

**Helsinki, 25 May 2011  
SEAC/M/10/2011 FINAL**

**Final**

**Minutes of the 10<sup>th</sup> meeting of the Committee for Socio-economic Analysis**

**9-11 March 2011**

## **I. Summary Record of the Proceeding**

### **1) Welcome and apologies**

Ms Ann Thuvander, Chair of the Committee for Socio-economic Analysis (SEAC), ECHA, welcomed the participants of the tenth meeting of SEAC.

The Chair informed that apologies had been received from three members. Members' advisers present at the meeting as well as observers of the European Commission (COM) and observers of eight stakeholder organisations and one international organisation participating to the meeting were introduced. The Chair informed that RAC (co-)rapporteurs were to follow relevant parts of the meeting.

The list of attendees is given in Part III of the minutes.

The Chair informed that Marie DALTON (IE), Henri BASTOS (FR), Jorgen SCHOU (DK), Heidi MORKA (NO) and Marit KOPANGEN (NO) were to follow the meeting remotely via Webex. The Chair also mentioned that the meeting would be recorded and the records would be destroyed after the adoption of the minutes.

### **2) Adoption of the Agenda**

The Chair introduced the draft Agenda of SEAC-10. The following suggestions for additional items to discuss under AOB had been made prior to the meeting:

- Report on the 19<sup>th</sup> meeting of the Commission of Sustainable Development in the US (Luminita Tirchila)
- Network of Experts on Benefits and Economic Instruments (Mike Holland)

The Agenda was adopted without any further changes. The Agenda is attached to these minutes as Annex II.

### **3) Declarations of conflicts of interest to the Agenda**

The Chair requested members and their advisors to declare any conflicts of interest to any of the specific agenda items. Five members and two advisors declared potential conflicts of interest to the substance-related discussions in the agenda items 8b) (two members, one advisor), 8c) (two members) and 8d) (one member, one advisor).

### **4) Administrative issues**

SEAC agreed that members whose term of office has expired but who continue acting as (co-)rapporteurs would be invited to the relevant SEAC meetings as invited experts without prior agreement of SEAC.

SEAC agreed also the procedure proposed by the Secretariat for inviting certain persons, such as advisors to SEAC members who continue acting as (co-)rapporteurs, to the SEAC meetings as observers as given in Article 6(9) of the SEAC Rules of Procedures according to which prior agreement of the Committee would not be required. The Chair would inform the Committee prior to the meeting about the observers invited to the meeting and about the reasons for their invitation.

#### **a) Changes in the SEAC composition/nominations**

The Chair informed that since the last SEAC meeting, the following members have joined the Committee:

Finland	Johanna KIISKI
France	Karine FIORE-TARDIEU
Italy	Federica CECCARELLI
Lithuania	Vitalius SKARŽINSKAS
Sweden	Åsa THORS

#### **b) Outcome of written procedures**

The Chair updated the Committee on the recent written procedure for the adoption of the SEAC-9 minutes and informed that the minutes were adopted by consensus.

SEAC was informed that the SEAC-11 meeting was to be held on 14-16 June 2011 and the tentative booking for the second week of June (7-10 June) could be therefore released.

#### **5) Status report of the action points of SEAC-9**

The Secretariat provided an update of the status of the SEAC-9 action points and main conclusions. The Secretariat reported that most actions had been completed on time. One action point, namely regarding feedback from RAC-13 on the meeting outcome was delayed and the Secretariat would update the relevant document after the SEAC-10 meeting.

As regards the question of the wording “EU Community” or “EU wide” as a consequence of the Lisbon Treaty, the Secretariat reported that “EU wide” should be used. Nevertheless, it was proposed that the templates of the opinions on restrictions would be updated only when the overall revision of the restriction process takes place.

#### **6) Feedback from other bodies and activities**

##### Feedback from other ECHA bodies

The Chair informed that a meeting document (SEAC/10/2011/01) had been distributed with updates from the ECHA Committees and Forum as well as the Management Board. The Chair highlighted that the MB was discussing increasing workload of the ECHA Committees and the need for efficiency and streamlining of working methods of the Committees.

The Secretariat informed also about the developments concerning the revision of the Forum working procedure on the preparation of the Forum advice on enforceability of restrictions. In order to better align the Forum procedure with the procedures of RAC and SEAC and to improve the cooperation between the Forum, RAC and SEAC, the Forum Working group agreed on an updated procedure to be tested on the next restriction dossier. The Forum had also expressed its intention to address the issue of enforceability at the dossiers submitter level.

