

Minutes of the 30th meeting of the Management Board Held in Helsinki on 19-20 June 2013

I. Summary Record of the Proceedings

The Chair opened the meeting by welcoming the participants and in particular the following new members: Paul RASQUÉ from Luxembourg, Kristina BIRÓ from Hungary, Peter HAVE from Denmark and Björn HANSEN from the European Commission.

The names of observers attending the meeting and on the proxy votes of which the Chair had been notified are listed in Annex IV of these minutes.

1. Agenda (MB/A/02/2013 rev.01)

The Chair introduced a revised draft agenda and the room documents that had been made available, mentioning that the report from the Chairman of the Board of Appeal would be presented on the second day of the meeting. Furthermore, an in camera briefing session on a staff matter would be offered before the start of the meeting on the 2nd day.

On this basis, the agenda of the meeting was adopted.

2. Declaration of specific interests

The Chair informed the members of the Management Board that she reviewed member's declared conflicts of interests, together with the Secretariat, in accordance with the ECHA policy on conflicts of interests and that no conflicts relating to the agenda were identified. The Chair invited the members to further declare any specific interests that could not be drawn from their declarations of interests that could be considered to be prejudicial to their independence with respect to the items on the agenda. No conflicts of interest were declared.

The Chair also took the opportunity to remind members who have not done so to send their CVs to the Secretariat for publication on the Agency's website.

3. Minutes of the 29th Management Board meeting (MB/M/02/2013)

The draft minutes of the 29th Management Board meeting held on 22-23 March 2013, in Dublin, were approved subject to the some modifications (see corrigendum in the Annex V).

The Chair referred to the pending follow-up actions, mentioning that two out of three of these were completed. The remaining one concerned the review of the transfer of fee decision and would be a longer term issue.

4. Election of a Deputy-Chair of the Management Board (MB/17/2013)

The Chair explained the selection procedure for the Deputy-Chair in accordance with Article 80(2) of the REACH Regulation. She reminded the meeting that the term of office of the Deputy-Chair is two years, being renewable once.

On 24 May 2013, Board members were invited to propose nominations for the selection of a Deputy-Chair. Mr Martin LYNCH has been proposed for a second term of office. He submitted the required document in support of his candidature. No other nomination has been registered.

The Board then proceeded with the selection in accordance with its Rules of Procedure. Of the 32 voting members in the Management Board, 27 members were present at the time of the election in person or by proxy vote. Two members without voting rights appointed by the Commission to represent interested parties were designated as tellers. The vote took place by secret ballot.

All 27 votes cast supported Mr Martin LYNCH who was, thereby, unanimously re-elected as Deputy-Chair for a two-year term until the end of June 2015.

The Chair congratulated Mr LYNCH on his re-election and thanked him for his readiness to continue his function.

Mr LYNCH thanked the Board members for receiving such a vote of trust and highlighted his intention to continue the good collaboration he already experienced as a Deputy-Chair for the last 2 years.

5. Report from the Executive Director (MB/18/2013)

The Management Board received the quarterly update on important developments related to the Agency's activities, including the results on ECHA Work Programme indicators and the 2nd REACH registration deadline.

The Executive Director presented the main figures of the 2nd REACH deadline of 31 May 2013, for which 9 084 registration dossiers have been submitted to ECHA by 3 215 companies. It was reported that a slightly higher proportion of registration dossiers were received from SMEs compared to the 1st registration deadline in 2010 and in particular from medium sized companies. He mentioned that the final number of successful registrations and substances submitted would be available in early September when all dossiers would have been processed.

The Board expressed its high satisfaction with the achievements made in implementing the work programme and congratulated ECHA for successfully managing the 2nd REACH registration deadline. It was positively acknowledged that the 2nd registration deadline went almost "noiseless" which was attributed to the increased experience of ECHA as regulatory authority. The efforts made by industry in order to comply with the REACH obligations were equally acknowledged.

An exchange of views took place on the intermediate outcome of the registration deadline, and the inconsistency between the forecast number of substances to be registered and the actual outcome. A Board member appointed by the Commission to represent interested parties explained that one reason for the difference is to be seen in market adjustments, highlighting that the chemicals industry is operating in a continuously dynamic market.

