSC could consult these working groups for finding an agreement on the issues which require special expertise. Some members felt that it was too early to decide on establishment of working groups and that the MSC should wait for the concrete cases where help of working groups would be needed. Other members stressed that it might be too late to set up a working group on the basis of concrete needs and wished to establish a group to prepare for the possible arising tasks. The working groups were considered beneficial not only for the MSC but also RAC and ECHA secretariat in their respective tasks concerning finding agreement on PBT dossiers, on draft decisions on testing proposals, compliance checks and substance evaluations as well as for restrictions and classification and labelling dossiers.

The Commission also expressed support for the establishment of an ECHA expert working group as one mechanism for addressing its request to ECHA to provide support to the international programmes on Persistent Organic Pollutants (POP).

Concerns were raised by some members representing small Member States, that it could be difficult for them to find the resources to join such working groups.

Based on the views expressed by both RAC and the MSC the Chair concluded that ECHA will reflect on the views and consider which structure for potential working groups could be most appropriate. The Secretariat will keep the MSC informed on the planning and bring the item on the agenda when ECHA has developed a proposal for discussion.

Item 8 – Preparing for the MSC tasks for SVHC identification

The Secretariat gave a short presentation of the revised template/model for agreement on identification of SVHC. It was highlighted that this was an example developed for a substance proposed as PBT and may be modified to meet the needs for each case. The model for draft agreement will be applied for the Committee's agreements on SVHC as appropriate.

Only minor corrections were suggested by the members. These will be incorporated in the templates/draft agreements by the Secretariat.

Item 9 – Criteria for the PBT and vPvB substances as SVHC

The Chair invited the Commissions representative to update the MSC on the latest progress made in the review of Annex XIII of the REACH regulation.

In summer the Commission launched a written stakeholder consultation asking views on three possible options for Annex XIII review. The Commission is still examining the comments and possibilities before it decides which approach is the most appropriate one.

The Chair reminded the members that seeking agreement for the first SVHC substances in the MSC has to take place on the basis of the present Annex XIII because no revision (if any) of Annex XIII will take place before that.

Following the presentation from the Commission the Secretariat introduced the meeting document on application of Article 57 d/e and f and emphasised the legal consequences for failure to identify a substance as a SVHC properly. It was envisaged that it is important for the MSC to reach unanimous agreement on identification of SVHC or agree that there is not enough information for identification.

Before a substance can be identified as a PBT or a vPvB it needs to meet all the criteria in Annex XIII. Since a PBT working group set up in 2003 already have identified several substances as PBT and vPvB substances there is a risk that an Annex XV dossier for SVHC merely cross-refers to the work carried out in the PBT working group. This can cause a problem if the work is not evaluated against the Annex XIII criteria since there is a difference between the Annex XIII criteria and the criteria used by the PBT working group.

It is especially important to ensure that the criteria under article 57(e) or (d) have been met or if it is more appropriate to identify a substance under other categories of SVHC set out in Article 57, in particular 57(f). It was highlighted that it is up to the MSC to unanimously agree on the correct identification or agree that there is not enough information for identification.

Discussion

In the following discussion the MSC supported the approach highlighted by ECHA, i.e. that it is important to confirm that the correct legal basis has been used once a substance is proposed as a SVHC. If the substance is addressed by the MSC the basis for the proposal needs to be reviewed and the legal basis can be changed by the MSC if necessary. It was also envisaged during the discussion that it would be possible for both Member States and ECHA to comment on the legal basis suggested in the Annex XV dossier. The MSC can adjust the legal basis when comments have been provided on the justification of the proposal to identify a substance as SVHC. The Secretariat underlined that it is important to use the right legal basis when submitting an Annex XV dossier. The limited time for accordance check does not necessarily allow ECHA to ensure if the correct legal basis has been used.

It was noted that adjustment by the MSC of the legal basis proposed in an Annex XV dossier may be necessary in several other cases, like where Article 57 (a), (b) or (c) has been used as the legal basis imprecisely. It was furthermore pointed out that some substances might fulfil the criteria under more than one Article, such as Article 57(a), (b) or (c). The Commission highlighted that if a substances fulfils more than one criterion, it can be important to address them all in the identification so it can be used in the prioritising process.

