

**MINUTES OF THE 27th MEETING OF
THE MANAGEMENT BOARD**

27-28 September 2012

I. Documents submitted to the Management Board

Draft agenda	<i>(MB/A/03/2012)</i>
Draft minutes of the 26 th Management Board meeting	<i>(MB/M/02/2012)</i>
Review of the working methods of the Management Board	<i>(MB/33/2012)</i>
Report of the Executive Director	<i>(MB/34/2012)</i>
Work Programme 2013	<i>(MB/35/2012)</i>
2 nd amending budget 2012	<i>(MB/36/2012)</i>
Preparation of the multi-annual work programme	<i>(MB/37/2012)</i>
Implementation of the policy on managing (potential) conflicts of interest	<i>(MB/38/2012)</i>
Rules of procedures pursuant to Article 110(2) of the REACH Regulation	<i>(MB/39/2012)</i>
Rules of Procedures of the Committees for Risk Assessment and Socio-Economic Analysis	<i>(MB/40/2012)</i>
Appointment of Committee members	<i>(MB/41/2012)</i>
Implementing Rules for the Staff Regulations	<i>(MB/42/2012)</i>
Appointment of the Accounting Officer	<i>(MB/43/2012)</i>
Election of a Chair of the Management Board	<i>(MB/44/2012)</i>
Integrated Quality Management System	<i>(MB/45/2012)</i>
Participation of Accredited Stakeholder Organisations in the authorisation application procedure	<i>(MB/46/2012)</i>
Participation of the Serbian Chemicals Agency in the work of the Forum	<i>(MB/47/2012)</i>
New responsibilities of ECHA under the Biocidal Products Regulation (EU) No 528/2012	<i>(MB/48/2012)</i>
Report on written procedure	<i>(WP/03/2012)</i>
Transfers within the budget	<i>(MB/49/2012)</i>
Outcome of the IWG on regulatory agencies	<i>(MB/50/2012)</i>

II. Summary Record of the Proceedings

Introductory remarks

The Chair opened the meeting by welcoming the participants and thanking the Romanian authorities for the invitation to Bucharest.

He welcomed the following new members to the Board:

- Ms Christina RUDÉN, appointed on 21 June 2012 by the European Parliament until 21 June 2016;
- Ms Krisztina CSENGÖDY (HU) and Mr Jean-Roger DREZE (BE), appointed by Council decision of 24 September 2012. The term of Ms CSENGÖDY runs until 31 May 2013 and that of Mr DREZE until 31 May 2015.

The Chair also informed the Management Board of the pending appointment decisions related to the replacements of Eskil THUESEN (DK) and Ionut GEORGESCU (RO).

He introduced the observers attending the meeting and provided information on the proxy votes of which he had been notified (details are listed in section IV of these minutes).

1. Agenda (MB/A/03/2012)

The Chair introduced the room documents that had been made available and announced that the following additional agenda items would be dealt with under "Any Other Business".

- Information by the Commission representatives in relation to Commission communications on the "REACH review" and on nano-materials.
- Establishment of a child care centre on the Agency's premises.

On this basis, the agenda was adopted.

2. Declarations of specific interests

Further to a request for declarations, no conflicts of interest were declared by the Board members present with regard to the agenda items of the meeting.

3. Minutes (MB/M/02/2012)

The draft minutes of the meeting on 20-21 June 2012 were approved with one amendment (see corrigendum in the annex).

4. Review of the working methods of the Management Board (MB/33/2012)

The Chair presented the agenda item which had been prepared by the Secretariat since June 2012. For this purpose, an internet-based survey amongst Board members was organised in the summer and the Board had received the background material for the item for written consultation in August.

The exchange of views at the meeting focused on those issues that required further discussion in the light of the outcome of the written consultation. Issues discussed included, for example, the role of the Board towards other ECHA or Commission bodies; the

differences and relations between REACH policy and ECHA policy; the timely availability, level of detail and publication of meeting documents; the role of persons of trust in plenary meetings and subgroups; the definition of professional secrecy and confidentiality; the level of detail in the minutes; and the possibility to hold meetings in exceptional circumstances via internet broadcast.

