

## The Steering Committee for the UK REACH delegated Competent Authority

### Terms of Reference

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#### 1. Background

- 1.1. The Steering Committee ('the Committee') for the UK REACH Delegated Competent Authority comprises representatives of the four responsible authorities for REACH in the UK, and Government Departments with a significant interest in the implementation of REACH.
- 1.2. It provides the mechanism by which they will seek to agree the policies to be put forward in EU REACH-related business by the UK representatives and by which they will advise, support and hold to account the Health and Safety Executive (HSE) in the discharge of the functions which have been delegated to the HSE under the agency agreements made by each formal competent authority.
- 1.3. The Terms of Reference are set out below.
- 1.4. The Committee will:
  - 1.4.1. Receive reports from the UK REACH delegated CA or Defra on the European Chemicals Agency's (ECHA) Management Board, Member State Committee, Risk Assessment Committee, and Socio-Economic Assessment Committee, and the European Commission's REACH (Article 133 - Comitology) Committee, the REACH Enforcement Forum, and the meetings of REACH Competent Authorities;
  - 1.4.2. Agree policies to be put forward by UK representatives on those committees, etc., subject always to Article 85(7). If the Steering Committee cannot reach agreement by consensus, the position of the UK will be resolved outside the Committee by the normal procedures for achieving collective agreement between Ministers of the UK Government, and between the UK Government and the Devolved Administrations. Government departments who are not represented on the Committee, but who have an interest in any matter, will have the opportunity to comment before the UK position is agreed;
  - 1.4.3. Consider and approve each year the draft work plan of the delegated Competent Authority (CA) for the coming year, receive progress reports and performance indicators, and provide advice to the delegated Competent Authority and the departments who are funding the activity on the relative priorities and scale of activity of different elements of the CA's functions;
  - 1.4.4. Oversee and advise the delegated CA on its role in co-ordinating the policies and approaches taken by the various UK enforcing authorities for REACH

#### 2. Working methods

- 2.1. It is anticipated that the Committee will meet three or four times a year.
- 2.2. Reports of the various ECHA and other committee meetings will normally be dealt with in correspondence. Lines for the UK members of these committees to take for routine issues can be cleared by correspondence, unless significant issues are raised. It will be the responsibility for

the UK member of the relevant ECHA and other committee to initiate the correspondence. They will need to use their judgement to decide which issues are technical or minor issues, which can be agreed between the relevant experts as necessary, and which give rise to policy issues on which the formal agreement of UK departments and the devolved administrations are necessary through the Committee.

- 2.3. Where the timing permits, more significant issues may be discussed at the meetings. In such cases, where the meeting is expected to reach a decision, proposals should be circulated to all members at least two weeks in advance. Members of the Committee should consider whether such decisions need to be referred to their Ministers, and should do so before the meeting where necessary. Similarly, two weeks should be allowed for agreement by correspondence, and Departments should clear with Ministers where necessary.
- 2.4. Meetings of the Committee will be held to discuss the draft annual delegated Competent Authority work plan and to advise on performance measures. It will also receive reports on progress against the performance measures. The HSE is responsible for the organisation and management of the CA and the role of the Committee is therefore advisory. Separate arrangements have been put in place between Defra (as the funder of the CA) and the HSE to monitor the budget, agree prospective funding, and to review the performance of the HSE in meeting the management plan against that budget.
- 2.5. A note of each Steering Committee meeting will be published on the UK REACH CA website.

### 3. *Membership*

- 3.1. Membership of the Committee shall consist of representatives from:
  - 3.1.1. Defra;
  - 3.1.2. The Health and Safety Executive;
  - 3.1.3. The Department for Business, Enterprise, and Regulatory reform (DBERR);
  - 3.1.4. The Department of Health;
  - 3.1.5. The Scottish Government;
  - 3.1.6. The Welsh Assembly Government;
  - 3.1.7. The Northern Ireland Assembly.
  - 3.1.8. The Environment Agency
  - 3.1.9. The Scottish Environment Protection Agency
  - 3.1.10. The delegated Competent Authority
- 3.2. Other government departments, agencies, non-departmental public bodies, and representatives of local government may attend Committee meetings as observers, by invitation of the Committee.

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