Responding to a question it was clarified by the Secretariat that even if a company has already identified a substance as a PBT, Member States or ECHA on behalf of the Commission can still submit an Annex XV dossier for the same substance.

The Chair concluded that the MSC has to pay attention that in its agreements the correct legal basis is used. Adjustment of the legal basis can be done when comments have been provided on the justification of the proposal to identify a substance as SVHC.

Item 10 - Working Procedures of the MSC

10a Seeking agreement on Identification of Substances of Very High Concern

The Secretariat gave a brief presentation of the whole process/workflow involved in the identification of SVHC.

After the presentation the Secretariat went through the draft working procedures of the MSC in the identification of SVHC and any necessary changes/modifications were introduced during the discussion. It was emphasised that the purpose of the working procedures is to establish principles to be applied in the work between the members in the MSC and between the members and the Secretariat. The working pro-

cedures will be applicable to the process of identification of SVHC when comments on SVHC Annex XV dossiers(s) have been received.

By the end of the meeting the redrafted working procedures were endorsed by the MSC. The Chair highlighted that the working procedures will be further elaborated once more experience has been gained. The Chair welcomed proposals of the members for improvements of the working procedures.

The endorsed working procedures will be uploaded on CIRCA and on ECHA's website by the Secretariat.

10b) CIRCA- proposal for use of newsgroups

The Secretariat presented the functionalities of CIRCA Newsgroups. CIRCA Newsgroups allow members to discuss, post comments, exchange views and find agreement on subjects related to the work of MSC.

It was highlighted that Newsgroups provide members an interactive forum for informal discussions where original documents, questions or topics are visible and can be commented by all members. It can be used for informal discussions on REACH processes such as draft agreements on SVHC identification, working procedures, Rules of Procedure (RoP), minutes etc.

Only the Secretariat can start a Newsgroup on CIRCA. However any member may request establishment of a Newsgroup. Members will always be notified by e-mail about the establishment of a Newsgroup.

After the presentation some members expressed their support for establishing Newsgroups. Responding to a comment the Secretariat clarified that, as a default, advisers and experts with CIRCA access are provided only with read-only admission to Newsgroups, whereas members will have the possibility to post comments there. Further rights to advisers and experts will be set by the Secretariat upon request from members.

The Chair concluded that the Newsgroups functionality would start with those substances proposed as SVHC and which will be on the Agenda for the October meeting.

Item 11 – Annex XV dossiers on SVHC

Oral update on the consultation process (30 June 2008 – 29 August 2008) on SVHC Annex XV dossiers

The Secretariat presented the early observations on the outcome of the public consultation on the 16 Annex XV SVHC dossiers.

All proposals have been commented. Comments have been received from seven Member States, national and international NGOs, industry associations, companies, national authorities as well as individual persons from EU, US and Japan.

In general the comments received from MSCA support the proposals of identifying the substances as SVHC except in one case. Most of the comments from the industry

were addressing uses, exposure, alternatives and risks except for three substances where the identification was addressed in depth. Several comments from NGOs agreed with the identification of the substances as SVHC and also included further supporting information.

It was proposed that comments received which only support the identification without adding new information, comments concerning uses, exposure, alternatives, risks, scope or addressing regulatory process do not trigger MSC involvement as they do not affect identification of SVHC. However these comments will be taken into account during the priority setting for inclusion of substances into Annex XIV (authorisation list) and they will be addressed to the MSC when seeking its opinion on ECHA's draft recommendation for the inclusion of substances in Annex XIV (authorisation list).

The Secretariat presented, on the basis of comments received, a proposal of the substances for which agreement on identification could be sought through the written procedure and those substances for which agreement could be sought at the MSC meeting in October.

Nine of the CMR substances - 4,4'-methylene dianiline, bis(2-ethylhexyl)phthalate, dibutylphthalate, benzylbutylphthalate, cobalt dichloride, lead hydrogen arsenate, diarsenic trioxide, diarsenic pentoxide and sodium dichromate dihydrate were suggested to go through the for written procedure as well as the two PBT substances short chained chlorinated paraffins (SCCP) and bis(tributyltin)oxide (TBTO). As no comments on identification as a SVHC were provided on triethylarsenate (proposed as CMR) this substance could be included in the candidate list without MSC involvement.