## 7) Feedback on the satisfaction survey

The Secretariat presented the results from the annual satisfaction survey for SEAC (SEAC/10/2011/02) and the Secretariat's proposals for improvement of the quality of the service delivered to SEAC.. It was reported back that overall SEAC remained satisfied with the way the Secretariat organises the meetings and the work of SEAC. The results of the satisfaction survey showed that SEAC wanted to have more meeting time dedicated to the key issues relevant for SEAC, a better structure of the agenda and an increased level of participation of SEAC members in the discussions. The Secretariat proposed several actions for improvement which are described in the aforementioned document.

## 8) Restrictions

### a) General restriction issues

#### *Status of the background document*

The Secretariat gave a presentation on the status of the background document (BD) in the restriction process. The Secretariat suggested that the BD would be regarded as a reference material to the opinions rather than a part of the opinion. As such RAC and SEAC would formally take note of the BD at the end of the opinion formulation process. The Secretariat presented a disclaimer to be used with the BD, which stipulates that the document contains further details and assessment in addition/beyond the justifications provided in the opinions and that it may be used to better understand the opinions and their justifications. The disclaimer highlights that the BD is a supporting document based on the Annex XV restriction report submitted by the DS, and is updated to support the opinions of the Committees. The Secretariat also explained that the rapporteurs have the responsibility to ensure that the BD is revised in line with different versions of the opinion, but they may ask the dossier submitter (DS) or the Secretariat to make updates of the BD.

Several members welcomed the solution proposed by the Secretariat, which was seen as very pragmatic, considering the size of the document and the principle task of the rapporteur to draft the opinion on a proposed restriction. Some members expressed their concern about potential inconsistencies between the opinion and the BD and risk of too long opinions as a result of the solution. The Secretariat explained that the balance between the opinion and the BD should not change and opinions should remain short.

The Chair confirmed that during the 60-day public consultation third parties would be invited to comment solely on the SEAC draft opinion and the BD would be provided as a reference document.

Following the comments of some members on the appropriateness of recording minority positions in the minutes and not in the opinion, the Chair suggested that this would be considered during the planned overall revision of the restriction process.

**SEAC agreed with the Secretariat's suggestion to consider only the opinion as a document for agreement or adoption and to take note of the BD that has to be in line with the agreed/adopted opinion. SEAC proposed to change the last sentence of the BD disclaimer by replacing the word "reflect" by the word "support" to better reflect the connection between the opinion and the BD. The Secretariat agreed to consider this decision of SEAC and modify accordingly the SEAC working procedure for formulation of opinions on restrictions and the opinion format for restriction opinions in the second half of 2011.**

### *Proportionality*

The Secretariat gave a presentation on its view on proportionality as referred to in Annex XV, section 3 of the REACH Regulation.

The relationship between proportionality and effectiveness was discussed in general. Some members suggested that proportionality is not just about the effectiveness of a restriction to reduce risks and the related effort (costs). They thought that all elements of Annex XVI (e.g. the ability to pay and distributional impacts) would be relevant when assessing proportionality of a restriction. This would in practice imply that a full cost benefit analysis (CBA) (including weights on distribution) would need to be conducted.

The Secretariat pointed out that the issue touches upon the difference between the content of a restriction report as defined in Annex XV and the tasks of SEAC. Whereas Article 71(1), states that SEAC shall formulate an opinion on the socio-economic impact, Annex XV mentions that a socio-economic analysis may be conducted based on Annex XVI and thus a SEA (or CBA) is not considered obligatory. This approach is further confirmed in Annex XVI. Therefore (quantified estimates of) affordability or distributional impacts are not mandatory according to the legal text. However, the effectiveness of reducing risks and the related costs need to be presented, as per Annex XV. It was concluded that according to Annex XV of the REACH Regulation the main source of information for SEAC when developing its opinions is the value of the change in resource use (i.e. costs) and the change in risks relating to human health or environment. Ideally the change in risks would be expressed as changes in (physical) impacts<sup>1</sup>.

The Secretariat pointed out that a meaningful opinion can be given without further information of affordability or distributional impacts in restriction reports. Article 71 obliges SEAC to consider ‘relevant parts of the dossier and socio-economic impact’. These impacts comprise many elements, some of which are, however, not mandatory.

### **b) DMFu – 4th version of SEAC draft opinion**

The rapporteur presented the comments that were received on the fourth version of the draft opinion and how they had been taken into account.

During the commenting period on the fourth version of the draft opinion several editorial comments were made as well as suggestions by SEAC members to a) include extra cost items, b) refrain from stating RAC related issues and c) refrain from mentioning mixtures and pharmaceuticals.

On the inclusion of extra cost items, SEAC agreed with the rapporteurs’ suggestion not to make the suggested changes to the fourth version of the draft opinion as the background document does not contain a full quantification of socio-economic effects due to the lack of socio-economic data despite attempts to gather this. Rather the background document contains a qualitative analysis of effects that demonstrates that the benefits of a restriction are likely to outweigh the costs.

