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WK 14089/2025 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Ad hoc Working Party on the ECHA Basic Regulation
N° Cion doc.:	WK 11395/25 + ADD 1
Subject:	ECHA Basic Regulation: AHWP ECHA on 28 October 2025: Presidency steering note

With a view to the above AHWP on 28 October 2025, delegations will find attached the Presidency steering note.

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Steering Note – ECHA Basic Regulation

Monday 28 October 2025 (full day session)

The Ad-Hoc Working Party will examine the second compromise text (see WK 14088/2025). Please note that where the column of the Presidency compromise text is currently empty the Commission proposal is rolled over as compromise.

The aim for the meeting is to discuss the still open lines in the whole compromise text.

The discussions will be organised in two rounds.

Round 1:

Articles 4, 5, 6, 10, 12, 14, 15, 17, 18, 27, 29, 45, 54.

Round 2: Other

All articles not mentioned in the previous round.

Main changes to the text

The Presidency has highlighted the main changes implemented in the second compromise in the table below.

PCY PROPOSAL	REASONING
Recitals	
Recital 11 and new Recital 11a	Recital 95 from the REACH regulation is incorporated into the recital. In addition, it has been clarified the structure of the Agency should be able to adjust according to fluctuations in workload and new assigned tasks. Language has also been added to clarify that persons should not be nominated or appointed as members of the Committees if there are reasonable grounds to believe that they have a conflict of interest
Recital 12	As ECHA staff is chairing the Committees and carrying out other administrative tasks, their role should be complementary to the experts. However, it is made clearer that the staff of the Agency must respect the division of work.
Recital 18a	New text is added to highlight that Rules of Procedures for the Committee should address conflict of interest. It also explains that the Rules of Procedure should include arrangements for adopting opinions through a simplified procedure, not requiring debate in the plenary.

AD-HOC WORKING PARTY ON ECHA

Recital 19	The recital clarifies that nominated experts can be nominated independent of their nationality. It also provides a possibility for Member States to ask ECHA to facilitate the identification of nominees.
Recital 19a	An explanation of the rules for transfer of fees and compensation has been added. This has also been further clarified in article 14(15a)
Recital 36	The text explains that there will be transitional provisions for SCCS.
Articles	
Article 6(5)	The deletion of “once” is a change from current practice, but it aligns with common approach
Article 9(1) new point (ta)	Article 9(1)(ta) is introduced to specify that the Management Board should adopt decisions on the remuneration of members of the Committees or their employers.
Article 12(5)(ea)	The provision is inserted with reference to article 45 to make it clearer that the Executive Director should coordinate with other Union bodies with regard to potential divergence of scientific opinions.
Article 14 (1) and (2) and new Article 14(2a)	<p>Regarding paragraph 1 and 2, delegations both emphasized the need to ensure that RAC and SEAC have the necessary resources to work more effectively. At the same time, delegations also expressed concerns with not being able to find suitable experts. In addition, Member States expressed concerns about possible infringements, despite making best efforts to find nominees.</p> <p>Delegations also expressed the importance of remuneration, which the Presidency have aimed to accommodate in article 14(15a) and recital 19a. The new provisions explain the rules for remuneration, transfer of fees and compensation. At the same time, delegations are kindly reminded that the Member States wanted to reduce ECHA’s budget in previous years.</p> <p>22 Member States have two experts in RAC today. Three Member States have two experts, and two Member States are without any experts.</p> <p>In SEAC, eight Member States have two experts. 13 Member States have one expert, while six Member states do not have any experts</p> <p>To find a middle ground that addresses different concerns, the Presidency introduced a possibility for Member States to request assistance of ECHA to identify suitable nominees. ECHA would be obliged to facilitate such identification (new Art 14(2a)).</p>

AD-HOC WORKING PARTY ON ECHA

Article 14(5a)	The logic of the provision has been changed. That means that experts should not be member of the Committees if there are reasonable grounds to believe that there is a conflict of interest.
Article 14(15a)	Article 14(15a) explains that there can be compensation for the work of a member of the Committee employed by the MS as established in sectoral Union legislation. The Member States should be compensated by the Agency where and as foreseen in the financial arrangements established by the Management.
Article 15(2)	It is clarified that the opinion of the Committees should be published in the Agency's website.
Article 15(3)	It is mentioned that the Secretariat should provide training.
Article 15(4)	Correction from REV1.
Article 17(3)	Members of the Forum have to ensure appropriate coordination between the Forum and the work of their Member State's competent and other relevant authorities.
Article 17(4)	It is specified that Member States should not give members of the Forum any instruction, which is incompatible with their Forum work.
Article 18	Article 18 has been reformulated to reflect the tasks of the Forum, including explaining that it is a horizontal platform to promote coherence, synergies, and the exchange of information and best practices between enforcement authorities, supporting the effective enforcement of sectoral Union legislation.
Article 27	Linguistic changes for clarity.
Article 29 (6)	The empowerment for the Commission to adopt a delegated act is defined to include taking into account fluctuations in the Agency's budget, assess of its causes and possible mitigation measures.

AD-HOC WORKING PARTY ON ECHA

Article 45	The article has been aligned with “one substance, one assessment”.
Article 54(2a)	<p>Some delegations proposed to split up RAC or to introduce sub-committees with the ability to adopt opinions. Such changes would require careful analysis of the possible impacts and is expected to require adjustments to several pieces of sectoral legislation.</p> <p>The Presidency therefore considered it appropriate to mandate the Commission to carefully analyse the different options in the first evaluation of this regulation. Delegations are kindly reminded that this would take place already 2 years after date of application of this Regulation</p>