Special attention was given to the role of CARACAL meetings, where several members recalled that this established advisory forum had an essential role to play in REACH implementation. In the absence of sufficient meeting time for CARACAL meetings, important discussions were prone to being held at Management Board meetings where they did not necessarily belong.

Furthermore, many Board members expressed their support to the continuation of the practice to hold one Management Board meeting each year in a Member State outside Finland; in addition, the Secretariat was encouraged, in general, to provide meeting documentation as early as was possible.

The Board also acknowledged the recent adoption of the inter-institutional joint statement on regulatory agencies which had been submitted to the meeting for information. The issue would be considered in greater detail at a future meeting, it was noted. The idea of establishing a bureau of the Management Board to which responsibility would be delegated for certain Board decisions was, however, seen critically by several Board members, with regard, also, to its compatibility with the Agency's founding legislation.

On the basis of the discussion, the Board agreed in general terms to a proposed description of its operating framework, subject to some additions and modifications. The Secretariat were to prepare a revised version of the corresponding document and present it for approval at the next meeting. The document would then be published.

With some modifications¹, the Board adopted a proposal for revised Rules of Procedure of the Management Board.

5. Report of the Executive Director (MB/34/2012)

The Board took note of the report of the Executive Director on operational and other activities undertaken by ECHA since the last meeting.

An exchange of views focused on the actual developments related to the candidate list of SVHCs² and the authorisation procedure under the REACH Regulation, including the choice of the best risk management option and the optimal division of work between ECHA and the Member State authorities. Other issues discussed were the number and status of confidentiality claims; the quality of chemical safety reports; the scope of completeness check for registration dossiers; the status of intermediates under REACH; the published study on new test methods; the use of IT tools in the PIC³ process; and stakeholder

¹ art. 3.3, deletion: Meetings may exceptionally be conducted via internet broadcast videoconference or similar mode (virtual meetings).

art. 5.1, addition: A provisional agenda shall be drawn up by the Chair in consultation with the Executive Director. It shall be forwarded to the members and observers at least two weeks prior to each meeting, **to the extent possible with part of the supporting documents.**

art. 6.3, deletion: In situations where there is absence of obvious consensus the Chair will ask members whether they wish to vote following the closure of the debate. Unless a secret ballot is requested by at least one-third of the voting members present, such a votes shall be taken by show of hands. The minutes will indicate that the decision was taken by majority decision with the number of objections and abstentions.

Art. 11, addition: The subgroups shall select a Chairperson from among its members, **if this is not decided by the Management Board.**

² Substances of Very High Concern

³ Prior Informed Consent Regulation

participation in workshops including having a full list of such workshops at the start of the year.

The Executive Director and the relevant ECHA Directors responded to the questions put forward by Board members.

The Board took note of the report and the additional information provided.

6. Work Programme 2013 (MB/35/2012)

The Executive Director presented the draft ECHA work programme for 2013. As a peak workload year, 2013 would involve i.a. the second registration deadline under the REACH Regulation; a high level of compliance checks decisions; an increasing work in the area of substance evaluation; the processing of the first authorisation applications; and a high workload related to proposals for harmonised classification and labelling. In addition, the Biocidal Products Regulation would become operational on 1 September 2013 requiring the readiness of the main processes. That is why the program includes a reservation for a possible need for negative priorities.

The Executive Director noted that the final ECHA budget and the establishment plan 2013 would be adopted in December 2012, following the final adoption of the general budget of the European Union by Council and Parliament. Should the subsidies amounts or authorised staff figures differ significantly from the current estimates, the Work Programme would be adjusted accordingly.

The draft work programme had previously been subject to a written consultation by the Management Board and the comments received had been reviewed by the working group on planning and reporting on 6 September. The annexes of the document would be updated in December 2012, once the outcome of the EU budgetary procedure for 2013 was known.

The Chair of the working group on planning and reporting, Martin LYNCH, introduced the comments made by Board members after a consultation on the initial draft. On behalf of the working group, he recommended the adoption of the document without further changes.

In the following discussion, Board members raised questions concerning i.a. the high workload vs the available resources, the quality of registration dossiers; the use of completeness checks for cases of unclear substance identification; the workload of the committees; the preparations for Biocides-related work; and the situation of small and medium sized enterprises facing the 2013 registration deadline.

