MSC/M/06/2008 Final
Adopted by written procedure on
10/03/2009

Final Minutes

Minutes of the 6th Meeting of the Member State Committee (MSC-6)
17-18 December 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 sixth meeting of the Member State Committee (MSC). She informed the participants that the meeting would be recorded for the purposes of taking the minutes.

For this sixth meeting, apologies were received from six members. The list of attendees is given in Part II of the minutes. Five 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 welcomed the observers from stakeholder organisations to the meeting.

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.

A number of room documents were distributed to the members since the deadline for comments from the members to some of the Agenda items was close to the meeting.

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 the 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-5

4a) Adoption of draft minutes

No comments were received on the draft minutes of MSC-5 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. Action points were being carried out according to the time schedule agreed upon.

Item 5 - Administrative Issues

5a) Reimbursement rules

The Secretariat informed that the new reimbursement rules were still to be approved by the Management Board. An overview of the changes planned was also given by the Secretariat followed by a discussion with the Committee.

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

In the MSC-5 meeting it was agreed that a written procedure would be used to seek the endorsement of MSC on addition of provisions on rapporteur(s) to the MSC Rules of Procedure. First discussion on the draft text took place in that meeting.

The written procedure had been launched on 12th November with a closing date of 26th November. The Secretariat presented during the meeting the outcome of the written procedure. *Article 16 bis* introducing the use of rapporteurs and co-rapporteurs in the MSC and *Article 9 paragraph 2 bis* on the necessary provisions on their independence were incorporated to the draft revised MSC Rules of Procedure with consequent changes to the numbering of Articles thereafter. The RoPs in the modified form were endorsed by the Committee in the written procedure. These will be put forward by the Secretariat to the Management Board for approval in February 2009.

With regard to fees and charges to the rapporteur and the co-rapporteur of the MSC, it was explained that Article 14 of the Fee Regulation refers only to the fees and charges related to the Risk Assessment Committee (RAC) rapporteur and the Socio-Economic Assessment Committee (SEAC) rapporteur, but not to the MSC rapporteur.

Item 7 – Working procedures of the MSC

In the MSC-5 meeting (4-5 November 2008) it had been agreed that a written procedure would be used to seek adoption by MSC of working procedures for the MSC in providing the opinion on the recommendation of priority substances to be included in Annex XIV.

Following a commenting round and revision of the initial text the written procedure was launched on 2 December with a closing date of 12 December. The Secretariat informed the Committee that the working procedures for the MSC in providing the opinion on the recommendation of priority substances to be included in Annex XIV had been adopted by the MSC on 12 December 2008.

The Chair explained that the working procedures will be posted on the website of ECHA to be more transparent. It was made clear that these working procedures can be revised by the MSC following a request from a member of the Committee or from the Secretariat.

Item 8 - Discussion on the draft recommendation for inclusion of priority substances in Annex XIV

8a) Priority setting for inclusion of substances for Annex XIV

In line with the agreement made at the 5th meeting of the MSC, the ECHA Secretariat had developed the (first) draft recommendation for inclusion of substances in Annex XIV and had made this available to the MSC on 2 December 2008. The following documents had been developed:

- Prioritisation of Substances of Very High Concern (SVHC) for inclusion in the List of Substances Subject to Authorisation. This paper describes the general approach taken to prioritise substances from the present list of candidate substances for inclusion in Annex XIV (Section A). In Section B the results of the application of this approach are documented (doc 54).
- Background reports for all 15 substances that are currently included on the candidate list. In these documents all relevant information that has been used to develop these conclusions on the priority setting as well as the information needed to develop the draft Annex XIV entries for those substances proposed for inclusion in Annex XIV has been summarised.
- Draft Annex XIV recommendation, providing a table which contains for each substance that is proposed to be prioritised, the information for all elements that need to be included in Annex XIV.
- Justification for the draft Annex XIV recommendation, providing a description of the general approach that ECHA has taken in developing the draft recommendation, and for each substance that is proposed to be prioritised the justification for all elements in the draft recommendation (doc 55).

The deadline for comments by Members was 12 December 2008. All the comments were collected by the Secretariat and presented as a room document during the meeting.

