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Water, Chemicals & Biotechnology
Chemicals & Nanomaterials

ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
Chemicals, Metals, Forest-based & Textile Industries, Raw Materials
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FINAL SUMMARY RECORD

4th Meeting of Competent Authorities for REACH and CLP

2-3-4 February 2010

Centre A. Borschette,
Rue Froissart, 36, BE-1040 Brussels, Belgium
Room 1D

Day 1 - 2 February 2010

Introduction:
The Commission (COM) welcomed participants and apologised for the late submission of some of the documents for the meeting as well as two mistakes regarding the numbering of documents.

1. Adoption of the draft agenda

The agenda was adopted with the following changes:

- In relation to information points, point 1.6., the document on REACH at sea should be considered separate from the GRIP paper from Belgium on companies in port areas and the Letter from COM to the French authorities on the implementation of Article 3 (11) of REACH;
- An oral information point on the review of the scope of REACH will be addressed under agenda point 4.4. AOB and information points concerning REACH and
- Under agenda point 8.1. AOB on CLP, an additional point should consider the transitional dossiers of the substances for which a harmonised classification and labelling has already been decided by the Technical Committee for Classification and Labelling (TC C&L) under the previous legislation.

One Member State (MS) asked for clarification on how to address the issue of information points without any allocated agenda time. COM stated that it will send out an explanatory email to the CARACAL participants explaining the principles of using the information points and how MS can ask for a specific agenda time for any information points.

2. Follow-up of the 3rd meeting of CARACAL

2.1. Draft summary record

The draft summary record (DSR) of the 3rd meeting of CARACAL was adopted with no changes.

2.2. Actions from the meeting

COM mentioned that action no.1 concerning the cumulative effects from substances with similar mode of action is addressed by the follow up from the Council conclusions of 22nd December 2009. Concerning action no. 18 and 19 on restrictions on PFOS, COM acknowledged that it has uploaded all the information it received from MS on the COM's website. Regarding action no. 20 and the update of the FAQ document, this has been uploaded on COM's website.

On action no.21, an observer confirmed that it is formulating and updating the guidance on intermediates after the feedback received during CARACAL 3.

3. REACH – General

3.1. Update on REACH Annexes and implementing legislation

a) General information on Comitology measures

COM presented the planned Comitology measures for 2010 and reiterated the room constraints which condition the organisation of the REACH Committee meetings.

b) Annex XIII and XIV

COM gave an oral update on the situation concerning the Annexes, as well as the authorisation guidance by stating that COM is still internally discussing and that there is nothing specific at this point concerning timing. The new Commissioners-designates expressed a willingness to move forward on such REACH issues during their hearings in the European Parliament.

At a MS question on whether the April 2010 planned meeting according to the comitology document presented under point a) is still being taken into account, COM said that it still considers possible that progress on Annex XIII can be made by that date.

An observer asked the COM to involve stakeholders by allowing them to comment on the text prior to the REACH Committee; COM took note of the request but cautioned that this might not be possible due to the timing constraints.

c) Annex II

COM gave an oral update on Annex II. No comments from MS were received.

3.2. Unsolved interpretation questions

NONS

COM presented the 2 documents related to this agenda point and asked for endorsement, taking into account the changes received before the meeting. As a consequence of comment from one MS, it was decided that the first document (CA/58/2009 rev 1) be revised and uploaded on the *Circa* platform for the written procedure for endorsement. Comments on the revised document should be received by 12th of February. The second document (CA/24/2009 rev 1) was endorsed.

Substance identity and SIEF formation (the role of EINECS)

COM presented the document for this agenda point and asked for endorsement. COM noted that there is urgency for this document to be endorsed at the meeting and that the discussion should focus on the FAQ included in the document.

One MS asked for clarification regarding whether classification has any effect on the EINECS entry; COM stated that it has already clarified in guidance that there might be situations in which a classification and labelling of a substance is different within one SIEF due to the presence of different impurities. One Member State considered that, as a result of the changes made in the answer, the question no more corresponds to the answer.

One MS expressed concerns regarding the responsibility of enforcement authorities to pursue cases of non compliance with REACH. COM argued that the enforcement issue is beyond the scope of the paper presented. Another MS suggested that the document should highlight the reference to ECHA as a contact point in order to assist in specific difficult cases by creating a new paragraph. COM agreed with this addition.

Following COM's proposal to reformulate the question from the FAQ pair and to highlight that in case of major misunderstandings, ECHA should be contacted, the document was endorsed. The FAQ pair will be given to ECHA and the document published on COM's website.

3.3. Status of vegetable oils obtained from Genetically Modified Plants

As a follow up from previous CARACAL meetings, a document was prepared and presented by COM including MS comments with coordinated views from REACH and GMO CAs on whether GMOs can be seen as natural source for the purpose of Annex V, point 9.

7 MS and an observer expressed their support for the COM's view that vegetable oils derived from GMO are considered natural sources. Several of these MS stated that further clarity should be included in guidance on the definition of 'natural source'. Others suggested that guidance should also emphasise that it is solely related to substances listed in entry 9 of Annex V. One MS expressed concerns that this interpretation should not provide precedent to the interpretation of the definition of “substances occurring in nature”.

4 or 5 MS and an observer reiterated their disagreement with the COM's interpretation.

One MS asked whether REACH registration could not provide more information on oils imported for industrial uses; COM stated that because Annex V deals with exemptions from registration, there will not be more information gathered on these substances.

COM acknowledged that no consensus on this issue could be found at this meeting and in this group; however, it will forward the document and COM's opinion and that of MS to ECHA, who will then decide how to address this in guidance.

One MS asked for clarity regarding the consultation procedure for guidance and expressed concerns that CARACAL will be asked for its endorsement of the guidance at a later stage.

ECHA suggested addressing this issue under the agenda point 6.4. but suggested that it may consider a fast track procedure in the particular case of this guidance.

3.4. Progress of CASG Nano

COM presented the revised work programme of the group, envisaged activities and results achieved so far.

One MS suggested including the work programme of the OECD in COM's presentation. The list of activities should also contain work on identifying a regulatory definition of nanomaterials. Several MS agreed that such a definition should be a priority for the subgroup. COM agreed to present a list of international activities to a future meeting of the subgroup. COM agreed on the need for a definition. A document compiling a number of definitions used in Member States and by third parties had already been circulated. COM is working internally on an EU definition of nanomaterials with a view to respond the request of the European Parliament to have a definition for relevant European legislation, and not only chemicals legislation.