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<sup>1</sup> If these impacts would be quantified and if values are available the monetised benefits could be estimated and a full CBA could be conducted, as indicated implicitly in Annex XVI.

The SEAC draft opinion reiterated some statements made in the RAC opinion as they reinforce the arguments of the SEAC rapporteurs. SEAC agreed to this.

Regarding the two paragraphs referring to the use of DMFu in mixtures and in pharmaceutical applications, members pointed out that the paragraphs in question would not contribute to the opinion as the current proposal focuses on the use of DMFu in articles and not in mixtures. **It was therefore proposed to delete these paragraphs from the opinion document. SEAC agreed to this.**

**SEAC agreed on the draft opinion on the restriction proposal on DMFu. Rapporteurs were requested to ensure that the BD and RCOM are in line with the agreed SEAC draft opinion.**

**The Secretariat informed that it would publish the draft opinion and the BD on the ECHA website for public consultation around 21 March 2011.**

### c) **Lead and its compounds in jewellery - 4th version of SEAC draft opinion**

The rapporteurs summarised the discussion at the RAC-15 meeting on the draft of the RAC opinion and confirmed that although the final RAC opinion is based on content unless it can be demonstrated that migration is below a certain level, there were no major inconsistencies between the restrictions proposed by RAC and SEAC. Comments from the public consultation and SEAC members, responses and consequences to the SEAC draft opinion were discussed.

SEAC rapporteurs indicated that the partial CBA was based on a number of assumptions accompanied by a description of uncertainties and a sensitivity analysis presented in a transparent manner. This was considered preferable to a qualitative analysis.

SEAC discussed the proposed derogation for crystals and made the definition of crystals to be exempted precise by referring to “Full Lead Crystal” and “Lead Crystal”<sup>2</sup>. The justification for this derogation was improved during the meeting.

A derogation and its justification was added also for precious and semiprecious stones (CN code<sup>3</sup> 7103) unless they have been treated with lead or its compounds or mixtures containing these substances.

It was agreed to use the same definition of jewellery as is used in the restriction on cadmium in jewellery (which was under scrutiny by the Parliament at the time of the meeting). SEAC rapporteur noted that the list of jewellery items is non-exhaustive, and this was confirmed by the COM. It was agreed that the reference to the definition of jewellery in the draft opinion would be checked and corrected if needed after the meeting.

The summary text concerning the justification of the costs and benefits was improved during the meeting.

**SEAC agreed the draft opinion and its justifications as modified during the SEAC-10 meeting. It concluded that some further modifications of the paragraph describing the CBA might be needed in the final justification. SEAC asked the drafting group to check**

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<sup>2</sup> As defined in Annex 1 in the Council Directive 69/493/EEC.

<sup>3</sup> Commission Regulation (EU) No 861/2010 of 5 October 2010 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

**the references to the background document and do some further editorial revision of the opinion.**

**The Secretariat informed it would publish the draft opinion and the BD on the ECHA website for the public consultation around 21 March.**

The Chair informed that RAC had noted that its opinion on the proposed restriction significantly diverges from the original DS's proposal for restriction. Therefore, ECHA was preparing a decision to postpone the deadline for the final opinion of SEAC by 90 days; in accordance with Article 71(3) of the REACH Regulation.

#### **d) Phenylmercury compounds – 2nd version of SEAC draft opinion**

The RAC rapporteur presented the results of the main discussion in RAC. The SEAC rapporteurs presented the second draft of the opinion and the results from an ad-hoc working group on the ban on manufacturing of these compounds.

It was brought to the attention of SEAC that RAC considered a three-year transitional period as appropriate as the sooner the restriction applies the more emissions can be avoided. However, it was recognized by RAC that the conclusion on the most appropriate transitional period was to be made by SEAC. SEAC discussed this issue further and pointed out that the benefits of a shorter transitional period needed to be balanced against the costs industry would incur. The dossier submitter explained that a transitional period of five years after the restriction has been adopted had been chosen as it had seemed more proportionate. During the preparation of the dossier, in the consultation with industry, a statement had been made by industry that if they were given a five year phase-out period they would be able to substitute the use of phenylmercury completely. With a shorter transitional period, only 70% of the uses could be substituted and major additional costs would be incurred for the remaining 30% of the uses. It was pointed out that in fact any transitional period shorter than five years would result in high additional costs that are difficult to estimate more precisely. **It was concluded that SEAC could not give immediate support to a transitional period shorter than five years after the entry into force.**

During the development of the opinion, other organomercury compounds had been found that could be used as alternatives in the same applications. The SEAC rapporteurs indicated the BD does not cover the socio-economic implications of a restriction of these other compounds. **SEAC concluded that there was a need to be cautious with including these alternative phenylmercury compounds in the restriction proposal as information on socio-economic consequences was lacking.** The Secretariat agreed to further consider the procedural aspects of possibly covering other organomercury compounds in the same restriction. Rapporteurs were requested to concentrate on further development of the opinion and focus thereby on the scientific and technical aspects of this matter.

