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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Ad hoc Working Party on One Substance One Assessment
N° Cion doc.:	ST 16972/23, 16973/23, 16961/23 + ADD 1
Subject:	OSOA Package: Ad Hoc Working Party on One Substance One Assessment on 13 May 2024: Presidency's steering note

With a view to the above AHWP, delegations will find attached the steering note of the Presidency relating to the RoHS Directive and the Re-attribution of Tasks Regulation.

PRESIDENCY FLASH #4

Steering Note – OSOA

Monday 13 May 2024

AHWP – One Substance One Assessment Legislative Package

(All day)

The ad hoc working group will begin at 10a.m. and will be devoted to:

- the analysis of the **compromise proposals** made by the Presidency on **the two legislative proposals (RoHS and re-attribution of tasks)** implementing the "One Substance, One Assessment" approach.
- The analysis of the **revised Commission's proposal on the common data platform**.

The working group will proceed as follows:

- the morning session will be allotted to the proposals regarding the re-attribution of scientific and technical tasks and improving the cooperation among Union agencies in the area of chemicals (ST 16972/23 & ST 16973/23).
- the afternoon session will be devoted to the proposal establishing a common data platform on chemicals (ST 16961/23).

In annex of this Flash, delegations will find steering notes related to the legislative proposals.

ANNEX I - OSOA – RoHS Directive (ST 16972/23)

The Presidency will go through their compromise proposal, explaining the changes made to address Member States' comments and invite delegations to express their view.

The proposed changes are:

- Implementing option B for both Art. 1(3) point (c) and Art. 1(4), to keep the restriction process separate from REACH. This was done based on comments received in writing and views expressed during the third Ad Hoc OSOA Working Party.
- Inserting a review clause regarding the Agency's funding and expanded workload (recital 2A and Art 1(5))
- Specifying the need for consultation of an expert group before the publishing of guidelines by the Commission regarding the involvement of the Committee for Risk Assessment in the exemption procedure (recital 5b)
- Specifying the need for taking into account assessments on any part of the lifecycle of the substance used in EEE for the restriction procedure (Art. 1(3) point (c))
- Re-shifting focus of assessment to all of the criteria set out in Article 6(1), for the restriction and exemption procedure, including the assessment of alternatives (Art. 1(4))
- Inclusion of the new Annex IX in the Directive (Art. 1(6))
- Changing of the entry into force of this Directive to 24 months after publication (Art. 2)

The Presidency kindly invites the delegations to indicate whether they support the proposed amendments and to inform whether they could support the text as it stands.

ANNEX II - OSOA – Re-attribution of Tasks (ST 16973/23)

The Presidency will go through their compromise proposal, explaining the changes made to address Member States' comments and invite delegations to express their view.

The proposed changes compared to COM original proposal are:

- Inserting a review clause regarding the Agency's governance and expanded workload to the Committees (recital 14A and Art. 21b)
- Article 15 of Regulation (EC) No 401/2009, not adding a new paragraph 5 but instead put this text in Article 15 par. 1(c). In addition some further clarifications were added to Article 15 of Regulation (EC) No 401/2009 (Article 2)
- Article 8(1)(i) of Regulation (EU) 2019/1021 change the word provide to submit (Article 4 (1)(a)).
- Article 8(1a) of Regulation (EU) 2019/1021 delete 'as appropriate' in point (a) (contrary to WP3 not in point (d)) (Article 4(2))
- Article 8(1a) of Regulation (EU) 2019/1021 change the reference from in 'the first subparagraph' to 'article 8(1)' (Article 4(2)).
- Article 8(1a) of Regulation (EU) 2019/1021 change the reference from in 'the report' to 'that report referred to in Article (8(1), point (i) (Article 4(2)).
- Article 15, paragraph 2 of Regulation (EU) 2019/1021 was amended to clarify the delegated acts' (Article 4(4)). Please note that the impact assessment as discussed during WP3 is no longer in the text after discussion and commenting received. Delegations are invited to indicate whether they consider it appropriate to specify the framework for the delegation of powers to the Commission (part into brackets at the end of the Article).
- Article 18 (paragraph 2) of Regulation (EU) 2019/1021 change of the starting date to the date of entry into force (contrary to WP3, the period is no longer prolonged from 5 to 7 years). Some additions were made to this paragraph (Article 4(5)).
- Article 18 paragraph 6 of Regulation (EU) 2019/1021 the original last sentence is added to the paragraph (Article 4 (5c))
- Article 6 numbering was changed to Article 5.

Some further clarifications are indicated in the text.

The Presidency kindly invites the delegations to indicate whether they support the proposed amendments and to inform whether they could support the text as it stands.