One MS asked for clarification on how future conclusions and papers from the Nano subgroup could be integrated in guidance, which is due to be finalised in June 2010. The guidance on nanomaterials is supposed to be available in 2011 from the experts this can be further improved by the subgroup, who eventually will send its advice to the Agency.

ECHA confirmed that it has started internal capacity building to give active scientific advice the COM, MS and industry and has established an internal Task Force dealing with nanomaterials.

Another MS underlined that it is important that the principles on ID discussed by the subgroup are correctly applied to nanomaterials. Registration dossiers which are suspected to contain nano forms should be prioritised for evaluation. Biocide experts should also be involved in the work of the subgroup. COM informed that carbo nanotubes are one of four concrete cases discussed by the expert group with a view to determine their ID. The results of the work are expected in June 2010. COM would invite biocides experts to the next meeting of the CASG Nano.

Finally, one MS invited the COM, in view of the importance of the topic, to reconsider the size of the meeting rooms to allow more MS experts to attend the meeting. Documents should also be sent out well in advance of the meetings. COM took note and will do its best.

3.5. Communication Campaign

COM presented a recently produced leaflet in cooperation with ECHA containing information on data sharing in SIEFs.

Several MS thanked the COM for the leaflet and encouraged the COM to pursue similar communication campaigns. One MS suggested that a future paper prepared for a CARACAL meeting should address a more strategic approach to communication. Another MS decried the poor quality of the first draft of the translation of the leaflet in their national language. COM apologised for this and confirmed that it appreciated the help received from MS which had contributed to the content or the review of the translations.

COM asked MS to share their activities in this area. Several MS took the floor informing on their activities, which included workshops, conferences, leaflets, meetings with industry, newsletters, emails to companies who pre-registered, etc. COM noted that it was a good idea that MS sent letter to all pre-registrants to remind them of their obligations and encouraged other MS to consider doing the same.

3.6. REACH and copy-right related aspects

COM presented the paper which further analysed the issue of copyright protection and the use of published studies, study summaries, Robust Study Summaries (RSS), and other scientific material. COM stressed that while respecting the copyright companies are obliged to fulfil their REACH obligations and submit the required information.

One MS asked the COM whether the document presented contained any new information compared to what has been the practice in the past years. COM explained that it saw value in gathering all the information in one place and taking stock of the current information on this issue.

An observer asked for a possibility to send further comments in writing to the COM.

Furthermore the observer asked whether a company looses its legitimate possession of a document in paper, when it is submitted in electronic form via the IUCLID tool. Also, the observer commented that certain facts (such as a formula) could be subject to copyright protection and this should be reflected in the COM's paper. COM agreed to further reflect on these issues and stressed that in cases of uncertainties it is always desirable to contact the publisher.

As a concluding remark, COM agreed to revise the paper accordingly and asked MS to send in their comments until 24th of February. Then, it will launch a written procedure for endorsement.

3.7. MS Reporting Format

COM presented the background to the reporting format and informed MS on the outcome of the written procedure. **The written procedure has been launched by COM on the 7th of January 2010 with a deadline of 28th of January 2010. Within the deadline, COM received written comments from 10 MS. All comments received have been uploaded on the *circa* section of written procedures. From those MS that answered, 8 were in favour of the questionnaire and 2 voted against. MS that did not respond within the set deadline on the endorsement are taken to give a favourable opinion on the draft according to the Rules of Procedure of CARACAL (Article 8). The MS reporting format was thus endorsed.**

As within the written procedure some technical questions as well as questions on the scope have been raised, a discussion in CARACAL took place.

2 MS expressed their concern regarding too many compulsory questions for which it would prove impossible to provide an answer (because of missing statistics, figures, etc.) and which are partly beyond the legal requirements. COM noted that the aim of the format was to receive a harmonised and comparable input from all MS to the COM and this aim would not be achieved if all questions remained optional. A possible solution might be that MS comment in section 10 of the reporting format that they were unable to find precise information and that COM should take that into account when it receives the reports.

Another MS asked COM about the involvement of the FORUM and its input into the questionnaire. COM clarified that the contractor developed the questionnaire on the enforcement theme in close collaboration with the former chair of the FORUM working group on MS reporting.

Some MS underlined that it should be possible to download and save the questionnaire on local computers, to have a printer friendly version and be able to collect data from different institutions.

As a conclusion, COM agreed to find a solution to the technical problems raised by some MS, which might be in form of an additional Word version of the MS reporting format. COM also underlined that the questionnaire will undergo a revision in the light of the experience gathered with the 1st MS reporting. A room document on the outcome of the written procedure has been provided by COM.

4. REACH Restrictions

4.1. Preparatory activities for the REACH Committee

a) CMRs: Draft Commission Regulation amending Annex XVII

COM briefed the participants on the situation concerning the draft Commission Regulation amending Annex XVII as regards CMR substances, the outcome of the REACH Committee meeting of 14th of December 2009 and written comments COM received from 16 MS on the issue of the derogations for use of perborates in detergents and boric acid and tetraborates used in photographic applications sold to the general public. COM asked those 11 MS who have not yet transmitted information on the situation in their own MS to give their views at this meeting.

Several MS expressed their opposition to the request of the COM to discuss these issues, arguing that CARACAL is not the appropriate forum for such discussions, especially considering that this is already a matter for the comitology committee. At best, this could be discussed in a closed session, without the presence of industry and observers. Other MS argued that without an opinion from the Risk Assessment Committee of ECHA, they could not agree to continue the discussion on the exemptions. COM noted MS concerns and agreed to continue this discussion in the context of the REACH Committee. However, it encouraged those MS who would like to take the floor and express their opinion to do so during the closed session on the first day and/or give their views in written if not yet done so.

One MS suggested to COM both that risk-based regulation is the best approach and one that fully it endorses; and that while they have taken a reasonable approach to developing the borates derogations, any future proposals of this kind should be made according to a formal procedure providing for appropriate risk characterisation, impact assessment and consultation, not on an ad hoc basis as has been the case here.

One MS commented on the procedure under Article 68 (2) and asked COM to foresee in an incoming CARACAL meeting a discussion on the interpretation of Article 68(2).

One observer questioned the appropriateness of using the Article 68 procedure for inclusion of substances to Annex XVII and another observer further supported a CARACAL discussion on the scope of Article 68 (2) and expressed its concerns about a possible precedence for derogations of CMR substances in consumer products.

