MSC/M/05/2008 Final
Adopted on 17/12/2008

Final Minutes

Minutes of the 5th Meeting of the Member State Committee (MSC-5)
4-5 November 2008

I. Summary Record of the Proceedings

Item 1 - Welcome and Apologies

The Chair of the Committee, Ms Anna-Liisa Sundquist, opened the meeting and welcomed the participants to the fifth meeting of the Member State Committee (MSC). She informed the participants that the meeting would be recorded for the purposes of taking the minutes. The Chair invited Mr Andreas Herdina to introduce himself as the new Director of Cooperation.

For this fifth meeting, apologies were received from six members. The list of attendees is given in Part II of the minutes. Four members of the Committee who were unable to participate in the meeting had notified the Chair as to their proxies (for details see Part II of the minutes).

The Chair apologised for the fact that some meeting documents had been made available to the members late.

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 in respect of any Agenda point of the meeting.

The Chair informed those participants attending an MSC meeting for the first time that they would need 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-4

4a Adoption of draft minutes

No comments were received on the draft minutes of MSC-4 and the minutes were adopted at the meeting. The Chair reminded the MSC that the final minutes would be published on ECHA's website.

4b Action points

The action points from the last meeting were reviewed by the Secretariat. All had been carried out or were to be covered at this meeting.

Item 5 - Administrative Issues

5a Reimbursement

The Secretariat informed that the reimbursements of the September meeting had been completed with payments, the transactions taking place latest early this week.

Item 6 – Rules of Procedures (RoP) of the MSC (closed session)

The item was addressed in closed session, i.e. without the presence of observers from stakeholder organisations.

The Chair explained that this first revision of the RoP of the MSC is mainly needed because the EEA-EFTA States shall participate fully in the work of the Committees and shall have the same rights and obligations as EU Member States, except for the right to vote. These obligations originate from the incorporation of the REACH regulation into the EEA-EFTA Agreement which applies to the EEA-EFTA States as of 5 June 2008. The RoPs of the ECHA Committees have to take account of these changes.

Another reason for changes in the RoP was that the Management Board (MB) of ECHA had requested maximum harmonisation between the RoPs of the different ECHA Committees and the Forum, where appropriate, when the RoPs are revised for the first time. The RoP's of the Committee for Socio-economic Analysis (SEAC) were used as the model as they had been endorsed most recently.

The Secretariat presented the proposed changes taking into account the above requests and emphasised at the same time that a more comprehensive review of the RoPs based on inputs from the members and the gained experience will be conducted by the Secretariat in the second quarter of 2009. The timing of this second review will be in line with the earlier agreement of the MSC according to which a review of the RoPs would be carried out after gaining experience on the application of the rules for one year. Before this second revision, the Secretariat will invite members to bring to the attention any issues they would like to be addressed in the second review.

Discussion on the proposed changes due to EEA-EFTA agreement and harmonisation issues

The Secretariat went through the document mentioning all the changes introduced. It was also pointed out that among these changes the reference to Article 51 of REACH in Article 18 (5) was deleted as no opinion is required in this case. Furthermore, a paragraph was added on the issue that members having a conflict of interest shall not be regarded as a part of the quorum. Replying to questions of the members, the Secretariat clarified that in Article 10, the term 'Community bodies' covers all the EU Agencies and similar bodies established by Community legislation whereas the Parliament, Council and Commission are considered as Community institutions.

The MSC agreed on the proposed changes and endorsed the document.

Discussion on the proposed amendment of RoP of MSC on rapporteurs

As a second part of this agenda point, the Chair pointed out that the appointment of rapporteurs was not recognised by the MSC RoPs. The Commission had reminded the Secretariat only recently that a rapporteur has to be appointed for preparing the MSC opinions in accordance with Art. 87(1) of the REACH Regulation. Opinions of the MSC are required on the draft recommendation on priority substances to be included in Annex XIV (Art. 58 (3)), on the draft Community Rolling Action Plan (Art. 44 (2)) and on the adding of a substance to the Community Rolling Action Plan from the request of a Member State (Art. 45(5)). The Executive Director of ECHA can also request an opinion from the MSC on any other issues (Art. 77 (3)).

