EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE GENERAL
Food and feed safety, innovation
Pesticides and Biocides

MINUTES

103rd meeting of representatives of Members States Competent Authorities for the implementation of Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products

14-15 March 2024

1. Adoption of the agenda	For adoption *CA-March24-Doc.1*	

In the open session, one AOB point was added, regarding the upcoming PFAS restriction under REACH, as requested by one Member State.

In the closed session, two AOB points were added at the request of two Member States. The first point addressed a question on the renewal of anticoagulant rodenticides, while the second point related to a workshop on the implementation of measures to progress on the dossiers evaluations.

The agenda was endorsed.

2. Adoption of the draft minutes of the previous CA meeting	For adoption *CA-March24-Doc.2.a* *CA-March24-Doc.2.b_Restricted*	

The minutes of the previous CA meeting were adopted.

3. Draft delegated acts

4. Biocidal products		
4.1. Report from the Coordination Group	For information	**Closed session**

The Commission explained that this point will also be addressed during the closed session. However, during the open session, an overview was provided on the key discussions and agreements from the 60th Coordination Group (CG) meeting held on 13-14 February 2024 (CG-60).

The main points from the CG meeting was that six referrals were discussed, out of which two were closed. No agreement was reached on several points for the remaining four referrals, and additional meetings have been scheduled to address those points.

4.2. Feedback from seminar on national authorisations	For information	

The Commission provided feedback on the Seminar on national authorisations, held on February 15th, 2024.

The main points from the seminar were:

- The participation rate was quite high, with almost 80 participants from Member States and candidate countries.
- While the seminar aimed to share best practices on national authorisations, the Commission did not intend to adopt formal conclusions because it was meant to be an open and informal discussion among competent authorities.

- Regarding the delays in national authorisation procedures, the recurring issues raised by Member States included the complexity of legislation, update of guidance, poor quality of submitted dossiers, and lack of resources.
- A discussion took place on risk mitigation measures (RMMs) and setting them up for product authorisation, with positive outcomes. Some Member States volunteered to work on the list of frequently used sentences in the SPC to clarify and streamline RMMs for product authorisations.
- A session was dedicated to the fee collection system, with a presentation by the Irish Competent Authority, followed by a discussion among member states on how fees are set and the fee structure.
- Another session focused on data collection on usage, featuring a presentation by Belgian colleagues.

The Commission expressed gratitude to Member States that contributed presentations and expressed a desire to organise a second session of the seminar next year. It also encouraged Member States to actively contribute and reflect on topics for a possible future seminar, not typically addressed in regular meetings of the CG, CA and Standing Committee.

4.3. List of pending Article 36 requests	For information *CA-March24-Doc.4.3*	**Closed session**

This item was discussed in closed session.

4.4. Discussion on SBP Regulation (Regulation (EU) No 414/2013)	For information	

The Commission explained that they had planned to present an amendment to the regulation on SBP Regulation to the 83rd meeting of Standing Committee, but further work was needed on the draft text. Consequently, this presentation will be postponed to the next Standing Committee meeting in June.

The Commission informed Member States that they have ultimately decided to replace the Regulation instead of making a mere amendment of the current one. They will repeal the current regulation, considering it will be easier for all stakeholders to understand the applicable provisions. The modifications are numerous, not only in terms of content but also in terms of language. Several articles have been rephrased, and sentences have been modified throughout the Regulation.

The Commission plans to discuss the draft Regulation concurrently with the amendment of the Regulation on renewals in mutual recognition (Regulation (EU) No 492/2014).

The Commission noted that they have considered all comments received, including those from the industry, and are striving to accommodate them as much as possible. They reiterated that the discussion will continue in the Standing Committee, as this pertains to an implementing act.

A Stakeholder Observer inquired whether the representative of industries would have access to the new draft through the “Have Your Say” procedure, given that it will no longer be discussed in the CA meeting.

The Commission confirmed that both draft Regulations will be accessible in "Have Your Say" portal in the coming weeks and that for the regulation related to renewals under mutual recognition, they currently foresee only an amendment of the current regulation.

Regarding the review programme, the Commission recalled that discussions last year highlighted measures that may require modifications to the current Review Regulation, such as the removal of the possibility to take over the role of participants. Although they have not yet actively started working on the text itself, the plan is to have it finalised by the end of the year. Stakeholders will also have the opportunity to provide comments on the text through a "Have Your Say" portal, and since it is a delegated act, it will be discussed in the CA meeting as well.

