



MSC/M/01/2008 Final
(adopted on 24 June 2008)

FINAL

**Minutes of the 1st Meeting of the Member State Committee (MSC-1)
26-27 February 2008**

I. Summary Record of the Proceeding

1. Welcome and Introduction

The Chair of the Committee, Ms Anna-Liisa Sundquist, welcomed the participants to the first meeting of the Member State Committee (MSC), and introduced the Executive Director (ED) of the European Chemicals Agency (ECHA).

For this first meeting, apologies were received from three members. The list of attendees is given in Part III of the minutes.

a) Welcome by the Executive Director of ECHA

The ED of ECHA, Mr Geert Dancet congratulated the members on their appointment by their Member State (MS) Competent Authorities (CA), and stressed the importance of the work of the MSC as one of the cornerstones of REACH and hence one of ECHA's priorities, underlining that the Committee is a part of ECHA. He reflected the issues of transparency, independency, composition and success of MSC, moving from old to new, cooperation with other Committees and Rules of Procedure. He emphasised that the purpose of the MSC is to resolve divergences of opinions. The first tasks of the MSC were to agree in time on the Rules of Procedure (ROPs) and to develop efficient working practices and procedures. In addition, ECHA will launch an open call for stakeholder participation for external organisations to apply for observer status to the MSC work. The ED informed the Committee that ECHA was exploring possibilities to offer to finance one expert per member for the meetings in order to be able to ensure the necessary expertise to support the MSC work.

b) Tour de Table – auto-presentation of the members of the Member State Committee

A *tour de table* in which the participants to the meeting briefly presented themselves took place.

2. Adoption of the Agenda

The Agenda, revision 1, was adopted with a new sub-item 10 d) on EFTA participation and a sub-item under item 11 AOB on testing needs based on Nickel risk assessment.

The final agenda is attached to these minutes.

3. Administrative Issues

All attendees were asked to sign the attendance form for every morning and afternoon session they attend. Furthermore, the Chair informed the participants that the meeting

was audio-recorded for the minutes and that once the minutes were approved the recording would be destroyed.

Two room documents, one for point 3c and one for point 11a, were distributed. The attendees were informed that all presentations would be uploaded to CIRCA after the meeting.

a) Reimbursement rules

The members were reminded to complete the forms for legal identity and bank identification and return them, once only. The Management Board (MB) of ECHA has agreed general rules on reimbursement of travel expenses that will also apply to the MSC. Some questions raised regarding possible reimbursements were clarified by the Secretariat.

b) Declarations of conflict of interest

Under this Agenda point the Secretariat presented all three types of declarations annexed to the draft rules of procedure:

- Annual Declaration of Commitment
- Annual Declaration of Interests
- Declaration of Confidentiality.

The Secretariat highlighted that all three Committees and the Forum have to make these declarations and the final forms will be harmonised and approved by the MB. The MB has also introduced a policy on conflicts of interests especially with a view that consultants and members working for industry should withdraw their membership.

After the adoption of the Rules of Procedure (ROPs) these declarations have to be completed and signed by the various participants to the MSC meetings in accordance with the provisions of the draft ROPs. However, it was clarified that the duties of commitment, declaring conflicts of interests and confidentiality apply from the first day of their appointment. The oral declaration of interests at the meetings would apply already at the first meeting. However, the agenda of the meeting did not contain any items to which any conflict of interests could be declared and hence no such interests were declared.

Publication of the declarations of interests would be in line with ECHA's commitment to transparency. More guidance on the type of interests that would prevent participation to the MSC was requested by some members. It was not obvious which interests to declare in relation to e.g. work in 'organisation of REACH relevance' and in certain non-governmental organisations (NGOs). The Secretariat noted that the credibility and the perception of the MSC by the outside world are most important and should determine the member's individual decision to declare any interest. The sensitivity of the MSC members to this was therefore important. Careful judgement for each case would need to be followed and ECHA would then evaluate the relevance of any declaration.

The Secretariat promised to provide some examples about such personal relationships which would require a declaration of conflict of interest as it is difficult to give a comprehensive wording otherwise.