Taking the needs into account, the Secretariat had drafted an amendment to the RoPs on rapporteurs which was distributed during the meeting. The text of this amendment was mainly taken over from the RoPs of RAC and SEAC and adapted to the needs of the MSC. The Secretariat apologised for the lateness of the distribution of this supplementary document.

After discussion in plenary and in a small drafting group a revised text was circulated at the meeting. The meeting identified a need to elaborate the tasks of the rapporteurs and terms of reference for these tasks in other documents and working procedures. ECHA offered to give secretarial support to the rapporteurs during the carrying out of their tasks.

Following the discussion, the Chair concluded that there was general agreement on the modified version of the RoPs concerning "rapporteurs". The Secretariat would still confirm that the text is consistent with other parts of the RoP and then launch a written procedure on the final version of RoPs concerning "rapporteurs" for its endorsement.

Item 7 – Preparation for the recommendation for inclusion of candidate substances in Annex XIV

The Secretariat gave a presentation on the process and timelines of preparing the recommendation for inclusion of candidate substances in Annex XIV as an introduction to the topic.

It was pointed out that the task of giving an opinion by the MSC on the recommendation is laid down in Article 58(3) which states that ECHA when preparing its recommendation shall take into account the opinion of the MSC. It was noted that there are several steps between the publication of the candidate list in October 2008 and the submission of the recommendation of ECHA to the Commission by 1 June 2009, the deadline laid down in the Regulation for ECHA's first recommendation of priority-substances to be included in Annex XIV. First, in November-December 2008 ECHA will prepare the draft recommendation with a general document on the prioritisation approach and its application to the 15 substances. Another document with the draft Annex XIV entries for prioritised substances containing the identity of the substance, its intrinsic properties, transitional arrangements, such as sunset dates and application dates, review periods, where appropriate, and exemptions from the authorisation requirements. In December the MSC will be consulted for the first time on ECHA's draft recommendation. Based on the comments received in this consultation, ECHA will revise the draft recommendation as necessary and publish the (revised) draft recommendation for public consultation on its website for a period of three months. The MSC will give its opinion on the version revised by ECHA on the basis of comments provided by interested parties during the public consultation period. ECHA will take into account the opinion of the MSC and send the final recommendation to the Commission.

In the first consultation of the MSC in December 2008, ECHA would prefer to receive general comments on the prioritisation criteria and on how they were used in the priority setting process. The main reasons for this approach are (i) the tight timeline which does not allow much time to prepare very detailed comments and (ii) the as-

sumption that general comments would be less binding on the MSC members later on when they may possibly change their original position based on newly submitted data during the public consultation. Then in the period between January and May 2009, the MSC should develop its opinion. The opinion would be adopted at the MSC meeting in May. The exact format and content of the opinion still needs to be elaborated and discussed.

7a Priority setting for inclusion of substances for Annex XIV

The Secretariat gave a presentation on the prioritisation approach for substances on the candidate list to be included in Annex XIV as an introduction to the discussion of the relevant meeting document 45.

It was pointed out that the basis for prioritisation is the SVHC Annex XV dossiers, the comments received on them during the consultation phase and the information gathered by the contractors, as registration dossiers are not yet available as a source of information. The work of contractors was needed because the information content of the SVHC Annex XV dossiers regarding uses, releases, exposure, and potential alternatives was rather heterogeneous. It was suggested that for the time being and given the short candidate list, a pragmatic qualitative and where possible semi-quantitative approach relying mainly on the criteria of Article 58 (3) would suffice. ECHA also asked for the comments and views of the meeting participants on two specific questions.

Discussion on the document on the priority setting

Regarding the introduction of the document, ECHA replied to questions that the number of substances to be prioritised is not yet clear. It depends on the number of substances fulfilling the prioritisation criteria and also on ECHA's capacity to appropriately handle the authorisation applications. Substances not prioritised on the first occasion and remaining on the candidate list will be considered again during the next prioritisation process. It was also clarified, that it is not the intention of ECHA to make a ranking within the prioritised substances and currently there is no weighting between the three legal criteria foreseen. ECHA also mentioned that the decision as to whether a substance should be dealt with by restriction or authorisation is to be made by the national REACH competent authorities already before making an Annex XV dossier for the substance in question.