Management Board members also provided their feedback on the events recently organised by ECHA, namely the scientific workshop on risk assessment for the sediment compartment on 14-15 May 2013, and the substance evaluation workshop on 23-24

May. Regarding the latter, both industry and Member State's representatives expressed their positive feedback, remarking on ECHA professionalism. With reference to public interest NGOs, one member supported the idea that all invited NGO participants should have equal travel reimbursement entitlements when participating to such events. The Secretariat confirmed a positive attitude towards this suggestion and informed that it will be assessed whether this can be achieved by way of executive guidelines or if the General Guide for Reimbursement adopted by the Management Board requires a modification.

One Board member expressed concern regarding the fulfillment of the 5% criterion with targeted, i.e. partial compliance checks. He recalled that Article 41 para 5 of the REACH regulation requires compliance checking of at least 5% of dossiers in each tonnage band to ensure that registration dossiers comply with the regulation. In his opinion, people expect from, and trust on ECHA checking fully, and not only partially, the compliance of at least 5% of industry's registration dossiers.

In reaction to comments made by various members with regard to dossier quality, the Executive Director and the senior management provided clarification on the progress made towards the 5% compliance check target of the high tonnage band registrations dossiers submitted by the first registration deadline in 2010. It was reiterated that both ECHA's implementation plan of a ratio of 70% targeted to 30% full compliance checks and the new area of concern driven approach for compliance checks have been decided on transparently in close consultation with the Member States. However, some members questioned also the progress made towards the 5% compliance check target for this year and the split between full and targeted compliance checks. It was noted that the overall data quality indicators would be communicated to Board members later this year.

The Chair also noted that, in line with the mandate given by the Board, the Working Group on Planning and Reporting will continue to look into the issue of quality of the registration dossiers.

Some members gave their views that the quarterly reports given by the Executive Director are of high quality and comprehensive. However, it was requested that discussion at the meeting prompted by these quarterly report should not go beyond the remit of the MB and also should not overburden the meetings time-wise. In order to increase efficiency, the Chair confirmed she will reflect on the matter to find solutions for dealing with discussions during this recurring agenda point.

The Management Board took note of the Executive Director's quarterly report.

6. Budgetary, accountability and audit issues

6.1 Budget 2014 and MFF 2014-20 update (MB/19/2013)

The Management Board took note of a report from the Executive Director on the recent developments in the budgetary area, following information given in March 2013.

This concerned the following issues:

1. Commission proposal for the 2014 budget and for the Multi-annual Financial Framework 2014-2020 as regards ECHA
2. Payment of employer's part of the pension contribution
3. Ring-fenced reserve fund for ECHA to compensate for shortfalls in fee revenue
4. Alternative way of financing Associated European schools

It was noted that the Commission insist on a 2% annual staff cut for 2014-2017 followed by 1% per year until 2020 for 'cruising speed' agencies, and is likely to

propose this to the Budgetary Authority on 26 June. However, no draft budget had been formally adopted at the time of the meeting. Representatives from the European Parliament had expressed support in writing to agencies that there should be the same staff cuts for agencies as for the other institutions, i.e. 1% per year from 2013-2017.

With reference to discussion in the last Management Board meeting, the Executive Director informed the meeting that the Commission also remains reluctant to establish a 'ring fenced' reserve fund for fee receiving agencies like ECHA.

Furthermore, an additional cost burden on ECHA's 2014 and future budgets will be contributions to the Associated European Schools (i.e. the so-called type II European Schools). This cost has so far been borne by the Commission, but the Commission has now proposed to change this system. The Commission proposal will most likely also lead to a reduction of the subsidies to these schools. At the date of the meeting it was still unclear to if ECHA will be compensated for this new financial burden in 2014 and subsequent years. However, the first indications from the Commission are that all agencies will receive compensation at least in 2014, except for ECHA in terms of REACH and CLP activities.

The Management Board took note of this information and mandated the Executive Director to propose to the European Commission a solution of having an ECHA reserve fund and also to avoid unequal treatment of ECHA compared to other EU bodies regarding financing of Associated European Schools.