COM agreed to have a general discussion the interpretation of Article 68 (2) in one of the upcoming meetings.

b) Cadmium

Under Article 137 1 a), COM should prepare an amendments to Annex XVII relating to restrictions on cadmium. This follows the completion, in 2007, of a risk assessment by the Belgian authorities under the Existing Substances Regulation (EEC) No 793/93 and of a Risk Reduction Strategy. The communication from COM on the risk evaluation and risk reduction strategies for the substances cadmium and cadmium oxide was published in the OJ on 14.06.2008. The conclusions were that there was a need of specific measures to limit the risks from the use in cadmium-containing in brazing sticks and from wearing cadmium containing jewellery.

COM has commissioned a study on Socio-Economic Impact of a Potential Update of the Restrictions on the Marketing and Use of Cadmium in jewelleries, brazing alloys and PVC to an independent consultancy based. The study was completed in December 2009 and is now published on the website of the COM. The representative of the consultancy presented the results of the study to the Members of CARACAL.

COM confirmed that it had asked industry for more information on migration from cadmium from PVC to assess its environmental impacts

The next steps on this issue were discussed as follows:

- COM is preparing the Impact assessment for a proposal which will include a restriction on the use of cadmium in brazing materials and jewellery, as well as a revision of the restrictions of cadmium in PVC;
- COM will prepare draft Regulation amending Annex XVII and will present it to CARACAL in June 2010 according to Article 137 1 a);
- COM will organise an expert group in order to review the data generated by industry concerning the migration of cadmium from PVC in particular from pipes. This expert group shall be convened on the 26 March.
MS were invited to nominate an expert and submit nominations to the COM before 24th February 2010.

c) Update on other substances

Phthalates

One MS observed that most of the dates referred to in the work plan document have passed and asked ECHA whether they have sent anything to the COM. ECHA confirmed that it will soon send to the COM the next batch with draft conclusions for the classified phthalates as described under the second phase.

COM noted that it will soon provide its position on ECHA's document so that information can be made available to CARACAL in the foreseeable future.

Mercury

ECHA shortly explained their work on the Annex XV dossier on mercury in measuring devices that they are preparing on request by the Commission. It is expected that the dossier will be ready for submission by mid-June.

SCCPs

COM informed that the REACH Committee has given in December 2009 a favourable opinion on the Draft Commission Regulation on re-examination of the restrictions on SCCPs. Furthermore, COM informed that one MS has announced their intention to prepare an Annex XV dossier in view of amending the existing restriction under REACH, Annex XVII.

In the context of the inclusion of 7 additional substances including SCCPs into the revised Protocol on Persistent Organic Pollutants in December 2009, the COM will amend the POPs Regulation accordingly in order to include SCCPs in the Annexes of this Regulation. The draft amendment should be ready in the second semester of 2010.

PFOA

COM presented the study, which is now published on the COM website, and it reiterated its plan to organise a workshop to discuss the results and the risk management options with all interested parties.

Two MS asked the COM on the purpose of the workshop and whether it is intended to discuss the study. One observer remarked that it would still need to scrutinise the study in detail but

that it is surprised to see that the conclusion seems to indicate that PFOA causes no danger to the environment. It also urged COM to open the workshop also to stakeholders.

COM replied that the intention is to invite MS, industry, stakeholders, organisations such as the OECD, to share the results of the study and to see what are the next steps which need to be taken and if there is a risk that needs to be addressed under REACH. The workshop is intended to take place in April/May 2010.

Acrylamide

Following the discussion from the last CARACAL and the last information requested to industry, COM stated that has received such information on the day of the meeting, therefore COM will evaluate this information and conclude on the next steps to be taken.

An observer raised the issue of the definition of micro-cracks and large scale/small scale application. He informed that acrylamide is widely used in two MS as it is the most efficient remedy against moisture in old houses. Concerning the tonnages used in Europe, he indicated that in one MS a use of more than 100 tonnes/year and on European scale a use of more than 200 tonnes/year.

COM will keep CARACAL informed about the evaluation of the information received and the conclusions on the measures to be taken under the Article 137 of REACH concerning transitional measures for restrictions.

Day 2 – 3 February 2010

Report from the closed session

Identification of SVHC

In the closed session on identification of substances of very high concern, ECHA presented the current state of affairs on the identification of SVHC. Member States will exchange information on their activities at an early stage in order to coordinate and avoid double work. This exchange will also be facilitated by discussions in closed sessions in future CARACAL meetings.

Evaluation

Concerning the closed session on evaluation, the scope of evaluation, compliance check, the tasks and mandates of ECHA were discussed. Further attention was paid to how a common view on evaluation could be reached and to bring this view during the open session in CARACAL. The meeting was furthermore informed about the workshop on evaluation that ECHA will organise in April. The next CARACAL meeting will also include a closed session on evaluation but there will be reporting and discussion during the open session.

4.4. AOB and information points concerning REACH

a) DecaBDE

The Commission provided the background to the discussion on Deca BDE. Deca has been assessed under the Existing Substances Regulation, which has resulted in information requests in accordance with Art. 10.2 of that Regulation. Furthermore it resulted in a call for pragmatic, precautionary, proportionate measures to be established. The industry is undertaking a voluntary emission reduction program (VECAP). There is a remaining concern regarding degradation of Deca to lower brominated congeners in the environment.

Mr. Kannah, representing EBFRIP the brominated flame retardant industry association, presented the status on the information requirements and the VECAP. The study on the neurotoxicity of DecaBDE has been finalised and concluded that the substance does not display developmental neurotoxicity effects. The study is currently reviewed by a MS and their conclusions are expected by end of March 2010. The environmental monitoring program over the first 4 years has not revealed any significant changes in the levels of DecaBDE. A marker congener has been found in trace amounts. First results from the human biomonitoring program are expected this month. EBFRIP presented the latest figures from the VECAP program that continues to reduce emissions of DecaBDE.

One MS presented their activities on DecaBDE. An updated environmental risk evaluation report has been published by the UK Environment Agency in 2009. Emissions of DecaBDE are still taking place and the substance still has a major use in textiles. DecaBDE is very persistent and widely dispersed in the environment, but is itself not a PBT. However, there is new evidence that DecaBDE degrades to lower brominated congeners and hepta, hexa and penta have been found in sediment and sewage sludge. The UK pointed out that VECAP has a limited scope and queries whether a voluntary phase-out of decaBDE was possible in Europe as had recently been agreed in the United States of America. The UK Advisory Committee on Hazardous Substances is considering whether decaDBE satisfies criteria to be classed as a substance of equivalent concern, and if it agrees then the UK will develop a risk management options paper for Deca in co-operation with FR and will consult other member states as well as with COM.