The Executive Director replied that in order to manage all challenges with the available resources, increased efficiency was required in all working areas of the Agency. Cooperation with national helpdesks would play a crucial role in reaching small companies for the 2013 registration deadline. With regard to Biocides, he noted that the time frame for preparations was tight and that new staff would need to learn their tasks very quickly. Furthermore, he referred to the upcoming agenda items to continue the discussion on dossier quality and completeness checks. As regards the quality of registration dossiers reference was made to the dedicated item on the agenda.

With one addition⁴, the Management Board adopted the Agency's Work Programme 2013. The Board instructed the Executive Director to forward the adopted document to the

⁴ P. 28, Classification and labelling, 1. paragraph, addition: (...) This, together with continuous efforts in streamlining working practices and procedures (for instance via expert meetings, awareness raising activities, **criteria for dealing with new information received throughout the process** etc.), will play an important role to meet the high level of demand.

Member States, the European Parliament, the Council and the Commission and to have it published on the ECHA website.

7. 2nd amending budget 2012 (MB/36/2012)

The floor was given to the Director of Resources to present the agenda item. The proposed budget amendment incorporated the funding received through an agreement with the European Commission (IPA - Preparatory measures for the participation of the candidates and potential candidates in EU Agencies) and revised upwards the estimate on fees and charges. The amending budget and the status of the budget implementation 2012 were presented to the working group on planning and reporting on 6 September 2012.

A Commission representative made an intervention concerning the responsibility of the Agency to cover payment of the employer's part of pension contributions for Agency staff.

ECHA had stopped paying pension contributions since ECHA had started to receive subsidies again, for new PIC and Biocides tasks, in July 2012.

In the view of the ECHA Secretariat, the dependency on subsidy for some of its activities should, in accordance with the Staff Regulations, result in coverage of the pension contributions from the general budget. The Commission confirmed its interpretation from last year but is willing to analyse the issue again. ECHA had also asked the Court of Auditors for an opinion. In the light of these ongoing discussions, the Commission representative made a reservation with regard to any implication from the proposed amendment. The Executive Director clarified that the budget amendment did not preclude any decision on the pending matter. By way of contrast, ECHA did, with the amendment, continue to foresee the pension contributions on the expenditure side and, hence, would be able to fulfil any possible obligations in case the Secretariat's interpretation of the Staff Regulations was not confirmed.

The Management Board adopted the second amending budget for 2012. It instructed the Executive Director to notify this decision to the Budgetary Authority, the Court of Auditors and the Commission, and have the amended budget published on the Agency's web page and in the Official Journal of the European Union.

The Management Board agreed to return to the issue of pension contributions in its December meeting, after having clarified with the support of the Commission, how to ensure a consistent implementation across all EU agencies, of who should pay the employers' contribution.

8. Preparation of the multi-annual work programme (MB/37/2012)

The Board heard from the Executive Director, who presented the new structure of the multi-annual work programme (MAWP). The programme would in future cover a five-year cycle, instead of three, and would be structured around ECHA's four strategic objectives. The Agency would, however, not alter the core programme in the coming years but only review the progress made and update the annexes. New elements in the preparation process included consultation of Competent Authorities and Accredited Stakeholders, discussions with the Commission and a public consultation of the draft in all EU languages.

By way of follow-up to the discussions held at the June 2012 Management Board meeting, the Executive Director also introduced the first draft text related to strategic objective number one – improving the quality of data. Furthermore, the Director of Evaluation presented the planning and strategy for compliance checks under dossier evaluation. She

emphasised that ECHA was determined to use compliance checks in an optimum manner to improve the quality of data and that significant efficiency gains were expected in the process. However, ECHA could only afford to spend efforts beyond the 5% legal minimum on compliance checks if sufficient resources including new fees or charges would become available.

The floor was then given to Martin LYNCH, Chair of the working group on planning and reporting. He informed the Board that the new structure would allow a more efficient planning process to be undertaken. However, if needed, the programme could be revisited outside the regular intervals foreseen in view of significant new developments. He also highlighted the need for measurable results and concrete baseline figures in the Agency's multi-annual planning.

The Board supported the strategic approach and the new structure of the programme.

The subsequent discussions focussed on the quality of registration dossiers and the importance of this aspect for the credibility of the REACH system. Some Board members pointed to a need for both effective completeness and compliance checks.