SEAC members raised questions on the testing of polyurethane (PU) systems for their mercury content and whether a shift to other organomercury compounds would affect enforceability as other phenylmercury alternatives would also be detected when testing for mercury. Rapporteurs responded that the phenylmercury compounds may degrade in the PU and therefore enforcement authorities can only test for mercury content. No other source of mercury in PU than from mercury containing catalysts is known. If one tested a PU plastic for mercury compounds, companies could prove their compliance with the restriction by demonstrating that the restricted compounds had not been used. A second Forum advice was

to be requested to further develop the opinion of SEAC on the enforceability of the proposed restriction.

SEAC further discussed the proportionality of keeping manufacturing in the scope of the restriction. RAC had recommended this as mercury is a non-threshold substance and thus, any additional emission would be important to limit. A SEAC ad-hoc working group was organised to discuss the issue of the inclusion of manufacturing further. The working group reported back to SEAC that they had not concluded on whether to support keeping the ban on manufacture in the proposal or not, but there had been doubts on the justification of a ban on manufacturing from a socio-economic point of view. The dossier submitter noted that while it was unknown how non-EU producers would react to this restriction, the background document did not contain information on this. **It was concluded that the inclusion of manufacture remained an open issue and that the rapporteurs were to continue to develop the opinion further on this.**

#### e) Mercury in measuring devices – 2nd version of SEAC draft opinion

The rapporteur gave an update of the state-of-play in the development of the draft opinion on the restriction proposal for mercury in measuring devices and presented open issues in the opinion for SEAC members to conclude on.

To shed more light on the drafting group's proposal to remove the derogation for industrial mercury-in-glass thermometers measuring above 200°C, the DS presented the justifications for this proposal. The DS explained that following the further assessment, it could be concluded that alternatives for these mercury thermometers can be considered economically feasible. The new element for this conclusion had been a comparison of the additional annualised costs to the users' total costs for purchases of goods and services and conclusions on their relevance to the final product cost. In addition, the importance of the additional benefits of alternatives (e.g. lower spill cleanup costs, remote reading and automatic recording features) were given more emphasis. However, these aspects had not been reflected in the cost-effectiveness estimates. SEAC members in principle agreed to delete the derogation for high temperature thermometers. **SEAC was requested to get acquainted with the details of the additional assessment in the background document and to comment on the deletion of the derogation of the industrial thermometers measuring above 200°C by 18 March via a Circa Newsgroup.**

SEAC agreed on the drafting group's proposal to restrict strain gauges instead of plethysmographs following the comments from public consultation confirming the availability of technically and economically feasible alternatives for existing plethysmographs.

A vivid discussion on the proportionality of the restriction proposal took place in an ad hoc working group meeting which was followed by a discussion in plenary. The discussion was not concluding on how to address the proportionality in this dossier: participants pondered about the concept of proportionality and its relationship with appropriateness, affordability, cost effectiveness and economic feasibility. The Secretariat also pointed out that the opinion format may be misleadingly putting too much focus on the proportionality. The Secretariat reminded that according to the Article 71(1) of the REACH Regulation SEAC should formulate its opinion on the suggested restrictions, based on its consideration of the relevant parts of the dossier and the socio-economic impact, while according to Annex XV proportionality is not the only criterion to be considered when assessing the appropriateness of the restriction proposal.

As the DS emphasised that the possibilities to improve the background document to facilitate the assessment of proportionality had been exhausted, the rapporteurs plead to the members to come up with suggestions on how to conclude on the proportionality of this dossier. **SEAC members in general agreed that it was possible to conclude on the restriction based on the information that was available in the dossier. Secretariat agreed to launch a Circa Newsgroup and to invite SEAC to send their written comments on how to conclude on proportionality of the restriction proposal by 18 March. In the meantime, the rapporteurs would redraft the paragraph on proportionality in the opinion.**

The following discussion focused on how to word in the opinion the concern about the low waste collection rates. The Secretariat emphasised the risk of drifting away from the core task of the Committee to assess the restriction proposal, and pointed to the lack of a legal and scientific basis for SEAC for giving advice on other pieces of legislation. Some members concurred with the Secretariat with regard to the lack of a mandate and scientific capacity in SEAC to assess waste issues and voiced their reservations to give the Commission advice in these matters. Nevertheless, members pointed out that it was important to mention in the opinion the part of the mercury problem which is not addressed by the proposed restriction but falls under waste legislation. It still needs to be decided upon whether this is done in the opinion or in a separate note from ECHA or SEAC to the Commission. The rapporteurs agreed to elaborate further on the text on the waste issue and appropriate place to address this issue.