The Secretariat gave a presentation on the prioritisation approach for substances on the candidate list to be included in Annex XIV (document 54) following the same approach as discussed during the 5th meeting, but also addressing the comments made by the members during the commenting period.

Discussion on the document on the priority setting

The first part of the discussion focused on the general approach, proposed by ECHA. The second part of the discussion was related to Table B.1 of document 54, which lists the conclusions on the inherent properties, volumes, wide dispersiveness of uses, and the resulting proposed prioritisation for each of the 15 substances currently included in the candidate list.

In general, most members supported the pragmatic approach proposed by ECHA for the first recommendation of candidate substances to be included in Annex XIV. It was agreed that document 54 should be revised in light of the outcome of the discussion. Some members still expressed their preference for having a priority ranked list of candidate substances rather than distinguishing only between substances for which it is proposed to prioritise them for inclusion in Annex XIV and those for which such a

recommendation is not given. It was thus agreed that the document should express more clearly the considerations that lead to the conclusions for non-prioritisation or prioritisation, and to use another term instead of 'no priority'. During this part of the discussion ECHA pointed out that a conclusion to give no priority to the inclusion of particular candidate substances in Annex XIV is only pertinent to the respective priority setting operation in which this conclusion has been drawn. In future priority setting operations, these substances may be re-considered for inclusion in Annex XIV together with all other substances on the candidate list which are not already included in Annex XIV.

Some members showed concern that the prioritisation criteria should also allow some flexibility. To this ECHA explained that Article 58 (3) of REACH offers this flexibility when using the term 'normally'. The term 'normally' implies that the criteria mentioned in Article 58(3) do not need to be seen as exclusive, allowing other considerations to be taken into account which may warrant a higher or lower priority for a substance, in particular in relation to the regulatory effectiveness of selecting the substance.

The Committee agreed that it could be useful to consider a grouping approach in proposing substances to be prioritised for inclusion in Annex XIV, e.g. if these substances could be replaced by one another.

Some members expressed their concern about the justification that CMR substances can be deprioritised because of the existence of occupational safety and health legislation. It was suggested that this criterion regarding the workers' exposure together with the fact that CMR substances are already restricted from being part of consumer products, could prevent the inclusion of CMR substances in Annex XIV.

There was agreement that the document (i.e. the conclusions in Table B.1) in some instances should provide more extensive arguments and clearer explanation for not prioritising the substance concerned. Further, the categorisation of the hazard and use based prioritisation criteria should be reconsidered, and the relationship between use pattern and releases of and exposure to the substances be clearer explained. For some substances, it was requested to undertake further endeavours to obtain more information on environmental releases and exposure of workers before drawing a conclusion on their potential priority. ECHA agreed to make further attempts to collect the requested information but explained that such information should have already been part of the Annex XV dossiers or the technical reports on manufacture, uses, releases of and alternatives to the candidate substances, which were drawn up by ECHA's consultants. As the requested information was not provided, it might be very difficult to collect further detailed information within the timeframe available.

A question was then raised whether it would be possible to get an indication on the potential number of authorisation applications from the number of pre-registrations received by ECHA. ECHA explained that before the pre-registration deadline there were clear instructions for industry to pre-register where in doubt. This resulted in companies pre-registering substances that they will never place on the market or at least not in the pre-registered volumes. Indeed, a number of pre-registered substances may never be manufactured or placed on the market in the pre-registered volumes. ECHA checked the pre-registrations of the 15 substances listed in the candidate list and concluded that no information relevant for authorisation could be obtained from

the pre-registrations. However, once registration dossiers are submitted by industry, these will contain information that could be used to estimate numbers of authorisation applications.

During the second part of the discussion, the priorities proposed for each candidate substance were discussed in detail, as shown below:

Anthracene, cobalt dichloride – The Secretariat was invited to improve and clarify the text, and look for better information on releases/exposures. However, with the current information these substances would not be proposed to be prioritised.

Arsenic oxides – The Secretariat was invited to try to obtain more information on exposure (maybe through industry with help of contractors) and to analyse if the substitution of the oxides with other substances is easy or not. On that basis the Secretariat will determine whether to prioritise the arsenic oxides or not, for the draft recommendation for public consultation.