A Member State representative put special emphasis on the early identification of problems with substance identity and called for corresponding imminent adaptations in the completeness check procedures. Since discussion of the related procedural and legal questions would require highly detailed work, he called for the establishment of an *ad hoc* Management Board working group on the issue.

Regarding compliance checks, several Board members acknowledged the improvements put in place by the Secretariat through targeted compliance checks.

Members representing interested parties highlighted that industry was willing to comply with the REACH Regulation but that good checks were needed to identify incompliant companies. Small companies, in particular, needed early support when facing registration deadlines.

The Chair concluded that the mandate of the working group on planning and reporting should be extended on an ad-hoc basis to address the quality of registration dossiers. Two new members, Ms RUDEN and Mr DREZE would join the working group, and Mr JAKL would replace Ms CROMNIER. Members would have the opportunity to submit further written comments to the background documentation by 15 October as input for the activities of the working group. The Board would be updated on developments at its next meeting.

The Board endorsed the new strategic approach to the multi-annual work programme. The draft MAWP 2014-18, would be submitted to the Board in the new format for written consultation in December 2012. A public consultation in all EU languages would be organised before the final adoption by the Management Board in September 2013. The Board also took note of a first draft for the chapter on strategic objective number 1, concerning the quality of data, as well as of the Secretariat's future planning and strategy for compliance checks under dossier evaluation.

9. Election of a Chair of the Management Board (MB/44/2012)

The Chair explained the procedure for the election of the Management Board Chair. In accordance with the REACH Regulation, the term of office of the Chair is two years and it is renewable once. The second term in office of the current Chair was to conclude on 30 September. The initial term of the new Chair would run from 1 October 2012 until 30 September 2014.

The Chair invited the candidates, Nina CROMNIER and Martin LYNCH to take the floor. Both candidates had respectively been nominated by several Board members for the office.

Ms CROMNIER presented her candidature, professional experience and ideas about the future work of the Board. As ECHA was entering into a new phase, including tasks for Biocides and PIC, questions of synergy and efficiency would grow in importance. She highlighted that the role of the Board was also to assist the ECHA Secretariat in this new phase, supporting the Agency to achieve its strategic objectives.

Mr LYNCH stressed the importance of fairness and impartiality in the role of the Management Board Chair, as well as the need for good cooperation with the Executive Director and the ECHA Secretariat as such. He presented his professional background and highlighted his interest in working for ECHA, REACH and the European Union goal's.

The Chair informed the Board that the declarations of interest of both candidates had been screened by the Secretariat and no reasons for concern had been identified. He explained that according to the Rules of Procedure of the Management Board, there were 32 voting members in the Management Board. Twenty-nine members were present at the time of the election and two proxies had been received. The Chair would be elected with a two-thirds majority of favourable votes.

Mr FUEHR and Ms LAUBER were appointed as tellers. The votes were cast by secret ballot.

In total, there were 31 votes cast:

- In the first round, there were 17 votes for Ms CROMNIER, 13 for Mr LYNCH and one abstention.
- In the second round, with one remaining candidate, Ms CROMNIER received 25 votes.

The Management Board elected Nina CROMNIER (SE) as its new Chair starting from 1 October 2012.

Ms CROMNIER accepted the position and thanked the Board for the confidence they had shown in her. She congratulated the previous Chair, Thomas JAKL, for his excellent work.

10. Session with Romanian representatives

Mr POPA, Secretary General at the Romanian Ministry for Environment and Forests, warmly welcomed the Board to Romania on behalf of his minister, Ms PLUMB. He explained the efforts Romania had made in establishing and implementing chemicals legislation in the last ten years and thanked ECHA for the good cooperation they had enjoyed so far.

The Deputy Head of the Romanian Environment Protection Agency, Mr IRIMIA, explained the structure of the Romanian competent authorities for REACH, CLP, Biocides and PIC implementation and enforcement. As responsibilities were shared between four different Ministries and several implementing Agencies, good cooperation between the organisations played a crucial role in their work.

Board members held an exchange of views with the Romanian representatives regarding the division of work between national and regional authorities, as well as regarding cooperation with stakeholders and non-government organisations in Romania. The Board thanked the Romanian hosts for their interesting presentations as well as for their hospitality and help in hosting the meeting.