COM asked MS for their views on the need for risk management of DecaBDE in light of the increasing evidence of environmental degradation of DecaBDE to lower brominated congeners and the phase-out of the substance in the US.

7 MS considered that further risk management of DecaBDE is needed. It was considered that even at a low rate of degradation congeners with PBT properties are formed which will inevitably lead to problems. Furthermore several MS reiterated the limitations of the VECAP program.

Some MS also wondered why Deca is still in use while there are alternatives on the market. In this context, one MS expressed its concern about the increasing use of some brominated flame retardants of the same chemical family. WWF considered that the long process on Deca should be brought to an end and welcomed the UK-FR initiative. There were different views as to whether restrictions, authorisation or a combination of those would be the best instrument for risk management of DecaBDE.

It was agreed that the information on the monitoring programs and the outcome of the developmental neurotoxicity study that will be available in February-March will be shared by

the two MS involved with the other MS, COM and ECHA. The two MS will then develop an approach to the risk management of DecaBDE and will involve COM.

b) Combination effects of chemicals – follow up to the Council conclusions of 22 December 2009

The Council at its meeting of 22nd December 2009 had agreed conclusions regarding the combination effect of chemicals. By early 2012 at the latest, COM is requested to complete a report on how combination effects are dealt with under current legislation and, if appropriate, to make recommendations for changes.

A major study on the combination effects of chemicals commissioned by DG ENV had recently been concluded and the final report from the study would be uploaded onto the DG ENV web-site by mid-February (http://ec.europa.eu/environment/chemicals/effects.htm). Comments to the report could be submitted through a functional mailbox associated with the web-site.

COM confirmed that it will organise a workshop before summer to discuss the conclusions of the Council, involving all CARACAL members and observers. Furthermore, advice will be sought from the Scientific Committees. On the basis of the work of the past years and the input from the activities outlined above, COM will develop its view on how to tackle the combined effects in chemicals legislation and its implementation.

One MS asked for a 'workplan' and another MS enquired about the timing of the workshop. COM responded that the workshop is scheduled for early June, but the dates have not been fixed yet.

OECD expressed its interest in the EU work and announced that the issue of combination effects of chemicals will be discussed at the February Joint Meeting and asked MS and COM to provide input if they consider that OECD should set up activities in this area.

c) Commission workshop on outcome of MS penalties and fines study

In view of the recent study concerning MS penalties for REACH infringements, the COM is organising a workshop for CARACAL CAs to further discuss the results of the study on the 19th of February 2010. COM provided a short summary of the outcomes of the study, which revealed disparities in penalties amongst MS and insufficient relation between the fines related to (non-)registration of substances at higher tonnages and the costs of registration.

Several MS welcomed the idea to have a workshop on this issue. One MS commented that is too early to provide proper feedback as the report is not yet published and another MS considered the matter of penalties purely a matter of MS competence.

Views were mixed on the timing: given that legislation regarding CLP infringements should be in place already at national level, the workshop may be too late to influence this particular legislation, on the other hand some harmonisation is desirable and the workshop provides a good opportunity to discuss the possibilities. Some MS asked, given the distribution of

responsibilities in their country, for the possibility of national authorities other than CAs to participate in the workshop.

COM added that; the intention of the workshop is to address differences between MS's systems, the level of fines and possibilities a more consistent approach and noted that the outcomes may help in finalising penalties under CLP. The draft final report will be published on *circa* this week. MS can participate in the workshop with CAs as well as other authorities responsible for the penalties.

d) Review of the scope of REACH

COM has started work on the review of the scope of REACH for which it will be assisted by a contractor. The work to be undertaken by the contractor in the coming 20 months is within the frame set by Article 138 (6) of REACH that is to assess whether or not to amend the scope of REACH to avoid overlaps with other Community legislation. One of the tasks of the contractor will be to seek input from MS on possible overlaps or gaps between REACH and other legislation. For this purpose, the contractor will set up a dedicated website to which COM will provide a link as soon as it is up and running.

One MS commented that FORUM is also looking at this issue, and whether or not this website could provide a single point of collecting information. COM stated that the purpose of the website is for the consultant to receive MS and stakeholders' views and opinions directly; if other means, such as the FORUM are used, it would be a good idea if everything is received by a single channel. In turn, ECHA replied that it did not know the details of how FORUM collects the issues related to this matter but it will transmit the message to the Secretariat.

One MS asked whether this review is strictly related to Article 138 (6) or other issues will be considered. COM replied that this review is indeed related to Article 138(6) and invited the MS for its input and ideas.

4.5. Implementation of Restrictions

One MS presented the work it has carried out for the implementation of restrictions under the Annex XVII of REACH.
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5. High-Level Steering Group with Industry Associations

COM informed CARACAL members about the recent setting up of a high level contact group whose aim is to address EU industry concerns about meeting the 2010 deadline under REACH for registration of chemicals that are produced in high volumes and/or are most hazardous. The group has been renamed Directors' Contact Group and it will meet for the first time on 5 February 2010 in Brussels. The group consists of Director-level representatives from COM, ECHA and from the industry associations (CEFIC, Eurométaux, REACH Alliance, Concawe, FECC and UEAPME). Its aim is to identify priority issues of concern related to the registration deadline and develop practical solutions.

It also aims to address concerns over a potential disruption of supplies of high-volume substances to downstream users if the deadline is not met. The group will work fast because time is short. Its first task is to develop an inventory of issues of concern and to elaborate

achievable actions that can be implemented before June. Furthermore, the group will monitor the implementation and effect of its recommendations and overall progress towards registration and address ad-hoc issues as they occur.

An industry observer asked COM if their organisation representing downstream users could be invited to participate in the group; one MS supported the idea that downstream users should be represented in the work of the group. Two MS suggested that MS themselves should be involved in the discussions relating to registration and asked the COM to reflect on a feedback mechanism and communication that would keep MS and CARACAL informed on what has been discussed in the high level group.

COM stated that while it would find it impracticable that all 27 MS are involved in the Directors Contact Group, it would not be possible not to have any input from MS. COM will reflect on how better to integrate different actors in the group but it would not want the size of the group to increase as it would jeopardize its efficiency. COM noted the concerns expressed and will identify items of discussion which can be brought up on the agenda of CARACAL concerning the work of the Directors Contact Group. COM also commented that work in the group has just recently started in an extensive way and that it needs to find a mechanism to consult MS.

One MS suggested that ECHA should focus on the lead registrant issue and MS on the subsequent registrants. ECHA noted that it plans to update the Management Board on the progress of the Directors Contact Group and also inform the Helpnet steering group regarding the first meeting to take place on 5 February 2010.