Concerning the parameterisation of the prioritisation criteria, there was general support for ECHA's proposal. Some MSC members suggested to take into consideration in the parameterisation of intrinsic properties the non-threshold CMRs and highly sensitising substances which should lead to a higher ranking. Some other members questioned the necessity of using a fixed ranking system proposed for PBT/vPvB substances and emphasised the relevance of using a case-by-case approach. The Secretariat replied that a highly sensitising property could be taken into account in the prioritisation processes in the future but at the moment there are no such substances on the candidate list. As for the proposed ranking system of the properties, in ECHA's view this reflects only the text of Article 58 (3) which obviously gives priority to PBT/vPvB substances over other substances. It was pointed out by ECHA that a holistic, case-by-case approach will be applied in any case when preparing the prioritisation.

During the discussion of the criterion 'wide dispersive use', the Secretariat confirmed the fact that the indicators for wide dispersive use listed in the document allow only a qualitative or in a best case scenario a semi-quantitative approach because there is no information available on each indicator for each substance. These indicators will serve as a working tool during the prioritisation process. For all the indicators listed, all the uses of a substance will be considered.

On the 'high volume' criterion, no comments were received.

Regarding the supplementary information that might be taken into account when prioritising substances, there were several issues raised by participants of the meeting. The Secretariat agreed that information on professional diseases clearly related to certain substances could be considered as additional information for prioritisation. Responding to questions the Secretariat highlighted that it would try to gather the best possible quality of information, to apply a quality check and weight of evidence approach to ensure that low quality information would not be used for prioritisation. ECHA will also make sure that the three legal criteria cannot be superseded by any other supplementary information during the process of prioritisation.

Some members expressed the view that similar substances having similar intrinsic properties should be taken into account in prioritisation. In other words, a read-across or grouping approach should also be considered in prioritisation to prevent the use of similar alternative substances. The Secretariat agreed with these valid concerns pointing out that these considerations should have been made by Member States when preparing the Annex XV dossiers for identification of SVHC by considering what should be the scope of the proposals.

It was also mentioned that proposals for listing of a substance under the Stockholm Convention on POPs or other pieces of Community legislation, such as the Water Framework Directive, could also be taken into account as a potential supplementary criterion for prioritisation.

The Secretariat emphasised that for the time being, the main three legal criteria seem to be sufficient and probably there will be no need to use additional criteria to distinguish between the substances in the current, first prioritisation process.

There was general agreement that substances for which all known uses were restricted should be considered on a case by case basis when prioritisation for inclusion in Annex XIV is made. This approach would ensure that possible new emerging uses should also be authorised after inclusion of these substances in Annex XIV.

There was general agreement regarding substances for which release/exposure from uses being potentially subject to authorisation are presumably insignificant compared to unintentional generation, e.g. in combustion processes, that the prioritisation of these substances should also be made on a careful case-by-case basis.

At the end of the discussion, the Chair concluded that the meeting generally supported the approach proposed by ECHA to prioritise substances for inclusion in Annex XIV. However, the three legal criteria and also the parameters introduced in the document should be applied in a non-rigid, holistic way, considering each substance carefully on a case-by case basis. The basis for the prioritisation will be the information gathered

from the SVHC Annex XV dossiers, from the comments received during the public consultations and from the consultants that ECHA has contracted with to collect information for preparation of the recommendation for Annex XIV. This information will then be evaluated with the weight of evidence approach. In justified cases, supplementary information can also be used for prioritisation.

7b Preparation of draft Annex XIV entries

The Secretariat gave a presentation as to the suggested way of preparation of draft Annex XIV entries as an introduction to the discussion.

It was explained that Article 58 (1) specifies the details that Annex XIV entries shall include for each substance.

Discussion on the document on preparation of Annex XIV entries

Some members supported the proposal to indicate in Annex XIV if the 'adequate control route' could be applied for granting an authorisation. Replying to comments, the Secretariat agreed with the view that guidance is needed on how to establish a threshold, in cases where it is possible, for substances to be included in Annex XIV.

The Secretariat furthermore explained that the average estimated length of a production cycle given as 60 months in the Guidance cannot be taken into account when establishing application and sunset dates because the variation around this value is rather wide and there is not enough exact information available on use and substance specific product cycles as stated earlier.