Sodium dichromate – The Secretariat was invited to obtain more information on exposure and to reconsider the statement regarding the relationship with the Carcinogens Directive (90/394/EEC).

The Secretariat would try to look for further information and on that basis consider the list again. The Secretariat will take the MSC comments into account before publishing the draft recommendation on the website.

The Secretariat promised to check the relationship between the authorisation and restriction process and to clarify the text in some points were it is copied from the Restriction Directive. It was proposed that exemptions based on restrictions should be considered on a case by case basis and no automatic transfer of exemptions from the restrictions part was considered justified. General support was expressed for the proposal that MDA should be added to exemptions in artists' paints for consistency reasons.

It was also suggested that the Secretariat should prepare a document clarifying in general the relationship between authorisation and restrictions. The Secretariat promised to consider this request as a similar document in any case would be needed for the workshop (to be held in January 2009) on 'Candidate List and Authorisation as Risk Management Instruments'.

At the end of the discussion, the Chair concluded that the meeting seemed generally to support the approach proposed by ECHA, although some better justifications were requested for some substances not suggested to be prioritised. It was concluded that the document would need to be updated in light of the comments made during the discussion. The substances proposed to be prioritised were supported by most members, although some members expressed that they would want to reconsider the prioritisation during the public consultation period, based on the availability of all background documents.

Several members were in favour of prioritising more substances for inclusion into Annex XIV. The final evaluation of the general approach and ECHA's selection of

substances for inclusion in Annex XIV by the MSC and its members will be given in the Opinion of MSC on the draft recommendation.

8b) Draft Annex XIV entries for prioritised substances

The Secretariat delivered a presentation on the draft Annex XIV entries for substances to be recommended for inclusion in Annex XIV.

Discussion on draft Annex XIV entries

The first part of the discussion focused on the general approach taken by ECHA towards developing the entries for this first Annex XIV recommendation. There was a general consensus that it is a satisfactory approach and that the document just needs some minor amendments.

The second part of the discussion focused on the specific application of this general approach to the seven substances proposed by ECHA to be included in Annex XIV, paying specific attention to the proposed application dates, sunset dates and uses (or categories of uses) proposed to be exempted from the authorisation requirement.

During this discussion, the relation between the restriction and authorisation processes where explored and it was noted that there is need for further discussion and clarification.

ECHA noted that the available information did not give basis for proposing an 'up-front' review period to be included in Annex XIV for any of the substance. Some questions were raised regarding the duration of the review period defined case-by-case in the authorisation decisions. ECHA noted that the legal text does not give any minimum or maximum review period. Other comments were made related to the application dates. ECHA repeated the explanation given in the previous meeting (MSC-5) for the minimum application date proposed in this first recommendation (24 months from the inclusion of the substance into Annex XIV). It was noted that on the basis of discussions in MSC-5 and comments received the latest sunset dates were shortened and the application dates spread only over a period of six months.

Concerning the justifications for the draft Annex XIV entries for the prioritised substances, constructive comments were exchanged during the discussion, which will be included in the update of the document.

The Chair concluded that the recommendation shall be based on factual information and coherent approach. The justification for the substances listed for inclusion in Annex XIV was received well by most of the members, but it needs some modifications.

Item 9 – Opinion on the draft recommendation of priority substances to be included in Annex XIV: Tasks and appointment of rapporteur and possible drafting group

9a) Discussion on tasks of the rapporteur (and possible Co-rapporteur) in drafting the opinion of the MSC

The Secretariat delivered three presentations for this agenda item on:

1. working procedures for the MSC in providing the opinion on the recommendation of priority substances to be included in annex XIV
2. draft template of the opinion of the MSC on the draft recommendation of the priority substances and Annex XIV entries (document 52)
3. draft terms of reference for (co-) rapporteurs of the MSC in providing opinion on ECHA's first recommendation on priority substances to be included in Annex XIV (document 51)

In the first presentation a time schedule was presented for the rest of the process. It was agreed by all that the schedule is very tight until the recommendation is made to the Commission on 29th May. The members asked the Commission representatives what is the estimated time schedule from their end, after they receive the recommendation. No estimates were available at that stage, but the Commission will update the Committee on this later.

