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Information on tasks and expected expertise for the Member State Committee

1 Introduction

The Member State Committee (MSC) of the European Chemicals Agency (ECHA) is responsible for resolving potential divergences of opinions on draft decisions proposed by ECHA or the Member States (MSs) on dossier and substance evaluation and on proposals for identification of substances of very high concern. Furthermore, MSC gives its opinion to ECHA on the substances to be put on the Community Rolling Action Plan for evaluation and on the recommendation of priority substances to be included on the authorisation list (Annex XIV). MSC thus has an important role in the key REACH¹ processes concerning evaluation and authorisation.

MSC is composed of members appointed directly by each of the 27 Member States and the three EEA-EFTA countries. Only the members appointed by MSs have the right to vote. Alternate members may also be appointed by the MSs.

This document has been developed to support MSs in appointing the most suitable member to MSC or renewing the membership of the current member by outlining the expectations of expertise for the MSC members. Further background on MSC's role, tasks and operation is provided in Appendices. Members are expected to dedicate around 30% of their work time to MSC.

2 Expectations of expertise for the MSC members

The REACH Regulation makes it clear that members of the Committees must possess the necessary qualifications in order to allow the Committees to meet the high expectations put on them.

To deal with the different tasks referred to above, a range of expertise is required within MSC to ensure that all aspects concerning these issues can be addressed.

Given the complexity of the tasks, the members of MSC need to have relevant experience and expertise in the many science areas for which MSC is responsible. Examples of areas of discussion are: mutagenicity, reproductive toxicity, sensitization, endocrine disruption for both human health and the environment, persistence, bioaccumulation, aquatic/terrestrial/sediment toxicity, environment and human exposure and toxicokinetics. Familiarity with New Approach Methodologies (NAMs), neurotoxicity and/or immunotoxicity would also be an asset. Examples of different chemistries are: UVCBs, nanomaterials, surfactants, mobile substances. Ideally, they should themselves cover one or several areas of expertise at expert level, and for a number of other areas they should either have some experience themselves and/or have access to in-depth expertise. Moreover, the members should have good understanding of the REACH requirements and regulatory science as well as have sufficient resources available for the Committee work. They should also possess the necessary negotiating skills to solve any divergences of views in an efficient manner.

¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH)

Each of the members of MSC should possess, or have access to, the necessary expertise for drawing up opinions and unanimous agreements concerning:

- evaluation of testing proposals or requirements for additional information required under dossier evaluation;
- compliance checks and examination of additional information required under dossier or substance evaluation;
- community rolling action plan for substances which could constitute a risk to human health or the environment; and
- identification of substances of very high concern and prioritising them for authorisation.

MSC is also expected to revise and further develop methodology regarding its field of competence and to give input to guidance updates.

To ensure sufficient coverage of all required expertise areas, members may be accompanied to the meetings by advisors or experts.

In accordance with Article 85(6) of the REACH Regulation, MSs are obliged to support the MSC members by providing adequate scientific and technical resources to them. ECHA reimburses the travel and accommodation expenses and pays subsistence allowances to the members.

3 Further appointment considerations

In addition to experience in one or more of the areas listed above, MSs are requested to give preference to candidates who possess significant experience at least in one, preferably several, of the following areas:

- Experience in national and EU chemicals management policy;
- Overall good knowledge and understanding of the legal requirements of the REACH Regulation, its policy objectives and the balance between these objectives;
- Experience in drafting regulatory or legislative decisions and to defend these in front of expert audiences;
- Experience in carrying out scientific and/or regulatory risk assessments;
- International experience in discussing chemical hazard or risk assessment; and/or
- Experience in the EU committee work on chemicals.

In addition to the qualifications and expertise of members, the functioning of MSC requires that members attend the meetings which are held in Helsinki, Finland at ECHA's premises on a regular basis. This includes preparation time for the plenary meetings, which, depending on the number of dossiers, can be considerable. MSC members can be called upon to act as rapporteur to prepare a draft MSC opinion, to participate in other MSC activities such as working groups, and share the responsibility to join in the debate and provide interventions in plenary sessions of MSC. Additionally, a considerable demand on a MSC member's time is stemming from written procedures used for agreement seeking in between plenary meetings. MSC members should be entitled to dedicate sufficient working time to MSC activities - at around 30% of their time.