Another MS noted that the discussion referring to the setting up of the Directors Contact Group suggests that there seems to be no single focal point of information and involvement of all bodies dealing with REACH and asked COM what was the purpose of CARACAL in view of this high level Group. COM noted that it finds it very important to communicate clearly on registration with industry and the setting up of the group should be seen as an additional activity to that of the work carried out in ECHA; also, COM assured MS that it will inform them as effectively and transparently as possible on the discussions taking place in the high level group and it will come forward with a suggestion on how and when to involve MS in this process. Referring to the role of CARACAL, COM reiterated that CARACAL is the focal point of information for all competent authorities and industry and as such, it is also the central point to coordinate MS activities and report on the activities of the Directors Contact Group.

6. ECHA Activities in relation to REACH

6.1. Interpretation of the intermediates definition

The note on the “Clarification on the concept of intermediates under REACH”, jointly prepared by ECHA and the COM, was presented to the CARACAL for discussion. Several MS expressed their general support to the clarifications provided in the note.

Two MS and one observer indicated that further development of the concept of strictly controlled conditions in the note would be beneficial. ECHA explained that the note should preferably not overlap with the on-going development of guidance on that subject.

Three MS asked for clarification on the link made between the intermediate definition and Annex V. ECHA clarified that Annex V(3) and (4) indicate that a process consisting in the transformation of a substance into another one under the conditions set in those two points is not regarded as manufacturing. In accordance with the note, this implies that the substance which is transformed is not regarded as an intermediate. Its registration will therefore normally include a CSR where the risk associated with the other substance formed should be addressed.

One MS asked for clarification whether a substance imported into the Community can be regarded as intermediate. ECHA confirmed that the supply of a substance from a non-Community manufacturer to an EU-manufacturer via an importer does not prevent the substance from being an intermediate.

Three observers expressed disagreements with the content of the note. A number of MS and observers asked for the possibility to provide comments after the meeting. ECHA invited MS and observers to provide comments in writing to ECHA and COM by 24 February 2010.

6.2. ECHA's Contingency Planning

A short presentation was made of ECHA's plans to manage a potentially large volume of registrations in 2010.

6.3. From REHCORN to HelpNet

ECHA gave a presentation on recent development on helpdesk activities, including the expansion to include also CLP helpdesk activities. Furthermore, a new body, HelpNet Steering Group, has been established, and has replaced the previous REHCORN.

6.4. Update on Guidance

An update on ECHA's on-going guidance activities was given. ECHA clarified that it is its intention to publish the final drafts of all on-going updates at the latest in July 2010. However, ECHA cannot exclude for some guidance documents that the time frame of the update may slip into the second half of 2010. In order to assist companies, guidance documents will be accompanied by a document history so that companies can see whether the update affects them. If that is the case they should assess the impact of the updated guidance and where appropriate act accordingly.

One MS explained its disagreement with ECHA's interpretation regarding the alcohol breathalyser which is taken up in the update of the Guidance on requirements for substances in articles and asks for removing this example from the guidance if no consensus can be reached. ECHA explained that the approach taken by this MS is different from what is currently recommended in the draft guidance. ECHA understands that disposable breath alcohol testers should be regarded as a special container with a substance/mixture contained within whereas this MS, by following the decision-making flowchart, considers them as articles with a mixture as integral part.

In ECHA's view, a deviation from this definition of the function of a disposable breath alcohol tester (e.g. to justify a classification as article with a substance/mixture as integral part

thereof) bears the risk that other objects currently being regarded as a substance/mixture in a container have to be reclassified as articles with a substance/mixture as integral part thereof.

ECHA gave an overview of the consultation process on the guidance for Annex V. The comments received were briefly discussed. Positive advice on the publication of the document was requested. One MS questioned the procedure followed as it was unclear for some MS that the written procedure had been launched. Three MS raised major objections on compost because the guidance for Annex V pre-empts the outcome of the discussion on the end-of-waste criteria.

Several MS raised the question on how GMOs would be addressed in the guidance. ECHA clarified that it intends to publish the guidance in its current state. The issue of vegetable oils and fats derived from GMOs would be addressed in a fast-track update procedure in order to avoid any further delays of the publication of the document. The Commission was requested whether it could first address the concerns of the MS before handing over the issue to ECHA. The Commission replied that ECHA may consider not giving any guidance on this issue. One MS expressed positive advice on the publication of the guidance as it is. Another MS raised a major objection on the fact that "dead organisms" are no longer considered as substances, mixtures or articles and therefore are out of the scope of REACH. Under the old rules of EINECS they would be considered as substances. Additionally, the current phrasing in the guidance is not consistent with the Biocides Directive. The Commission replied that it will further investigate this remark. One MS requested further clarification why glass would qualify for a UVCB. ECHA explained that glass is a physical state rather than a substance as such. A positive advice on publication of the guidance as it is could not be obtained.

6.5 Contractual arrangements related to reimbursement of REACH tasks executed by Member States

ECHA gave an introduction to the topic highlighting the history of the issue, and especially the decisions and principles ECHA Management Board (MB) already had agreed to, and the scope of the open issues. NL CA then gave an overview of the comments received after the last meeting of the ECHA MB, and suggested a way forward to solve the remaining issues. In general, MS welcomed progress made and considered the revised draft Cooperation agreement, presented by the NL CA to be an acceptable and constructive basis for finalization by ECHA.

A number of MS gave comments on various points of the draft cooperation agreement. These included i.a.:
- suggestion to delete Art. 11.1 and /or Art. 11.3 related to settlement of disputes. Some MS considered that the law governing the contract should be the law of the country in which the service is to be provided. One MS also referred to Art. 4 (1)(b) of regulation 593/2008/EC, which determines the applicable law in the absence of any choice of the law governing the contract.
- a number of MS questioned whether the proposed Cooperation Agreement is consistent with Art. 87(3) of REACH. The NL CA explained that Art. 87(3) only governs other expert services acquired by ECHA, which is different from reimbursements under the Fee Regulation. ECHA may wish to explain this difference when finalizing the Cooperation Agreement.
- A number of MS questioned whether "Mandated National Institution" was an appropriate term. Some preferred "concerned National Institution". In response the NL CA referred to the

declaration MS are supposed to sign for getting access to REACH IT, which currently refers to "Mandated National Institution". For the sake of consistency it recommended to apply the same terminology and stick to this wording.
- Some MS still had some questions and/or concerns on the revised Art. 16 (use, distribution and publication of information). Whilst some MS specifically agreed with a prior agreement of ECHA for dissemination or publication of information, others questioned this. NL CA emphasized that ECHA is only supposed to publish the Committees' opinion. The use, publication or dissemination of any underlying information is supposed to be governed by the REACH regulation, regulation 1049/2001 and the Declaration of Commitment by a MSCA/Mandated National Institution regarding with respect to security aspects for REACH IT.