4.5. Union authorisation: Overview of past Article 44(5) requests for derogation	For discussion and agreement *CA-March24-Doc.4.5.a* *CA-March24-Doc.4.5.b*	**Closed session**

This item was discussed in closed session.

4.6. Status of the Union Authorisation process	For discussion *CA-March24-Doc.4.6*	**Closed session**

This item was discussed in closed session.

4.7. Overdosing of products	For discussion *CA-March24-Doc.4.7*	**Closed session**

This item was discussed in closed session.

4.8. Setting risk mitigations measures at product authorisation	For discussion	

As a follow-up from the seminar on national authorisation of 15 February 2024, the Commission asked Member States if they would be interested to form a group to work on the list of frequently used SPC sentences with regard to RMMs. They aim of that group would be to take stock of the sentences concerning RMMs and to discuss and propose to the CG a way to clean up and improve the list to make it more accessible and useful and to ensure harmonised and consistent decisions in authorisations. The Commission stressed that this exercise relies on Member States' participation and engagement in agroup of Member States.

Four Member States expressed their interest to engage and contribute to this exercise during the meeting. Member States were requested to express their interest in a newsgroup by 15 April 2024.

4.9. Authorisation pursuant to Article 19(5) and mutual recognition	For discussion *CA-March24-Doc.4.9*	

The Commission introduced the item and informed that they added a disclaimer to this presentation to make it clear that the presentation is drafted in the interest of harmonised

implementation of the rules,that it does not represent the official position of the Commission and that only the Court of Justice can interpret EU law. The Commission expressed the desire to reach a reasonable approach for this type of authorisations. They encouraged Member States to engage in discussions.

One Member State agreed with all the analysis made by the Commission on how it should work and how the articles should be interpreted. Regarding the necessity to have a Member State volunteer to take over the work, they suggested having discussions in the CG and establishing a proper procedure to ensure its effectiveness. Concerning authorisations under Article 19(5) of the BPR, they emphasised that it might be mentioned in documents but is not clearly visible in R4BP3. They also suggested having the same system for Article 37 of the BPR, because at the renewal stage, it's very difficult to track what happened and to ensure that renewals are grouped together.

Another Member State commented on the possible situation of the reference Member State and a concerned Member State granting authorisation based on different provisions (Article 19(1) and Article 19(5)) of the BPR (slide 8), as it believed this situation is not possible according to the BPR. To their view, if a reference Member State and a concerned Member State come to different conclusions on whether the conditions for authorisations are fulfilled, the matter will be referred to and resolved by the Commission. They emphasised the need to develop a tool in R4BP3 as suggested by the previous Member State to have clarity on what use(s) or product(s) is(are) authorised under Article 19(5) and Article 37 of the BPR.

The Commission clarified that slide 8 of the presentation was drafted having in mindpossible situations that may be faced in mutual recognition of authorisations of anti-fouling paints (PT21), specifically when Member States agree that the conditions are fulfilled in some of them but not in others. Questions on how to address these situation have already been raised by Member States in the CG. This situation may also arise when national sales data are used to refine the environmental risk assessment. The Commission pointed out that applicants and Member States should reflect on whether it is wise to apply for mutual recognition for PT21 products, if different outcomes as regards the compliance with the conditions for authorisation are expected depending on the Member States. The Commission stressed the importance of having a mutual recognition system that runs smoothly, requiring applications that fit the procedures.

Another Member State supported the Commission's proposal to have a more documented ground for derogation in the SPC and the PAR for Article 19(5) or Article 37 of the BPR. They also supported the proposal for easy access to biocidal products' authorisations authorised under Article 19(5) or Article 37 of the BPR.

ECHA invited Member States to reflect on the implications of taking over a case late in the process, including fees, assessment, and delays. The Commission recalled instances of managing the takeover of certain applications due to Brexit and encouraged Member States to further reflect on this issue.

A newsgroup will be open until the end of April for Member States to provide feedback, with discussions continuing in the CG in April.