11. Implementation of the policy on managing (potential) conflicts of interest (MB/38/2012)

The Executive Director reported on new developments that had taken place since the June 2012 meeting regarding the implementation of ECHA's policy on managing potential conflicts of interest. The report included information on the constituent meeting of the ECHA Conflicts of Interest Advisory Committee.

Furthermore, the Executive Director presented the eligibility criteria and guidelines for the appointment of members of the Agency's bodies and key staff.

The floor was then given to Antonello LAPALORCIA, the member appointed by the Board to the Conflicts of Interest Advisory Committee. He reported from the Committee's constituent meeting on 24 August where it had agreed on its draft Terms of Reference.

Board members then held an extensive exchange of views which focused on the proposed eligibility criteria and guidelines for ECHA's bodies and key staff. Whilst acknowledging the importance of the matter and thanking the Executive Director for the initiative, several members expressed concerns as regards the impact of the criteria on ECHA's capacity to attract the best scientific expertise. In this context, reference was also made to the Board's conclusion of June 2012 where similar criteria were proposed and a decision postponed until the expected special report from the European Court of Auditors on conflict of interest management in EU agencies became available. Since this report was still not published at the time of the Board meeting, it was argued that a decision on the matter should again be postponed.

It was stated that many public organisations on the national and European levels face similar challenges and that one horizontal policy for all EU institutions would be needed. If ECHA's policy was too strict, it might be difficult to find any future candidates for Committees and other bodies, especially for the Board of Appeal and its alternate and additional members.

The Executive Director clarified the eligibility criteria needed for ECHA's different Committees and bodies and explained details of the recruitment process for Agency staff, including the fact that all staff members were obliged to sign a declaration of any conflicts of interest. In the long run, EU-wide rules should ideally be introduced for all Agencies and institutions. Until then, ECHA should adopt its own rules.

It was agreed that the Board would revisit the item in due time to take account of new developments and agree on necessary changes.

The Management Board then adopted, with two amendments⁵,

- provisional eligibility criteria for the members of Committees for Risk Assessment and Socio-Economic Analysis;
- provisional eligibility criteria for the Executive Director, the Accounting Officer and the members of the Board of Appeal; and
- provisional guidelines for the eligibility of members of the Management Board, the Member State Committee, the Biocidal Products Committee and the Forum.

The Board also adopted proposed Terms of Reference for the Conflicts of Interest Advisory Committee with one modification⁶ and agreed that this Committee would be involved in the further development of the above mentioned criteria and guidelines.

⁵ The definition of thresholds for investments of 100.000 euro or a voting right of 20% or more will be replaced by a more generic reference; Clarification: Candidates who **personally** have contractual obligations with chemical industry (...)

⁶ Art 3.4: Clarification that external experts can be invited to attend meetings for specific agenda items.

12. Rules of procedures pursuant to Article 110(2) of the REACH Regulation (MB/39/2012)

The Director of Regulatory Affairs introduced the draft rules of procedure for cooperation with the European Food Safety Authority and relevant European Union bodies in the area of worker protection. These rules define ECHA's framework for cooperation on matters related to food safety and worker protection.

Subject to two modifications⁷, the Board endorsed the rules. It instructed the Executive Director to forward the draft rules to the European Commission, for agreement.

13. Rules of Procedures of the Committees for Risk Assessment and Socio-Economic Analysis (MB/40/2012)

The agenda item was presented by the Director of Regulatory Affairs. The revised rules of procedures of the Committees for Risk Assessment and Socio-Economic Analysis included a provision that members were not allowed to participate in meetings unless they had provided a valid declaration of interest. A similar provision had already been adopted for the Member State Committee by written procedure. These measures followed a recommendation by the Court of Auditors concerning the management of potential conflicts of interests.

The Board approved the revised rules of procedures.

14. Appointment of Committee members (MB/41/2012)

The following new members were appointed to the Committee of Risk Assessment:

- Ms Safia KORATI and
- Mr João Paulo MOREIRA de CARVALHO.

15. Implementing Rules for the Staff Regulations (MB/42/2012)

Four implementing rules for the Staff Regulations were briefly presented by the Director of Resources.

