

Matter for Consideration: Managing the workload of RAC and SEAC

Meeting of the Management Board 16-17 December 2014, Rome

Item	10.2
Action	For endorsement
Status	Final - Public

Proposal

The Management Board is invited to take note of this document which is a follow-up to the discussion in the 2013 September meeting about functioning of the ECHA Committees.

- The objective is increasing the capacity of RAC and SEAC resources and finding efficiencies to manage an 18 month peak caused by authorisation applications in the workload of RAC and SEAC through 2015 and 2016.
- The focus remains on the means to increase the membership and further mobilise members and rapporteurs to address the rapidly increasing workload of RAC and SEAC. If this seems not possible in the next three months, the option of co-opted members will be proposed to the MB in March as a temporary measure.

Background

The following was discussed at the 4th MSCA Directors meeting of 20 November 2014.

- Further encourage delivery of the 50% FTE minimum commitment of the members or through advisors.
- Nominate additional 2nd members where appropriate.
- Nominate (even if temporarily) an additional member through an agreement with a second Member State for the purpose of capacity building.
- While not the first choice favoured by ECHA but if the Member States cannot in the next months commit to the additional nominations per Committee suggested above (i.e. three to five new active members), reconsider co-opted members (REACH allows up to 5 per Committee) for the duration of this peak and targeted to deal with applications for authorisation. A decision has to be taken in the next MB meeting on this issue to bear fruit for the expected sharp build-up of the chromates dossiers.
- Should ECHA Secretariat need to pursue the option of co-opted members it would also need to re-introduce to MB the previous proposal for reimbursement for co-opted members, however adapted to only focus on AfA rapporteurship.

The functioning of the Committees was last reported to the Management Board in September 2013; this paper provides an update and covers developments under REACH (restrictions and authorisations) as well as Harmonised Classification and Labelling (CLH).

Rationale

Progress in increasing throughput of opinions 2013-2014 (all processes)¹

RAC increased the number of opinions agreed in 2013 from 43 to 73 in 2014. This is at the top end of projected number of 55-75. Harmonised Classification & Labelling accounted for 50, up from 36 in 2013. RAC and SEAC together managed the evaluations of the first batches of authorisation applications with 15 to 17 completed as against 1 in 2013. The 2014 numbers may still increase as applicants decide whether or not to comment on the draft opinions and sign off. RAC and SEAC are expected to agree on 5 restrictions in 2014, up from 3 in 2013. The numbers of dossiers do not express the degree of difficulty or the scope of the work required from the rapporteurs or the support from the secretariat, both of which can vary by an order of magnitude for an individual dossier; restrictions are generally the largest dossiers of all.

Progress in mobilising Committee members and rapporteurs

The MB request in 2013 to ask the MSCA's through their Permanent Representatives to guarantee that their nominees would be available for at least 50% of their time for the work of the Committees has had a positive effect. As the members are re-nominated or replaced in the coming years, this is generally expected to continue to improve the situation, although the situation of the individual members may differ.

Last year ECHA Secretariat reported that ca. 25% of members in both Committees achieved the minimum 50% contribution norm. This has increased to 30% currently. It should be noted that a key group of members with part or full-time advisors may contribute much more to the Committees, in effect up to 150% of the working time of an individual. The 20 to 50% contribution band has also increased significantly to 35% of members. Of continuing concern is the 20% of the membership who contribute 10% or less, i.e. attendance at meetings only. That said, there were no shortages or delays in appointing rapporteurs through 2014.

Numbers and turnover of members in RAC and SEAC

The Committees have seen growth in the numbers of members over the last year, showing that the combined efforts of the Management Board and the MSCA Directors have had a very positive effect. RAC has increased from 40 members in 2013 to 45 in 2014 (December MB projection), while in the same period, SEAC has increased from 30 to 37.

In the last year, there were 6 resignations in both RAC and SEAC and 11 and 8 appointments respectively. The skills that the new and replacement members bring reflect more accurately the needs of the Committees, although further communication of the required profiles of new nominees with the Chairmen would be appreciated.

In general, RAC needs more experts in exposure assessment and occupational hygiene, while SEAC requires more experienced economists.

Expected workload in 2015 and 2016

The current best estimate of the numbers of chromate dossiers is around 100. The Commission and MS efforts through the recently established Authorisation Task Force to make special provisions for 'fast-tracking' low volumes or specific categories are expected to prevent higher numbers but not to significantly reduce this base number.

Ca. 40 applications are expected in the Committees from September 2015 and a further 60 in 2016; requiring 200 rapporteurs working in pairs on each application per Committee. Even with 5 applications allocated per pairing, this means that 40 rapporteurs or 20 pairs will be needed continuously per Committee. Currently, the Committees can mobilise less than half this number for authorisations.

¹ Committee output is based on number of opinions agreed and not on intake or numbers in process

It should be recalled that for CLH, RAC needs to mobilise ca. 60 active rapporteurs (30 pairs; human health and environment) at any given time, with currently 194 rapporteurs appointed for the coming two years. This need will continue at the same level. Also, RAC and SEAC will require 14 to 20 rapporteurs (7 to 10 pairs each) for restrictions, which are projected to increase slightly per year.

Alternative options considered

Efficiency measures

CLH

A fast-track system was agreed at RAC 29 (June) and successfully implemented at RAC 30 (September), through which uncontroversial endpoints (no issue in the public consultation and both rapporteurs and members comments are aligned) are A-listed and agreed without debate. Roughly 10% of debating time and even more in preparing this material for debate can be saved.

Restrictions

The recommendations of the Restrictions Task Force are being implemented, the main ones for the Committees being amongst others: a) consideration of a key issues document to enable the main discussion points of a dossier to be identified in the first meeting, b) a reduction in requests to Dossier Submitters from RAC and SEAC for additional information – all requests should be fully justified. It should be noted that the majority of the recommendations are addressed to the MSCA's and ECHA Secretariat at the dossier preparation/submission stage.

Authorisations

A range of measures was discussed at RAC 30 (September) and will be table for agreement in an amended Committee procedure at RAC 31 (November), amongst others: a) introduction of a key issues document already at the Conformity check, i.e. to start the evaluation as early as possible, b) a reduction in the expected number of post-conformity plenary meetings to one, with two only being allocated to a difficult or extensive (possibly upstream) dossier and c) careful grouping of dossiers into logical batches allocated to each pairing of rapporteurs.

While the implementation of the above efficiency measures will help RAC & SEAC in dealing with their workload they alone will not suffice, and measures are also needed to increase the capacity of the membership and rapporteurship.

Therefore, clear commitments are needed from the Member States to further increase the capacity by at least 5 active members of RAC and SEAC, at least for the period of 2015-2016. This can be done as explained in the section "implementation" above.

Should this not be possible in the coming three months, the ECHA Secretariat sees no other option than proposing the MB in March 2015 of using the possibility of appointing co-opted members, especially for RAC, as a temporary solution and targeted for dealing with applications for authorisation. In this case the Secretariat would need to re-introduce to the MB the proposal for remuneration for the co-opted members. However, regarding remuneration for rapporteurship it should then only focus on applications for authorisation.

Drawbacks n.a.

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