The Chair concluded that any further discussion could take place when the draft ROPs are discussed and confirmed that guidance on conflict of interests would be updated to be fully in line with the declaration forms once all the Committees have given their input to their development.

c) Curriculum vitae for web publication

The Secretariat provided a template for harmonised, short Curriculum Vitae (CV) as a room document. Template will be uploaded to CIRCA with an example and the members were asked to fill in the form and return it to the Secretariat within two weeks' time. The CVs would then be made publicly available on ECHA's website, in line with Article 88(1) of the REACH Regulation.

4. Background of the MSC

The Chair referred to Article 77 of REACH where the tasks of the Committee are outlined and continued in referring shortly to the individual tasks of the Committee. It was highlighted that the MSC is considered as part of ECHA. It was reiterated that one of the reasons behind the establishment of the MSC is to facilitate efficient decision making and agreement finding between the MSs, this giving a conciliatory role to this Committee. The Secretariat then presented the legal basis for the MSC in more detail and its vision for the modus operandi, to be further discussed under item 6 and 10 of the agenda.

A concern was expressed that there is potential for duplication of work between the Committee for Risk Assessment (RAC) and the MSC if issues settled by one Committee are re-opened by another. The Secretariat reassured that this will not be the case provided proper measures are implemented to avoid duplication, and the later Agenda points should clarify this further.

It became clear in the discussion that members coming from different Member States (MS's) have different perceptions on their role. Some will get instructions from the MS for the Committee work whereas others will be able to act as individual experts. Many members emphasised that in any case each member should have a room of manoeuvre for finding unanimous agreements and consensus on issues addressed to the Committee.

The Chair concluded that a more detailed discussion on the tasks and working procedures would take place in the context of other Agenda items.

5. Rules of Procedures (ROPs)

The Chair gave an overview of the timeline for the ROPs: following the appointment, as provided in Article 85 of REACH, the MSC has six months to propose draft ROPs to the MB. However, in order to be operational by June 1st it is hoped that the MSC would be able to agree on draft ROPs either in this meeting or by written procedure

following soon after the meeting, which would allow presentation of the endorsed draft ROPs to the MB at its meeting of 23-24 April 2008.

The Secretariat explained that the ROPs were drafted taking due account of ROPs from similar committees, e.g. those run by EMEA, or EFSA, or the Scientific Committee on Health and Environmental Risks (SCHER), as well as the ones proposed to and discussed by the Forum and RAC in their first meetings. It was suggested that the ROPs should be kept general, following the same pattern for the other ECHA Committees, while Standard Operating Procedures (SOPs) could be elaborated for specific aspects, should the MSC consider it necessary.

The ROPs were discussed article by article with the aim to agree on the wording, as far as possible. The main points raised in the discussion were the possibility to use alternates instead of invited experts without voting rights and the proxy procedure, declaration of interests as well as independency of the members in the Committee proceedings. The ECHA representatives reassured the members that ECHA will reimburse invited experts in those cases where the member cannot participate in the meeting. The draft rules of procedure were slightly modified as the result of the discussion. The main conclusions and points made in the discussions are summarised below.

Discussion:

In the discussion about the tasks and Committee outcomes some members proposed to use the exact terminology from the legal text and some amendments were introduced to the proposed text based on this suggestion.

When discussing about the membership it was clarified that the rules do not foresee that a person replacing a member would have a voting right. The text on the decision on co-opting of members was modified to state that any decisions for that would need to be by two-thirds majority of all the members, and not of members present. The Chair concluded that the Committee can decide whether it wants co-opted members – but once there are co-opted members, they would have the same rights, including voting rights, as other members.

The Secretariat explained that there is a need to revise ROPs when EEA-EFTA agreement is in place. In the current proposal members from the EEA-EFTA states are not yet included.

The issue about use of proxies and alternates needed further clarification and discussion. As for the proxy, the Secretariat explained that only a Committee member (with voting right) can get the proxy, and if a member sends an expert as a replacement, it will be a person without a voting right. The proxy holder may have two different positions, his own and that of the other member. As for the alternates, the rules of the MB do not include use of alternates. Many members had the view that this Committee has a different role compared to the RAC and the SEAC or the MB, and that it would be beneficial to have a replacement, a proxy system or alternate with voting rights. Some members asked for the legal basis for not having both the proxy and alternate systems. The Secretariat stated that parallel systems would be too confusing to the outside world and this could generate uncertainty. At the end, members were supporting the original proposal with the proxy system combined with an invited expert who shall be invited by the chair once proposed by the member.