Subject to the agreement of the Commission, the Board approved three implementing rules for the Staff Regulations. These related to the prevention of harassment; the Joint Committee for Appraisal and Reclassification; and to leave, parental leave, family leave and part-time work.

Having received the Commission's agreement, the Board also adopted implementing rules concerning the Agency's Staff Committee.

16. Appointment of the Accounting Officer (MB/43/2012)

⁷ Article 4(5): When a potential conflict of opinions between the ECHA and EFSA is expected or identified, the possibility of sharing of data which has been used as the basis of opinions ~~may~~ **shall** be considered ~~in line with ECHA's policies on sharing information with external actors.~~ (...) Addition of Article 5(3): **Where appropriate, a joint document clarifying the scientific and/or technical points of conflict and identifying the relevant uncertainties in the data is to be prepared.**

The Executive Director shortly explained the background for the appointment of a new Accounting Officer.

The Board appointed John WICKHAM as the new Accounting Officer of the Agency. Tuula HAKALA, the Head of Unit for Finance, was appointed as the interim Accounting Officer until Mr WICKHAM took up the office.

17. Integrated Quality Management System (MB/45/2012)

The Board heard from the Executive Director about the progress made with the Agency's integrated quality management system (IQMS) since September 2011. This included internal documentation, and increased capacity-building and awareness-raising activities. Altogether, 220 internal quality documents had been approved. A roadmap for ISO 9001 certification had been established for 2012-2014. The next steps included an IQMS assessment and a management review, he indicated.

One clarification was made concerning the progress of internal quality documentation.

The Board took note of the information.

18. Participation of Accredited Stakeholder Organisations in the authorisation application procedure (MB/46/2012)

Further to the June 2012 Board meeting, the Director of Regulatory Affairs presented a revised approach to facilitate the participation of case-owners and Accredited Stakeholder Organisations in the authorisation procedure. As a follow-up to the June meeting, ECHA was proposing new measures to facilitate and oversee stakeholder participation, i.a. the appointment of an Authorisation Hearing Officer who would decide on a case by case basis if a case is observed or not.

Board members welcomed the Secretariat's efforts to address this complex issue and the input from Board members. The Board discussed the role and selection criteria of the proposed Authorisation Hearing Officer and the procedural rules linked to the establishment of the new function, for example the review of decisions taken in relation to specific authorisation procedures. It was stressed that the whole procedure should not become overly complex and difficult to manage and, therefore, required further development to reach a balance between transparency and the appropriate safeguards for confidential business information. A member representing interested parties pointed out that transparency should be the guiding principle in the authorisation process, especially in cases of substances of very high concern.

The Executive Director confirmed the need for a good balance between transparency and the appropriate safeguards for confidential business information. It was noted that the Board would be kept informed about the further practical implementation and new developments.

The Management Board took note of the information provided.

19. Participation of the Serbian Chemicals Agency in the work of the Forum (MB/47/2012)

The Director of Cooperation informed the Board about a request from the Serbian Chemicals Agency to become an observer in the Forum for Exchange of Information on Enforcement. He also explained that a restructuring of the Serbian chemicals administration was currently taking place.

Several Board members were in favour of the participation of the agency, but noted that a re-confirmation of the request from the Serbian authorities would be needed in order to proceed with the matter.

The Board concluded that ECHA would request a re-confirmation from the Serbian authorities of the request. If this re-confirmation was provided, the Forum could be consulted. Subsequently, the Board could revisit the item at a future meeting.

20. New responsibilities of ECHA under the Biocidal Products Regulation (EU) No 528/2012 (MB/48/2012)

The Board received an update from the Director of Regulatory Affairs on ECHA's responsibilities under the new EU Biocidal Products Regulation, which entered into force on 17 July 2012 and which was to become operational in September 2013.

The Board duly noted that its responsibilities also covered ECHA's activities under the new Regulation.

The Board took note of the status of preparatory activities and the related challenges for the Secretariat. A Biocidal Products Committee and new IT systems were in preparation, and that ECHA had a new, separate budget and new staff for Biocides. However, the 2013 budget foresaw substantial reductions both in the estimated fee income and subsidies. The Secretariat therefore expressed concerns in relation to the timing and resources for preparation of the entry into operation of the new Regulation.

