EUROPEAN COMMISSION

ENVIRONMENT DIRECTORATE-GENERAL
Water, Chemicals & Cohesion
Chemicals

ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
Chemicals, Metals, Forest-based & Textile Industries
REACH

Brussels, 25 February 2009.
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SUMMARY RECORD OF THE

6th Meeting of the Competent Authorities for the implementation of Regulation (EC) 1907/2006 (REACH)

15-16 December 2008[1]

Centre A. Borschette, Rue Froissart, 36

BE-1040 Brussels, Belgium

The meeting was jointly chaired by Ms Astrid Schomaker (DG ENV) and Mr Graham Willmott (DG ENTR). Mr. Jukka Malm (ECHA) led the discussions on the agenda points concerning the work of the ECHA.

The Chair made the following introductory remarks:

- We need to consider how to include the work on the Regulation on Classification, Labelling and Packaging (CLP) in the future. CAs were asked to consider whether and how to incorporate this work and send their comments and suggestions to COM by 17 January 2009. COM will consider the comments received and, if necessary, propose a revision of the Rules of Procedure before the next meeting in March 2009;

- The Commission (COM) is often requested for information about the REACH CA. We are considering the possibility to make adopted agendas and summary records from the CA meeting available to the public. Some MS noted that this might imply a greater need for closed sessions during the meetings. CAs were asked to give their views on this at the meeting or in writing before 17 January 2009;

- COM apologised for the late uploading of some documents on CIRCA;

[1] Adopted at the 1st meeting of CARACAL 16 March 2009.

- COM announced that the observer seat at REACH CA currently occupied by Friends of the Earth (FoE) would be taken over by the European Environmental Bureau (EEB) from 1 January 2009 but that FoE would continue its work in the CA subgroup on nanomaterials;

- Practical arrangements for the informal dinner were announced.

1. ADOPTION OF THE DRAFT AGENDA (DOC CA/54/2008 – REV. 2)

The Chair indicated that documents received from CAs had been uploaded to CIRCA and would be dealt with under the appropriate agenda items. Agenda points 3 and 7 would be dealt with in a closed session in the late afternoon of the first day.

Two additional items were added to "Any Other Business": 16.4: the status of progress on Member State reporting under Article 117 and 16.5: the letter to ministers on resources required for REACH. The annex to this letter would be distributed as a room document on the first day so that CAs could check the completeness of the list of tasks.

With these changes the agenda was adopted.

2. FOLLOW-UP TO THE 4TH CA MEETING

2.1. Adoption of the Draft Summary Record (Doc CA/36/2008)

The DSR was adopted, subject to specific drafting changes suggested by some CAs.

2.2. Actions from the last meeting

COM presented the status of each action on the action list from the last meeting.

Concerning the actions outstanding from meetings prior to 5th meeting, on Action 3.5, COM reported that the difficulties concerning RIP 3.7, "Guidance on Authorisation Applications", are on-going. These also affect RIP 3.9-2 "Guidance on Socio Economic analysis for Authorisation". Due to this, the Commission is not in the position to table these documents yet. Progress on Actions 4.4, 4.18 and 4.22 would be reported on under Agenda Items 16.5, 16.4 (as mentioned above) and 9.2 – REACH-IT, respectively.

Actions from 5th CA meeting have either been done or will be raised under Agenda points during this meeting.

It was then agreed that, to save time during the meeting, COM would upload the action list, with the status filled in, one week before the next meeting. In that way, only further progress needs to be reported at the meeting.

3. EXEMPTIONS FOR SUBSTANCES THAT HAVE ALREADY BEEN REGISTERED

This subject was dealt with in a closed session. Separate minutes will be circulated to CAs only.

COM provided the following oral report to the plenary:

- All MS agreed on the legal interpretation of REACH (i.e. that the clear wording does not leave room for different interpretations - registration means registration and not pre-registration)
- There was recognition that not all pre-registrations entail the duty to register.
- Any related enforcement questions will be considered by the Forum.