SEAC members reacted similarly towards giving advice in the opinion on the entry into force of the export ban. The arguments against were based on the intention to examine the expansion of the ban on the mercury measuring device already clearly expressed in the EC Regulation 1102/2008, the mandate and scientific capacity of SEAC and absence of any assessment of the socio-economic impacts of the export ban in the background document based on which SEAC's justifications should be formulated. The COM reminded also of its role in guarding coherence between policies, and asked SEAC to be factual in its opinions. The argument pro was based on the fact that the EC Regulation addressing the export ban had not yet entered into force. Including the export ban in the restriction proposal is not possible since this would be in contradiction with the EC Regulation and therefore including it as a reminder to the Commission (in the opinion or a separate note) was considered appropriate by the rapporteur.

**In summary, the waste and export issues were recognised by all to be important, however members were hesitant to include advice related to other legislations in the opinions of the Committee. A separate note to the relevant Commission services was considered as an alternative way to deal with these issues. The Secretariat agreed to follow up and provide clarity on this at SEAC-11. It was stressed that the justifications for the opinion should be based on the information in the background document. Rapporteurs were invited to redraft the justification in the opinion document on these aspects.**

**The rapporteurs were requested to prepare the third version of the draft opinion by 25 March. The Secretariat agreed to request 2<sup>nd</sup> Forum advice based on 2<sup>nd</sup> version of the draft opinion and the questions of the rapporteurs on monitorability.**

## 9) Authorisation

The Chair reminded SEAC that a call for expression of interest to become a (co-)rapporteur for authorisation applications for the six substances included in February 2011 in the Annex XIV had been launched.

### Formulation of SEAC opinion on authorisation applications

- **Format of an opinion**

The Secretariat presented the main changes in the note on the opinions of RAC and SEAC on applications for authorisation following the commenting rounds in RAC and SEAC after their meetings in December 2010. The Secretariat presented also a new section in the document; a proposal for the outline of the justifications for the opinions.

SEAC considered the amendments to the note and the opinion format (SEAC/10/2011/03). Some members questioned the impact of new information obtained during the opinion preparation process on the conclusions of the Committee while the opinion is expected to be given from the point of view of the applicant. The Secretariat clarified that the Committee is supposed to consider all the information available in addition to that in the application when drawing a conclusion in the opinion on the aspects assumed to be from applicant's point of view.

Members also asked for clarification on the link between the Committee's conclusion on the applicant's assessment being based on acceptable socio-economic analysis standards and that it does not have any reservations regarding the validity of the applicant's conclusion that the overall benefits of the continued use outweigh the risk. The Secretariat and COM explained that the appropriateness of the analysis and the conclusions are interlinked therefore the link was made in the standard wording of the opinion. The Secretariat reminded that relevant considerations of the Committee would be given in the justifications section.

Two stakeholder observers pointed out a potential misinterpretation of DMEL in the document. The ETUC observer highlighted that DMELs (which have no legal basis in REACH) are risk based limit values and they should therefore be seen as an "acceptable" level of effect and certainly not a level where no potential effect can be foreseen. Moreover, the observer noted that the definition of what is an "acceptable risk" is a political decision to be agreed at EU-level and cannot be made by RAC or ECHA. The Chair indicated that this is a matter for RAC to consider, invited ETUC to submit the comment in writing and agreed to forward the comment to the RAC Secretariat.

**The document was edited during SEAC-10 to reflect the comments presented at the meeting. The Secretariat agreed to launch a newsgroup on the edited document and to invite SEAC to send in written comments by 25 March. The Secretariat would launch a written procedure for agreement on the template depending on the nature of the comments.**

## **10) AOB**

### *Update of the work plan*

The Chair informed that the Secretariat had uploaded a presentation of the SEAC work plan in CIRCA for the rest of 2011 with regard to the restriction dossiers and invited the members to get acquainted with it.

### *Information on the Dutch study on SEA in restrictions and Annual Conference of EAERE*

A presentation was given by the representative of European Association of Environmental and Resource Economists (EAERE) on a study that intends to make a cross-comparison and evaluation of the role of socio-economics in the first Annex XV restriction dossiers. SEAC was informed about the main research questions as well as the research schedule and the planned delivery of the results.

SEAC was also informed about the special session during the 18<sup>th</sup> Annual Conference of the EAERE to be held in Rome, 29 June – 2 July 2011. The session will be dedicated to the economic analysis and risk management of hazardous chemical substances. The main objective of the session will be to take stock of and exchange experiences in Europe and elsewhere with economic assessments of risk reductions related to hazardous chemicals, from cradle to grave. The purpose is to get the topic on the scientific research agenda, to help further bridging of the science-policy gap, to identify best practice examples for REACH and to identify useful/necessary future research strands.

