

Cooperation with Switzerland (REACH/CLP)

48th Meeting of the Management Board 14-15 December 2017

Proposal

The Management Board is invited to approve technical / scientific cooperation between ECHA and the Swiss Notification Authority for Chemicals in the areas of REACH/CLP. This will be formalised through an exchange of letters.

Background

The REACH Regulation foresees that ECHA plays a role in international cooperation, in addition to its task in managing and implementing the regulatory processes.

Since April 2015, Switzerland has participated in ECHA's work under the Biocidal Products Regulation. This has been enabled on the basis of a revised Mutual Recognition Agreement between the EU and Switzerland.

During a visit to ECHA in November 2015, the Swiss Notification Authority for Chemicals expressed interest in exploring other potential fields of collaboration with ECHA. This was followed by a written proposal to start technical cooperation on industrial chemicals.

The request was brought to the attention of the Management Board in June 2016. In line with the advice provided by the Commission services on the matter, it was however considered not timely to extend the cooperation beyond biocides.

In June 2017, the Management Board agreed to admit the relevant Swiss authorities as observer in the CLP HelpNet¹.

Rationale

Since then, discussions at political level between the EU and the Swiss federal government have continued. ECHA and the Commission services see an opportunity to engage in technical / scientific exchange, as long as this does not amount to participation in the REACH and CLP work of ECHA² and involves no "burden sharing" in ECHA's regulatory work on REACH or CLP or other benefits limited to cooperation with countries that have aligned with REACH, i.e. EEA countries. As a consequence, Swiss authorities may not participate as observers or in closed meetings with Member States that prepare regulatory decisions.

Alternative options

The Management Board could further limit the scope of the cooperation.

In contrast, any broader cooperation would first require consultations with the Commission, in line with ECHA's agreement with the Commission on the handling of international activities and the general framework for international activities of EU agencies.

Benefits and drawbacks

ECHA sees tangible benefits in the cooperation with the Swiss authorities. The resource investment would be limited.

¹ See document MB/23/2017 final

² See Article 106 REACH.

Attachment:

- Annex: Draft exchange of letters

For questions: geert.dancet@echa.europa.eu with copy to mb-secretariat@echa.europa.eu

Annex

Exchange of Letters with Switzerland

Subject: Exchange of Letters on scientific and technical cooperation

Dear Mr Favre,

I refer to our previous contacts on this matter and suggest the following as a basis for the scientific and technical cooperation between the European Chemicals Agency (ECHA) and the Swiss Notification Authority for Chemicals. The cooperation would be, on our side, on such matters that are within ECHA's remit of managing the implementation of the European Union's REACH and CLP Regulations. Whereas Switzerland's participation in ECHA's Biocides-related work is guided by the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment (MRA) as well as a formal invitation expressed by ECHA's Management Board, this Exchange of Letters solely formalises scientific and technical contacts in a structured way, without opening any pathway to the participation of Switzerland in ECHA's REACH or CLP-mandated work. Therefore, this collaboration excludes Switzerland for participation in the scientific committees of ECHA.

Each side should nominate a contact person as a focal point for our scientific and technical cooperation. Matters of mutual scientific or technical importance and relevance will be identified during video-conferences that could be held twice per calendar year to steer the collaboration and contacts between experts. For ECHA, Jenny Holmqvist, International Affairs Officer will be the contact person.

The experts, at this juncture, should concentrate on exchanging views on the scientific and technical issues related to the assessment of chemicals, their risk management, safety aspects of manufactured nanomaterials as well as occupational exposure models and limits.

If you agree to the foregoing by replying in writing and by nominating a contact person, the present letter and your letter in reply shall constitute the founding basis for conducting the scientific and technical cooperation between our two authorities.

Sincerely yours,

Geert Dancet
Executive Director

Subject: Exchange of Letters on scientific and technical cooperation

Dear Mr Dancet,

Referring to your letter of [date] which reads as follows:
[A full copy of the letter is quoted here.]

I am pleased to convey you that we welcome a strengthening of the scientific and technical cooperation with ECHA. The aim and scope of the cooperation described in your letter of [date] corresponds to the intentions of the Swiss Notification Authority for Chemicals and, together with the present letter in reply, constitutes the founding basis for conducting the scientific and technical cooperation between ECHA and the Swiss Notification Authority for Chemicals.

Further to your request, the Swiss Notification Authority for Chemicals nominates Mr. Pierre Favre as contact person for this cooperation with ECHA.

I would appreciate if our first video conference could still be held during the first quarter of 2018, so that our experts can lay down the cooperation areas of mutual scientific or technical interest over the years to come.

Sincerely yours,

Pierre Favre
Head of the Notification Authority for Chemicals