6.2 Amendments to the budget and the establishment plan 2013 (MB/20/2013)

The Executive Director informed the meeting of a proposal for amendments to the 2013 budget and the establishment plan, as well as budget transfers. It was explained that there were three reasons calling for amending the Agency's 2013 budget:

1. As ECHA had finalised its 2012 accounts, the remaining balance of the budgetary outturn account could now be entered to the budget as revenue (Financial Regulation, Art. 16).
2. As ECHA strives to optimise its allocated human resources, the Secretariat proposed to make a minor and budget-neutral amendment to the 2013 establishment plan (Financial Regulation, Art. 32) for 3 posts.
3. As the level of fee revenue from the 2013 Registration deadline was considerably higher than initially budgeted for, ECHA proposed to adjust the income for the whole year and the end reserve.

As regards the 3rd point the Management Board was duly informed that the level of fee revenue from the 2013 registrations was higher than expected due to a combination of factors such as the revised Commission REACH Fee Regulation, higher income from confidentiality claims and a different distribution than foreseen for small and medium size registrants. However, the biggest revenue increase came from new and updated registrations not related to the deadline in 2013. Finally, there was also higher income generated as a consequence of the verification of SME size declared by companies.

The original revenue estimation was ca. 38 million euros for 2013 in total. The new estimate for the year was proposed to be set at 85 million euros, covering the already materialised income and the amended forecast until the end of the year.

Following the presentation, the Management Board adopted the proposed amendments to the budget and establishment plan for 2013, including a budget transfer. The Board also took note of the budget transfers made under the authority of the Executive Director since the last notification.

The amending budget will be submitted to the European Institutions and published.

6.3 Opinion on the Agency's final accounts 2012 (MB/21/2013)

The floor was given to the Director for Resources for presenting ECHA's annual accounts for the financial year 2012 and the observations of the European Court of Auditors.

ECHA's accounting officer appointed by the Management Board was attending the meeting to answer on questions on the accounts.

Karel BLAHA, Chair of the Working Group on audit matters, presented afterwards a proposal for a Board opinion on the accounts. In preparation for this, the Working Group on audit matters met in Helsinki on 18 June. The proposal was circulated as a room document.

The preliminary observations of the Court of Auditors were the basis for the Management Board's opinion on the annual accounts. The Court made no reservation as regards the regularity and legality of the accounts. The Secretariat informed the Board also of the Executive Director's replies to the Court's observations.

A number of members commented on an observation in relation to currently untraceable fixed assets (i.a. laptops) and the level of budget carry over from one year to the next. In reply to this the Executive Director and the Director of Information Systems informed of measures taken by ECHA to re-enforce the asset management system so that currently untraced assets can be tracked and retrieved. It was also noted that the untraced laptops date mostly from the early days of the Agency's start-up phase and have an overall residual value of ca. 5000 EUR.

Regarding carry-overs, the Board was informed that multi-annual projects were increasingly split into smaller projects, so that they could fit into the annual budget plans. It was noted that the Court of Auditors has explicitly acknowledged that the relatively high carry over rate was duly justified by ECHA due to operational needs.

The Management Board took note of ECHA's final accounts for 2012 as well as the Court of Auditor's observations. Based on a recommendation prepared by the Working Group on audit matters it adopted its opinion on the accounts and instructed the Executive Director to forward the documents the Commission's Accounting Officer, the Court of Auditors, and the budgetary authority (the European Parliament and the Council) by 1 July 2013 at the latest.

6.4 Report from the WG audit and annual reports of IAC and IAS (MB/22/2013)

Karel BLAHA, Chair of the Working Group on audit matters, presented the working group's findings of the Commission's Internal Audit Service (IAS) and ECHA Internal Audit Capability (IAC). He reported on other audit-relevant developments from the working group's meeting that took place the day before the Board meeting.

ECHA's internal audit capability (IAC) attended the meeting and was available for answering questions from the Board.

The Board took note of a report on audit matters, covering amongst other things the annual audit reports which were prepared in addition to the observations from the Court of Auditors, i.e. the reports from the Commission's Internal Audit Service (IAS) and the ECHA Internal Audit Capability (IAC). The Working Group on audit noted the pro-active way the audit recommendations were addressed by ECHA.

7. ECHA IT Security Declaration - revision of the Standard Security Requirements (MB/23/2013)

Luisa CONSOLINI, Director of Information Systems, introduced this agenda item which followed conclusions taken in the March 2013 Management Board meeting.