Concerning the draft template of the opinion of the MSC on the draft recommendation of the priority substances and Annex XIV entries, the members discussed and agreed on some amendments to the proposed draft. The text was amended to highlight the interactive approach between the rapporteur, the working group and ECHA. A close collaboration between the three parties is essential during the receipt of comments during the consultation period. It was agreed that draft template can be used in a flexible way by the rapporteur taking into account the practical issues coming up during the process. The terms of reference for (co-)rapporteurs of the MSC was adopted as amended during the meeting.

The Chair explained that any voting will be reflected in the minutes of the Committee. Minority opinions, if consensus is not achieved, need also be reflected in the opinion of the Committee, without indicating the names of the members, unless the member requests for his/her name to be shown.

9b) Appointmet of the rapporteur and possible co-rapporteur and
9c) Establishment of a drafting group to support the rapporteur

The Chair introduced the session by explaining that an invitation for volunteers for rapporteur and co-rapporteur was sent to all members in advance of the meeting. Following a series of correspondence, one volunteer remained for rapporteurship. Others indicated the interest to join the working group.

Following the discussion the MSC appointed the rapporteur and six of its members to the working group to support the rapporteur in the task of drafting the opinion of the MSC on the draft recommendation.

The mandate of the working group was presented in document 53. This was adopted as amended during the meeting.

The Chair concluded Agenda item 9 by stating that all the modified documents will be uploaded on CIRCA after the meeting.

Item 10 – Preliminary work plan 2009

A tentative meeting work plan for the MSC for 2009 was distributed as a room document and discussed in short The Chair explained that there is no need to meet in February as was anticipated before, since there are no Annex XV dossiers and draft decisions. Thus the first meeting for 2009 for the MSC will be from 31 March to 2 April. This will result with a total of four meetings for the MSC for 2009. However, this is subject to change depending mainly on how many Annex XV dossiers are received from the Member States.

The time schedule for the five Annex XV dossiers that ECHA has to prepare on behalf of the Commission has been revised by ECHA since it was presented to the MSC and a new tentative timetable was presented as a room document.

The rapporteur and working group plan to meet for the first time in March before the MSC-7. Communication before this meeting is expected to take place via the telephone, e-mail or CIRCA.

Item 11 – Feedback from ECHA

11 a) Expected activities in 2009 concerning testing proposals, compliance checks and transitional dossiers

The Secretariat delivered a presentation on the expected activities in 2009. No testing proposals were submitted yet, however it was estimated that approximately 50 – 100 dossiers need to be handled by ECHA or Member State Competent Authorities (MS CAs) in 2009 based on Article 135 of REACH ("Transitional dossiers"). Dossier compliance evaluation has been launched but no draft compliance check decisions are expected before September 2009. Five dossiers are currently being evaluated.

The Chair concluded that the different scenarios that could arise from transitional dossiers are still under investigation by ECHA, and further explanation will be given to the Committee during MSC-7.

11b) Outcome of pre-registration and submission of dossiers

The Secretariat gave an overview to the MSC on the processing of dossiers at ECHA, the number of submissions received, the submission of pre-registrations, as well as on the pre-registration state of play.

Some members asked whether ECHA has a complete picture of only representatives. ECHA explained that there was no way how to distinguish between importer and only representative in the pre-registration. Thus, there are no statistics available for only representatives. Other questions focused on the pre-registration list to be published on 1 January 2009. ECHA explained that as mentioned in one of the press releases of ECHA, the list that had to be published would not be the final list. The names of all the substances received by ECHA would have been made available in the pre-registrations received, without indication of the proper substance name.

11c) Commission plans for speeding up the process for *in-vitro* testing

The Secretariat explained to the Committee the history behind the publication of the new test methods regulation published by the Commission. It was explained that the new test methods that were being used, were not included in the new test methods regulation. Following some concerns from the European Parliament, the Commission decided to develop a new process which includes a preliminary analysis of alternative test methods. This shall take place as soon as possible. This preliminary analysis needs information on the new test methods so as to decide whether to replace partially the existing test methods or totally. The Member State Competent Authorities will thus be requested to provide their views in the regulatory context. The proposed duration of this analysis is six weeks.