Annex VI of the Guidance on inclusion of substances into Annex XIV is currently being revised by ECHA to give a better template for comments during the consultation period of the draft recommendation. The Secretariat emphasised the fact that comments from interested parties have to be very well substantiated as the timelines to assess them are rather limited. It was also pointed out that the information from the Risk Assessment Report, where available, is of little help when preparing exposure scenarios for the applications, so this factor cannot really be considered relevant when setting the application and sunset dates. The setting of these dates will be carried out on a case by case basis rather than using specific criteria for the complexity of supply chain and availability of alternatives. It was highlighted that for each substance on the candidate list there will be a document justifying why the given application and sunset date was set.

Several members expressed their concerns about the suggested rather long time periods for the first application and, in particular, sunset dates. The Secretariat's view on this issue was that it would not be safe to set shorter timelines because industry has no experience with many steps of the authorisation process, such as preparation of chemical safety reports (when no registrations have yet been made) and in particular defining exposure scenarios. It was stressed that the timelines are proposed only for the first recommendation and can be refined as further experience is gained. When setting the time limit for preparing an application as 18 months, the Guidance defines an average value and does not take into account that the preparation of the first applications might need more than the average time period due to lack of registration dos-

siers. Therefore, 24 months instead of 18 months for the first application date is well justified in ECHA's view.

From the three options A, B and C for setting the application and sunset dates, ECHA's preferred option A which is based on the available information on complexity of the supply chain and availability of viable alternatives was supported by many members. This approach would set application dates to 24-36 months and sunset dates to 42-54 months from the inclusion of the substance in Annex XIV, keeping the minimum of 18 months time span between the application and sunset dates. Option A would give the possibility to level the workload when not all authorisation applications would arrive in ECHA at the same time. Option B with the same application and sunset dates for all substances was supported by some members.

ECHA's proposal not to set review periods in the first recommendation was generally supported. ECHA's proposal not to introduce exemptions for PPORD uses as no information in this respect is available was commented on by some members suggesting to consider this option in well justified cases, for example where alternatives are being developed and tested.

The Chair's conclusion was that the document was well received and the discussion would give a very good basis for the Secretariat to work on the preparation of the Annex XIV entries. She concluded that a lot of support was gained for Option A for setting application and sunset dates and reminded the meeting that this option would offer flexibility regarding timelines by which these could be kept as short as possible if sufficient information becomes available. She also re-emphasised that the concept was proposed for the first recommendation and might be changed for the next recommendation processes after more experience is gained.

The Chair asked the members to provide further comments on the documents on the priority setting and preparation of Annex XIV entries by 12 November 2008 and added that observers of MSC will also have access to these documents.

She reminded the meeting that the revised versions of these documents together with other documents regarding ECHA's recommendation for Annex XIV would be provided for comments on 2 December 2008.

7c MSC working procedures

Based on a Room Document on the process time table for the first recommendation, the Chair explained the steps of the process of the first recommendation with exact dates and specific tasks to be undertaken by ECHA, the MSC members, the rapporteur and the drafting working group. A presentation was also given by the Secretariat clarifying the nature and number of documents contained in the first recommendation. The Secretariat welcomed the comments of the meeting participants on the Room Document.

In the discussion, the Secretariat emphasised that the main tasks for the next MSC meeting will be to comment and discuss the revised version of the prioritisation document and ECHA's first draft recommendation, to appoint a rapporteur/co-rapporteur and possibly establish a drafting group for the opinion of the MSC on the

first draft recommendation. The tasks for this work and the content/template of the opinion of the MSC have to be specified. The Secretariat volunteered to prepare a draft template for the opinion and highlighted the fact that besides the revised priority setting document, background papers for each substance summarising the information used for the priority setting and preparation of Annex XIV entries would also be part of the recommendation. This information would cover volumes of production and use, uses, exposure and emission data when available, as well as any available data on the complexity of the supply chain and availability of alternatives.

The second main part of the recommendation would be the Annex XIV entries containing a short introduction about the approach taken and a proposal for the Annex XIV with justification for all entries. The background papers could also be used as a basis for the next recommendations if a substance will not be prioritised in the first recommendation.

Replying to questions the Secretariat emphasised the relevance of the next MSC meeting in December 2008 also in terms of finding consensus and exchanging views on the prioritisation principles. The Secretariat clarified that there will be one rapporteur for the opinion and that the prioritisation document will cover all 15 substances from the current candidate list.