4.10. Products consisting of in-situ generated nitrogen and Article 55(3) derogation	For information	

The Commission recalled that discussions on the use of in situ nitrogen products for the protection of cultural heritage began in May 2019. Between 2020 and 2022, ten decisions were adopted allowing ten Member States to authorise products consisting of in-situ nitrogen for that use. These decisions included a common deadline for the authorisation, specifically end of December 2024. The Commission also noted that when establishing this deadline, they aimed to estimate the time required for applications for inclusion into Annex I and subsequent product authorisations.

Additionally, the Commission informed that the delegated act which included in situ generated nitrogen in Annex I to the BPR was adopted on 29 February 2024 and is currently undergoing a two-month scrutiny period by the Council and European Parliament. The act is expected to be published in early May and will then enter into force, allowing the submission of applications for authorisations under the BPR.

In January, the Commission reached out to the ten Member States addressed in its decisions to inquire about granted authorisations for these products under national derogations, and whether the in situ generating system would be eligible for simplified authorisation. Replies were received from six Member States, of which five issued authorisations for such products and considered them a priori eligible for simplified authorisation. One Member State, however, informed to have opted for an exemption from enforcement rather than granting product authorisations.

The Commission emphasised that applications for simplified authorisation can be submitted as soon as in situ generated nitrogen is included in Annex I, thus likely early May. It encouraged Member States that granted temporary authorisations to advise companies to promptly act to ensure timely granting of product authorisations by the end of the year. This implies that applications should be prepared and submitted swiftly after the publication of the inclusion on in situ nitrogen in Annex I to the BPR.

4.11. Overview of Article 55(1) derogations in 2023	For information *CA-March24-Doc.4.11*	

The Commission provided an overview of the derogations granted under Article 55(1) of the BPR in 2023 and invited Member States to notify the Commission when granting these permits. This notification facilitates the Commission's monitoring of products made available on the market in derogation to the general BPR rules.

Member States were reminded that if they seek to extend national measures following a derogation, they must request permission from the Commission. The Commission clarified that if a Member State still requires the derogation after the expiry of the temporary permit, it must inquire about the possibility of extending it for a period of 550 days. Upon the expiry of this period, if the need persists and is justified, a new derogation might be issued, as exemplified by the Biobor case.

It was emphasised that derogations should be limited to the minimum necessary, ensuring products unavailable in certain countries are accessible where needed. An update on the Biobor case was provided, indicating a delay in the submission of the application for approval of the active substance to the second quarter of 2025.

A Member State raised concerns about the omission of several derogations from the Commission's table, despite having provided notifications. The Commission pledged to review the table to address any oversights.

Regarding the extension of derogations, a Member State noted a shift towards granting consecutive 180-day derogations instead of requesting 550-day extensions to reduce workload. They queried the Commission's change in stance on this matter. The Commission clarified that normally a 180-day permit should be followed by a 550-day prolongation when the conditions in Article 55 are met.

5. Active substances		
5.1. Progression of the review programme on active substances	For information *CA-March24-Doc.5.1*	

The Commission provided an update on the progress of the review programme, noting that few reports were submitted by Member States last year. No reports were submitted outside the review programme, but some were received regarding the renewal of active substances. Regarding the opinions of the BPC, 18 opinions on the review programme were adopted, while none were adopted on backlog reports. Additionally, two opinions were finalised and adopted concerning active substances outside the review programme.

The Commission also announced that the delegated Regulation extending the review programme until end of 2030 has been adopted, and is now being transmitted to the Council and Parliament for scrutiny.

The number of decisions adopted in 2023 exceeded those of 2022. The Standing Committee was consulted on 23 decisions regarding active substance/product-type combinations. However, there are still approximately 36 backlog dossiers, and the Commission urged Member States and ECHA to make progress on them.

Furthermore, Member States were encouraged to implement agreements reached, particularly at the last CA meeting, regarding various actions. The Commission also informed being discussing internally on two provisions of the document agreed upon at the last CA meeting concern how to proceed when ED data are still missing when the substance already meets other exclusion criteria, or when it is confirmed that the substance is not an ED for human health but there is still a lack of data to assess the ED for the environment.

5.2. Progression of the renewal process of approval of active substances	For information *CA-March24-Doc.5.2*	

The Commission introduced the point, noting the numerous deadlines this year regarding the renewal of active substance approvals.

Furthermore, the Commission reminded Member States to inform them when making decisions regarding whether to conduct a limited or full evaluation. This notification is important to enable the Commission to prepare the necessary extensions in most cases.