Following a discussion on this matter, it was concluded by the Chair that since the Member States are going to be involved in the process by the Commission, ECHA when drafting the internal procedure on how to respond within six weeks, shall not include discussions with the MSC. However, it was promised that the Secretariat will keep the MSC informed.

Item 12 - AOB

12a) deca-BDE

The Chair invited the member concerned to present the deca-BDE case to the MSC. It was explained that it would be appreciated if the MSC or the Commission could confirm that this dossier with a conclusion (i), (i.e. further information or testing is required, and where the information requirement has been published in application of article 10(2) of Regulation (EEC) Non 793/93 (see Commission Regulation (EC) No 565/2006)) shall be considered as having decisions adopted in accordance with Article 52 of this Regulation.

The member also expressed that it would be appreciated if the MSC or the Commission could confirm that this obligation still applies for the period previously indicated in the Commission Regulation (EC) No 565/2006, i.e. over a period of ten years from the date of entry into force of this Regulation and that the obligation to provide an annual report still applies during this period.

Following a discussion it was concluded by the Chair that the decision made under Article 10 (2) of the Existing Substances Regulation shall be considered as a decision adopted in accordance with Article 52 of REACH. At this point of the process, for the case of deca-BDE, the MSC does not have a role to play because a decision has been made already on this case. Since no information has been provided, there seems to be a need for some enforcement actions. However, there are many details related to transitional dossiers that would need to be clarified and the process forward to be agreed. The Secretariat promised to come back to the process of transitional dossiers at the next MSC meeting.

12 b) Workshop January 2009

Some of the members were concerned whether the MSC can have a report of the outcome of the workshop, since not all the members of the MSC will be able to attend.

The Chair promised that a report of the workshop would be made available to the MSC.

12 c) Minutes of meeting

It was agreed that because of the Christmas season, the minutes of the meeting would be made available to the MSC within five weeks, instead of within four weeks as specified in the rules of procedure.

Item 13 - 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
BOHLEN Elmar (DE)
COSGRAVE Majella (IE)
DEIM Szilvia (HU)
DUNAUSKIENE Lina (LT)
FAJFAR Simona (SI)
FERREIRA MARQUES Jeanine (BE)
FLODSTRÖM Sten (SE)
HOPKINS Jennifer (UK)
KORENROMP René (NL)
KYPRIANIDOU – LEODIDOU Tasoula (CY)
LULEVA Parvoleta (BG)
LUDBORZS Arnis (LV)
MAJKA Jerzy (PL)
MARTIN Esther (ES)
MOREAU Emmanuel (FR)
PISTOLESE Pietro (IT)
RAUTALAHTI Katariina (FI)
REIERSON Linda (NO)
STESSEL Helmut (AT)
TYLE Henrik (DK)
VESKIMÄE Enda (EE)
WELFRING Joëlle (LU)

Representatives of the Commission
ROZWADOWSKI Jacek (DG ENTR)
VAN DER JAGT Katinka (DG ENV)
Observers
ANNYS Ervyn - CEFIC
LEENAERS Joeri - EUROMETAUX
OWEN David - ECETOC
REINIKE Ninja - WWF
SUHONEN Eeva – replacement from nominated observer from ECEAE
ECHA staff
AJAO Charmaine
BALOGH Attila
BRAUNSCHWEILER Hannu,
BROERE William
CORNU Catherine
DE BRUIJN Jack
DE COEN Wim
FUHRMANN Anna
GRADZKA Agnieszka
KARHU Elina
KNIGHT Derek
KORJUS Pia
KOSKINEN Marjo
LEFEVRE Remi
LEPPER Peter
PEDERSEN Finn
RUOSS Jurgen
SANDBERG Eva
SUNDQUIST Anna-Liisa
TISSIER Chrystele
VAHTERISTO Liisa
YLÄ-MONONEN Leena

Replacements
HOPKINS Jennifer replacing FAIRHURST Steve (UK)
KOZMIKOVA Jana replacing GEUSS Erik [CZ]

Proxy's
STESSEL Helmut (AU) as a proxy of MIHALCEA-UDREA Mariana (RO) and RUSNAK Peter (SK).
COSGRAVE Majella (IE) as a proxy of FAIRHURST Steve (UK).
FLODSTRÖM Sten (SW) as a proxy of GEUSS Erik (CZ).
KYPRIANIDOU-LEONTIDOU Tasoula (CY) as a proxy of ANGELOPOULOU Ioanna (EL).

