

Helsinki, 30 November 2018

Agreed at RAC-47

A proposal for clarifying and strengthening the role of the Committee's rapporteurs in relation to the Working Group and its operation

RAC in its current form can sustainably deliver ca. 80 opinions per year. The Committee faces a further peak in workload in 2019 and 2020 to over 100. Additional measures are thus needed to streamline and manage this workload.

Setting up Working Groups¹ is one of the proposed measures to support the rapporteurs and the Committee in handling selected regulatory processes, particularly in RAC.

Working Groups of RAC and SEAC are subject to Art 76(2) of REACH, to the Rules of Procedure of their respective Committees² and to the Eligibility criteria applicable to membership of ECHA Bodies³.

This paper sets out proposals for consolidating the requirements on the setting up of Working Groups of RAC (and SEAC), as laid down in the Rules of Procedure, to clarify and strengthen in particular the role of the rapporteurs.

The consolidated requirements (not specified in the Rules of Procedure of RAC (and SEAC) are **highlighted**.

Mandate

- The mandate (precise arrangements for delegating tasks), composition and the objectives of the Working Group as well as the duration of its activity shall be determined and reviewed periodically by the Committee.

Set-up of working groups

- Working Groups shall apply the Rules of Procedure of the Committee, especially in regard to i.a. - participation, independence, confidentiality and transparency;
- Draft agendas, meeting dates and minutes of the Working Group meetings shall be made available to the Committee.

¹ Working Groups of the ECHA Committees and the Forum on Enforcement are provided for by Art. 76(2) of REACH. Art. 18 of the RAC Rules of Procedure, supported by Art. 6, on participation; 9, on independence; 10, on confidentiality and 11, on transparency provide more detail on the setting up of Working Groups for both RAC and SEAC.

² https://echa.europa.eu/documents/10162/13579/rac_rops_en.pdf/a9f6376e-318f-41de-be0a-1631be9f34c4

³ https://echa.europa.eu/documents/10162/13555/final_mb_45_2013_eligibility_crit_guid_en.pdf

Membership

- A working group shall be composed of:
 - The RAC Rapporteurs who remain responsible for each of the cases on the agenda;
 - Volunteering members of the Committee;
 - Invited experts on the basis of the required expertise; and
- The Working Group composition shall be recorded in the mandate and in the minutes of the meeting setting it up.
- The Working Group members shall receive an invitation from the Chairman of the Committee.
- The provision of services by any expert serving on a Working Group of the Committees shall be governed by a written contract⁴.

Chairman

- A Working Group shall be chaired by a member of the Committee or by the Secretariat⁵ and shall report to the Committee.

RAC Rapporteurs⁶

- The working group shall support the work of the rapporteurs in evaluating the dossier on behalf of RAC.
- The RAC Rapporteur(s) appointed to each case shall consider the preliminary evaluation report so provided by the working group and adjust the draft RAC opinion as deemed appropriate.
- The draft opinion remains the responsibility of the Rapporteur(s) and the Committee.

Accredited Stakeholders

- Meetings may be attended by Accredited Stakeholders and other Observers as outlined in the Committee's Rules of Procedure
- The Preliminary Evaluation Report will be provided to Accredited Stakeholders via the usual channels

⁴ Art 87(3) of REACH.

⁵ This repeats Art. 18(1) of the RoP. However, in line with Art. 85(9) of REACH, specifying that the Chairman of the Committee shall be an employee of ECHA, the Agency, given the sensitivity of the relationship with the Applicant, may in this case require that the same shall apply to the Authorisation Working Group.

⁶ The duties of the Committee's Rapporteur(s) are covered by Art. 87(1) of REACH and Art. 17 of the RAC Rules of Procedure.