The provision about other participants to the meeting was modified with a clarification of the terms 'experts' and 'observers'. The Secretariat explained that attendance of stakeholder organisations, or more broadly of the observers, is up to the MSC, needing a consensus view, and stakeholders' presence at the decision stage would depend on the nature of issues discussed, in particular, confidentiality, if any. Based on the legal text the Secretariat clarified that only members would have the right to be accompanied by advisers.

The provision about the Chair of the Committee and her/his tasks were fine-tuned taking on board some suggestions of wording.

During the discussion related to Article 9 on independence of the ROP proposal, some members drew the attention of the Chair about how the Declaration of Commitment (annex I) could be ambiguous and uncomfortable for the members in the proposed format.

It appeared that some members are completely independent, others are mandated to follow the instructions of their own MS, whereas for some others their relation to the MSCA has not been clearly defined. During the meeting Annex I was amended to take into account the possibility for a member to seek or accept instruction only from the MS which appointed him/her, excluding instructions coming from any other parties. The member appointed by Belgium considered that the declaration of commitment in no way should affect the independency of the member in the MSC proceedings because the member is obliged to give this declaration him/herself and not as a representative of a Member State and because the main task of MSC is to achieve compromise. The necessity for the members to have enough room of maneuver to achieve the tasks allotted to the MSC was recognized and agreed.

The member appointed by Latvia disagreed with the wording on the eligibility criteria imposed for the members in the article dealing with independence (Article 9(3) and 9(4)) because the text would go beyond the REACH Regulation in further specifying independency rules. However, these paragraphs were based on the guiding principles adopted by the MB concerning the independence question.

It was explained that paragraphs 3 and 4 intend to cover employment, not e.g. any general training given on occasional basis, and that active membership in NGOs could as well be relevant under paragraph 4 of that article.

Article 10 on confidentiality and article 11 on transparency were agreed with some editorial changes. The articles dealing with meeting invitation and providing of meeting documentation for ordinary and urgent meetings were criticised for having too short deadlines. However, the time limits were not changed as the Secretariat considered that the time limits should be viewed as covering the worst case situation. Information on provisional planning of the meetings will be made available well in advance. However, some changes in the wording of the text were proposed and agreed.

Some editorial modifications were accepted on the articles concerning minutes of the plenary meetings and the working groups. An additional paragraph on opinions was added to article 18 dealing with the quorum and agreements and opinions of the MSC to clarify the differences between different tasks. Similarly, in article 19 on written procedures, an additional paragraph was inserted pursuant to which the adoption of agreements by written procedure needed at least 60% of the members to respond for the procedure to be considered valid.

As a response to the very short deadline for urgent written procedure the Secretariat's view was that this procedure would normally concern a known document, on which the MSC has worked beforehand, and the written procedure would normally be launched to close the last remaining questions and thus not to present a completely new document via that route. To take into account the concerns of very short deadlines the Secretariat proposed that, in order for the member to be informed in due time about the Committee tasks, the member could indicate to the Secretariat another e-mail address for holiday periods or other temporary absence from the office. This would facilitate respecting the tight deadlines of the written procedures and the required response rate of the members in accordance with the draft ROPs.

As a conclusion the draft ROPs were slightly modified as a result of the above summarised discussion and this modified version was unanimously endorsed by the Committee. The Latvian member absented on Article 9.3 and 9.4 and the Belgian member would provide a statement on the need of independency of the members (cf supra). It was agreed that the Secretariat would make the endorsed document available to the Management Board for approval at its April meeting. Some members expressed explicitly their disappointment regarding the conclusion that no alternates were allowed. Therefore the Committee decided to review the ROPs in one year's time specifically with a view to re-examine the need for alternates based on the experience on the Committee's work.

6. Planning of the work for 2008 and beyond

a) Main tasks of the MSC

Introducing this agenda item the Secretariat proposed to start by presenting the processes in which the MSC is involved in order to get first an understanding at what stages the Committee's involvement is expected in each of the processes.