She reported that a Security Officers meeting (SON), enlarged by representatives of the Member States Competent Authorities for Biocides, was convened on 15 May, and was requested to discuss proposal for integrating teleworking rules in the Standard Security Requirements (SSR) for remotely accessing ECHA's IT systems. The proposal was prepared by the Secretariat. The SON was of the view that the proposed rules ensure a similar level of security to the current IT Security arrangements.

The Secretariat also provided a detailed state-of-play regarding the readiness of Member State authorities responsible for the implementation of the Biocidal Product Regulation. It was noted that progress was made with connecting Biocides Member States Competent Authorities to the ECHA IT systems, but that there was a risk that several authorities will not get connected by the entry into operation of the new Regulation of 1 September. For this reason the Secretariat proposed a mitigation measure of a set of minimum security requirements which would allowed on request for a maximum of six months.

Several Management Board members thanked the Secretariat and the SON for duly responding to the Board conclusions of the March 2013 meeting by presenting a workable solution for secure teleworking and they supported the proposal. It was acknowledged that teleworking intrinsically has an increased security risk, but the proposal limits these risks to a reasonable degree.

One member noted that paragraph 7a of the Standard Security Requirements contains an editorial anomaly since it refers to the obligation to audit every calendar year beginning in 2010. For Biocides this should be adjusted or interpreted as starting in the first full calendar year following the year of applicability of these requirements for the respective authority, which was confirmed by the Director for Information Systems. The member also requested confirmation whether in paragraph 3 of Annex 2 of MB/23/2013 the term equipment may be interpreted as referring also to a virtual and secured IT environment. This was confirmed.

Two interveners were, however, of the view that the teleworking rules should be limited to access to the Biocides IT system and not be allowed for REACH and CLP purposes. A Commission representative had written to ECHA on this issue.

Based on a proposal from the Security Officers Network, the Management Board endorsed amended Standard Security Requirements for the access to ECHA's IT systems, including the new Teleworking Rules. As proposed by the Chair, the Board also agreed that practical guidelines for secure teleworking should be drawn up by the Secretariat for staff in the Member States.

One of the Commission representatives objected to this decision of the Management Board on the grounds that REACH and CLP databases contain more confidential information than the one for Biocides and in the absence of any real need remote access should not be allowed for these two systems.

In addition, the Board endorsed a set of minimum security requirements which will allow on a temporary basis access for competent authorities on request to the Biocides IT system in case they are unable to implement all the security requirements by 1 September 2013.

8. Biocides issues

8.1 Preparation for Biocides tasks - state of play *(MB/24/2013)*

The Management Board took note of the state of play of the Agency preparations for the Biocides tasks before the forthcoming entry into operation of the Biocidal Product Regulation (BPR) on 1 September 2013.

It was noted that ECHA's operational capacity is still under development and while significant progress has been made in the last six months, ECHA's prudent approach to recruitment - as a result of the financial constraints in the 2013 budget - would impact the ability to advance on all aspects of the planned preparations which will now have to be concluded in 2014.

The Board was also informed of an envisaged service on chemical similarity, which would require an administrative charge to be implemented by the Management Board in agreement with the Commission on the basis of the Biocides Fee Regulation. A written procedure will be launched on the matter after the publication of the BPR Fee Regulation.

During an exchange of views it was remarked that the new regulatory tasks constitute a challenge for ECHA in several ways, also from a perspective of involving new national authorities in the Agency's work which will have a different working culture compared to the REACH and CLP authorities.

In reply to an intervention by a Commission representative the Secretariat confirmed that ECHA is of the view that the resources needed to implement certain tasks by the Agency have been underestimated.

The Management Board took note of the presentation given by the Director for Regulatory Affairs, appreciating the prioritisation of the tasks as agreed with the Member States and the Commission.

8.2 Rules of Procedure for the Biocidal Product Committee (BPC) *(MB/25/2013)*

8.3 Participation of applicants/stakeholders in the BPC *(MB/26/2013)*

The Chair gave the floor to the Director for Regulatory Affairs to present the proposal for the Rules of Procedure of Biocidal Products Committee, agreed by the Committee in May, as well as the rules for the participation of observers in the Biocidal Products Committee.