4. TEST METHODS REGULATION

4.1. Update from OECD Joint Meeting

COM provided the following update from the OECD Joint Meeting held in Paris on 5 – 7 November:

> The process to speed up work on Test Guidelines was endorsed, once clarification of some elements had been carried out, starting with EU coordination and carrying through to the Joint Meeting. The main improvements are:
>
> - A possible written procedure for getting priority tests onto the work programme;
> - Flexibility in Test Guidelines approval in terms of possible future changes;
> - A possible written procedure for Council Adoption.
>
> The linkages between the Test Guidelines programme and other on-going work in OECD, such as that on manufactured Nanomaterials and Pesticides, was underlined and the need for continued information exchange was emphasised.

Concerning the in vitro skin irritation method, OECD reported that there would be a meeting in US in early 2009 and hoped that, when the method was approved via the OECD procedure, that there would be adoption of the revised method on the EU side.

4.2. 1st ATP

COM drew attention to the written procedure on the in vitro method B46, launched on 27 November, for agreement/advice by the silent consent procedure. The expiry date is 18 December 2008.

From the note put on CIRCA, COM foresees proceeding with 1st ATP to the Test Methods Regulation including the B46 test, now renamed the Human Reconstructed Epidermis model Test (HRET). The following timing is envisaged:

- Vote in REACH Committee in February 2009;
- Transmission to EP before the parliamentary election recess;
- Adoption by the Commission in May or June 2009.

Comments from 2 CAs centred on the scope of the method and suboptimal coordination and communication within the EU.

COM concluded that it would fully commit to adjusting its guideline on HRET once the OECD one is available.

5. UPDATE ON ANNEXES

5.1. Annex XIII

COM introduced document CA/56/2008, providing the review of Annex XIII and a draft text for amendment of the Annex for discussion. The CA subgroup on Annexes had been consulted in writing and in two meetings on the review.

The discussion centred around the need for flexibility and expert judgement on the one hand and legal clarity on the other. A majority of Member States acknowledged that the proposal was a step in the right direction, but emphasized that, building on past expertise, all relevant information should be used in the identification of PBTs applying a weight of evidence approach using expert judgement. They requested that this principle should be reflected in the proposal in an unambiguous way providing legal clarity.

The conclusion of the discussion was that COM would further examine the draft proposal for amending Annex XIII with the view to ensure that the text will reflect the experience in the identification of PBT/vPvB substances while providing sufficient legal clarity.

5.2. Short update on other Annexes

COM gave the following update on Annexes IV and V:

- following the review process of Annexes IV and V, Commission Regulation (EC) No. 987/2008 amending Annexes IV and V of REACH was adopted on 8 October 2008. It was published in the Official Journal of the EU on 9 October 2008 (OJ L 268, p.14);

- more details on the review of Annexes IV and V will be made available in a Commission Communication that is currently undergoing translation and should be adopted in January 2009;

- the Commission Communication will be accompanied by a Commission Staff Working Document which will provide a compilation, consolidation and update of the various working documents used during the review process of Annexes IV and V;

- as part of the review process, the Commission services, with involvement of CASG(Annexes), have developed draft guidance on the interpretation of Annex V. This has been handed over to ECHA for finalisation and subsequent insertion in the Guidance on registration;

- finally, further to the linguistic comments on the amended Annexes IV and V that have been received earlier this year, after adoption of the Commission Regulation, it has been brought to the Commission's attention

that there are language and translation inconsistencies in several official languages;

- COM intends to start the corrigendum procedure for Commission Regulation (EC) No 987/2008 as soon as possible. Last week, we called for the submission of any additional corrections – with the deadline of today;

- so far, the Commission has received expert comments and suggestions for the corrigendum with regard to German (from Germany and Austria), Italian, Greek, Lithuanian, Polish, Slovak and Bulgarian versions;

- the Netherlands drew attention to the fact that the EINECS number of fructose in Annex IV as amended contains a typographic mistake. This mistake appears in all language versions of the Regulation;

- all the suggestions/corrections received will be forwarded to DG Translation for rectification of the texts.