The MSC will be instrumental in several key REACH processes, some of which will start from 1st June 2008 onwards, and some of them starting with the main registration flows.

- **Annex XV dossiers – Agreements on the identification of substances of very high concern (SVHC) and**
- **Opinion on the recommendation of priority substances to be included in the Annex XIV (list of substances subject to authorisation)**

The Secretariat presented the way it envisages the process on identification of substances of very high concern (SVHC) and the first recommendation of priority substances to be included in the Annex XIV to take place, and the embedded timing needs linked to it.

In order to streamline the process, the Agency is prepared to do an informal check of Annex XV dossiers to see that they are in accordance with Annex XV. It is anticipated that the MSC will become involved only if comments are received after the publication of notices and circulation of dossiers to the MSs.

Regarding the practical work, the Secretariat explained that fact sheets from the existing PBT subgroup could be transformed into Annex XV dossiers relatively easily but in order for this process to be triggered, a MS (or the Agency on behalf of the Commission) would still need to pick up the substance and prepare an Annex XV dossier on it.

It was pointed out by a member that MSs should consider the consequences when putting a substance on the candidate list and should consider whether authorisation is the best way forward to deal with the risks of a substance or whether for instance a restriction should be proposed. At the REACH CA meeting in March a more comprehensive picture should become available on the plans of the MSs or the Commission in this regard.

When the candidate list, based on the Annex XV proposals, has been established, the Agency will carry out a prioritisation step and will recommend priority substances taking into account the opinion of the MSC. The Secretariat explained that in order to have the first proposal for inclusion of substances in Annex XIV ready by June 2009 (the deadline mentioned in REACH) the Agency needs to receive proposals for identification of a SVHC at the latest by June 7th, due to the time needed for preparatory work at the Agency and the different consultation periods. MSs have been asked and will be reminded in the next REACH CA meeting to notify their intentions to ECHA before submitting such dossiers.

When requested to estimate the workload for each member of this Committee the Secretariat responded that although it is not possible to provide precise estimates of the workload, the members were advised to inquire about their workload of MSCA in previous legal schemes. The workload depends much on the number of proposals made. As a conclusion, the Secretariat promised to make a more precise forecast of the MS workload as soon as possible.

• Dossier evaluation – Draft decisions on testing proposals, Draft decisions on compliance check of registrations

The Secretariat gave a presentation explaining the basic process for dossier evaluation, the role of the MSC and the type and timing of the decisions needed. It was explained that the actual number of testing proposals on which decisions need to be taken is difficult to predict. In addition, the workload for the MSC in terms of discussions by the Committee will depend on the number of draft decisions that will be commented on by the MSs. The first testing proposals are expected to be addressed to the Committee at the earliest in September and the Committee will have 60 days for taking a decision.

For compliance check, a minimum 5% of the dossiers for a tonnage band will be selected. ECHA has the task to perform the compliance check and will need to prepare the draft decisions within 12 months after starting the compliance check on a dossier. In case there are proposals by the MSs to amend these draft decisions, the draft decision will also be brought to the MSC for agreement seeking.

The Secretariat explained that the type of decisions that need to be taken and hence the type of discussions foreseen in the Committee will most likely be of a very detailed and scientific nature.

One member expressed concern that while ECHA is the body to decide on adequacy of registration dossiers (compliance check), national authorities might not be adequately resourced to be involved. The Chair clarified that draft decisions will clearly be made by ECHA, and only if a MS comments then the MSC will need to be involved. It is important that a common view on compliance check is established among the Secretariat, the MSC and MSCA. In this meeting only process oriented issues were presented. Operational schemes for the compliance check are currently being developed and to this aim, the work on test cases on dossier evaluation was proposed (see the following point).

As regards the classification of a substance in the context of a compliance check it was explained that MS have access to all information through REACH-IT and IUCLID 5 and can react using that information. The RAC deals with Annex XV proposals on classification and labelling but not in the context of compliance check.

- **Substance evaluation - Draft decisions on requests for further information**
- **Opinion on the Community rolling action plan and possible additions to it**

A short presentation on the Community Rolling Action Plan and substance evaluation was provided by the Secretariat as an introduction to these tasks which actually start at a later point in time. The MSC becomes involved on evaluation of a substance if the evaluation performed by MSCA results in draft decisions which request for further information and these draft decisions are commented on by one or more MSCAs.