Several members informed the Board of concerns faced by national authorities, such as the coordination of work on the national level; the lack of resources; the setting of administrative charges; and the use of national IT systems. It was noted that ECHA and the Competent Authorities for Biocides would continue discussing the cooperation in regular meetings and in bilateral meetings at the occasion of the visit by ECHA in their offices.

The Board took note of the information.

21. Items without discussion

The Board took note of the following items:

- *Outcome of written procedure WP/03/2012*
(approval of the revised Rules of Procedure for the Member State Committee)
- *Transfers within the budget (MB/49/2012)*
- *Outcome of the IWG regulatory agencies (MB/50/2012)*

22. Any Other Business

- *Budget 2013*

The Executive Director informed the Board about the budgetary procedure for 2013. The plenary vote in the Parliament was foreseen for 23 October, with the budget to be eventually adopted on 21 November 2012.

- *EU multi-annual financial framework 2014-2020*

The Executive Director reminded the Board that for the years 2014-2020 a high uncertainty would remain regarding ECHA's fee income. Therefore, the currently foreseen subsidy of 385m EUR should be safeguarded as a minimum requirement.

- *Information by Commission on REACH review / Communication on nanomaterials*

A Commission representative clarified that the Commission communication on nanomaterials was to be adopted soon while the communication on the REACH review would be adopted later in the year; the date had not yet been confirmed.

- *Annual appraisal of BoA members*

The Chair informed the Board that all annual appraisal procedures had been finalised and that he had received the closed reports from the reporting officers.

- *Establishment of a day care centre on the Agency's premises*

The Director of Resources briefly introduced the plan to create a day care centre on the Agency's premises for which a statement of intent was signed with the landlord. The Board would return to the item at its December meeting for a decision on the matter.

23. Next meeting and closure

The outgoing Chair, Thomas JAKL, reminded members that the next meeting of the Management Board would be held in Helsinki on 13-14 December 2012.

He thanked his colleagues on the Board, the Executive Director, and the secretariat for the excellent cooperation he had enjoyed during his four years as Chair of the Management Board, which, he said, had been a highlight in his professional career. Board members and the Executive Director thanked Dr JAKL for his extraordinary achievements. The Executive Director highlighted his leadership and his skills at building consensus, which were documented by the fact that the Board had, in the past four years, managed to arrive at conclusions on all matters and which were, without exception, all upheld. This was followed by applause.

III. Decisions taken / Conclusions reached by the Management Board

The Management Board:

- adopted the agenda for its 27th meeting (MB/A/03/2012).
- approved the minutes of its 26th meeting (MB/M/02/2012).
- adopted the Agency's Work Programme for 2013 (MB/35/2012) and instructed the Executive Director to forward the work programme to the Member States, the European Parliament, the Council and the Commission, and to have it published.
- adopted a second amending budget for 2012 (MB/36/2012) and instructed the Executive Director to notify the Budgetary Authority, the Court of Auditors and the Commission of this decision. The amended budget shall be published on the Agency's website and in the Official Journal of the EU.
- endorsed the new strategic approach to the multi-annual work programme (MB/37/2012).
- elected Nina CROMNIER (SE) as its new Chair, starting from 1 October 2012 for a term in office of two years (MB/44/2012).
- adopted
 - provisional eligibility criteria for the members of Committees for Risk Assessment and Socio-Economic Analysis;
 - provisional eligibility criteria for the Executive Director, the Accounting Officer and the members of the Board of Appeal;
 - provisional guidelines for eligibility for the members of the Management Board, the Member State Committee, the Biocidal Products Committee and the Forum (MB/38/2012).
- adopted the Terms of Reference of the Conflicts of Interest Advisory Committee (MB/38/2012).
- endorsed draft rules of procedure for cooperation with the European Food Safety Authority and relevant European Union bodies in the area of worker protection (MB/39/2012) and instructed the Executive Director to forward these rules to the European Commission, for its agreement, as required under Article 110 of Regulation (EC) No 1907/2006.
- approved the revised rules of procedure of the Committees for Risk Assessment and Socio-Economic Analysis (MB/40/2012).
- appointed Ms Safia KORATI and Mr João Paulo MOREIRA de CARVALHO as members of the Committee for Risk Assessment (MB/41/2012).
- approved three implementing rules for the Staff Regulations, related to the prevention of harassment; the Joint Committee for Appraisal and Reclassification; and to leave, parental leave, family leave and part-time work, subject to the agreement of the Commission (MB/42/2012).
- adopted implementing rules for the Staff Regulations pertaining to the Staff Committee, in agreement with the Commission (MB/42/2012).
- appointed John WICKHAM as the Accounting Officer.