5.3. ECHA Active Substance Action Plan – progress update	For information *CA-March24-Doc.5.3*	

ECHA provided an update on the progress of the active substance action plan (ASAP) and presented its proposal to discontinue the ASAP reporting as done in the past, inviting Member States and the Commission to agree. The conclusion of ASAP would not affect the current and

future supporting actions by ECHA that would continue, and ECHA will continue to report to the CA meeting. No comments were raised by Member States.

Additionally, ECHA announced that it organised an information session at the end of March 2024, focusing on guidance particularly on ED assessment. Member States were encouraged to take advantage of this opportunity for one-on-one sessions with ECHA experts, which are also offered to assist them in developing their dossiers further on this specific aspect in agreement with the target date of June 2024 for making ED data requests.

5.4. Streamlining the process for substances meeting the exclusion criteria	For discussion and agreement *CA-March24-Doc.5.4*	

The Commission introduced the agenda item, reminding the past discussions in the CA meetings and inviting CA members to conclude on the proposals of the document.

One Member State supported the 'open' approval approach for substances meeting the exclusion criteria, on the basis that not all uses are known at the initial approval stage and that it is not possible to perform a risk assessment for uses only mentioned in the public consultation. Two other Member States had similar concerns on the need for a risk assessment for the uses not included in the application dossier.

Three other Member States and ECHA expressed their support to the Commission's proposal for a 'restrictive' approach for approval. One of them highlighted that only through a restrictive approach treated articles can be efficiently regulated.

The Commission services mentioned that there is no perfect solution on the matter, but highlighted that the 'restrictive' approach is closer to the spirit of the BPR. They clarified that eCAs would not be obliged to perform a risk assessment for uses raised only during the public consultation on which relevant data are lacking, but pointed to the importance of concluding whether there is a disproportionate negative impact to society in case of non-approval/renewal, even when the level of risk could not be accurately defined. The Commission reminded that it plans to provide for an opportunity to involve ECHA's SEAC in the future to support the BPC work, at the occasion of the establishment of the future new ECHA Founding Regulation.

ECHA mentioned that a BPC Working Group is being established for handling the analysis of Article 5(2) of the BPR. A new webform is being created to host the new approach agreed for a merged public consultation when substances meet the exclusion criteria (Article 10(3)+Article 5(2)), as agreed in the last CA meeting of December 2023.

A Member State expressed its reservations whether the BPC should provide an opinion on Article 5(2), since they believe that this should be derived from a political perspective. The Commission replied that the BPR does not exclude the BPC from this work, and reminded that the Standing Committee on Biocidal Products will eventually be the final actor consulted on the decision to adopt on a substance.

The Commission concluded that the document is endorsed by the CA members, after the incorporation of text revisions proposed by CA members on paragraph 12 of the document. One Member State did not agree with the endorsement of the document, and asked that their position is recorded in the minutes.

Finally, the Commission reminded that the new process for the public consultation agreed in the last CA meeting of December 2023 is already applicable for all active substances meeting the exclusions criteria of the BPR that enters into peer review at ECHA level. They also reminded that once a substance is identified as meeting exclusion criteria, the eCAs should

request from the applicants within an appropriate timeframe to provide data supporting Article 5(2) of the BPR on their substances. They also mentioned that the public consultation is a tool not made specifically for the applicant, but rather made for third-parties. The applicant has the obligation as set in the BPR to provide evidence in its application that the conditions set out in Article 5(2) of the BPR would be met. The applicant should thus liaise with the eCA bilaterally on the matter, and eCAs should contact the applicant as soon as they identify the substances as meeting one of the exclusion criteria. CEFIC (Biocides for Europe) asked that this clarification is added in the minutes, highlighting that the applicant might need several months up to a year to provide to the eCA elements supporting Article 5(2) of the BPR,), e.g. a full Socio-Economic Analysis (SEA), and that a fair and realistic timeframe should be considered by the eCAs when they make their relevant requests related to that Article.

5.5. Disodium tetraborate: renewal of approval and biocidal products	For discussion and agreement *CA-March24-Doc.5.5*	

The Commission introduced the agenda item, proposing to keep the latest extension of approval of disodium tetraborate valid as such (expiring on 31 August 2026) and solve the issue via the renewal of the active substance, where the identity of the substance would be properly determined (Option #2 of the document).