A revised version of the document on working procedures of the MSC in providing the opinion on the recommendation was then circulated during the meeting. The Chair highlighted the main differences to the original document as introducing the issue of rapporteurs and the concept of giving only comments in the first MSC consultation and an opinion only in the second consultation on the draft recommendation of ECHA. The members suggested and agreed on several changes to the document. The Chair confirmed that the observers of the MSC would also have a possibility to send comments on non-confidential documents during the written procedure. It was emphasised by a member that independency of the rapporteur is already covered by the independency declaration given by each member of the Committee and no specific mention in this regard would be needed in the working procedures. It was agreed that this issue will be elaborated and included in the text by the Secretariat before the procedure for written comments is launched.

The Chair concluded that the document amended with the agreed changes will be provided for commenting in writing. After taking into account the comments a written procedure will be launched for adoption of the document.

The Chair explained that the Secretariat will prepare a document on draft terms of reference and the tasks of the rapporteur for comments by early 2 December 2008 as well and invited the members to submit their intentions to volunteer as a rapporteur based on these documents.

Item 8 - AOB

A room document was presented by the Chair on the tentative timetable for the Annex XV dossiers received by early 2009, in particular covering the substances for which the Commission has requested ECHA to prepare Annex XV dossiers,

Regarding the workshop on preparation of Annex XV dossiers to be organised by ECHA in January 2009, some preliminary information was presented by ECHA. It was explained that the last REACH CA meeting agreed on the initiative to organise this workshop. The agenda will cover issues such as how to group substances during the identification and prioritisation process of SVHCs, when to choose authorisation or restriction route for substances and how to use the candidate list as an instrument of risk management in REACH. The background papers and the draft agenda are under preparation. It appears currently as though one participant per Member State will be reimbursed by ECHA.

Plan for meetings in 2008

The meeting date for MSC-6 was presented as 17 -18 December 2008 (1,5 days).

Plan for meetings in 2009

An MSC meeting in February 2009 had previously been planned but this does not seem to be necessary for the time being.

Item 9 - 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
ANGELOPOULOU Ioanna (EL)
COSGRAVE Majella (IE)
DEIM Szilvia (HU)
DUNAUSKIENE Lina (LT)
FERREIRA MARQUES Jeanine (BE)
FLODSTRÖM Sten (SE)
GEUSS Erik (CZ)
KORENROMP René (NL)
LUDBORZS Arnis (LV)
MAJKA Jerzy (PL)
MARTIN Esther (ES)
MIHALCEA-UDREA Mariana (RO)
MOREAU Emmanuel (FR)
PISTOLESE Pietro (IT)
RAUTALAHTI Katariina (FI)
REIERSON Linda (NO)
RUSNAK Peter (SK)
STESSEL Helmut (AT)
TYLE Henrik (DK)
VESKIMÄE Enda (EE)
WELFRING Joëlle (LU)

Representatives of the Commission
ROZWADOWSKI Jacek (DG ENTR)
VAN DER ZANDT Peter (DG ENV)
Observers
ANNYS Ervyn - CEFIC
HAIAMA Nadia - Greenpeace
LEENAERS Joeri - EUROMETAUX
MUSU Tony - ETUC
REINIKE Ninja - WWF
ECHA staff
AJAO Charmaine
ALT-ANTSKOG Natalie
BALOGH Attila
BROERE William
DE BRUIJN Jack
FUHRMANN Anna
GRADZKA Agnieszka
HERDINA Andreas
KARHU Elina
KNIGHT Derek
KOSKINEN Marjo
LEPPER Peter
LIPKOVA Adriana
LEFEVRE Remi
RUOSS Jürgen
SADAM Diana
SUNDQUIST Anna-Liisa
VAHTERISTO Liisa
YLÄ-MONONEN Leena

Replacements
FINDENEGG, Helene replacing BÖHLEN Elmar (DE).
HARRIS, Tim replacing FAIRHURST, Steve (UK).