The remaining four PBT substances - HBCDD, Anthracene, Cyclododecane and Musk xylene should all be discussed in the October meeting.

Discussion

Members welcomed the presentation and found that it could be used as the basis for specifying the procedure for seeking an agreement in the MSC.

It was underlined by the Chair that the agreement for identification of SVHC will be sought on the basis of Article 57 of the REACH Regulation.

The members indicated that they were not ready to take a position at the meeting on the use of the written procedure for the substances suggested by the Secretariat. They were neither able to agree at the meeting that triethylarsenate should go to the candidate list without the MSC involvement. It was proposed that the Secretariat would ask members to give their position concerning the procedures to be used in writing before the referral date of the dossiers to the MSC. The referral date is the 14th September, but as it is Sunday, the referral will take place on the 15th of September.

Some members pointed out that new and supporting information for identification of SVHC could trigger MSC involvement and may lead to a situation where the members might not agree on the new information. The Chair pointed out that if there is no

disagreement on the identification, new supporting information should be included in the support document in such a way that all members can agree with it or if there is no agreement on the new supporting information, alternatively the original information in the Annex XV report could justify the identification. The MSC has to find a proper compromise for justification of the agreement in these cases.

Responding to a remark from a member the Chair clarified, that according to RoP 60% of members has to respond in the written procedure when agreement is sought. If one member does not agree to an identification of a SVHC in a written produce, then the substance should be dealt with in a meeting, if the meeting is available within the 30 days referral period and there is still time available to take up the substance on the agenda for agreement. Otherwise with one member's disagreement the outcome of the written procedure is "no unanimous agreement" and the dossier will be transferred to the Commission for decision making in the Comitology procedure.

The Chair pointed out that since the MSC has to find agreement on identification of SVHC before the middle of October the time is very limited. Therefore the Chair proposed to ask the members to provide their position (only disagreement would be asked to be provided) on the Secretariat's suggestion in writing. If one member disagrees with the Secretariat's proposal to address some of the nine CMR substances and/or the two PBT substances in the written procedure or include the one substance on the candidate list without the MSC involvement the Secretariat will include that substance on the Agenda of the next MSC meeting. The Secretariat will ask the members' views on the proposal by 12 September. The proposal made by the Chair was agreed by the members.

The Chair closed the item by highlighting that the Secretariat will alert the members via CIRCA and by e-mail about the consultation of the MSC concerning the list of substances considered as candidates for written procedure or inclusion on the candidate list without MSC involvement. Based on the responses the draft Agenda of the October meeting will be set as necessary.

Item 12 - Planning of the work for 2008

The Secretariat presented preliminary plans for the work that has to be carried out in 2008.

The only major topic for the October meeting is going to be the identification and agreement seeking on SVHCs.

In the November meeting a presentation is planned about the principles and criteria ECHA will apply for the 1st recommendation for prioritisation of SVHC for the authorisation list. Secondly modification and streamlining of RoPs will be on the Agenda especially following the inclusion of members from EEA-EFTA countries.

For the December meeting the opinion of the MSC on the draft recommendation on the priority substances for the authorisation list (Annex XIV) and the workflow elaborated by the Secretariat for compliance check is planned to be discussed.

Item 13 - AOB

Plan for meetings in 2008

Tentative meeting dates for 2008 were presented as

MSC-4 7 - 10 October

MSC-5 4 - 6 November

MSC-6 16 - 18 December (starting in the afternoon on 16 December)

Plan for meetings in 2009

Tentative meeting dates for 2009 were presented as

MSC-7 3 - 5 February

MSC-8 31 March - 2 April

MSC-9 18 - 20 May

MSC-10 16 - 18 September

MSC-11 10 -12 November

Some members were concerned that time is very short for finalising the travel arrangements after receiving the invitation. This was also highlighted by the Czech member in writing (Annex V). It was agreed that in the future the Secretariat will always inform the members by e-mail when an invitation has been uploaded on CIRCA.

Furthermore it was agreed that the number of days needed for the October meeting could be reduced. It was concluded that a two day meeting (7-8 October) could be sufficient if the members agree that only four substances need to be addressed in the meeting discussions for agreement seeking.