Whilst congratulating the Secretariat for the concise presentation, one member emphasised that Art. 9(7)¹ of the Rules of Procedure for the BPC should always apply without prejudice to Art. 10(1)².

The Management Board approved the Rules of Procedure for the Biocidal Product Committee subject to this clarification.

¹ Art. 9(7) Members have a duty to ensure any view relevant to the work of the Committee they express outside of the Committee is presented as their own view, unless mandated by the Chair.

² Art.10(1) Members, their advisers, invited experts and observers of the Committee and its working groups shall not disclose to any persons other than representatives of relevant public authorities of the Member States, the Commission and Union bodies, any information acquired as a result of their participation in work in the Committee unless otherwise stipulated in Union or national law or already publicly available. Members, their advisers, invited experts and observers of the Committee and its working groups shall make a written declaration of confidentiality in accordance with the model laid down in Annex 3.

The Board took also note of the information provided in relation to the participation of observers (applicants and stakeholders) in the Biocidal Products Committee. As defined in the draft Rules of Procedure, observers are considered other participants of the BPC or its working groups who are not members, advisers or invited experts, and could include amongst others applicants and accredited stakeholders organisations from industry or NGOs.

A Board member appointed by the Commission to represent interested parties proposed that applicants should be by default invited to meetings concerning their cases. He, therefore, requested that the respective paragraph in the Rules of Procedures would be changed from a "may" to a "shall" provision. In reply to this the Director for Regulatory Affairs clarified that the wording proposed follows the provision in the Rules of Procedures of the other Committees and would not unduly limit the possibilities to involve case-owners in the process.

9. Report from the Chairman of the Board of Appeal (MB/RD/01/2013)

Mercedes ORTUÑO, Chairman of the Board of Appeal, presented her annual report to the Management Board, including explanations about the latest appeal decisions, resource issues and challenges faced by the Appeal body in general.

The challenges identified by the Board of Appeal for its future work included working as part of ECHA, the management of new appeals derived from the BPR with the same resources as available for REACH related appeals and keeping a high level of knowledge on legal/scientific developments. The Board of Appeal has also to respond to resource challenges linked to uncertainty about the workload and aims at improving its procedural efficiency.

The Management Board members welcomed the report and noted with satisfaction that the Board of Appeal has started the preparations for its new role as appeal body under the Biocidal Product Regulation. The Chairman's intention to develop the necessary capacity and the procedures in time for dealing with potential appeals was appreciated. Some discussion took place on the issue of possibilities for supporting registrants after a final decision has been taken to comply with the requirements and the ways of collaboration between the Secretariat and the Board of Appeal. The Board's established working group on Board of Appeal matters will look into these and other issues in the course of its regular work.

The Management Board took note of the annual report from Board of Appeal by its Chairman.

10. Committee issues (10.1 Functioning of the Committees; 10.2 Remuneration of the co-opted Committee members and experts; 10.3 Appointment of the Committee members (MB/27-29/2013))

The floor was given to the Director for Regulatory Affairs for informing the Management Board of the Secretariat's assessment of the functioning of the REACH and CLP Committees and a number of proposed measures to address the capacity constraints on that these bodies are or will be facing in the coming years. The measures proposed included the recourse to co-opted members for which a proposal was therefore made for a revised Decision on the remuneration of co-opted members and experts invited by the ECHA Committees or the Forum.

Whilst thanking the Secretariat for bringing the important issue in such a well prepared manner onto the agenda, members raised doubts on the concrete actions proposed to

improve the capacity and functioning of the Committees, especially in regards to the Committee for Risk Assessment (RAC). Overall, the Board identified a need to make a broader analysis of the issue at stake, to reflect on the discussions and to find ways to ensure the commitment of Committee's members and Member States to the work of the Agency.

Some members were of the opinion that it should not be in the Management Board's remit to assess the scientific expertise of Committee members, or challenge the nominations made by Member States. It was proposed that the Secretariat should acknowledge that a broad range of expertise - both regulatory and scientific - from the members and their advisers/experts would be required for the good functioning of the Committees. Furthermore, as provided in the REACH Regulation, it would be the Member States responsibility to support Committee members.