### *Report on the 19<sup>th</sup> meeting of the Commission of Sustainable Development in the US*

A presentation was given on the Intergovernmental Preparatory Meeting which convened in preparation for the negotiations on the outcome of the main session of CSD-19 scheduled to take place from 2 – 13 May 2011 at the UN Headquarters in New York. The outcome should consist of policy options agreed by Member States, Members of the CSD-19 in the areas of chemicals, waste management, mining, transport and 10 Year Framework of Programmes on Sustainable Consumption and Production Patterns. A side-event promoting economic and social benefits of the sound management of chemicals and wastes was organised by the Secretariats of the Basel, Rotterdam and Stockholm Conventions, UNEP Chemicals and UNDP. SEAC was informed about the work on the cost of inaction that had been presented at that side-event which might be of interest to SEAC. The OECD observer pointed out that similar work is carried out by OECD which might be of interest to SEAC as well.

### *Network of Experts on Benefits and Economic Instruments (NEBEI)*

A stakeholder observer representative presented the background of NEBEI closely relating to the field of expertise of SEAC. After a break in its activities in recent years, there could be a possibility to re-launch NEBEI from a broader base, including REACH. The observer explained the relevance of NEBEI's work to the SEAC work and the ideas for the re-launch. In order to establish the interest from SEAC side, he invited SEAC members to respond via a questionnaire to be distributed with the consent of the Chair.

## **11) Action points and main conclusions of SEAC-10**

A table with the action points and main conclusions is given in Part II.

## II. Conclusions and action points

### MAIN CONCLUSIONS & ACTION POINTS - SEAC-10, 9-11 March 2011

<b>Agenda point</b>	
<b>Conclusions / decisions / minority opinions</b>	<b>Action requested after the meeting (by whom/by when)</b>
<b>2. Adoption of the agenda</b>	
The revised agenda (SEAC/A/10/2011_rev.2) was adopted	SEAC-Secretariat to upload the revised agenda to SEAC CIRCA IG as part of the meeting minutes.
<b>3. Declarations of conflicts of interest to the Agenda</b>	
Conflicts of interest have been declared from members (and advisers) that are also involved in the meeting as Dossier submitters  In earlier meeting conflicts of interest have been declared for the agenda points 8. restriction dossiers	
<b>4. Administrative issues</b>	
SEAC agreed to the procedure for inviting certain persons to the SEAC meetings as observers (Article (Art 6(9) of RoPs: Other observers may be admitted upon request of a member of the Committee or of the Chair.), prior agreement of the Committee not required in such cases.  The Chair informs the Committee about the persons invited to the meeting and about the motivation prior to the meeting.  SEAC agreed that members whose term of office has expired but who continue acting as (co-) rapporteurs would be invited automatically to the relevant SEAC meetings as invited experts without prior agreement of SEAC case by case.	
<b>4a. Changes in the SEAC composition/nominations</b>	
SEAC was informed about the changes in the composition of the SEAC	
<b>SEAC 11- schedule</b>	
SEAC was informed SEAC-11 meeting will take place between 14-16 June and the tentative booking for 7-10 June is to be considered released.	Secretariat to update the meeting calendar in Circa.

Agenda point	
Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
<b>4b. Outcome of written procedures</b>	
SEAC was informed that the minutes of SEAC-9 had been adopted via written procedure by consensus	
<b>5. Status of the action points of SEAC-9</b>	
SEAC was informed on the status of the action points of SEAC-9	
<b>6. Feedback from other bodies</b>	
SEAC was informed on the most recent activities of Forum WG on enforceability of restrictions	
<b>7. Annual Survey</b>	
SEAC was informed about the outcomes of the annual satisfaction survey and the proposed actions for improvement.	
<b>8. Restrictions</b>	
General restriction issues	
<p>SEAC agreed with the Secretariat's suggestion to consider only a SEAC opinion as a document for adoption and to take note on its supportive documentation (BD) that has to be further modified in line with the adopted opinion and finalised by the SEAC rapporteurs.</p> <p>SEAC proposed to change the last sentence of the BD disclaimer by replacing the word "reflect" by the word "support".</p>	<p><b>SECR</b> to consider this decision of SEAC and modify the SEAC WPs and the templates for restriction opinions accordingly when the WP is revised in the second half of 2011</p>
b) fourth version of the SEAC draft opinion	
DMFu	
<p>SEAC discussed the fourth version of the draft opinion. SEAC agreed with the main text but suggested to delete these two paragraphs starting with 'the application....' And 'NB...' on p.</p> <p>SEAC agreed on the draft opinion on the restriction proposal on DMFu.</p>	<p>Rapporteurs to ensure that the supportive documentation (BD and RCOM) is in line with the agreed SEAC draft opinion.</p> <p><b>SECR</b> to publish the draft opinion and its supportive documentation on the ECHA website for the public consultation on the SEAC draft opinion which is scheduled to</p>