- appointed Tuula HAKALA, the Head of Unit for Finance, as an interim Accounting Officer until the Accounting Officer assumed his duties as a staff member of the Agency (MB/43/2012).
- took note of the budgetary transfers indicated in document MB/49/2012.

List of agreed follow-up actions

- The Board would 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.
- The Secretariat would provide an overview of planned workshops and events in 2013 for which the participation of Member State representatives was foreseen.
- The Board will be kept informed about the further practical implementation and new developments with regard to the involvement of case-owners and stakeholder observers in the authorisation application phase.

IV. List of Attendees

Representatives of the Member States

Karel BLAHA (CZ)
Nina CROMNIER (SE) also acting as proxy for Ms KIVELÄ
Krisztina CSENGÖDY (HU)
Paulo Guilherme DA SILVA LEMOS (PT)
Arwyn DAVIES (UK)
Kassandra DIMITRIOU (EL)
Jean-Roger DREZE (BE)
Simona FAJFAR (SL)
Francis FARRUGIA (MT)
Ana FRESNO RUIZ (ES)
Claude GEIMER (LU)
Thomas JAKL (AT)
Jan Karel KWISTHOUT (NL) also acting as proxy for Mr THUESEN
Antonello LAPALORCIA (IT)
Martin LYNCH (IE)
Boyko MALINOV (BG)
Edyta MIEGOC (PL)
Catherine MIR (FR)
Alexander NIES (DE)
Leandros NICOLAIDES (CY)
Edita NOVAKOVA (SK)
Armands PLATE (LV)
Aive TELLING (EE)
Marija TERIOSINA (LT)

Representatives of the Commission

Gustaaf BORCHARDT
Antti PELTOMÄKI
Elke ANKLAM

Independent persons appointed by the European Parliament

Anne LAPERROUZE
Christina RUDÉN

Representatives from interested parties appointed by the Commission

Martin FÜHR (EEB/University of Darmstadt)
Gertraud LAUBER (EMCEF/ETUC)

Observers from EEA/EFTA countries

Henrik ERIKSEN (NO)

Other Observers

Bent Horn ANDERSEN on behalf of Eskil THUESEN (DK)
Marilla LAHTINEN on behalf of Pirkko KIVELÄ (FI)
Cosmin TEODORU on behalf of Ionut GEORGESCU (RO)
Guy THIRAN on behalf of Hubert MANDERY (CEFIC)

Björn HANSEN (European Commission)
Elena PASCUAL JIMENEZ (European Commission)
Simona GHITA (expert accompanying Mr TEODORU)

Martin O'HALLORAN (expert accompanying Mr LYNCH)
Katja VOM HOFE (expert accompanying Mr NIES)

ECHA staff

Geert DANCET (Executive Director)
Jukka MALM (Director of Regulatory Affairs)
Leena YLÄ-MONONEN (Director of Evaluation)
Jack DE BRUIJN (Director of Risk Management)
Andreas HERDINA (Director of Cooperation)
Christel MUSSET (Director of Registration)
Jef MAES (Director of Resources)

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Frank BÜCHLER (Legal Officer, Executive Office)
Mervi MUSTAKALLIO (Planning and Monitoring Officer, Executive Office)
Tiiu BRÄUTIGAM (Member States Relations Officer, Executive Office)
Milena STOYANOVA (Management Board Assistant, Executive Office)

Corrigendum to the minutes of the 26th Management Board meeting

**7. ECHA Financial Outlook for 2014-2020 and assessment of subsidy needs
(MB/20/2012)**

(...)

The Chair concluded that there was ~~general~~ **considerable** support for higher or new fees among Board members and asked the Executive Director to continue updating future financial scenarios based on the most recent data and estimates available, and to inform the Board accordingly.