By way of conclusion, it was decided to take at the present meeting no decision in relation to any of the presented Committee issues. This included the (re)appointment of Committee members: this conclusion not to decide on appointments was a consequence of the need for a broader analysis of the functioning of the Committees not a reflection on the nominees for appointment. In this regard it was noted that possible policy choices that would be made at the next Management Board meeting would be decisive for the appointments. On an *ad hoc* basis, the Board decided to mandate its Working Group on Planning and Reporting to look into the matter at its next meeting, scheduled for 5 September 2013 seek a commitment from the five Member States concerned that MSCAs will support the new nominees for RAC and SEAC, and to present a proposal to the September Management Board meeting.

11. Rules of Procedures for cooperation with EFSA on food safety issues and with other EU bodies on worker protection issues (MB/30/2013)

With a view to sharing information and ensuring coherence in the work of ECHA and other relevant European Union bodies in the area of food safety and worker protection, the Chair presented two sets of rules of procedure and invited the Board to adopt the final text in agreement with the Commission.

The Board endorsed the texts at a previous meeting and the Commission had provided its agreement, proposing only a small clarification regarding the fact that the legal mandate of the Union bodies concerned would be not affected.

Following the Commission's agreement and subject to the agreed modification incorporated into the text, the Management Board adopted:

1. Rules of Procedure for cooperation of the European Chemicals Agency with the European Food Safety Authority, and the
2. Rules of Procedure for cooperation between the European Chemicals Agency and other relevant European Union bodies in the area of worker protection.

These rules are foreseen in Article 110 of the REACH Regulation and will be published.

12. Amendments to the Rules of Procedures of the Forum (MB/31/2013)

The Management Board adopted amendments to the Rules of Procedures of the Forum for Exchange of Information on Enforcement. The revision aimed in particular at improving the management of potential conflicts of interests, including consequences

when the annual declarations of interest have not been submitted. The revised rules will be published.

13. Amendments to the ECHA Code of Conduct (MB/32/2013)

The Management Board adopted an amendment to ECHA's Code of Good Administrative Behaviour in order to take account of a suggestion made by the European Ombudsman. The revised Code of Good Administrative Behaviour will be published in the official EU languages.

14. Items for information

The Management Board members took note of following documents:

1. An updated MB Rolling Plan (MB/33/2013);
2. A Commission document on REACH/CLP and Customs, cooperation of authorities (MB/34/2013);
3. The outcome of the written procedures since the last meeting (MB/WP/03-04/2013);
4. The positive discharge resolution concerning the implementation of ECHA's budget 2011 adopted by the European Parliament in May 2013 (MB/35/2013).

15. Any other business

Meeting with Agencies Management Board Chairs organised by the European Commission

The Chair gave a report from the meeting with Management Board Chairs of EU agencies organised by the Commission's Secretariat General, on 14 May, in the Commission's headquarters in Brussels.

The purpose of the meeting was to present the Common Approach on decentralised EU agencies and the Commission's implementation roadmap thereon. Both documents have been formally presented to previous Management Board meetings.

The Executive Director complemented the report with the latest information from the last meeting of the Heads of EU Agencies Network Agencies Directors Network on 30 May where draft guidelines for conflicts of interests and standard provisions for agencies basic acts were discussed, two central elements of the Common Approach.

Composition of Management Board working groups

With regard to a change in the Commission representation in the Management Board, the Board concluded that Mr Björn HANSEN will replace Mr Gustaaf Borchardt (DG ENV) in the relevant sub-groups of the Management Board (the advisory group Dissemination and the working group Board of Appeal). Furthermore, it was agreed that representatives from both DG ENTR and DG ENV will participate in the advisory group Dissemination and the working group Planning and Reporting.

Sharing of confidential documents with Member States/Committee members outside REACH-IT

The Executive Director responded to one Board member's remark on means of sharing confidential information with Member States on CIRCABC. It was noted that confidential documents are password protected, resulting in practical difficulties for MSCAs to keep track of the passwords to the respective documents.

ECHA has however concluded that risks of disclosure have to be mitigated with all possible measures, which include the use of encryption. However, ECHA is testing a secure collaboration platform, with a view to developing a more secure alternative to CIRCABC. The Management Board would be able to take part in the pilot phase in 2013 when the Secretariat would start using the new platform for sharing Board documents.