8 Member States expressed their support for the proposal of the Commission (Option #2), arguing that it is pragmatic and will consume less resources.

One Member State would prefer to repeal the latest extension and replace it by a new one that would solve the issue. However, they stated that they would not object to the proposal of the Commission (Option #2) if the majority of the Member States agrees with it.

The Commission concluded that the CA meeting members agreed to follow Option #2 of the document and wait for the renewal of the substance to tackle the issue. In case a further extension of approval is needed, the new extension will tackle the issue.

6 Treated articles
No item for information or discussion

7. Horizontal matters		
7.1. Financial assistance to Member States 2023-2028	For information	

The Commission mentioned that all 9 Member States which applied for the grants signed the relevant contracts on time, and thus they can benefit from the financial assistance provided by the Commission. More than 6.8 million euros (over 10 million in the project) are directed to biocides.

7.2. ECHA communications	For information	

ECHA provided updates on the following items: a) results coming from a satisfaction survey on ECHA biocides activities, b) the roll out of SPC IUCLID, c) practical guides updates, and d) information on how to notify the list on treated articles (e.g. creosote).

One Member State inquired about the submission manuals and the SPC IUCLID, on which ECHA provided further clarifications.

One Stakeholder association asked whether specific discussions in the Coordination Group should be on open or closed to the industry associations. The Commission replied that when a topic has an horizontal nature this is usually transferred to the CA meeting.

7.3. Applicability of ECHA guidance on bees for biocides	For discussion and agreement *CA-March24-Doc.7.3*	

The Commission presented the item and invited Member States to agree on the revised proposal. They clarified that the guidance will not affect active substance and product applications currently under assessment, but will be applicable to all applications submitted after 1 February 2026, including product authorisation applications where the product contains an already approved active substance for which the guidance is not applicable.

Many Member States expressed support for the proposal, while one raised concerns about not adhering to the existing process for new guidance, which involves six months for active substances and two years for products. They argued that since this guidance is a high priority, the agreed process should be followed.

The Commission responded by stating that time is needed to develop the calculator required for applying the guidance and emphasised the alignment with pesticide regulations, which will also take two years for implementation. They acknowledged the need for time to generate data and align the approach with PPP regulations.

The Member State suggested that the guidance could be implemented without the calculator, although with more time required, and supported its immediate application.

The Commission concluded that the document was endorsed.

7.4. Applicability of ECHA Guidance on the impact of water treatment processes on residues of active substances or their metabolites in water abstracted to produce drinking water	For discussion and agreement *CA-March24-Doc.7.4*	

The Commission proposed to implement the same approach for the guidance on the impact of water treatment processes as agreed for the guidance on bees.

One Member State agreed to the proposal. Another Member State disagreed and requested that the guidance document should not be applied to any procedure until the review programme is finalised. That Member State also indicated that there are open points that need to be agreed before it can be applied. A further Member State disagreed with the proposal but requested that for this document the general agreed approach for the applicability of guidance should apply. A Member State asked for confirmation that the proposal for the applicability of the guidance in the area of plant protection is that it would only be applied to product authorisation procedures if it was applied in active substance approval before. The Commission confirmed that it was the

case. That Member State requested the alignment with the proposal for the applicability of the guidance for biocides. Another Member State requested to have a longer period before the implementation and another wondered if an impact assessment on the effect of the application should be done.

The Commission requested Member States to provide comments in a newsgroup by 30 April 2024 and in particular to explain how the assessment of the impact of water treatment process is currently performed.

7.5. ECHA guidance priorities	For discussion and agreement *CA-March24-Doc.7.5*	

ECHA introduced the document, and the Commission emphasised the importance of the guidance on disinfection by products for assessing active substances and product authorisation comprehensively, ensuring comprehensive conclusions without any ambiguous areas.

However, the Commission raised questions regarding the necessity of developing guidance on dietary risk assessment, considering existing guidance at the EFSA level, as well as on biocides. They noted that so far no Member State has volunteered and encouraged their involvement in developing these documents.

One Member State highlighted the need for specific guidance on dietary risk assessment for biocides due to discrepancies among Member States and differing approaches to product authorisation. They expressed willingness to collaborate, potentially through the "ARTFood" ECHA working group. Another Member State expressed interest in the guidance, though leadership was still under consideration.