COM then confirmed that the Commission proposal amending Annex XI had received a positive vote in September 2008 and that the draft was now under the scrutiny of Council and Parliament, subject to which COM adoption of the Regulation is expected by January 2009.

6. REGULATION – ON CLASSIFICATION, LABELLING AND PACKAGING

6.1. Status Report

COM presented the status of the CLP Regulation. Co-signing by the Council and Parliament is expected today, 15 Dec. 2008. Publication in Official Journal is envisaged on 31st Dec. 2008, with entry into Force 20 days later.

The transitional period is staggered:

substances 1 Dec 2010;

mixtures 1 June 2015

The old directives (Dir 67/548/EEC and Dir 1999/45/EC) will be repealed by 1 June 2015.

In response to some queries from Member States on C&L dossiers for pesticides and biocides, COM and ECHA recommended using IUCLID 5. COM also confirmed that amendments to Annexes I and II of REACH to accommodate entry into force of the CLP Regulation would be dealt with by the REACH Article 133 Committee Procedure.

6.2. 1st ATP

COM presented the content and estimated timing of 1st ATP to the CLP Regulation. The first ATP will include 30th and 31st ATPs to Directive 67/548/EEC. It is important that the 31st ATP to Directive 67/548/EEC is adopted before the CLP Regulation enters into force. COM will then immediately propose 1st ATP to the CLP Regulation to include the substances covered by 30th and 31st ATPs and those substances only.

COM stated that the language issue would not be addressed in 1st ATP but that a general solution for all substances in Annex VI would be found.

COM raised the practical issue of the time companies might need to change the labels on their products and suggested the date of 1 Decemeber 2010, to coincide with the first phase-in registration deadline under REACH. Member States generally agreed that this was a sensible suggestion.

Some Member States pointed out that the table in Annex VI of CLP was not exactly the same as that in Annex I of Directive 67/548/EEC. COM explained that, over time, the inclusion of general concentration limits in the column were not contributing to readability and comprehensibility. COM also confirmed that substances that had been examined in the technical committee for Classification and Labelling would not start from scratch in the RAC.

6.3. RIP 3.6

ECHA presented the status of Module 1 of the Guidance on Classification and Labelling according to the Globally Harmonised System. It consists of short, user-friendly guidance intended for industry, in particular SMEs. It has similar functionality to the REACH Navigator. The intention is to submit Module 1 of the guidance to the REACH CA for endorsement at its next meeting.

JRC then presented Module 2, which is detailed guidance, drafted with the assistance of experts nominated by Competent Authorities in the Member States or by NGOs. There are four Working Groups working in parallel on different parts of the guidance document:

- WG1 on Physical Hazards;
- WG2 on Health Hazards;
- WG3 on Environmental Hazards, and
- WG4 on General Issues

A more detailed presentation will be made to the REACH CA meeting in March and aim for a more in-depth discussion and endorsement at the June meeting.

6.4. Presentation of AISE project

The International Association for Soaps, Detergents and Maintenance Products presented its project on advancing the harmonised use of Weight-of-Evidence/Expert Judgement to classify detergent and cleaning formulations.

It announced a workshop on 1 April 2009 to kick off a classification network to which experts from Member State authorities, ECHA and COM would be invited.

7. NON-PHASE-IN SUBSTANCES LEGALLY ON THE MARKET ON 31 MAY 2008

This subject was dealt with in a closed session. Separate minutes will be circulated to CAs only. The Communication had been sent, for information, to Member States on 11 December 2008.

COM provided the following oral report to the plenary:

When discussing possible pragmatic solutions to the issue of substances that were lawfully on the market before 1 June 2008, CAs:

- Noted that in order to be lawfully on the EU market, substances have to be registered;
- Expressed dissatisfaction that certain companies have not complied with this obligation;
- Consequently expressed the desire for industry to regularise the situation via inquiries and subsequent registration;
- Expressed the desire to know within two months which substances, and the number of corresponding companies, are concerned.