Annual appraisal of BoA members and ED

The Chair informed of the closure of all annual appraisal reports for the Executive Director and Board of Appeal members.

ECHA SME ambassador

The floor was given to Andreas HERDINA, Director for Cooperation, to report on his new function as SME ambassador which the Executive Director has assigned to him. The European Commission representatives underlined the importance of the new function and thanked ECHA for the positive attitude in responding to the Commission's suggestion to establish the function.

ECHA Participation in Commission workshop on REACH review

Jukka MALM, Director for Regulatory Affairs, provided information on ECHA's participation in the Commission workshop on 27 June.

MSCA Directors' planning meeting

The Chair informed that the annual meeting with MSCA directors is planned for 20 November 2013 and will include Biocides authorities.

Work programme 2014

The Chair informed that the Board will soon after the meeting receive the draft Work Programme 2014 for consultation until mid-August. After review of the comments by the working group Planning & Reporting, the draft programme will then be put for adoption at the September 2013 meeting. The Chair also reminded that the draft multi-annual work programme is still in public consultation in all EU languages until mid-July.

SETAC workshop

The Board heard a report from Cristina RUDÉN about the outcome of a recent SETAC workshop on the gap between academic research and regulatory risk management of chemicals. ECHA had also participated in this workshop. Members were invited to contact Ms Rudén if they are interested in the work in this area.

16. Next meeting and closure

The Chair closed the meeting by bidding farewell to Gustaaf BORCHARDT who had participated for the last time at this meeting. The Board warmly thanked him for his contributions to ECHA's establishment and work over the last years, including the work in the sub-groups of the Management Board.

The Chair reminded members that the next meeting of the Management Board would take place on 26-27 September 2013 in Helsinki in the Agency's Conference Centre.

II. Documents submitted to the Management Board

Draft agenda	MB/A/02/2013
Draft minutes of the 29th Management Board meeting	MB/M/01/2013
Election of a Deputy Chair of the Management Board	MB/17/2013
Report from the Executive Director	MB/18/2013
Budget 2014 and MFF 2014-20- update	MB/19/2013
Amendments to the budget and establishment plan 2013	MB/20/2013
Opinion on the Agency's final accounts 2012	MB/21/2013
Report from the WG audit and annual reports of IAC and IAS	MB/22/2013
ECHA IT Security Declaration - revision of the Standard Security Requirements	MB/23/2013
Preparations for Biocides tasks - state of play	MB/24/2013
Rules of Procedures for the Biocidal Product Committee (BPC)	MB/25/2013
Participation of applicants and stakeholders in the BPC	MB/26/2013
Functioning of the Committees	MB/27/2013
Remuneration of co-opted Committee members and experts	MB/28/2013
Appointment of Committee members	MB/29/2013
Report from the Chairman of the Board of Appeal	MB/RD/01/2013
Rules of Procedure for cooperation of ECHA with EFSA on food safety issues and with other EU bodies on worker protection issues	MB/30/2013
Amendments to the Rules of Procedures of the Forum	MB/31/2013
Amendments to the ECHA Code of Conduct (MB/11/2008 final)	MB/32/2013
- Updated MB Rolling Plan	MB/33/2013
- Commission's document on REACH/CLP and Customs, cooperation of authorities	MB/34/2013
- Outcome of the written procedures	MB/WP/03-04/2013
- ECHA Discharge resolution 2011 of the European Parliament	MB/35/2013

III. Decision taken/Conclusions reached by Management Board

The Management Board:

- adopted the agenda of its 30th meeting (MB/A/02/2013).
- approved the minutes of its 29th meeting (MB/M/01/2013).
- decided unanimously with 27 votes cast on the renewal of Mr Martin LYNCH mandate as the Deputy-Chair for a 2nd term of office (MB/17/2013).
- took note of the report on Budget 2014 and MFF 2014-2020 update and mandated the Executive Director to propose to the Commission a solution for a reserve fund for ECHA and take the necessary steps to avoid an unequal treatment of ECHA compared to other EU bodies with respect to the financing of Accredited European Schools (MB/19/2013).
- adopted the amendments to the budget and establishment plan for 2013 as annexed to document MB/20/2013;
- approved the transfer between the budget lines 3902 - IPA Programme according to agreement 2012/214-524 and the budget line 1113 - Seconded National Experts;
- took note of the budget transfers made under the authority of the Executive Director since the last notification (MB/20/2013).
- took note of ECHA's final accounts 2012 as well as the Court of Auditor's observations thereon, and adopted its opinion on the accounts; and instructed the Executive Director to forward the opinion the Commission's Accounting Officer, the Court of Auditors, and the budgetary authority, by 1 July 2013 latest (MB/21/2013).
- approved amended Standard Security Requirements for the access to ECHA's IT systems, including Teleworking Rules as annexed to document MB/23/2013.
- Endorsed, by way of temporary derogation from the Unified Declaration of Commitment related to the access to certain ECHA IT systems, a proposal to grant Member State authorities temporary access to the ECHA Biocides IT systems provided that the minimum requirements are fulfilled, for a maximum of six months after the entry into operation of Regulation (EU) No 528/2012 (MB/23/2013).
- approved the Rules of procedure for the Biocidal Product Committee subject to a clarification in Article 10(7), MB/25/2013).
- mandated its working group on planning and reporting to consider the Secretariat's assessment of the functioning of the REACH and CLP Committees and the proposed measures to address the capacity constraints that will be faced by these bodies in the coming years, and to report back with a proposal to the next Management Board meeting.

- adopted, in agreement with the Commission, Rules of Procedure for cooperation of the European Chemicals Agency with the European Food Safety Authority, and the Rules of Procedure for cooperation between the European Chemicals Agency and other relevant European Union bodies in the area of worker protection (MB/30/2013).
- Adopted revised Rules of Procedures of the Forum for Exchange of Information on Enforcement (MB/31/2013).
- Adopted the amendment to the ECHA Code of Conduct and Good Administrative Behaviour (MB/32/2013).

List of follow-up actions

- The Board will revisit the issue of the remuneration of Committee rapporteurs and the time assumptions for their tasks and those of the Secretariat in the context of the next update on the transfer of fees to the Member States.

IV. List of Attendees

Representatives of the Member States

Thomas JAKL	(AT)	
Jean-Roger DREZE	(BE)	
Boyko MALINOV	(BG)	
Leandros NICOLAIDES	(CY)	
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1. Agenda item 5, penultimate paragraph:

[...] The *ECHA Secretariat* emphasised the ~~on-going intense cooperation~~ with national authorities but also the tight timetable and ~~limited scarce resources on all levels, including the Agency, despite additional staff resources being allocated to it for implementing the new regulatory mandate with ECHA being the only party with new resources because the Agency had previously no tasks in the field of Biocides.~~ [...]]

2. Agenda item 7, first paragraph

[...]“The initial draft, sent to the Commission and the Management Board by 15 February, had foreseen a staff reduction of 2% ~~and but~~ not the payment of the pension contributions from the EU general budget *“by the year’s end”.* [...]]

[...] “PIC

- [...]]
- A decrease in EU subsidy/*EEA EFTA contribution* from €1,561,500 to €1,314,300, i.e. by 16% [...]]

3. Agenda item 8, penultimate paragraph

[...]“As regards the funding for Biocides preparations, the Commission confirmed by letter of 21 March 2013 that ~~the funds temporarily taken from the REACH Fee reserve will be reimbursed to ECHA (and subsequently to the REACH reserve) from the EU general budget an additional balancing contribution of a maximum of 1 MEUR will be provided~~ if the fees to be collected under the Biocides Regulation from September 2013 will, as currently anticipated, be lower than 1.15 million EUR. *At the same time, ECHA must reimburse in 2013 the funds temporarily taken from the REACH fee reserve.* [...]]

4. Agenda item 9

[...] The establishment plan posts were foreseen to be reduced in the area of REACH and CLP from 451 to 438 until 2016. In the areas of Biocides and PIC, where ECHA has been assigned new regulatory tasks starting from 2013 and 2014 respectively, the establishment posts are anticipated to grow from ~~547~~ to ~~548~~ (Biocides) and 5 to 6 (PIC) [...].

5. Annex list of participants

[...] John HARRISON, ~~Irish Health and Safety Authority Department of Agriculture, Food and the Marine~~ [...]]