Update on tasks based on Registry of Intentions

The Secretariat presented an update on the registry of intentions. Currently seven substances are listed in the Registry of Intentions including five substances requested by the Commission from ECHA and two substances planned by Norway. The SVHC Annex XV dossiers to be prepared by ECHA should possibly be finalised in December whereas no timeframe have been set for the substances prepared by Norway.

Item 14 - Adoption of conclusions and action points

The conclusions and action points of the meeting (in Annex IV) were adopted after discussion.

II List of attendees

Members	Representatives of the Commission
ANGELOPOULOU Ioanna (EL)	VAN DER ZANDT, Peter (ENV)
BÖHLEN Elmar (DE)	ROZWADOWSKI Jacek (DG ENTR)
COSGRAVE Majella (IE)	
DUNAUSKIENE Lina (LT)	
FAJFAR Simona (SI)	Observers
FERREIRA MARQUES Jeanine (BE)	EINARSDOTTIR, Gunnlaug (IS)
FLODSTRÖM Sten (SE)	ECHA staff
GEUSS Erik (CZ)	ALT-ANTSKOG Natalie
KORENROMP René (NL)	BALOGH Attila
LARSEN Henrik Søren (DK)	FABJAN Evelin
LUDBORZS Arnis (LV)	BROERE William
LULEVA Parvoleta Angelova (BG)	DE COEN Wim
MAJKA Jerzy (PL)	DE BRUIJN Jack
KYPRIANIDOU-LEODIDOU Tasoula (CY)	KOSKINEN Majo
MOREAU Emmanuel (FR)	MALM Jukka
MIHALCEA-UDREA Mariana (RO)	HUOTELIN MEYER Tuula
PALMA, Maria do Carmo Ramalho Figueira (PT)	MUNN Sharon
PISTOLESE Pietro (IT)	PETERSEN Kim
RAUTALAHTI Katariina (FI)	SUNDQUIST Anna-Liisa
REIERSEN, Linda (NO)	TISSIER ChrysteLe
RUSNAK Peter (SK)	VAHTERISTO Liisa
STESSEL Helmut (AT)	VASILEVA Katya
VESKIMÄE Enda (EE)	YLÄ-MONONEN Leena
WELFRING Joëlle (LU)	

Replacements

CSENGÖDY, Kriszina replacing DEIM Szilvia (HU).
HOPKINS, Jennifer replacing FAIRHURST, Steve (UK).
SÁNCHEZ PÉÑA, Pablo replacing MARTIN, Ester (ES).

Proxy's

COSGRAVE Majella (IE) also acting as proxy of FAIRHURST, Steve (UK).
FAJFAR Simona (SI) also acting as proxy of DEIM, Szilvia (HU).
MOREAU Emmanuel (FR) also acting as proxy of MARTIN, Ester (ES).

Experts and advisers to MSC members

CESALTINA, Ramos (expert to PALMA, Maria do Carmo Ramalho Figueira).
KOZMIKOVA, Jana (expert to GEUSS, Erik).
LEONELLO, Attias (expert to PISTOLESE, Pietro).
LUNDBERGH, Ivar (adviser to FLODSTRÖM, Sten).
PECZKOWSKA, Beate (expert to (MAJKA, Jerzy).
SCIMONELLI, Luigia (adviser to PISTOLESE, Pietro).
TRAAS, Theo (adviser to KORENROMP René).

Apologies:

CAMILLERI Tristan (MT).
DEIM, Szilvia (HU).
FAIRHURST, Steve (UK).
MARTIN, Ester (ES).

III Final agenda



19 August, 2008

ECHA/MSC-3/2008/A/03 Final Agenda

Final Agenda

Third meeting of the Member State Committee

3-4 September 2008

Helsinki Congress Paasitorni

Paasivuorenkatu 5 A

00530 Helsinki, Finland

3 September: starts at 9:00

4 September: ends at 14:00

Item 1 – Welcome and Apologies

Item 2 – Adoption of the Agenda

MSC/A/03/2008

For adoption

Item 3 – Declarations of conflicts of interest to the items on the Agenda

Item 4 – Adoption of the draft minutes of the MSC-2

- a) Adoption of the minutes
- b) Action points arising from previous meeting

MSC/M/02/2008/

For adoption

Item 5 – Administrative Issues

- a) Reimbursements

- b) Annual declarations

For information

Item 6 – Stakeholder participation

- a) Update on the responses from invited organisations
b) Code of conduct for observers from stakeholder organisations

