

DECEMBER 2025

Feedback on Commission's proposal for the ECHA Basic Regulation

Eurometaux welcomes the opportunity to provide feedback the proposed Basic Regulation for the European Chemicals Agency (ECHA). We acknowledge the significance of this legislative initiative, considering ECHA's evolving mandate that has expanded well beyond REACH to encompass more broadly chemicals management and areas such as batteries, waste, RoHS, POPs, and cross-border threats. The proposal offers a timely opportunity to strengthen ECHA's governance and ensure the long-term sustainability of its scientific and regulatory functions.

In this submission, we offer targeted comments on key aspects of the proposal, informed by our engagement with ECHA and our broader experience as a stakeholder in EU chemicals legislation.

Targeted comments:

- ECHA's expanding remit has placed increasing pressure on its internal resources, expertise base, and coordination mechanisms. The current fragmentation of budget lines across REACH, CLP, and Biocides has limited the Agency's ability to allocate resources according to evolving needs. We therefore **strongly support the proposal to introduce a single budget line**, which would allow ECHA to manage its resources more flexibly and reduce administrative overhead. This change would also enable the Agency to invest more sustainably in in-house expertise, reducing reliance on external consultants and improving continuity particularly on more complex topics (such as UVCBs assessments, new approach methodologies (NAMs) and sector specificities).
- **We further welcome the proposed clarification of ECHA's governance structure**, including the formal integration of the Scientific Committee on Consumer Safety (SCCS).
- The revision requiring Member States to nominate two candidates to RAC and SEAC is a positive step toward broadening the expertise base/pool. However, expert availability remains a concern, especially within SEAC. The legal ceiling of five co-opted experts under REACH is increasingly misaligned with ECHA's broader remit. We encourage the Commission to **explore more flexible nomination mechanisms** and to support Member States in identifying and seconding qualified experts, including from academics, consultants and where relevant industry (accompanied by a careful handling of the potentially conflict of interest issues).
- Transparency is another area where improvements are both necessary and feasible but requires resources. This principle must extend to all decisions and opinions reached by the ECHA Committees. The current minutes, whose format has been limited to reduce the burden on the Committees and secretariat, often lack sufficient detail to understand the rationale behind decisions or conclusions. Systematic **Manual of Decisions** could help to document deliberations, including scientific uncertainties and divergent views and hence contribute to capacity-building of all actors. This would allow also to ensure knowledge is stored independent of persons and time, boost stakeholder confidence if those can be consulted and align with the principles of Better Regulation.

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- We welcome the proposal's recognition of the **need to better align Annex XV dossiers' input with Committee capacity. Coordinated planning** between the Commission, Member States, and ECHA should prioritise quality over quantity. Providing enough resources to ECHA do a **qualitative conformity check of Annex XV dossiers**, rather than mainly focusing completeness and alignment with the legal requirements would also help to have a better input at the start of the assessment processes. Giving ECHA also the capacity to **check horizontally, across the processes**, for possible overlaps or complementarities (e.g. a testing proposal that could inform a CLH proposal) would also make better use of resources. We also would like to reiterate the importance **of embedding proportionality checks** early in the different processes, rather than deferring them to the Board of Appeal stage.
- We welcome the new tasks of ECHA in the context of the **One Substance, One Assessment initiative** and support Commission's proposal that enhances the Agency's cooperation with other EU decentralised agencies, in particular EFSA, EU-OSHA, EMA and EEA. This is indeed important to avoid divergent scientific opinions. However, the objective to have "more transparent, coherent, predictable and simpler chemical safety assessment processes across different pieces of legislation" will only be met if enough resources can be allocated. In this context, we would like to highlight the importance of non-legally defined initiatives carried out by Agency, like the Assessment of Regulatory Needs (ARNs) documents. These outputs of the ECHA IRS are used as starting point by authorities to identify (next) regulatory actions and grouping and hence a good example of 'data use' and 'addressing the predictability concerns' by the Agency. However, resources were not foreseen to update these ARNs documents with new information or evidence made available by stakeholders, even when the conclusions reached were not complete or incorrect. We would like to ask the Regulation to support ECHA's full transparency on such non-legally defined tasks and to secure the involvement of stakeholders to ensure useful and high-quality outputs.
- The proposal states that the disclosure of data generated for a sectorial legislation and for which it was not possible to request confidentiality, will be done according to rules proposed by the Executive Director of ECHA and approved by the Management Board. We propose to refer to the approach followed in the OSOA Regulation, i.e. "the originator principle" that request the consent of the originator before disclosing data marked as confidential by the originator to the public.
- Finally, we wish to highlight the importance of **maintaining registrant motivation through fair cost- and burden-sharing**. Mechanisms such as update tokens or contributions to evaluation costs should be considered in the context of the REACH revision. In parallel, appropriate control and enforcement measures should be foreseen by ECHA to ensure the integrity and sustainability of the registration system.

ABOUT EUROMETAUX

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