The Chair stressed that all the presentations on the tasks by the Secretariat were intended to give the members a better understanding of their roles and tasks. The Chair concluded that the main priorities for the MSC this year are likely to be dossiers for identification of Substances of Very High Concern (SVHC) and draft decisions on testing proposals. It is possible that the MSC will have a heavy workload starting already in the autumn 2008. The Chair emphasised that preparation of Annex XV dossiers with proposals for identification of SVHC is a task for the MSs and that these proposals should be in ECHA on 7 June 2008 at the latest in order to meet the deadline of 1 June 2009 for the first list of prioritised substances. Before making Annex XV dossiers on identification of SVHC the MSs were invited to notify their intentions to ECHA.

b) Test cases for dossier evaluation

The Secretariat gave an oral presentation about the ideas to use test dossiers to build up capacity and understanding of the type of tasks needing to be performed by the Agency, by the MSs and in particular the MSC. Such test dossiers could probably first be dealing with testing proposals. As regards the tasks of the MSC, the Secretariat will draft a paper on conclusions and formats for draft decisions. As it is not currently expected that the Committee will have a meeting before September, the Chair concluded that a written procedure would be launched on the paper summarising some of the conclusions from the Secretariat's preparatory work in order to consult the Committee on the contents of the document and to seek views on it.

c) Decision Support Document

The Secretariat introduced a proposal for generating a decision support document (DSD) explaining that the proposal had originally been submitted to the CA-meeting in December 2007.

The objective of such a DSD is to record in a transparent and easily accessible way the scientific and technical reasoning behind opinions and decisions from ECHA, in this case the agreements or opinions of the MSC. It would be important to make all the information easily available to ECHA and its associated experts, to the Commission for its legal process, and also for any future discussions.

The proposal also analysed who would generate the DSD, and suggested that the original authors would have the best knowledge and should therefore draft and update the document. This would imply that the MSCAs develop the DSD on Annex XV dossiers on SVHC and substance evaluation decisions and ECHA the DSD on dossier evaluation decisions and Annex XV dossiers on SVHC in case these will be requested by the Commission.

In the discussion it was pointed out that as the DSD seems to be very crucial document it would be very important to ensure some quality control and consistency in them, and not to expand it to something unnecessarily long. Some clarification on what is in the actual opinion or agreement itself was also considered necessary in order to better understand the idea of the DSD.

Several members were concerned about this unforeseen workload for the MSCAs for compiling the DSD and preferred that the ECHA Secretariat would carry out the work in all cases. The MSC requested that further details need to be presented before the workability of this proposal could be evaluated and a final position could be taken. In its response the Secretariat emphasised the need for full transparency and adequate documentation of the process in writing, which a good DSD would provide. For Annex XV dossiers the author CA would be invited to the MSC meeting in any case to follow and contribute to the discussion.

There were no final conclusions yet and the discussion on the DSD will continue at the March 2008 CA-meeting and the outcome of the discussion from this meeting and of the first RAC meeting would feed into that process.

The Chair concluded that the DSD issue will be revisited later when the format of the DSD is developed further on the basis of examples.

7. Guidance Documents

The Secretariat gave a presentation on the availability and expected progress of the guidance documents developed to facilitate the implementation of REACH. It was explained that ECHA will manage updating the guidance documents, reflecting new knowledge and experience. The presentation included a state of play on the publication of the guidance, plans for guidance fact sheets and their translations, among other issues. The ideas and practices on how the guidance update could be initiated, how feedback is collected and various parties are consulted, were also explained to the members. Consultation partners include so called Partner Expert Groups (PEGs) with stakeholders, interested parties, MSCAs and the Commission, as

well as ECHA Committees and/or the Forum. The exact update procedure is currently under discussion.

A short discussion took place after the presentation from which it appeared that the members were pleased to get an update on the new procedure in developing and updating guidance indicating the possible role of the Committees in consultation process.