8. FOLLOW-UP TO CASG ON NANOMATERIALS

8.1. Report from CASG Meeting

COM presented a short report from CASG (Nano) meeting in November, focussing on the Work Programme for the subgroup until 2012. Participants were reminded about the plant visit and workshop in Rheinfelden on 5-6 February 2009.

8.2. Nanomaterials in REACH

COM presented document CA/59/2008. The discussion centred around the status of the document versus its content and possible disclaimers to be added before publication on Commission websites.

The document, with appropriate clarification on the cover page, a number of textual modifications and Annex I removed pending declassification by OECD, was endorsed.

8.3. Substance identification

COM presented the issue. The discussion focused on the question as to when a nanomaterial was to be considered as a form of a bulk substance and when it was to be considered as a separate substance and how the latter would affect the (non)phase-in status of the nanomaterial in concern. Some concerns were raised that nanomaterials should not be distinguished as different substances based on their properties; the principles of substance identification should be followed.

Written comments were invited before 21 January 2009.

COM concluded that this document would be submitted for endorsement, either by written procedure or at the REACH CA meeting in March 2009, once the comments received had been integrated.

8.4. Carbon and Graphite

COM began the presentation of this topic with a recapitulation of the review process of Annexes IV and V of REACH. This had led to a commitment by the Commission to review in 2008, together with REACH CASG Nano, the possibility of re-introducing graphite and carbon into Annex IV or Annex V

without their nanoforms. The discussions in the CASG Nano on this issue have not been conclusive. The document presented explored the possibility to include carbon in Annex V, while graphite was not to be included in Annex IV or V. Most CAs that took the floor were positive to the idea to include carbon, as the nanoforms listed in CAS Registry under CAS number 7440-44-0 are considered to be nanoforms of carbon allotropes other than carbon.

COM concluded that the possibility(ies) to include carbon should be further elaborated.

8.5. Information requirements

COM reported orally that it was envisaged to start a project on the chemical safety of nanomaterials; this might be conducted in a similar manner as the REACH Implementation Projects were carried out.

9. ECHA ACTIVITIES

9.1. Progress report on pre-registration and registration

ECHA gave a progress report on pre-registration and registration, which prompted congratulations and discussions.

The presentation focussed on the number of pre-registrations received – approximately 15 times the number that had been estimated.

Comments made highlighted the following:

- Enforcement authorities should be asked to check if the companies which made many pre-registration are M/I of substances and not mostly consultants, collecting data on companies and substances produced;
- ECHA helpdesk should be prepared to answer questions concerning companies that missed pre-registration;
- The expected timetable for availability of the final list of pre-registered substances;
- Expectations for the number of inquiries;
- Practicalities of the list of pre-registrations for the MSCAs;
- Concern about the high failure rates for dossier submissions;
- The opening hours of REACH-IT.

ECHA clarified that:

- Concerning the extent of pre-registrations for the purpose of collecting data: there are cases where a company pre-registered different parts of EINECS using different legal entities. But there are only 27 companies that pre-registered more substances than the biggest chemical company in EU. But also a large number of signups were created in the last days before 1 December, mainly by one company. Concerning the enforcement basis: not much can be done;

- ECHA is not aware of inquiries indicating that the potential registrant failed to pre-register. Number of inquiries: ECHA will not be able to cope with a lot of additional workload;
- Number of failures – mostly due to missing or wrong UUID number;
- The list of pre-registered substances ECHA will publish by 1 January 2009 will be the list as it is. It will contain all substances pre-registered, but some "cleaning" of chemical names will still have to be done after 1 January;
- Concerning the opening hours of REACH-IT, ECHA wants to avoid losing time for dossiers submitted over the weekend, as deadlines for raising an invoice and technical completeness check are very challenging;
- ECHA is investigating the security aspects of making available the list of pre-registrations to the MSCAs.

ECHA is worried about the C&L notifications as similar problems could arise as with pre-registration. ECHA is actively looking how to deal with this.