The Commission reiterated the importance of Member States' support in contributing to this work, particularly for product authorisation issues.

One Member State agreed to the current form of the document and volunteered assistance. The Commission reiterated its call for Member State participation and announced the opening of a newsgroup until mid-April to solicit volunteers, with coordination by ECHA.

The Commission emphasized the importance to progress on the development of guidance document on the assessment of disinfecting by products, which was supported by 2 Member States.

In conclusion, the Commission endorsed the document, emphasising the collaborative efforts needed from Member States.

7.6. ECHA WG on in-situ: update	For discussion *CA-March24-Doc.7.6.a* *CA-March24-Doc.7.6.b (CA-July19-Doc.4.1-Final_rev3_ECHA)*	

ECHA presented several regulatory questions to be solved before progressing on the revision of the BPC Working Groups recommendations on the evaluation of the risks of in situ active substances and biocidal products. ECHA recalled that the definition of in situ active substance (isAS) includes any impurity deriving from the in-situ generation process. At the approval stage, the composition of the isAS is based on an 'example product', but the composition of the isAS may vary depending on the type of devices, the parameters applied to the device and its conditions of use (ex: quality of the media treated etc…). It is therefore expected that at the

product authorisation stage, the composition of the isAS will differ from the composition of the approved active substance. ECHA therefore questioned the need to perform a technical equivalence of the isAS. According to ECHA, technical equivalence should not be required for isAS but for precursors marketed for biocidal purposes. Consequently, the reference specifications of the precursors marketed for biocidal purposes shall be described at the active substance approval stage (i.e. need to provide analytical data on5 batch). It is also not possible to establish such equivalence of isAS as they are generated at different locations and under different conditions that would make impossible the evaluation of technical equivalence. When the description of the second precursor is very general (e.g. acid), the composition of the isAS may also vary depending on the nature of the second precursor used.

ECHA clarified that at the approval stage, information on precursors (via reference specifications or EN standards) as well as the global composition of the isAS assessed would have to be provided by the applicant and assessed by the eCA.
The applicant for product authorisation needs to know the composition of the approved isAS to correctly prepare its dossier for authorisation. ECHA would thus advise the applicant for authorisation to discuss the composition of the approved isAS with the active substance applicant. If the composition of the two isAS do not match, the applicant for product authorisation would have to provide additional data on the isAS in its application for product authorisation. These new data would have to be assessed according to the available procedure for the submission, evaluation and dissemination of data generated after the active substance approval.

Two Member States expressed strong concerns about the amount of work entailed by this approach at the authorisation stage, in particular if the variations in the active substance specifications are allowed at the product authorisation, which would lead to the need to assess at the BP stage a large amount of new data on the active substance itself. In this case, the added value of an approval is unclear. It is also questioned how the applicant for product authorisation could have access to the confidential full composition of the active substance defined at the approval stage. The proposed approach seems unmanageable within the limited timeframe for granting an authorisation. Both Member States promised to come back with an alternative proposal to be discussed with a smaller group of commenters before the June CA meeting.

Two other Member States showed their support to the ECHA proposal. One of them requested the amendment of the footnote 13 of the CA document on the management of product authorisation in case of in situ to indicate that commodity chemicals are those usually marketed above 1000 tons a year. Another Member State clarified that ECHA's idea is to assess whether the isAS generated by a specific device is significantly different from the composition of the active substance which was assessed at the approval stage. Even if the global composition defined at approval stage of AS is not respected, it would not mean that the approval would need to be regularly revised. This Member State asked whether ECHA would be able to conduct a similarity check for the isAS approved similarly to what was done under REACH. A proposal will be sent in writing.

The Commission explained that for conventional products, the composition of products always varies compared to the reference product seen at the approval stage, and the co-formulants present in the biocidal product are assessed and a separate risk assessment of those non-active substances is performed if needed. This assessment is made at the product authorisation stage. Member States should reflect why the situation would be different with isAS and in situ generation product. The main issue on the management of in situ is to find the right balance between what can be done at the approval stage and what can be done at the product authorisation stage, having also in mind the implications on the market.

One stakeholder association explained that the concerns expressed by two Member States were already addressed during the working groups discussions and urged the CA meeting to agree with the proposed approach to help ECHA to finalise the long-awaited ECHA WGs recommendations.