ECHA/MSC-3/2008/20

For endorsement

Item 7 – Feedback from other ECHA bodies

Committee for Risk Assessment meeting (July 1-3)

For information

Item 8 – Preparing for the MSC tasks for SVHC identification

Revised example of draft agreement on identification of SVHC

ECHA/MSC-3/2008/21

For discussion

Item 9 – Criteria for the PBT and vPvB substances as SVHC

Background document on application of Article 57 d/e and f

ECHA/MSC-3/2008/22

For discussion

Item 10 – Working Procedures of the MSC

- a) Seeking agreement on Identification of Substances of Very High Concern
- Draft templates regarding the MSC process and the communication with the members

ECHA/MSC-3/2008/23

For discussion and endorsement

- b) CIRCA – proposal for use of newsgroups

For discussion

Item 11 – Annex XV dossiers on SVHC

- Oral update on the consultation process (30 June 2008 – 29 August 2008) on SVCH Annex XV dossiers

- Informal exchange of views based on SVHC Annex XV dossiers and type of comments received

For information and discussion

Item 12 – Planning of the work for 2008

- Plan for meetings in 2008
- Update on tasks based on Registry of Intentions

For information and discussion

Item 13 – AOB

- Next meeting dates in 2008
- Meeting dates in 2009

Item 14 – Adoption of conclusions and action points

IV Main conclusions and action points

MSC-3MAIN CONCLUSIONS & ACTION POINTS – 3-4th September 2008

(Adopted at the MSC-3 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
4. Draft minutes	Draft minutes were adopted.	Minutes will be placed on the ECHA website (SECR /after the meeting).
5. Administrative issues (annual declarations)	The declarations of conflicts of interest have been published on ECHA website.	The participants of the meeting who are attending for the first time need to provide the confidentiality declaration to the SECR.
6. Stakeholder participation a) Responses from invited organisations b) Code of conduct	Positive responses from majority of invited stakeholder organisations have been received following the invitation letter. Code of Conduct text was endorsed by the MSC after minor modifications. The Code of Conduct endorsed by the MSC will be applied by all the ECHA bodies	SECR to invite the representatives of the stakeholder organisation to the October MSC meeting The Code of Conduct and the form for confidentiality declaration will be provided to the stakeholder organisations with the invitation to the first meeting.
7. Feedback from other ECHA bodies	Among other things the RAC had raised the need for establishment of QSAR working party. Need for working groups or group of experts on PBT issues, but also on QSARs, was acknowledged by the MSC. The establishment of such groups was considered beneficial not only under the MSC but they could also serve RAC and ECHA in its tasks just as well. PBT working group would be useful for the preparatory work for the Annex XV dossiers as well as serving as a group of experts that the MSC could consult for finding agreement on PBT dossiers. RoP would need to be respected for the establishment of WGs.	SECR to reflect the views and to consider which structures for potential working groups could best be applied. SECR to keep the MSC informed on the planning and bring the item to the agenda when ECHA has worked out a proposal on establishment of a working group.
8. Preparing for the MSC tasks for SVHC identification	The MSC discussed the revised template/model for agreement on identification of SVHC. The model for draft agreement will be applied for the Committee's agreements of	