Agenda point	
Conclusions / decisions / minority opinions	Action requested after the meeting (by whom/by when)
start at 21 of March	
b) fourth version of the SEAC draft opinion	
Lead	
<p>SEAC discussed the fourth version of the draft opinion and the revisions following the meetings of the ad-hoc working groups.</p> <p>SEAC suggested the drafting group to check the references to the background document and to do some further editorial revision of the opinion</p> <p>SEAC agreed on the draft opinion and the major part of its justifications but concluded that some further modifications of the paragraph describing the cost-benefit analysis might be needed in the final opinion.</p>	<p><b>SECR</b> to publish the draft opinion and its supportive documentation on the ECHA website for the public consultation on the SEAC draft opinion which is scheduled to start at 21 of March</p>
b) second version of the SEAC draft opinion	
Phenylmercury	
<p>SEAC concluded that they can, at this moment in time, not support the shortening of the five year period for entry into force.</p> <p>SEAC concluded that there is a need to be cautious with widening of the scope of the restriction proposal to include other phenylmercury compounds</p> <p>SEAC concluded the inclusion of manufacture remains open issue, rapporteurs to continue discussion on this</p>	
b) second version of the SEAC draft opinion	
Mercury in measuring devices	
<p>SEAC in principle agreed to delete the derogation for high temperature thermometers. SEAC is asked to have a second look on this specific item.</p> <p>SEAC agreed on the drafting group's proposals to restrict mercury strain gauges and not plethysmographs</p> <p>SEAC members in general agreed that it is possible to conclude on the restriction based on the information that is available in the dossier</p>	<p>SEAC to comment on the deletion of the derogation of high temperature thermometers. Secretariat to launch a newsgroup and to invite SEAC to send in written comments by the 18<sup>th</sup> of March</p> <p>Secretariat to launch a newsgroup and to invite SEAC to send in written comments by the 18<sup>th</sup> of March</p> <p>Rapporteur is to re-draft the paragraph on</p>

<b>Agenda point</b>	
<b>Conclusions / decisions / minority opinions</b>	<b>Action requested after the meeting (by whom/by when)</b>
<p>Although waste issues and export issues are recognised to be important, members were hesitant to include advice related to other legislations in the opinions of the Committee. A note could be an alternative way to deal with this issue. Justifications for the opinion should be based on the information in the background document.</p>	<p>proportionality in the opinion</p> <p>Rapporteur to re-draft the justification of the opinion document on these aspects.</p> <p>Secretariat to follow up and provide clarity on this at SEAC-11</p> <p>Rapporteurs to prepare third version of the draft opinion by march 25<sup>th</sup></p> <p>Secretariat to request 2<sup>nd</sup> Forum advice based on 2<sup>nd</sup> version of the draft opinion and the questions of the rapporteurs on monitorability.</p>
<b>9. Authorisations</b>	
a) formulation of SEAC opinion on authorisation applications	
Format of an opinion	
<p>SEAC considered the amendments to the note and the opinion format. The key section of the format of SEAC's opinion on applications for authorisation was edited during SEAC-10</p>	<p>Secretariat to launch a newsgroup on the edited document and to invite SEAC to send in written comments by the 25<sup>th</sup> of March</p> <p>Secretariat to launch written procedure for agreement on the template depending on the nature of the comments</p>
<b>10. AOB</b>	
<ul style="list-style-type: none"> <li>○ <b>Update of the workplan</b></li> <li>○ Information on the Dutch study on SEA in restrictions</li> <li>○ Report from Commission of Sustainable Development-19 meeting in the US</li> <li>○ Network of Experts on Benefits and Economic Instruments</li> </ul>	
<b>11. Action points and main conclusion SEAC-10</b>	
SEAC agreed on the action points and main conclusion of SEAC-10	

### III. List of Attendees

<b>SEAC Members</b>
FANKHAUSER Simone
FEYAERTS Jean-Pierre
BENDL Jiri
FOCK Lars
KIISKI Johanna
BRIGNON Jean-Marc
IORE-TARDIEU Karine
SIMON Franz-Georg
THIELE Karen
DALTON Marie
CECCARELLI Federica
GRANDI Silvia
SKARŽINSKAS Vitalius
LUTTIKHUIZEN Cees
LANGTVET Espen
VARIZ Paulo
THIRCHILA Liliana
FURLAN Janez
FORKMAN Mats
THORS Åsa
GEORGIU Stavros

<b>RAC Members</b>
BARANSKI Boguslaw
LARSEN Poul Bo
GREIM Helmut
JENSEN Frank
LE CURIEUX-BELFOND Olivier