ECHA concluded that this approach is a fair compromise between different options discussed at WGs levels. ECHA will organise bilateral meetings with the three Member States expressing concerns.

The Commission informed that a newsgroup will be open until 30th April 2024. In particular, Member States not supporting the ECHA proposal should provide detailed reasons, as well as alternative proposals with explanations on their feasibility.

7.7. ECHA guidance on Letter of access	For information	

The Commission informed that they did not upload a finalised document in CIRCABC, because, after the last CA meeting in December, they received requests for editorial modifications to the text from both ECHA and one Member State. It thus agreed that ECHA would update the current guidance (Practical Guide on Letters of Access) to incorporate the discussed principles.
ECHA confirmed their intention to initiate this update and anticipated having the updated version after the summer. A stakeholder observer inquired whether the new guidance would be prepared by an external legal partner, as with previous versions. ECHA responded that the new guidance would be drafted internally by ECHA.

7.8. MRLs setting taking into account biocidal uses	For discussion *CA-March24-Doc.7.8*	

The Commission informed that internal discussions on how to handle MRLs for biocides are still ongoing, and therefore they were not in a position to present a document.

7.9. Update on Court cases	For information	

The Commission provided an update on Court cases.

7.10. Information on Commission report on the exercise of delegation under Article 83 of the BPR	For information	

The Commission reported that they have prepared the report under Article 83 of the BPR on delegated acts adopted between October 2016 to January 2023. This report is directed to both the EU Parliament and the Council. Once published, they will inform Member States about the report.
The Commission also reminded Member states to start the work on their national implementation reports of the BPR by June 2025, on which a more detailed reminder will be made at the next CA meeting.

7.11. Information on Commission proposals	For information	

related to One substance one assessment: COM (2023) 783 (re-attribution tasks and improving cooperation among Union agencies), COM (2023) 781 (re-attribution of tasks to ECHA), COM (2023) 779 (common data platform on chemicals)		

Colleagues of DG ENV presented the One Substance One assessment package, proposed on 7 December 2023, and currently in co-decision.

Regarding companies notifying tests they generate, DG ENV clarified that practical arrangements for implementation of the notification of tests, similar to those in food legislation, will be set by ECHA. It mentioned that EFSA's guidance on similar notification system initially had a broad scope, but was reduced over two years excluding certain tests. DG ENV expects ECHA to use EFSA's Q&A as a model, considering the diverse nature of the 70 legislations covered by the notification system.

One Member State raised concerns about agricultural and PPP regulations' monitoring, which DG ENV confirmed will be covered in the data platform. However, sales data won't be included unless available at agency level.

ECHA highlighted the importance to have the information in IUCLID format. Furthermore, it indicated that they have been already consulted by EFSA for a revision of the definition of "study" in the scope of the notification system, in order to harmonise and streamline the process.

The Commission encouraged Member States to discuss the matter at the national level with their colleagues following the "one substance one assessment" policy.

7.12. Newsgroup input on the proposal of restriction of sensitisers in certain articles under REACH	For information	

The Commission informed the CA members that they collected the comments received from the newsgroup. They intend to discuss further with DG GROW and DG ENV on the proposed restriction under REACH. They will update the CA members on the matter and invited them to liaise with their national authorities working on REACH.

8. Scope matters
No item for information or discussion

9. Enforcement issues
No item for information or discussion

10. International Matters

	No item for information or discussion

11. AOB			
(a)	List of Competent Authorities and other Contact Points	For information *CA-March24-Doc.11.a*	

The Commission invited Member States to inform them in case of changes to be made, so that the list can be updated before the next CA meeting.

(b)	Question from the Netherlands PFAS restriction on the REACH	For information	

The Commission recalled that PFAS restrictions proposal is being examined under REACH. The Commission stated they will monitor this issue closely, recognising its relevance to plant protection products where multiple PFAS are used as active substances, and invited Member States to do the same at national level.

(c)	Question from Switzerland on the renewal process of the product authorization concerning anticoagulant rodenticides	For information	**Closed session**

This item was discussed in closed session.

(d)	Information from the Netherlands_Workshop on implementation of measures to speed up the process of BPR authorisation	For information	**Closed session**

This item was discussed in closed session.