The Chair invited the MS to provide additional written comments to the NL CA by 12 February, with a view of enabling ECHA to finalise the draft agreement in connection to the upcoming ECHA MB meeting 4 and 5 March 2010.

Day 3 – 4 February 2010

7. Regulation on Classification, Labelling and Packaging

COM asked participants whether they would like to add any agenda items concerning CLP to the agenda under the agenda point 8- AOB and information points relating to CLP. One MS expressed their wish to briefly discuss the issue of Annex II to REACH and the issue of disability of pre-registration in ECHA between 4 and 7 January 2010. Another MS noted that they would like to discuss the matter of the substances concluded under the previous legislation within the Technical Committee for Classification and Labelling (TC C&L) in ex-ECB and the ongoing discussion of these substances within RAC.

With these new AOB items, the discussion moved to the first agenda point.

7.1. a) Follow up of Article 53 (2) of CLP, feedback from the UN meeting

As a follow-up from the previous CARACAL meting, COM had revised its proposal for harmonisation of PBT/vPvB criteria at UN level, based on comments received. The revised document was forwarded to the UN SCE GHS secretariat on behalf of the two COM services concerned. The UN secretariat made the document available on their website as informal document, UN/SCEGHS/18/INF.4.

b) Feedback from the UN SCEGHS meeting (Information on UN developments related to CLP & GHS) – Pictograms for gases under pressure

COM presented the main outcome of the UN SCEGHS meeting that took place in Geneva between 9 and 11 December 2009. COM stressed the need for a better coordination of MS before the UN SCEGHS meetings which could perhaps take place during the CARACAL meetings or back-to back. COM informed MS on a survey being conducted by the UN SCEGHS as part of the implementation of GHS on whether there is a need for the development of an international harmonised list of hazardous chemicals classified in terms of the GHS. The first step is to collect and consolidate information on the current state of development of such lists by the members of the UN. COM suggested that it would start

filling in the part of the survey related to the status quo and invited MS to comment on the second part of the survey related to future developments. It was agreed that MS will send in their comments to the two desk officers involved by the 19th of February. One MS suggested that the survey should be made available to the participants on circa.

Regarding pictograms for gases under pressure, COM informed CARACAL that this issue had been raised at several UN SCEGHS meetings and will most probably be taken-up again in future meetings. Therefore CARACAL members should develop their thoughts before the next UN SCEGHS meeting end of June/beginning of July 2010. COM will co-ordinate with MS to arrive at a common position.

One MS suggested that the record of CARACAL should include a link to the UN meeting reports which would facilitate the access to information of CARACAL members. COM agreed to insert in the draft summary records of CARACAL a reference to the site, where the UN reports can be found[1]. . The same MS asked how COM envisages the coordination for future UN SCEGHS meetings given that so far this item was only brought as an information point on the agenda of CARACAL. COM noted that it would reflect on how to better coordinate for UN discussions during CARACAL and suggested that there could be back-to-back meetings around CARACAL or telephone conferences to co-ordinate MS views.

Another MS asked COM of the way forward on the PBT criteria. COM noted that it needs to reflect whether there is a merit to bring this issue further at the UN level.

Regarding the questions about corosivity discussed in COM's presentation, one MS commented that the transport sector has found a solution on how to deal with this criterion.

7.2. Fee Regulation relating to the CLP Regulation

COM made a presentation on the general principles and the calculation basis for a draft Commission Regulation for fees payable to ECHA for the use of alternative names and industry submission of dossiers for harmonised classification and labelling. COM clarified that the fees are based on cost and workload estimates provided by ECHA whose costs arising from processing the requests need to be covered. The vote on the draft Commission Regulation is foreseen on 23 February 2010 in the REACH Committee.

Several MS expressed their concerns that the draft Regulation does not foresee any remuneration for RAC rapporteurs contrary to the REACH Fee Regulation which permits such a reimbursement. COM reiterated that there is no legal basis in the CLP to allow for such reimbursements whereas REACH has such an article. Without a legal basis in the CLP, there is no possibility to include it in the draft Fee Regulation.

One MS questioned the appropriateness of discussing a comitology issue during CARACAL and COM noted that CARACAL is the point discussion prior to the Committee where MS can express their views on a particular measure in advance of a vote It is important for COM to see if there are any major objections from MS.

Other MS expressed concerns received from their industry on the level of both fees. In reply ECHA provided more information on the calculation of the fees, including the workload and

[1] UN SCEGHS rapports are available at: *http://www.unece.org/trans/main/dgdb/dgsubc4/c4rep.html*

the costs associated with the different tasks. It was agreed that COM will send MS more information on this calculation, which will be provided by ECHA.

One MS asked whether the first request for an alternative chemical name is for its use in 10 mixtures or just one mixture. ECHA confirmed that the first request is for one substance in one mixture and the following request is for 10 mixtures.

Another MS asked for clarification why COM and ECHA assumed that only a few proposals for harmonised classification and labelling will be submitted by industry. COM explained that because these proposals could only be made for non-CMR end points, the only envisaged scenario why industry would like to see a harmonised C&L would be to solve divergences between notifiers once the notification to the inventory proves there are different or opposing C&L for the same substance.

ECHA reiterated that the high level of fees for harmonised C&L is directly based on the estimated workload related to each received dossier.

8. AOB and information points on CLP

8.1. Issues raised at ECHA Committee meetings – scope for harmonised C&L

As a follow up to the previous CARACAL where COM had prepared a document on the issue of whether the classification and labelling of a substance should be harmonised purely because of the presence of its constituents such as an impurity, COM proposed a revised document taking into account comments received from MS and asked for endorsement of the revised document.

With reference to point 1.1.1.4 in Annex VI to the CLP, one MS expressed their concern that the document could be in contradiction to point 1.1.1.4.

COM stated that the document aimed to provide clarification on the legal text and to explain how to classify a mixture based on impurities, whereas point 1.1.1.4 of Annex VI deals with very specific cases. However, COM agreed to look further into this issue and come back to CARACAL.

Information on future ATPs to include 3rd revision of GHS

COM explained that there will be two separate types of ATPs to the CLP. One will consist of including the revisions of the UN GHS in the various annexes and other amendments required, and one for the inclusion of harmonised classification for substances in Annex VI. COM asked MS to signal if there are any outstanding issues which they would like to see addressed in the next ATP, which will mainly incorporate the changes necessary in the light of the 3rd revision of the UN GHS.