8. Document Management

a) Platform for distribution of documents to the MSC – CIRCA

The Secretariat presented the CIRCA interest group for the MSC, explaining the procedure for getting access. It was specified that CIRCA can be used to distribute, store and exchange documents. Members were informed that the basic administration of their accounts, such as changing email addresses and activating the functionality of automatic alerts, can be managed directly by the users.

The Secretariat asked the MSC members who had not yet signed up to CIRCA to do so as soon as possible as from this meeting onwards CIRCA platform would be the main information and document source for all the members, and emailing of meeting documentation would no longer take place. It was clarified that the members can also ask access to CIRCA for their assistants or advisers, but for security reasons access can only be granted for natural persons, not for functional mailboxes. All requests for adding and removing users – including the advisers - should be sent to the Secretariat.

b) REACH-IT – current state of development and plans for accessibility

Overview of REACH-IT development and plans for functionality to be made available on and beyond 1st of June were presented by the Secretariat. The key messages from the presentation were that over time and successive releases, REACH-IT would offer increasingly sophisticated functionality to allow the Secretariat and MSCAs to efficiently manage Annex XV dossiers. For any specific Annex XV related activity that is not handled by the forthcoming first version of REACH-IT, a combination of CIRCA and IUCLID can be used by the members.

Most questions after the presentation focussed on access to REACH-IT and IUCLID5 dossiers for the CAs and access functionalities available for the Committee members. The members had also some more general questions, such as access to testing by industry, timetable for remote connectivity and hardware distribution to the MSs and access to PPORD information, to which they sought clarification. The Secretariat confirmed that for the time being, the only way for the members to access data in the REACH-IT was via the CA, and that the issue about access to REACH-IT for members not working for MSCAs is still further to be discussed in the Security Officers Network.

The Chair closed the Agenda item by saying that this issue will be revisited again when the planning is more advanced and the access to other than MSCA members solved.

9. Co-opted Members

a) Competence coverage - MSC Overall Competence Grid

The Secretariat referred to the document provided before the meeting about the competence coverage of the MSC in which an overview and statistical background data of the complied competences of the members is presented, based on the information in the competence grids submitted during the appointment procedure. This analysis indicates that all areas of required expertise are covered by the appointed members or the in-depth expertise is available at the MSs, when needed.

b) Discussion on the need for Co-opted members

The Secretariat presented the Agenda point shortly and stressed that, according to REACH, the only criterion for co-opting additional members would be gaps in the overall expertise of the Committee. In addition to co-opted members the MSC was informed that an expert roster is envisaged from which experts could be invited as the need arises to provide expertise of a specific nature on a particular topic.

After the discussion, the Chair concluded that the MSC agreed that the competences of members seem to cover the envisaged expertise needs and hence co-opting additional members is not necessary at this point of time.

10. Working Procedures

a) Working group(s)

The legal text and the draft ROPs allow the Committees to establish working groups (WG) where appropriate. The Secretariat presented a thought starter, analysing when support from a working group would be needed, and if the mandate or composition of working group(s) could be defined at this point in time. The main points of the presentation were:

- Before establishing working groups, the dossier types to be dealt with, the (fixed) timelines, and the past experience should be taken into account.
- The fixed and short timelines would require a smooth operation which also a working group would have to adhere to and in addition, the coordination with the main Committee needs to be ensured.
- Issue-related working groups (e.g. on human health effects assessment, environmental effects and PBT assessment, exposure and risk management) could be considered, possibly serving both the MSC and the RAC at the same time, thus contributing to the coordination of these Committees and the harmonisation of their work.
- In some cases dossier related working groups may be needed.

In the discussion following the presentation it was agreed that the MSC should develop its own way forward and to wait on the WG creation in light of experience. It

was felt that careful analysis of the workload and timing needs should precede any establishment of WGs, and most likely the preparatory work should start before the dossiers even arrive to the MSC. The Secretariat's answer to a question on reimbursement reflected the current understanding that travel and subsistence costs for WG members when invited to a meeting will be covered by ECHA.

