

Status of second 'REACH Review' actions

60th Meeting of the Management Board 16-17 December 2020

Key messages

The Management Board (MB) is invited to take note of a status update on ECHA's actions from the 2018 second Commission REACH Review. In preparation of the upcoming next five-year review of the Commission, the secretariat proposes in the future to report on the implementation of the 2018 actions to the Management Board as part of the regular planning, monitoring and reporting cycle. The Management Board is invited to endorse this proposal.

Background

Every five years the Commission shall publish a general report on the experience acquired with the operation of REACH.¹ Following the second 'REACH Review' published in 2018², the secretariat has started implementing the actions foreseen for the Agency. The actions are part of ECHA's annual work planning and have been added to the respective Programming Documents. In its Annual Reports, the Agency has reported on the implementation of the planned work. In addition, the secretariat has provided regular separate updates on the status of the implementation of the REACH Review actions to the Management Board, as requested by the MB in June 2019³.

Annex I provides a stock taking overview of the status of the actions. From 12 explicit actions for ECHA, the secretariat considers 8 to be closed and 4 open. For open items the Annex outlines how to progress in the implementation of the action.

The Management Board Subgroup on Strategy, Planning and Implementation considered and supported the proposal in its meeting on 24 November 2020.

Rationale

The secretariat considers it important to transparently demonstrate the progress in implementing REACH Review actions, explain how to approach open actions and agree on the actions closed. With the upcoming next five-year report of the Commission, expected in 2023, this will be part of the input to the new review process.

Tracking REACH Review actions with the conventional planning (Programming Document), monitoring (Quarterly Reports, dashboard) and reporting (Annual Report) tools of the Agency allows to ensure consistency and transparency. The separate reporting on REACH Review actions did not prove to add significant benefit, nor the right level of information for the Management Board's considerations in this matter. It is therefore proposed to be discontinued.

¹ Article 117(4) REACH.

² COM(2018) 116 final.

³ MB/M/03/2019 final.

Open actions

The secretariat considers that the following actions are still open and proposes the following way forward:

Action 3	Improving the workability and quality of extended Safety Data Sheets	With regard to the ongoing priority setting discussion, the secretariat proposes to pause this work for resource-related reasons, see AP B.2.A.
Action 11	<p>Interplay between authorisation and restriction</p> <p>(1) ECHA is requested to consider systematically the preparation of a restriction dossier before the sunset date of each substance that is subject to authorisation and present in articles in accordance with Article 69(2).</p> <p>(2) The Commission, ECHA and Member States will assess the interplay between restriction and authorisation to achieve a comparable risk reduction more efficiently through risk management and substitution.</p>	<p>Action 11(1) is ongoing. The Commission Opinion on ECHA's draft Programming Document 2021-2023 acknowledged an improved situation.</p> <p>The joint action 11(2) for the Commission, ECHA and Member States has not been addressed as a specific separate item.</p>
<p>Annex 6 Review of ECHA</p> <p>5. Conclusions and recommendations/</p> <p>Action 15 – Fees and the future of ECHA</p>	Forecasts for revenues from fees and charges, and the process for verification of the SME status of registrants can be further upgraded, as well as for execution of the budget.	ECHA will continue to collaborate with the Commission to resolve the issues encountered in contending with a mismatch between relatively stable expenditure and more volatile and less predictable revenue, which impacts business operations and complicates budget planning. Most recently, following a request from the Commission, ECHA is analysing potential adjustments to the current fees and charges system. In addition, ECHA is liaising with the European Medicines Agency (EMA), which has a similar mixed financing model, for benchmarking purposes.

Alternative options

The secretariat could maintain separate monitoring on REACH Review actions spending additional resources compared to providing the information of the follow up to the REACH Review Actions to the Management Board via the existing planning, monitoring and reporting tools.

Drawbacks

Discontinuing the current specific REACH Review follow up monitoring per each Management Board meeting may be perceived as a somewhat reduced transparency.

Attachment:

- Annex 1: Follow up table on 2018 'REACH Review' ECHA actions

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