<b>Invited Experts (SEAC Rapporteurs and OECD)</b>
BASTOS Henri (Via Webex)
BRAATHEN Nils Axel
RYDLEWSKA-LISZKOWSKA Izabela

<b>European Commission</b>
VLANDAS Penelope
KUBICKI Michal

<b>Advisors &amp; Dossier Submitters (DS)</b>
SCHOU Jorgen (Advisor to L. Fock, via Webex)
LECOQ Pierre (DS representative and Advisor to K. Fiore-Tardieu)
GULBRANDSEN Magnus Utne (DS representative and Advisor to E. Langtvet)
MORKA Heidi (DS representative, via Webex)
KOPANGEN Marit (DS representative, via Webex)
SALONEN Heikki (Advisor to J. Kiiski)
HENNING Philipp (Advisor to K. Thiele)
BEEKMAN Martijn (Advisor to C. Luttikhuizen)
VERHOEVEN Julia (Advisor to C. Luttikhuizen)
DOMINIAC Dorota (Advisor to C. Luttikhuizen)

<b>Stakeholder Observers</b>
KÜHN Ingolf (Business Europe)
VYBOLDINA Elena (CEFIC)
BROUWER Roy (EAERE)
HOLLAND Mike (EEB)
MÄKELÄ Kari (EMCEF)
WAETERSCHOOT Hugo (Eurometaux)
GUARDIA Jaume (UEAPME)
MUSU Tony (ETUC)

<b>ECHA staff</b>
ANFALT Lisa
KARHU Elina
KIVELA Kalle
LIPKOVA Adriana
LOGTMEIJER Christiaan
MERKOURAKIS Spyridon
MULLER Birgit
PARADA SUAREZ Diana
PELTOLA Jukka
RODRIGUEZ-IGLESIAS Pilar
ROGGEMAN Maarten
SIHVONEN Kirsi
STOYANOVA Evgenia
THUVANDER Ann
VAINIO Matti

#### **IV. List of Annexes**

- ANNEX I. List of documents submitted to the Members of the Committee for Socio-economic Analysis
- ANNEX II. Final Agenda

## ANNEX I

### Documents submitted to the Members of the Committee for Socio-economic Analysis

Revised draft agenda SEAC-10	<i>SEAC/A/10/2011_rev.2</i>
Feedback from other bodies and activities	<i>SEAC/10/2011/01</i>
Feedback on the satisfaction survey	<i>SEAC/10/2011/02</i>
Revised format of RAC and SEAC opinions on Applications for Authorisations	<i>SEAC/10/2011/03 (room document)</i>
Responses to comments made by RAC members on document RAC/14/2010/71. The format of an opinion for an application for authorisation	<i>RAC/15/2011/08 (RAC RCOM, room document)</i>

9 March 2011  
SEAC/A/10/2011\_rev.2

**Final Agenda**

**10<sup>th</sup> meeting of the Committee for Socio-economic Analysis**

**9-11 March 2011**

**ECHA Conference Centre (Annankatu 18, Helsinki)**

**9 March: starts at 10:00**

**11 March: ends at 16:00**

**Item 1 – Welcome and Apologies**

**Item 2 – Adoption of the Agenda**

*SEAC/A/10/2011\_rev.2*  
***For adoption***

**Item 3 – Declarations of conflicts of interest to the Agenda**

**Item 4 – Administrative issues**

- a) Changes in the SEAC composition/nominations
- b) Outcome of written procedures

***For information***

**Item 5 – Status report of the action points of SEAC-9**

***For information***

**Item 6 – Feedback from other bodies and activities**

***SEAC/10/2011/01***

**Item 7 - Feedback on the satisfaction survey**

***SEAC/10/2011/02***

## Item 8 – Restrictions

- a) General restriction issues  
*For information*
- b) DMFu – 4<sup>th</sup> version of SEAC draft opinion  
*For agreement*
- c) Lead and its compounds in jewellery - 4<sup>th</sup> version of SEAC draft opinion  
*For agreement*
- d) Phenylmercury compounds – 2<sup>nd</sup> version of SEAC draft opinion  
*For discussion*
- e) Mercury in measuring devices – 2<sup>nd</sup> version of SEAC draft opinion  
*For discussion*

## Item 9 – Authorisations

Formulation of SEAC opinion on authorisation applications

- Format of an opinion

*SEAC/10/2011/03 (room document)*

*RAC/15/2011/08 (RAC RCOM, room document)*

*For discussion*

## Item 10 – AOB

Update of the work-plan

Information on the Dutch study on SEA in restrictions (Roy Brouwer)

Report from the Commission of Sustainable Development-19 meeting in the US (Luminita Tirchila)

Network of Experts on Benefits and Economic Instruments (Mike Holland)

## Item 11 – Action points and main conclusions of SEAC-10

Table with Action points and decisions from SEAC-10

*For adoption*