9.2. REACH-IT

The highlights of the report on REACH-IT and SON included:

- Since October 2008 the focus of REACH-IT was on securing pre-registration and ensuring that ECHA meets the relevant legal obligations;
- A new contract was signed in November 2008 covering the work on REACH-IT until mid 2009;
- The next release was foreseen for 5 January 2009 and should include functionalities to allow online submissions of PPORD, C&L notifications and individual registrations;
- Next major work will cover the connection to MSCAs, structure of the C&L inventory, 1st modules of the dissemination application and online dossier creation for inquiries and C&L. Review of architecture for peak period in 2010 is also considered;
- Presentation of the composition and tasks of the Security Officers Network (SON);
- The SON is now following up the finalisation of the secure network connections of the MSCA to ECHA and intends work on harmonised guidelines and agree on minimum level of security;
- A training session for MSCA user administrators and ICT specialists is foreseen before the MSCAs can get access to REACH-IT.

The questions after the presentation focused on the following topics:

- The implementation plan of the upcoming functionalities. ECHA clarified that a precise table could be produced for the next 4 months, but that more time will be needed for longer term planning as it will have to be agreed for the purposes of the new contract;
- Timing of the training session for the user administrators. ECHA clarified that it is foreseen for February or March 2009. It was agreed that more information will be provided at a later stage when planning is fixed.

Access of inspectors to data in REACH-IT

ECHA highlighted the main issues concerning access of inspectors to data in REACH IT. The key messages included:

- ECHA recognises the necessity for inspectors to have access to data from REACH-IT;
- The Forum for exchange of information on enforcement has produced a report listing the data needed by inspectors in their enforcement activities and proposing how that data could be accessed. The Forum report also identified that there will be around 2000 inspector users needing access from around 1300 locations;
- Based on this report ECHA has prepared a proposal for access for inspectors to the required information from REACH-IT. The details of the proposal were briefly described;
- In light of that proposal, one of the key tasks of the Member States would be to provide resources for the administration of enforcement users. The ECHA proposal requires that each MS will have to nominate an enforcement user administrator. That administrator could be located either in the MSCA, and thus use the existing connection to ECHA, or could be located in another location, for countries where enforcement authorities are separated from the MSCA;
- The details of the access application will be worked out between ECHA, Forum and SON;
- The access for inspectors should be ready by 1 December 2010;
- The MSCAs were invited to consider the possibilities for establishing an enforcement user administrator in their countries.

In the ensuing discussion the Member States welcomed and supported the ECHA proposal. The following specific points were raised:

- Some MSCAs wished to establish an enforcement user administrator in an authority different from MSCA.
- Others stated that they would not use the access solution for inspectors, at least in the short term, but would provide all necessary information from REACH-IT to their inspectors
- Timing of availability of the application;
- The number of tokens available. ECHA clarified that only one token is foreseen for inspector user;
- The availability of the CSR to inspectors. ECHA clarified that all questions on scope of data will be discussed with the Forum.
- Difficulties in arranging user administration, as enforcement competences are spread across autonomous regions.

It was agreed that the comments would be sent via the SON and Forum.

9.3. Role of the Risk Communication Network

Following the presentation of this item by ECHA, participants provided a favourable opinion on the outline of the work of the RCN and the draft mandate provided therein.

Comments made highlighted the following:

- Appreciation for the document being considerate of MSCAs (limited) capacities to commit resources to its efforts;

- The conclusion that the proposed option of a "semi-active level" RCN was therefore the most appropriate one;
- The suggestion to submit the RCN to an evaluation at a later stage, if necessary adapting the RCN's role and tasks;
- The proposal for the text to clarify that the RCN will focus on "chemical substances covered by REACH and their uses" as well as to clarify the role of the RCN also with regard to a Member State's obligation under Article 129/1 of the REACH Regulation to inform in case of seeing "justifiable grounds for believing that urgent action is essential to protect human health or the environment";
- The desire for observers to be able to participate in the RCN (not foreseen in the current *modus operandi*);
- The need to address some practical issues (avoidance of duplication etc.).