The Chair concluded that no working groups will be established for the moment. The issue will be re-discussed on the basis of needs and taking into account the tight time schedules of the MSC processes.

b) Interface with other Committees and the Forum

The Secretariat gave a presentation on the possible interlinks between the different ECHA Committees or the Forum in their future work. Several issues were brought to the attention of the MSC where co-operation, especially between the MSC and the RAC, would be most beneficial. In terms of workflows one substance could be considered first in the MSC and then in the RAC (identification of SVHC in the MSC whereas authorisation applications are dealt by the RAC and the SEAC) or vice versa (example of Classification & Labelling). It was emphasised that clear documentation from the other Committee therefore would be an important additional tool to avoid any re-opening of previous discussions. Several practical options to achieve close collaboration were suggested as possibilities by the Secretariat, such as joint WGs, close contacts with members from other Committees, early consultations between Committees, comprehensive documentation where decisions are justified, etc.

In the discussion, the members further highlighted the importance of such collaboration and suggested also close contacts with the potential rapporteurs from the other Committees.

The Secretariat agreed that frequently informing the other Committees on outcomes should be added to the list of ways of working together and that it was planned that such reporting would take place routinely in the future meetings.

The Chair concluded that that the Secretariat should ensure that no duplicative work will be done in different Committees, and it may be necessary to come back on this issue at a next meeting. In order to facilitate the discussion, clear workflows of interaction between the Committees should be prepared.

c) Stakeholder participation

The Secretariat explained that the basis for the discussion is the document presented in February to the MB and which had been distributed to the members as part of the meeting documentation. The invitation for stakeholder participation will be open to all European level organisations and the approach would be kept very transparent. In the near future ECHA will launch a call on its website for European stakeholder organisations to take part in the work of ECHA, and following that the MB will then decide whom to invite. The endorsed RoPs specify the rules for stakeholder participation in this Committee in more detail. The Chair concluded that following the MB invitation for stakeholder participation the MSC would at the end still have the final say on whom to invite as observers.

d) EEA/EFTA participation

The Secretariat explained the process of modifying Annex II of the EEA Agreement by the Joint Committee of EEA, and informed the MSC that the MB had decided to invite the EEA-EFTA states to participate in the work of the ECHA as observers, awaiting for the entry into force of the Agreement. Subject to agreement of the Committees and the Forum, this would entail participation in their meetings as observers. After amendment of the EEA Agreement covering REACH has entered into force, the EFTA countries will be granted a right to fully participate in the work of the Committee as members without voting rights. The ROPs will need to be updated for that purpose.

The Chair concluded that the MSC agreed unanimously to invite EFTA observers to take part in the work of the Committee. To that effect, an invitation will be sent to EFTA countries (CA's) to participate in the next meeting of the MSC.

11. Any other business

a) Tentative meeting dates for 2008

A room document was distributed providing the tentative meeting dates for this year:

- 3-5 September
- 7-8 October
- 4-6 November
- 17-18 December

It was underlined to the members that they should make their travel arrangements only when they have received a formal invitation to the meeting.

b) Information announcement about ongoing activities in Risk Assessment of Nickel

One member wished to circulate an invitation to members to take part in the work concerning testing proposal for aquatic environmental hazards of nickel. This issue follows from the nickel risk assessment undertaken under the previous chemical legislation.

c) Information announcement from ECHA on training

The MSC was informed about the training of trainers of the Member States organised by ECHA on preparation of Annex XV dossiers that will take place on 10 – 11 March 2008.

II Summary of decisions and conclusions reached by the MSC

III List of attendees

<u>Members</u>	<u>Representatives of the Commission</u>
BÖHLEN Elmar	
COSGRAVE Majella	LINHER Otto (DG ENTR)
DEIM Szilvia	
FAIRHURST Steve	
FAJFAR Simona	<u>ECHA staff</u>
FERREIRA MARQUES Jeanine	AHRENS Andreas
FLODSTRÖM Sten	BARANSKI Maciej
GEUSS Erik	BROERE William
KORENROMP René	CARLON Claudio
KYPRIANIDOU-LEODIDOU Tasoula	DANCET Geert
LARSEN Henrik Søren	DE BRUIJN Jack
LUDBORZS Arnis	HANSEN Bjørn
LUKINSKIENE Lina	HEIKKILÄ Minna
LULEVA Parvoleta Angelova	KREYSA Joachim
MAJKA Jerzy	MUNN Sharon
MARTÍN Esther	OKORO James
MOREAU Emmanuel	POPESCU Raluca
PALMA, Maria do Carmo Ramalho Figueira	RASMUSSEN Kirsten
PISTOLESE Pietro	SUNDQUIST Anna-Liisa
RAUTALAHTI Katariina	TISSIER Chryste
RUSNAK Peter	VAHTERISTO Liisa
STESSEL Helmut	VASILEVA Katya
VESKIMÄE Enda	YLÄ-MONONEN Leena
WELFRING Joëlle	

