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LIMITE

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Ad hoc Working Party on One Substance One Assessment
N° prev. doc.:	WK 3157/2025
N° Cion doc.:	ST 16972/23
Subject:	OSOA Package: Directive as regards the re-attribution of scientific and technical tasks to the European Chemicals Agency (RoHS) - comments from a delegation

Following the call for comments on the above set out with WK 3157/2025, delegations will find attached comments from BE.

File		DIRECTIVE as regards the re-attribution of scientific and technical tasks to the European Chemicals Agency (Text with EEA relevance) - 2023/0454(COD)	
Member State		BELGIUM	
Row in table Annex I	Reference in the text	MS position	MS comment
14	Recital 1		In favor of Parliament amendments: BE supports any measure aimed at reducing the administrative burden while maintaining a high level of protection of human health and the environment. In this respect, we can support the Parliament's amendments to this effect
15	Recital 2		In favor of Parliament amendments: BE supports any measure aimed at reducing the administrative burden while maintaining a high level of protection of human health and the environment. In this respect, we can support the Parliament's amendments to this effect
15a	Recital 2a		Regarding the consideration of the workload of ECHA's scientific committees, BE is of the opinion that the COREPER mandate should be preserved for recital 2a (line 15a), but can be flexible regarding the wording chosen for the review clause (lines 89c to 89f); we take this opportunity to recall that it is becoming urgent for COM to make a legislative proposal to modernise ECHA's governance.
18a	Recital 5a		As regards the framework for exemptions, BE would like the mandate of COREPER to be preserved in order to include a recital relating to the treatment of confidential information
18b	Recital 5b		As regards the framework for exemptions, BE would like the mandate of COREPER to be preserved in order to keep the obligation for COM to publish guidelines in collaboration with the MS to facilitate the implementation of this provision
19a	Recital 6a		BE may be flexible regarding the frequency with which the list of restricted substances should be reviewed by COM
19c	Recital 6b		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r), including need for a guidance.
20a	Recital 8		BE wishes to preserve the reference to the next publication of the REACH regulation and the potentially necessary adaptations to be made
21	Recital 8		BE can be flexible regarding the transition period.
32	Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (4), first subparagraph, point ©		As regards the framework for exemptions, BE would like the mandate of COREPER to be preserved in order to ensure predictability, legal certainty and transparency of administrative procedures, BE is in favour of specifying the deadlines within which the Agency must process these exemption requests
36	Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (4), second subparagraph		As regards the consequences linked to an incomplete application within the deadlines, BE can show flexibility (line 36 – 'shall' vs 'may')
48	Article 1, first paragraph, point (1)(b), amending provision, numbered paragraph (4a), fifth subparagraph		BE may also be flexible regarding the information to be published on the ECHA website.
49a	Article 1, first paragraph, point (1)(ba)		BE may also be flexible regarding the setting of a deadline for submitting a request for renewal of an exemption.
49b	Article 1, first paragraph, point (1)(ba), amending provision, numbered paragraph (5)		BE may also be flexible regarding the setting of a deadline for submitting a request for renewal of an exemption.
51a	Article 1, first paragraph, point (1)(d)		As regards the framework for exemptions, BE would like the mandate of COREPER to be preserved in order to keep the obligation for COM to publish guidelines in collaboration with the MS to facilitate the implementation of this provision
51b	Article 1, first paragraph, point (1)(ca), amending provision, numbered paragraph (9)		As regards the framework for exemptions, BE would like the mandate of COREPER to be preserved in order to keep the obligation for COM to publish guidelines in collaboration with the MS to facilitate the implementation of this provision
56	Article 1, first paragraph, point (3)(a), amending provision, first paragraph		BE may be flexible regarding the frequency with which the list of restricted substances should be reviewed by COM
59	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), first subparagraph		The group approach is supported by BE, but preference for the term "group of similar substances"
60	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), second subparagraph		
61	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
61a	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph, point (-a)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
61b	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph, point (-b)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
61c	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph, point (-c)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
63a	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph, point (ba)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
63b	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph, point (bb)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
63c	Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (2), third subparagraph, point (bc)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
63f	Article 1, first paragraph, point (3a)(a), amending provision, numbered paragraph 1		BE has a slight preference for the wording of the COREPER mandate with regard to the delegation of power granted to COM (lines 63f to 63h rather than 89a-b)
63g	Article 1, first paragraph, point (3a)(b)		BE has a slight preference for the wording of the COREPER mandate with regard to the delegation of power granted to COM (lines 63f to 63h rather than 89a-b)
63h	Article 1, first paragraph, point (3a)(b), amending provision, numbered paragraph (1a)		BE has a slight preference for the wording of the COREPER mandate with regard to the delegation of power granted to COM (lines 63f to 63h rather than 89a-b)
79	Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
89a	Article 1, first paragraph, point (4a)		BE has a slight preference for the wording of the COREPER mandate with regard to the delegation of power granted to COM (lines 63f to 63h rather than 89a-b)
89b	Article 1, first paragraph, point (4a), amending provision, numbered paragraph (1a)		BE has a slight preference for the wording of the COREPER mandate with regard to the delegation of power granted to COM (lines 63f to 63h rather than 89a-b)
89c	Article 1, first paragraph, point (4b)		Regarding the consideration of the workload of ECHA's scientific committees, BE is of the opinion that the COREPER mandate should be preserved for recital 2a (line 15a), but can be flexible regarding the wording chosen for the review clause (lines 89c to 89f); we take this opportunity to recall that it is becoming urgent for COM to make a legislative proposal to modernise ECHA's governance.
89d	Article 1, first paragraph, point (4b), amending provision, numbered paragraph (2a) paragraph		
89g	Article 1, first paragraph, point (6)		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
89h	Article 1, first paragraph, point (6), first subparagraph, amending provision, first subparagraph		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
89i	Article 1, first paragraph, point (6), first subparagraph, amending provision, second paragraph		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)
89j	Article 1, first paragraph, point (6), first subparagraph, amending provision, third paragraph		BE recognises the specific features of the procedure for restricting substances under RoHS (which is not similar to that under REACH) – we therefore prefer to preserve the new Annex IX and the related amendments (lines 19c, 61, 79 and 89g to 89r)

MS	Position
Austria	-
Belgium	In favor
Bulgaria	Object
Croatia	Neutral
Republic of Cyprus	Scrutiny
Czech Republic	
Denmark	
Estonia	
Finland	
France	
Germany	
Greece	
Hungary	
Ireland	
Italy	
Latvia	
Lithuania	
Luxembourg	
Malta	
Netherlands	
Poland	
Portugal	
Romania	
Slovakia	
Slovenia	
Spain	
Sweden	
Select delegation	