Proxy's
ANGELOPOULOU Ioanna (EL) also acting as proxy of KYPRIANIDOU-LEODIDOU, Tasoula (CY).
COSGRAVE Majella (IE) also acting as proxy of FAIRHURST, Steve (UK).
MAJKA Jerzy (PL) also acting as proxy of LULEVA Parvoleta Angelova (BG).
MARTIN Esther (ES) also acting as proxy of PALMA, Maria do Carmo Ramalho Figueira (PT).
WELFRING Joëlle (LU) also acting as proxy of BÖHLEN, Elmar (DE), and FAJFAR, Simona (SI).

Experts and advisers to MSC members
AHTIAINEN, Jukka (adviser to RAUTALAHTI, Katariina).
BIWER, Arno (expert to WELFRING, Joëlle).
KOZMIKOVA, Jana (expert to GEUSS, Erik).
LEONELLO, Attias (expert to PISTOLESE, Pietro).
LUNDBERGH, Ivar (expert to FLODSTRÖM, Sten).

PECZKOWSKA, Beata (expert to (MAJKA, Jerzy).
SCIMONELLI, Luigia (adviser to PISTOLESE, Pietro).

Apologies:
BÖHLEN, Elmar (DE).
CAMILLERI, Tristan (MT).
FAIRHURST, Steve (UK).
FAJFAR, Simona (SI).
KYPRIANIDOU-LEODIDOU, Tasoula (CY).
LULEVA Parvoleta Angelova (BG).
PALMA, Maria do Carmo Ramalho Figueira (PT).

ABMA, Hendrik - FECC
DIDERICH, Bob - OECD
OWEN, David - ECETOC

III Final agenda

Final Agenda

Fifth meeting of the Member State Committee

4-5 November 2008
Palace Kämp Linna
Lönnrotinkatu 29
in Helsinki, Finland

4 November: starts at 9:00
5 November: ends at 14:00

Item 1 – Welcome and Apologies

Item 2 – Adoption of the Agenda

MSC/A/05/2008
For adoption

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

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

MSC/M/04/2008/
For adoption

Item 5 – Administrative Issues

For information

Item 6 – Rules of Procedure (RoP) of the MSC (*closed session*)

Revision of the MSC RoP

ECHA/MSC-5/2008/043

For discussion and endorsement

Item 7 – Preparation for the recommendation for inclusion of candidate substances in Annex XIV

a) Priority setting for inclusion of substances for Annex XIV

ECHA/MSC-5/2008/045

For information and discussion

b) Preparation of draft Annex XIV entries

ECHA/MSC-5/2008/046

For information and discussion

c) MSC working procedures

ECHA/MSC-5/2008/044

For discussion and endorsement

Item 8 – AOB

Tentative timetable for the Annex XV dossiers received by early 2009

ECHA/MSC-5/2008/047 (Room document)

Item 9 – Adoption of conclusions and action points

IV Main conclusions and action points

MSC-5 MAIN CONCLUSIONS & ACTION POINTS – 4-5th November 2008
(Adopted at the MSC-5 meeting)

Agenda point	Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
3. Declarations of conflicts of interest to items on the Agenda	No conflict of interest was declared.	
4. Draft minutes	Draft minutes were adopted.	Minutes will be placed on the ECHA website (SECR /after the meeting).
5. Administrative issues	Re-imbursement for September was placed in the accounts the week before the meeting, but because of the holidays it will show only during the week of the meeting.	Members and invited experts to send the original boarding passes for their re-imbursement.
6. Rules of procedure (RoP) of the MSC (*closed session*)	MSC endorsed the revision of RoPs presented for the recognition of the EEA countries and harmonisation of the text with that of the other ECHA committees. Inclusion of the provision for a Rapporteur for the MSC was discussed.	A more detailed review of the RoPs will be carried out in mid-2009, at which time comments from all the members on how to improve the RoPs will be requested. SECR will request for endorsement on the provisions for the Rapporteur in written procedure on 12 November. This will close on 26 November.
7. **Preparation for the recommendation for inclusion of candidate substances in Annex XIV** **a)** Priority setting for inclusion of substances for Annex XIV	MSC provided comments and feedback on the prioritisation criteria and the parameterisation proposals presented by ECHA (doc 45). Many views were expressed. ECHA got support for the approach presented. The MSC mainly advised against the use of any of these parameters in a rigid way. Account needs be taken of the information available in Annex XV dossiers, information from consultants and any other relevant information. All this will need to be considered in a weight of evidence approach together with the	MSC is asked to provide written comments on the general approach to the SECR by 12 November 2008. SECR is to take into account the comments provided by MSC on the documents.