Advisers to MSC members

HEISKANEN Jaana (adviser to K. RAUTALAHTI)

SCIMONELLI Luigia (adviser to P. PISTOLESE)

FANGHELLA Paola Di Prospero (adviser to P. PISTOLESE)

Apologies:

ANGELOPOULOU Ioanna

CAMILLERI Tristan

DIMA Ancuta Manuela

IV Final agenda

Agenda
First meeting of the Member State Committee

26-27 February 2008
Hotel Restaurant Linna, Lönnrotinkatu 29, Helsinki, Finland
26 February: starts at 9:00
27 February: ends at 18:00

Item 1 – Welcome and Introduction

- a) Welcome by the Executive Director of ECHA (Mr. Geert Dancet)
- b) Tour de table – auto-presentation of members of the Member State Committee

Item 2 – Adoption of the Agenda

For adoption ECHA/MSC-1/2008/A/01

Item 3 – Administrative Issues

- d) Reimbursement rules
- e) Declarations of conflict of interest
- f) Curriculum vitae for web publication

For information ECHA/MSC-1/2008/01
and ECHA/MSC-1/2008/08 (Room document)

Item 4 – Background of the MSC

Legal basis, scope, proposed modus operandus

Item 5 – Rules of Procedures (ROPs)

ROPs of the Member State Committee

For discussion and endorsement
ECHA/MSC-1/2008/03

Item 6 – Planning of the work for 2008 and beyond

a) Main tasks of the MSC

- Annex XV dossiers – Agreements on the identification of substances of very high concern (SVHC)
- Opinion on the recommendation of priority substances to be included in the Annex XIV (list of substances subject to authorisation)
- Dossier evaluation – Draft decisions on testing proposals, Draft decisions on compliance check of registrations
- Opinion on the Community rolling action plan and possible additions to it
- Substance evaluation - Draft decisions on requests for further information

b) Test cases for dossier evaluation

c) Decision Support Document

For discussion ECHA/MSC-1/2008/04

Item 7 – Guidance Documents

a) Guidance for the preparation of an Annex XV dossier (SVHC)

http://reach.jrc.it/docs/guidance_document/svhc_en.htm

b) Guidance on Dossier and Substance Evaluation

http://reach.jrc.it/docs/guidance_document/evaluation_en.htm

c) Guidance on Chemical Safety Assessment including guidance on information requirements

d) Other Guidance

For discussion

Item 8 - Document Management

- a) Platform for distribution of documents to the MSC – CIRCA
- b) REACH IT – current state of development and plans for accessibility

For information

Item 9 – Co-opted Members

- e) Competence coverage - MSC Overall Competence Grid
- b) Discussion on the need for Co-opted members

For discussion ECHA/MSC-1/2008/05

Item 10 – Working Procedures

- a) Working group(s)
- f) Interface with other Committees and the Forum
- g) Stakeholder participation
- h) EEA/EFTA participation

For discussion ECHA/MSC-1/2008/06

Item 11 – AOB

- d) Tentative meeting dates for 2008
- e) Information announcement from member
- f) Information announcement from ECHA

ECHA/MSC-1/2008/07 (Room document)

V Action points

Agenda point	Action requested after the meeting (by whom/by when)
3a	<ul style="list-style-type: none">• All members, who have not already done, so to provide legal identity and bank forms to the Secretariat as soon as possible.
3b	<ul style="list-style-type: none">• Secretariat to provide some examples about what type of personal relationships might need to be included in the declarations by the next meeting
3c	<ul style="list-style-type: none">• Secretariat to upload a template for a CV on CIRCA immediately after the meeting• Members to return filled-in short CV to the Secretariat in two weeks
10d	<ul style="list-style-type: none">• Secretariat to send an invitation to relevant authorities of the EEA-EFTA states.