Plenary meetings of MSC are held 4 times per year, typically for two to three full days. Some of those meetings may be held remotely. MSC has, since its start in February 2008 until April 2026, held 93 meetings. The actual number and duration of meetings will depend on the workload, on the operating procedures and on the output of any potential working groups.

Appendix 1: Composition, role and tasks of the Member State Committee

MSC is composed of members appointed directly by each of the 27 Member States and the three EEA-EFTA countries. Only the members appointed by MSs have the right to vote.

In order to ensure smooth functioning and decision making in MSC, two specific arrangements are in place with MSC: 1) MSs may appoint an alternate member who can replace the appointed member when one is not in attendance at the meeting or available to respond to requests in written consultation. 2) MSC has agreed on arrangement of proxy vote in case a member with voting right or their alternate is absent from a meeting.

In accordance with Article 77(1) of the Regulation, the task of ECHA is to provide the best possible scientific and technical advice on questions related to chemicals. MSC plays an important role to achieve this: The Committee has a conciliatory role, aiming *i.e.* to solve divergences of opinions and reach agreement amongst Member States' authorities on specific issues which require a harmonised approach, thus allowing ECHA to take decisions efficiently.

The tasks of MSC are described in REACH in Art. 76(1)(e). An overview of the MSC tasks is provided below.

1. Evaluation

MSC has an essential role in

Dossier evaluation:

- Seeking agreement when the examination of testing proposals or additional information required under dossier evaluation results in draft decisions to which amendments are proposed by MSs;
- Seeking agreement when the compliance check results in a draft decision to which amendments are proposed by MSs;

Substance evaluation:

- Seeking agreement when a MS or ECHA has proposed to amend the draft decision on substance evaluation;
- Providing an opinion on a draft update of the Community rolling action plan prepared by the ECHA Secretariat for substances which could constitute a risk to human health or the environment;
- Providing an opinion on whether or not to add a substance to the Community rolling action plan following proposals from a MS; and
- Seeking agreement in cases where two or more MSs have expressed an interest in evaluating the same substance.

Currently the tasks related to dossier and substance evaluation decision making form a substantial workload for MSC.

2. Authorisation

MSC has an essential role in:

- Seeking agreement on the identification of substances of very high concern to be included on the candidate list (SVHCs) for potential inclusion in Annex XIV (list of substances subject to authorisation); and
- Providing opinions on draft recommendations prepared by the ECHA Secretariat on priority substances to be included in Annex XIV.

These will remain as regular tasks in the work program of MSC.

In addition, the Executive Director of ECHA may request MSC to provide technical and scientific support to improve cooperation between the Community, its MSs, international organisations and third countries on scientific and technical issues relating to the safety of substances, as well as active participation in technical assistance and capacity building activities on sound management of chemicals in developing countries. MSC may also be asked to draw up an opinion on any other aspects concerning the safety of substances on their own, in preparations or in articles.

The work of MSC, including agendas and minutes of the meetings, may be consulted from <http://echa.europa.eu/web/guest/about-us/who-we-are/member-state-committee>

Appendix 2 - Working procedures of the Committee

There are fixed, in some cases very short (30 days) deadlines for the delivery of the MSC tasks. By default the majority of the cases that are brought to MSC are difficult in the sense that there are diverging views among the MSs or comments have been made on an issue. However, ECHA Secretariat provides MSC with all the necessary background information to support it in its agreement seeking either in the form of a proposal for a revised draft evaluation decision or otherwise.

In each case if an agreement is not found within the deadline, ECHA will refer the case to the Commission decision making. However, MSC would have to adopt a view on the issue and record any minority views.

The Rules of Procedure of MSC² specify many aspects of the Committee's operations, for example procedures for delegating certain tasks to working groups and use of written procedures. In addition, MSC has established specific working procedures for most of its tasks³.

MSC is chaired by an ECHA staff member, Ms Katinka van der Jagt, supported by a Committee Secretariat provided by ECHA. The Secretariat is in particular responsible for:

- organising the Committee meetings;
- co-ordinating work within the Agency and with the other ECHA Committees, and promoting consistency of the decisions within and between the Committees;
- capturing generic approaches based on conclusions from MSC and informing externals about the work and outputs of the MSC, such as meeting minutes and opinions, and maintaining a Manual of Decisions and Opinions; and
- organising the follow-up of the MSC decisions.

² MSC Rules of procedure may be consulted at the following [link](#)

³ The working procedures of MSC may be consulted at the following [link](#) in COMMITTEE'S PROCESSES