b) Preparation of draft Annex XIV entries	other advice the MSC provided at this meeting. The MSC received very well the document 46 presented by ECHA. ECHA presented three options for transitional arrangements. MSC supported option A depending on the availability of information on substances and uses. MSC also expressed some criticism for long time periods for application and sunset dates, however, recognised that option A provides flexibility for these timeframes. MSC appreciated that this approach is to be used only for the first recommendation, since there will not be the information available in the CSR during that period.	MSC is asked to provide written comments on the general approach to the SECR by 12 November 2008. SECR is to take into account the comments provided by MSC on the documents.
c) MSC working procedures	The plan for the process time table for the first recommendation was presented to the MSC. MSC commented that the timeframes are tight and it involves an increased workload. However, MSC acknowledges the fact that this is the most reasonable way forward since MSC has to give the opinion on the draft recommendation. The revised document 44 taking into account the appointment of Rapporteur and consultation of the Committee in two steps was presented to the MSC for discussion and revision. The MSC agreed on the proposed way forward and the timeframes presented.	1. ECHA to draft recommendation and present it to MSC by 2 December. 2. MSC to comment by 12 December 2008 3. SECR will compile all the comments and present them to MSC for the MSC-6 meeting (17-18 December). 4. The MSC will issue the comments on the draft recommendation on 17-18 December 5. Appointment of Rapporteur and Co-rapporteur and/or the drafting group (if established) and specification for tasks will take place on 17-18 December. 6. Volunteers for Rapporteur and Co-rapporteur will be appreciated. Volunteers to inform SECR via e-mail. The Newsgroup on Circa can be used by MSC to discuss on whether a drafting group is needed and who will be part of the drafting group. 7. The comments will be taken into account and the draft recommendation revised by ECHA between

		17 December – 14 January 8. January 14th – publication of the recommendation on the web site 9. Rapporteur supported by the drafting group will start preparing the preliminary draft opinion on 14 January 10. Rapporteur will report back to the MSC at March-April meeting 11. Commenting of the interested parties (3 months) until 15 April 12. Preliminary draft opinion to be made available to the MSC by 30 April 13. Review of comments + revision of the draft recommendation by ECHA by 8 May 14. Adjustment of the preliminary draft opinion by the Rapporteur and the drafting group between 11 and 14 May 15. MSC consultation and adoption of the opinion 18-20 May 16. ECHA sends recommendation to COM on 29 May SECR will develop a paragraph on pg 3 (7) of the working procedures to reflect the issue of independency of the Rapporteur. The revised working procedures for the first round of comments will be sent out on 12 November. This will close on 26 November. SECR will revise the working procedures based on the comments received by MSC and will send them out for the final adoption by MSC on 2 December. This will close on 12 December. SECR will prepare a very preliminary draft on the TORs of the work and ask for MSC to comment. This will be sent to MSC on 2 December. Tasks for the Rapporteur will be agreed on 17-18 December during the meeting.

		A small group will be needed on the side of the meeting of 17-18 December to draft the terms of reference of the Rapporteur.
8. AOB	A document introducing the foreseen timelines for substances of very high concern prepared by ECHA as Annex XV dossiers, following the request from the Commission was presented to MSC. MSC agreed with the timeframes presented in the room document. An overview of the workshop on Annex XV dossiers planned by ECHA in January 2009 was given to the MSC. One person per Member State will be reimbursed. Next meeting dates: 17 – 18 December (1,5 days) 3-5 February (uncertain) Flight reimbursement for next meeting since many members of the MSC will be coming from REACH CA meeting in Brussels to be clarified.	Actions within the timeframes presented in the document. Workshop is in the third week of January 2009 (starting 19th) in Helsinki, ECHA building. ECHA will send out an agenda for this workshop in the coming weeks. SECR will inform the MSC on this through the invitation for the December meeting.
9. Adoption of conclusions and action points		All presentations and room documents to be uploaded on Circa (SECR /by 07/11/08). Conclusions and action points (i.e. this doc) to be uploaded to Circa (SECR /by 07/11/08)