Experts and advisers to MSC members

ATTIAS Leonello (expert for PISTOLESE P)
BIWER Arno (expert for WELFRING J)
KOZMIKOVA Jana (expert for
LUNDBERGH Ivar (expert for FLODSTRÖM S)
PECZKOWSKA Beata (expert for MAJKA J)

AHTIAINEN Jukka (adviser to RAUTALAHTI K)
SCIMONELLI Luigia (adviser to PISTOLESE P)
TRAAS Theo (adviser to KORENKOMP R)

Apologies:
ANGELOPOULOU Ioanna (EL)
CAMILLERI Tristan (MT)
EINARSDOTTIR Gunnlaug (IS)
FAIRHURST Steve (UK)
GEUSS Erik (CZ)
MIHALCEA-UDREA Mariana (RO)
PALMA Maria do Carmo Ramalho Figueira
RUSNAK Peter (SK)

III Final Agenda

17 December, 2008
ECHA/MSC-6/2008/A/06 Final Agenda

Final Agenda

Sixth meeting of the Member State Committee

17-18 December 2008
Marina Congress Center
Katajanokanlaituri 6, in Helsinki, Finland

17 December: starts at 9:00
18 December: ends at 14:00

Item 1 – Welcome and Apologies

Item 2 – Adoption of the Agenda

MSC/A/06/2008
For adoption

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

Item 4 – Adoption of the draft minutes of the MSC-5

MSC/M/05/2008/
For adoption

Item 5 – Administrative Issues

For information

Item 6 – Rules of Procedure (RoP) of the MSC

Reporting back on the written procedure concerning addition of provisions on Rapporeturs to the RoP

ECHA/MSC-6/2008/049

For information

Item 7 – Working procedures of the MSC

Reporting back on the written procedure concerning working procedures of the MSC on providing the opinion on the recommendation for the Annex XIV

ECHA/MSC-6/2008/057

For information

Item 8 – Discussion on the draft recommendation for inclusion of priority substances in Annex XIV

a) Priority setting for inclusion of substances for Annex XIV*

ECHA/MSC-6/2008/054

For discussion

b) Draft Annex XIV entries for prioritised substances*

ECHA/MSC-6/2008/055 and 056

For discussion

****Please note that background documents of the 15 substances relevant for AP-08a and AP-08b are also available on CIRCA.***

Item 9 – Opinion on the draft recommendation of priority substances to be included in Annex XIV: Tasks and appointment of rapporteur and possible drafting group

a) Discussion on tasks of the rapporteur (and possible co-rapporteur) in drafting the opinion of the MSC

ECHA/MSC-6/2008/051 and 052

b) Appointment of rapporteur and possible co-rapporteur

c) Establishment of a drafting group to support the rapporteur (and possible co-rapporteur)

ECHA/MSC-6/2008/053

For discussion and decision

Item 10 – Preliminary work plan for 2009

For information

Item 11 – Feedback from ECHA

For information

Item 12 – AOB

Discussion on transitional measures regarding deca-BDE

Item 13 – Adoption of conclusions and action points

IV Main conclusions and action points

MSC-6 MAIN CONCLUSIONS & ACTION POINTS
17-18th December 2008

(Adopted at the MSC-6 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	The new reimbursement rules are to be discussed during the Management Board meeting on 17 and 18 December.	SECR will provide the reimbursement rules to MSC once approved by the Management Board.
6. Rules of procedure (RoP) of the MSC	Written procedure started on 12 November and ended on 26 November. Rules of procedure in the modified form are endorsed by the MSC.	SECR to present the Rules of Procedure to be adopted by the Management Board in February 2009.
7. Working procedures of the MSC.	Working procedures were adopted by the MSC through written procedure on 12 December.	SECR to post the working procedures on the ECHA website to reflect the work for the first recommendation.
8. **Discussion on the draft recommendation for inclusion of priority substances in Annex XIV** a) Priority setting for inclusion of substances for Annex XIV (doc 54)	General conclusions: General approach supported by most members. Document should: 1. express more clearly the conclusion for non-prioritisation or prioritisation. 2. use another term than 'not prioritised'. 3. look at the categorisation on the basis on hazard. 4. be clearer in the part concerning dispersive uses or releases	SECR will look at the detailed comments received during the meeting and as provided in writing before the meeting on the general approach and modify the document 54 accordingly.