Information on future ATPs to Annex VI – timetable

As a follow up to the previous CARACAL, COM had prepared a timetable to be followed on a yearly basis regarding ATPs to Annex VI.

One MS asked whether COM considered that there would be enough substances in one year to justify the yearly frequency. COM noted that since the majority of the substances for whom a dossier for classified C&L will be submitted are CMRs, it is the COM's duty to include them in Annex VI as soon as possible.

One MS commented on the timetable by suggesting that COM informs CARACAL if it has taken a different decision than the opinion of the RAC. COM agreed with the addition but suggested that this should not be included in the actual timetable which is mainly for planning purposes, but rather in the introductory paragraphs.

ECHA, while in favour of a standard annual timetable asked COM to reconsider the December deadline for providing the opinions on classification of substances and perhaps move the deadline to January instead. COM stated that it will reflect on ECHA's concern – however, the proposed timetable had been developed taking into account legally required standstill periods (such as the scrutiny period for the Parliament, notification to WTO etc.), which are impacted by rules such as the Parliament's summer recess.

Concerning editorial mistakes in Annex VI, COM asked it to find a way to publish a list of such mistakes; discussion is being carried out internally in ECHA to provide a solution, perhaps in the form of a webform where different parties can send their editorial corrections. One MS suggested that an FAQ with a table with already identified mistakes could suffice in this sense so that companies do not send multiple requests on the same mistake.

COM also confirmed that a corrigendum to Annex VI is currently prepared by the Council.

AOB raised at the beginning of the meeting

Transitional dossiers from TC C&L

In view of the fact that MS need to resubmit dossiers for C&L for substances which have already been agreed in the past at the TC C&L, several MS suggested that priority should be given to new issues and that overloading RAC should be avoided. RAC should be encouraged to conclude on the opinions via written procedure.

COM reiterated that it has a lesser role in this issue than MS themselves who need to submit dossier for harmonised C&L and encouraged ECHA to not duplicate the work already carried out. However, certain criteria for classification have changed and where this is relevant, RAC will probably have to re-discuss. COM also noted that it is up to RAC to decide on how to deal with these transitional dossiers.

ECHA confirmed that the dossier from MS will be in a IUCLID 5 format but that RSS could be provided in another format. ECHA will need to publish the dossiers for consultation on their website so there is not a lot of leniency for the process. It is up to RAC members how they deal with the discussion in the Committee. RAC can decide not to reopen the discussion but if there is new information available, they will need to take that into account.

One MS asked whether there is scope for COM to fund (e.g. from consultants) any of the work in converting the previous C&L proposals into Annex VI dossiers. COM felt this would not be feasible as coming budgets had already been set and there would be difficulties drawing up suitable contracts.

Annex II

One MS thanked COM for extending the deadline for comments on the translation of the draft ATP regarding Annex II of REACH and asked COM if in the future, it would be possible to provide MS with more time to provide comments on translations of draft regulations which are very important for enforcement. Also, it asked COM whether there are any news relating to language improvements to the CLP text. COM noted that the CLP Regulation had been adopted under co-decision and thus the responsibility for translation is with the Council and the European Parliament. COM confirmed that the Council has compiled all comments and that a Corrigendum would be prepared by the end of the year.

Pre-registration

Regarding the disability of late pre-registration in ECHA from 4 January to 11 January one MS commented that it would like to hear directly from ECHA such news and not via the press. ECHA reiterated the Agency's communication policy endorsed by the Management Board by which it tries to communicate openly and transparently with different entities and that it tries to use CARACAL in the best way to inform MS on relevant issues.

The same MS informed CARACAL about a recent SAICM conference and suggested that MS try to assist other countries to implement GHS, notably the countries in Eastern Europe. COM shared the MS view and informed on the efforts of COM to assist countries like Russia to align its legislation with REACH and CLP which have been going on for several years in a specific Dialogue between COM and the Russian Ministry of Industry.

ECHA announced that the template of sending in the chemical names in the national languages of the MS of the substances in Annex VI is now available and will be uploaded to circa in due course. The deadline for sending them to ECHA is by 1 September 2010.

9. Next meeting and closure

The 5th CARACAL meeting is provisionally taking place on 15-16-17 June 2010.

The meeting was thus closed. COM thanked participants for their presence.

ANNEX I – Adopted agenda

EUROPEAN COMMISSION

ENVIRONMENT DIRECTORATE-GENERAL
Water, Chemicals & Biotechnology
Chemicals & Nanomaterials

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

Brussels, 02 February 2010

FINAL AGENDA
4th Meeting of Competent Authorities for REACH and CLP

2-3-4 February 2010

Centre A. Borschette,
Rue Froissart, 36, BE-1040 Brussels, Belgium
Room 1 D

Discussion Points:

2 FEBRUARY 2010	**REGISTRATION**		**09:00 – 09:30**
AGENDA ITEM	**DOCUMENT**	**ACTION**	**TIME (APPROX.)**
1. ADOPTION OF THE DRAFT AGENDA	CA/01/2010	Discussion/ Adoption	**09:30 – 09:45**
2. FOLLOW-UP TO THE 3RD MEETING OF CARACAL			09:45 – 10:10
2.1. DRAFT SUMMARY RECORD	CA/20/2010	Discussion/ Adoption	
2.2. ACTIONS FROM THE MEETING	CA/106/2009	Discussion	

2 February 2010			
AGENDA ITEM	**DOCUMENT**	**ACTION**	**TIME (APPROX.)**
3. REACH - General			10:10 – 13:00
3.1. Update on REACH Annexes and Implementing Legislation a) General information on Comitology measures b) Annex XIII and XIV c) Annex II	CA/02/2010	Information Information	10:10–10:40 10:40 – 10:50
Coffee Break			***10:50-11:20***
3.2. Unsolved interpretations questions			
- NONS	CA/58/2009 rev 1 CA/24/2009 rev 1	Endorsement	11:20-11:30
- Substance identity and SIEF formation (the role of EINECS)	CA/74/2009 rev1	Discussion and endorsement	11:30-11:50
3.3. Status of vegetable oils obtained from Genetically Modified Plants	CA/03/2010	Information/ Discussion	11:50 – 12:05
3.4. Progress of CASG nano		Discussion	12:05 – 12:50
3.5. Communication campaign	CA/08/2010 SIEF Leaflet	Information	12:50 – 13:00
Lunch			***13:00– 14:00***
3.6. REACH and copyright-related aspects of data gathering	CA/07/2010	Information	14:00 – 14:20
3.7. MS Reporting Format	CA/14/2010	Information	**14:20 – 14:40**
4. REACH Restrictions			**14:40-18:30**
4.1. Preparatory activities for the			