	SVHC as appropriate	
9. Criteria for the PBT and vPvB substances as SVHC	It is important to confirm that correct legal basis is being used once a substance is proposed as a SVHC. If the substance is addressed by the MSC the basis for the proposal need to be reviewed. The MSC may adjust the legal basis proposed in Annex XV dossier as necessary if comments have been made on the dossier.	MSC shall consider that the legal basis is correct for its agreements.
10. Working procedures of the MSC a) seeking agreement in the SVHC identification	MSC endorsed the working procedures after few modifications.	The SECR will post the endorsed working procedures on CIRCA. The Working Procedures will be placed on the ECHA website. The Working Procedures will be revised once more experience is gained.
10. b) Circa – use of newsgroups	Members of the MSC are invited to use Newsgroup discussions and post comments there to exchange views between the members. The advisers and experts with Circa access are provided access to the Newsgroups but not with the possibility to post comments there, unless such possibility is requested by the respective member.	SECR will launch the use of Newsgroups for those proposed SVHC substances which will be on the agenda of the October plenary.
11. Annex XV dossiers on SVHC - Informal exchange of views based on the comments received	<p>The conclusions presented by the SECR were welcomed by the members and they can be used as the basis for specifying the procedure for seeking the agreement.</p> <p>The agreement for identification of SVHC will be sought on the basis of Article 57 of the REACH Regulation.</p> <p>The MSC takes note that comments on the use, exposure, alternatives and risks are not relevant at the stage of identification of SVHC but during the priority setting for inclusion of substances into Annex XIV.</p> <p>It was agreed that the SECR will request the members to agree on those substances that should be addressed via written procedure.</p> <p>The SECR will suggest which substances should be discussed in the October meeting.</p> <p>SECR will indicate for which sub-</p>	<p>SECR to indicate via Circa and alert the members by email about the list of substances considered as candidates for written procedure. The SECR to indicate similarly a list of substance(s) which will be placed on the candidate list without MSC involvement.</p> <p>MSC members to indicate their disagreement to the SECR on the proposal for written procedure and those for the candidate list by 12 September.</p> <p>If one member suggests that a substance should be discussed at the meeting instead of using the written procedure, the substance will be put on the Agenda of the October meeting.</p>

	stances MSC involvement is not triggered. Responses to the request, if members disagree with the proposal of the SECR, are requested by the 12 th .	
12. Planning of the work for 2008: Plan for meetings in 2008 Update of Registry of Intentions	In October meeting dossiers for identification of SVHC will be discussed. In November meeting RoP for recognition of EEA countries will be addressed, and criteria for prioritisation of substances for Annex XIV will be discussed. In December meeting the workflow for compliance checks and the opinion on the first draft recommendation will be sought. Commission has requested ECHA to prepare Annex XV dossiers for five substances as SVHC.	SECR will inform the MSC about the expected time schedule for all steps of the process of identification of the five substances as SVHC.
13. AOB	Tentative meeting dates for 2008 <ul style="list-style-type: none"> • 7-8 October • 4-6 November • 16-18 December (start pm of the 16th) Tentative dates for 2009 <ul style="list-style-type: none"> • 3 - 5 February • 31 March - 2 April • 18 - 20 May • 16 - 18 September • 10 -12 November 	SECR always to notify the members about the invitation to a meeting by email, besides the Circa uploading.
General		All presentations and room documents on Circa (SECR /by 05/09/08). Conclusions and action points (= this doc) to be uploaded to Circa (SECR /by 05/09/08)

V Czech proposal regarding AOB

MSC Secretariat
ECHA
Helsinki
FINLAND

Prague, August 29, 2008

Subject: Suggestion of the Czech Republic regarding the point AOB

Dear Sir / Madam,

The ECHA announces invitations to individual MSC negotiations on sites of the CIRCA. According to the "Rules for Reimbursement" (Doc.: MB/25/2008final, section 3, odst.3.1) the "travel arrangements" should be ensured within 5 working days from the date when ECHA sent an invitation. In practice, now it shows that this is a very short period and everyday monitoring of the CIRCA sites is impossible in view of the large workload involved. I take the liberty therefore to ask the Secretariat of MSC at least for sending e-mails giving notice that an invitation for further negotiation is located on the CIRCA. If it was not possible, I had to ask for a change of "Reimbursement Rules."

I propose, therefore, to set into record that having regard to the Article 20 of Rules of Procedure for the Member State Committee, the Secretariat will email members of MSC electronic notice that an invitation to further negotiation of the MSC has been to the CIRCA.

Yours faithfully

Erik Geuss
Member of the MSC
Czech Republic



Encl.:

Enclosure:

Text draft to be included in the MSC-3 minutes in days of September 3-4, 2008

Proposer: Mr Erik Geuss, MSC member, Czech Republic

Text draft:

“Having regard to the Article 20 of Rules of Procedure for the Member State Committee, the Secretariat will email members of MSC electronic notice that an invitation to further negotiation of the MSC has been to the CIRCA.”