	5. make the conclusions and argumentation clearer in the table. Discussion on the specific substances – Table B1 The substances proposed to be prioritised were supported by most members. However, some better arguments were suggested to be considered for some substances not suggested to be prioritised.	<u>Anthracene, cobalt dichloride</u> – SECR to improve and clarify the text, and look for better information on releases/exposures. However, with the current information it is not proposed to be prioritised. <u>Arsenic oxides</u> – SECR to try to obtain more information on exposure (maybe through industry) and to analyse if the substitution of the oxides with other substances is easy or not. On that basis SECR will determine if to prioritise the arsenic oxides or not, for the draft recommendation for public consultation. Sodium dichromate – SECR to obtain more information on exposure and to reconsider the the statement regarding relationship with the Carcinogens Directive (90/394/EEC). SECR will look at the list again and take the MSC comments into account before publishing the draft recommendation on the website.
Item 8 b. – Draft Annex XIV entries for prioritised substances	General Conclusions: The recommendation shall be based on factual information and coherent approach. Justification for the substances listed for inclusion in Annex XIV: It is a satisfactory approach and the document just needs small adjustments.	SECR to check the relationship between the authorisation and restriction process and to clarify the text in some points were it is copied from the Restriction Directive. Exemptions based on restrictions shall be considered on a case by case basis. MDA to be added to exemptions in artists paints.
9 - **Opinion on the draft recommen-**	MSC will work according to the	ECHA will encourage stakeholders to submit their com-

dation of priority substances to be included in Annex XIV: Tasks and appointment of rapporteur and possible drafting group d) Discussion on tasks of the rapporteur (and possible co-rapporteur) in drafting the opinion of the MSC e) Appointment of rapporteur and possible co-rapporteur c) Establishment of a working group to support the rapporteur (and possible co-rapporteur)	timelines delivered in the presentation on the working procedure. Rapporteur, and members of the working group (acting as advisory group to the rapporteur) were appointed by the MSC. Mandate for the rapporteur was adopted as amended. It was agreed that Annex 2 and Annex 3 of the document (51) will stay separate. Mandate for the working group was adopted with the changes that were introduced.	ments at an early stage of the public consultation. COM to inform MSC on the timelines after May 2009, i.e. when ECHA's recommendation reaches the COM. SECR to include all the changes in the document on the opinion template of the MSC and tasks of the rapporteur as well and mandate of the working group (doc 51, 52, 53) agreed upon during the meeting, and make it available to MSC on CIRCA by 23-12-08 SECR to upload the amended documents on CIRCA by 23-12-08.
10. Preliminary work plan 2009	For information	
11. Feedback from other ECHA bodies	**Commission plans for speeding up the process of scientific and regulatory validation of new *in vitro* testing methods** There seems to be no need for the MSC to be involved in the process since MS's will anyhow be in-	

	volved in this process but the SECR will keep the MSC informed.	
12. AOB – **a. deca-BDE**	The decision made under Article 10 (2) of existing substances regulation shall be considered as a decision adopted in accordance with Article 52 of REACH. At this point of the process, for the case of deca-BDE, the MSC does not have a role to play because a decision has been made already on this case. Since no information has been provided, there seems to be a need for some enforcement actions.	ECHA will discuss this with the Commission. The SECR will provide more detailed process descriptions on transitional dossiers in MSC-7.
b. Workshop January 2009	For information	SECR to provide a report of the workshop to MSC followed by a discussion in MSC-7. SECR to provide the paper being prepared on restrictions and authorisations for the workshop to the MSC when available.
13. Adoption of conclusions and action points		All presentations and room documents to be uploaded on CIRCA (SECR /by 23/12/08). Conclusions and action points (i.e. this doc) to be uploaded to CIRCA (SECR /by 23/12/08)