Finnish Safety and Chemicals Agency

08 July 2019 961/731/2019

ENV-CARACAL@ec.europa.eu
GROW-CARACAL@ec.europa.eu

Docs. CA/57/2019 and CA/58/2019

Finnish CA comments to Commission documents regarding Future of CARACAL and revised Rules of Procedure

We thank the Commission for providing a comprehensive paper on the Future of CARACAL as well as the amended Rules of Procedure highlighting changes made to which the Finnish CA have the following comments.

According to Article 2 of RoP, CARACAL members consist of representatives from appointed REACH and CLP Competent Authorities of each Member State. The tasks of CARACAL will be amended whereby the members will assist the Commission in the preparation of Delegated Acts for CLP (Article 1, RoP). Invitations are to be circulated via Permanent Representations for CARACAL meetings where delegated acts are to be discussed. What is the foreseen composition of these meetings in the view of the Commission? To be more precise, will Member State Competent Authorities solely make up the 'members' as may be understood from Article 2, or is it foreseen that Member States can appoint participants from other national authorities to participate in meetings for the preparation and drawing up of Delegated Acts?

In view of the increased focus in CARACAL on certain CLP issues arising from the change from the regulatory procedure with scrutiny to delegated acts procedure, we believe that the call for applications for observers is a good initiative by the Commission.

As expressed by several parties during the CARACAL-30 meeting, we also have some concerns regarding the lack of a public consultation on the draft texts for amending Annex VI of the CLP Regulation. Although a public consultation takes place as stated in the document CA/57/2019 at the level of ECHA, this consultation covers only the CLH proposal by the dossier submitter. During the development of an opinion by ECHA's Risk Assessment Committee, it is possible that the outcome may vary from the originally proposed harmonized classification. In this event, the opportunity for stakeholders to provide comments would be valuable before the adoption of the draft regulation by COM. A compromise could be warranted in cases where the resulting draft regulation is in line with the harmonized classification proposed in the CLH dossier, as this would already have been subject to commenting at the ECHA level.

It is very important that documents are made available with sufficient time allowing discussion at national level before discussions take place at CARACAL. We kindly request the Commission to consider an extension of the currently stated

Finnish Safety and Chemicals Agency

Helsinki
P.O. Box 66 (Opastinsilta 12 B)
FI-00521 Helsinki
Finland

Tampere
Yliopistonkatu 38
FI-33100 Tampere
Finland

Rovaniemi
Valtakatu 2
96100 Rovaniemi
Finland

Tel. +358 29 5052 000
www.tukes.fi
e-mail kirjaamo@tukes.fi
Business ID 1021277-9

two-week timeline (Article 5) for documents to at least 3 weeks, but preferably 4 weeks. We also propose that urgent and exceptional cases whereby the time limit is reduced to seven calendar days is not applicable to delegated acts.

Regarding the voting procedure outlined in Article 6, we propose that the text is elaborated to clearly state the non-applicability of this procedure to delegated acts.

Head of Unit — Annette Ekman

Senior Officer — Emma Tarvainen

C.c. Hanna Korhonen, Finnish Ministry of Social Health and Welfare
Hinni Papponen, Ministry of the Environment

Finnish Safety and Chemicals Agency

Helsinki
P.O. Box 66 (Opastinsilta 12 B)
FI-00521 Helsinki
Finland

Tampere
Yliopistonkatu 38
FI-33100 Tampere
Finland

Rovaniemi
Valtakatu 2
96100 Rovaniemi
Finland

Tel. +358 29 5052 000
www.tukes.fi
e-mail kirjaamo@tukes.fi
Business ID 1021277-9