REACH Committee			
a) CMRs: Draft Commission Regulation amending Annex XVII **– Outcome of the discussion in the REACH Committee of 14-12-2009** **- Information on the derogation for boric acid in photographic applications** **(RAC opinion)** **- Additional information from MS**	CA/05/2010	Information / discussion Information / discussion	14:40 -15:30
b) Cadmium in brazing materials, jewelleries and PVC **- Presentation of the result of the study by the Consultant** **- Further steps to be taken**		Information/ Discussion Information by consultant Discussion	15:30- 16:00
Coffee break			***16:00 -16:30***
c) Update on other substances **- Phthalates** **- Mercury in measuring devices** **- Short chain chlorinated paraffins (SCCPs)** **- PFOA** **- Acrylamide**	CA/09/2010	Information/ Discussion	16:30-17:15
CLOSED SESSION **4.2. Coordination of preparation of Annex XV dossiers (Risk Management Option)**	CA/10/2010		17:15 – 18:00
4.3 Format for RMO	CA/29/2010		

3 FEBRUARY 2010			**08:30**
AGENDA ITEM	**DOCUMENT**	**ACTION**	**TIME (APPROX.)**
<u>CLOSED SESSION - continuation</u> **- Follow-up on the identification of SVHCs** **- Evaluation**			08:30 – 09.30

(End of the closed session)			
4.4. AOB and information points concerning REACH			09:30- 10:30
a) DecaBDE **- Presentation of industry on the status of information requests in accordance with Art. 10.2 of ESR** **- Presentation of industry on the Voluntary Emissions Control Action Program (VECAP)** **- Presentation of UK on the updated environmental risk assessment of Deca and their conclusions on need for RM and any additional points by FR**	CA/06/2010	Discussion	
b) Combination effects of chemicals – Follow up to the Council conclusions of 22 December 2009	CA/12/2010	Information	10:30-10:45
c) Commission workshop on outcome of MS penalties and fines study	CA/22/2010	Information	10:45- 11:00
d) Review of the scope of REACH		Information	
Coffee break			***11:00 – 11:30***
4.5. Implementation of Restrictions Presentation by Cyprus		Information	11:30 – 12:00
5. High-Level Steering Group with Industry Associations		Information	12:00 – 13:00
Lunch			***13:00-14:00***
6. ECHA Activities in relation to REACH			14:00 -18:00
6.1. Interpretation of the intermediates definition	CA/04/2010	Discussion	14:00 – 14:45
6.2 ECHA's contingency planning for 2010	CA/30/2010	Discussion/information	14:45 – 15:00
6.3. From REHCORN to HelpNet	CA/11/2010	Discussion/information	15:00 – 15:30
Coffee break			***15:30 -16:00***
6.4 Update on Guidance **- Update on ECHA Guidance activities** **- Guidance on Annex V**	CA/36/2010	Information	16:00 – 17:00

- Tobacco under REACH **- Guidance on waste and recovered substances** **- Guidance on substances in articles - Status on breath alcohol testers**	DE paper FR paper		
6.5 Contractual arrangements related to reimbursement of REACH tasks executed by Member States	NL report	Information / Discussion	17:00 – 18:00

4 FEBRUARY 2010			
7. Regulation on Classification, Labelling and Packaging			09:00- 14:45
7.1. **a) Follow up of Article 53(2), feedback from the UN meeting** **b) Feedback from the UN SCE GHS meeting (Information on UN developments related to CLP & GHS)** **- <u>Pictogram for gases under pressure</u>** (UN Document: ST/SG/AC.10/C.4/2009/9 (Germany, United Kingdom and EIGA), UN Informal document: INF.22 (Secretariat))	CA/88/2009 rev1 CA/21/2010	Information	09:00-10:15
7.2. Fee Regulation relating to the CLP Regulation	CA/17/2010	Information/ Discussion	10:15 – 11:00
Coffee break			***11:00 – 11:30***
8. AOB and information points on CLP			
8.1. Issues raised at ECHA Committee meetings **- Scope of proposals for harmonised C&L**	CA/87/2009 rev 1	Endorsement	11:30 – 12:15
Lunch			***12:15-13:15***
- Information on future ATP to include the 3rd Revision of the UN GHS	CA/63/2009	Information	13:15 – 14:30

- Information on future ATPs to Annex VI - timetable	CA/96/2009 rev 1	Information	
- Transitional dossiers of substances agreed by the TC C&L			
- Annex II to REACH			
- Disability of pre-registration in ECHA between 4 and 7 January 2010			
9. Next meeting and closure			14:30 - 14:45

4TH MEETING OF CARACAL 2-4 FEBRUARY 2010

Information Points[2]:

AGENDA ITEM	DOCUMENT	ACTION	TIME (APPROX.)
1. REACH			
1.1. Final GRIP papers : **Consequences of limited interpretation of Art. 28(6)** **Consequences for DU being producers of articles Final.doc**	Papers from NL		
1.2. Data sharing and Joint Submission	CA/75/2009 rev1	Information	
1.3. Report from CASG Nano	CA/18/2010	Information	
1.4. Exemptions for defence material	CA/15/2010	Information	
1.5 DE considerations for a restriction of PAHs according to article 68(2) of Reg. EC 1907/2006 in consumer products	Paper from DE		
1.6 REACH at sea	CA/23/2009/	Information	
1.7 Companies in port areas	Paper from BE NL	Information	

[2] Information items are not allocated a specific agenda time. If delegates wish to raise an issue, which may merit further consideration, please signal this by sending an email to Jacek.Rozwadowski@ec.europa.eu and Raluca.Iagher@ec.europa.eu.

	NL Response to GRIP paper BE GRIP paper		
1.8 COM letter to FR on Art. 3.11	Letter COM to FR (Art 3.11)		
2. CLP			
2.1. MS penalties and fines for CLP	CA/16/2010	Information	
3. Other			
4. ECHA			
4.1. Status report on SVHC Identification	CA/32/2010	Information	
4.2 Progress report on REACH operations	CA/31/2010	Information	
4.3 Progress report on REACH-IT/IUCLID	CA/25/2010	Information	
4.4 Planning for evaluation	CA/33/2010	Information	
4.5 Status report on proposals for harmonised C&L	CA/28/2010	Information	