The Chair concluded that the draft mandate would be refined to reflect these comments and to allow the RCN to work accordingly.

9.4. Progress report on Guidance document development

ECHA gave a progress report on guidance document development.

Handover from COM to ECHA of the guidance has almost been completed. The guidance will be transferred from the JRC website to ECHA's website in early 2009. A planning of upcoming guidance work was given. Regarding the nomination of experts for the consultation procedure on guidance, ECHA referred to document CA/52/2008 for additional information on the role of experts in guidance update and PEGs.

Comments made highlighted the following:

- Guidance at OECD level on categories and read across has been taken up directly in the ECHA guidance on information requirements and looks for cooperation with ECHA and COM for the revision.
- Use and resource implications regarding experts: ECHA explained that members of a PEG will be selected from the list of nominated experts against pre-defined criteria. ECHA selects experts for the PEG, for the MS that did not nominate experts, ECHA will inform them so that they can still propose experts. PEGs will be kept to a manageable size. ECHA is currently preparing an overview of the planned guidance consultations for this year and will inform MSCAs in due time in order to allow a proper planning of MSCA resources and at the same time provide ECHA with the appropriate expertise. The list of experts cannot be made available for confidentiality reasons (personal information). Some MSCAs would welcome an update of the guidance update procedure;
- Review of guidance on substances in articles by ECHA will be transparent and intermediate results will be available at the appropriate time. The ECHA study will stay in line with the official COM interpretation and will focus on whole articles and spare parts;

- Regarding the project on the REACH terminology ECHA will explore whether collaboration is possible and whether MSCAs can be involved in the project;
- Disclaimer on the draft guidance document on "Waste and recovered substances" needs reconsideration;

Proposals from the Group on REACH Implementation Problems (GRIP) have been useful for the different guidance documents and should be broadened to support further work with ECHA and COM.

9.5. Update on RoI and Annex XV dossiers

ECHA orally introduced the item.

With respect to the status of the Registry of Intent ECHA noted that after some start-up problems the electronic submission forms work well and MSCAs have experienced no major issues in using it. Referring to the previous request to the MSCAs to inform ECHA about the intentions regarding the C&L proposals that were previously submitted to the ECB but were not finalised, ECHA stressed again the need to receive these intentions in order to allow appropriate planning of the secretariat and RAC work.

No new Annex XV dossiers with proposals for identification of SVHCs were received. ECHA explained the new time schedule for handling potential new dossiers explaining that these should preferably arrive before May 15th 2009. In addition ECHA explained the progress on the development of the Annex XIV recommendation and the timelines for the public consultation and further discussion at the Member State Committee meetings.

Finally ECHA explained the status regarding the Annex XV dossiers with proposals for a harmonised classification that it has received and the expected timelines for processing these.

The following issues were raised:

- The procedures for communication between ECHA and the MSCAs are not always easy to follow and could be reviewed in terms of their efficiency. The workshop in January (item, 9.6) will hopefully address this in more detail. ECHA indicated that it would look at the specific issue raised by one Member States where, after submission of an Annex XV dossier, no notice of receipt was received.
- In response to a question by WWF whether the date for submission of SVHC dossiers indicated in the paper is the only date set for 2009, ECHA indicated that the discussion on further submission dates would take place at the January workshop.
- Acceptance by ECHA of IUCLID4 dossiers for C&L proposals for biocides. ECHA responded that it has previously been agreed that for transitional dossiers, it would be accepted not to use IUCLID5 but that for any future submissions, in principle the IUCLID5 format should be used. ECHA is however open for discussing a certain transitional period for MS to get used to the new format, should this really be needed.
- The OECD secretariat explained that they are in the process of revising the existing chemicals programme. Although the exact details of the revised programme have not been set yet it is clear that in future the OECD will be ready to accept targeted

assessments. Therefore OECD called upon the MSs to stay active in the OECD programme and urged them to consider submitting Annex XV dossiers.

9.6. Update on preparation for ECHA workshop on Authorisation and the Candidate List as Risk Management instruments

ECHA introduced the aim and the agenda of the workshop that will take place on January 21-22 2009 in Helsinki. A report of the workshop with the main conclusions and recommendations will be presented at the next CA meeting.

The meeting thanked ECHA for taking the initiative.

10. FOLLOW-UP OF THE DOCUMENT ON WASTE AND RECOVERED SUBSTANCES

COM presented the document and announced that a workshop on safety information on waste would be organised in the first quarter of 2009.

11. ISSUES RELATED TO GUIDANCE

11.1. No-longer polymers corrigendum

COM gave a short update on the status of this corrigendum. Following the September REACH CA meeting when the text was agreed, COM asked for the corrigendum on 16 October. The Council document was published on 20 November. It was examined in the ENVI Committee of the European Parliament on 1 December and in the Plenary on 3 December. A consolidated version in 22 languages was made available on 10 December.

11.2. Legal interpretation regarding naming of substances

COM explained that a legal analysis had been transmitted to ECHA. ECHA informed the meeting that this analysis had also been transmitted to the associations who had challenged the interpretations taken in the substance identification guidance.

11.3. Format/constitution of the registration number on the SDS

COM gave an update on multiple communications with Industry on the subject since the last meeting. Industry committed to providing a detailed proposal on the way forward in good time for COM to react by the next meeting. It was clarified that in the absence of a practical solution regarding the registration number, the full registration number needs to be included in the SDS.

12. HANDOVER FROM PREVIOUS LEGISLATION

12.1. Notified substances

COM presented this document which is an update of the status of notified substances.

12.2. Existing substances

COM explained that ECHA document (Doc. CA/71/2008) on the status of transitional dossiers had been uploaded to CIRCA for information.

13. THE STATE OF PLAY WITH REGARD TO PESTICIDES AND BIOCIDES

COM gave an oral presentation on the status of two developments regarding the Biocidal Products Directive. The first is a mini-revision extending the duration of the review programme by three years, with a similar extension to the period of data protection. The major thrust of the main revision will focus on simplification issues - solving problems identified during the implementation of the Directive or problems that may emerge when the Directive will start applying to biocidal products as opposed to the active substances.

The presentation on pesticides was postponed until the next meeting.

14. UPCOMING DEADLINE UNDER REACH

COM gave a summary of the status of formal notifications of penalties under Article 126 of REACH. 14 Member States had notified the Commission of their adopted provisions for penalties for non-compliance with the REACH Regulation by the deadline of 1 December 2008. Other Member States sent informal information on the progress of their legislation to the Commission. COM also provided information on the status of a study contract on penalties.

15. REVIEW OF THE NEW APPROACH – WHAT HAPPENS UNDER REACH?

Due to time pressure, this item was postponed until the next meeting.

16. ANY OTHER BUSINESS

16.1. Syrups, hydrolysed starch and syrups, corn, dehydrated

COM introduced the issue and asked Member States to provide input on their interpretation to the Commission by 17 January 2009.

16.2. Continuation of the work of the Limitations Working Group

COM introduced the issue and mentioned some possible ways forward. Member States were asked to consider how the work of the Limitations Working Group could best be continued in the future. Comments in writing were requested by 3 February 2009.

16.3. Ionic mixtures

COM introduced the issue. Following a short discussion, COM undertook to prepare a paper on the subject for the next meeting in March 2009.

16.4. Status of progress on MS reporting under Article 117

COM provided a short update on the status of the contract that will deal with this issue and signalled that input would be required from Member States early in 2009.

16.5. Letters to MS Ministries on resources required for REACH

COM introduced the item, including the room document distributed the day before and requested comments on and additions to the list of tasks, and input on the names and postal addresses of the relevant ministers before 17 December 2008.

17. NEXT MEETING AND CLOSURE

COM announced that the next meeting was planned for 17-18 March 2009. The following meeting was scheduled for 16-17 June 2009, but participants were advised not to make any bookings until these dates are confirmed.

COM thanked the participants for their active participation and closed the meeting.