

PRELIMINARY CONCLUSIONS

36TH MANAGEMENT BOARD MEETING
16-17 DECEMBER 2014, ROME, ITALY

*The meeting was kindly
hosted by the Italian EU
Presidency*



2014 Italian
Presidency of the Council
of the European Union

1. Quarterly report on ECHA's activities

The Management Board received the quarterly report on ECHA's activities since the last Board meeting, including the status of the work programme indicators.

It was clarified that ECHA will report in the general report 2014 in more detail on the number of non-phase in (new) substances registered and the ratio of confidentiality claims accepted or rejected.

2. Meeting with the Italian industrial stakeholder forum

A delegation of the Italian industrial stakeholder forum paid a courtesy visit to the Board. The Executive Director provided responses to the questions raised and invited the stakeholder representatives to join ECHA's networks and eventually contact the Agency for further support.

3. Revision of the Decision on classification on services for which charges are levied

The Management Board agreed with broad support to introduce a cap limiting the charge levied in the context of SME verification to a maximum of 2.5 times the financial savings a company made by incorrectly indicating its company size. A corresponding proposal will be submitted to the Commission for its opinion. The proposal aims to take into account recent developments, including a ruling of the General Court of the European Union. The Management Board will come back to this issue, and related aspects, in its next meeting.

4. Strategic development of ECHA by 2020 - including Multi-Annual Staff Policy Plan key figures

The Management Board took note of the strategic development of ECHA by 2020 - including Multi-Annual Staff Policy Plan key figures, which reflected also the feedback of Board members to a questionnaire from the Secretariat. In the discussion, Board members provided guidance to the Secretariat for developing proposals for future Management Board decisions on the work planning. Several members also referred to the letter sent by seven Member States and Norway to the Commissioners on priorities

for EU chemicals policy. The work of the Management Board in shaping the Agency's future work focus will continue in 2015. The Chair will work closely with the Secretariat to design the process for doing so with the aim to have a common view of the Management Board on where the Agency should position itself in 2020 and beyond.

5. Budget 2014

The Management Board adopted a final amending budget for 2014, increasing revenues and reducing expenditure to the real situation. The amendment resulted in an overall surplus of ca. 8.9 million EUR which will be transferred into ECHA's reserve for the coming year. The Executive Director was instructed to notify it to the Budgetary Authority, Court of Auditors and the Commission and to have it published.

The Management Board took also note of the latest budgetary transfers carried out under the responsibility of the Executive Director.

6. Budget and Work Programme 2015

The Management Board adopted the Agency's budget for 2015 including the establishment plan in line with the outcome of the EU budget procedure. The total expenditure budget 2015 of the Agency amounts to ca. EUR 115.2 million. The establishment plan posts for REACH and CLP will reduce by over 2% (11 posts) compared to 2014. As these post reductions will only be imposed at the end of 2015, it was noted that there would be no material impact on the ability of ECHA to deliver fully against the 2015 Work Programme agreed by the Management Board in September 2014. The Executive Director was instructed to notify the decision to the Budgetary Authority, Court of Auditors, and the European Commission and to have it published. The budget will become final following the final adoption of the general budget of the European Union.

Following the adoption of the budget for 2015, the Board also updated two annexes of the Work Programme 2015 (concerning resource allocation and procurement), and instructed the Executive Director to forward the documents to the Member States, European Parliament, the Council and the European Commission and to have them published.

7. Key figures for the draft Budget and structure of the Work Programme for 2016

The Board endorsed the provisional key figures concerning the budget year 2016 together with the new structure of the work programme.

Since the EU budget 2015 was following the staff reductions proposed by the Commission for REACH/CLP, the Secretariat will align itself to the MFF planning numbers for ECHA for 2016. For the Commission's consideration, a complementary note would however explain the benefits of postponing most of the further staff cuts till after 2018. For BPR ECHA would ask for an additional subsidy of EUR 3 million to finance the non-fee-based activities, while discussions continue on the right level of staffing.

The formal preliminary draft budget request for 2016 will be submitted to the Management Board together with the final outline of the work programme for approval in March 2015. This will be the budget request for ECHA and the starting point for the 2016 budget procedure. The Commission will take the request into account when submitting its draft budget proposal to the European Parliament and the Council in mid-2015.

8. ECHA Committees

Appointment of members

The Management Board appointed the new nominees for the Committee for Risk Assessment (RAC) and the Committee for Socio-Economic Analysis (SEAC) membership and renewed the 3-year term of several RAC and SEAC members. The Secretariat provided information about the assessment of the nominations in relation to the needs of the Agency and the ECHA independency policies.

Managing the workload of RAC and SEAC

The Secretariat presented means to increase the membership and further mobilise members and rapporteurs to address the rapidly increasing workload of RAC and SEAC.

If the expected peak workload of RAC and SEAC in 2015-2016 will not be manageable by ways proposed in the meeting, the option of co-opted members will be proposed to the Management Board in March as a temporary measure, focused on applications for authorisation. Several Management Board members expressed hesitance towards the use of co-opted members.

Observers' attendance in the authorisation application process

The Management Board was informed on conclusions of the Secretariat to continue with the policy on stakeholder and case owner participation in the authorisation application process. Observers will however get limited speaking rights.

9. Substance Identification in registration dossiers

The Management Board endorsed the first steps of a new approach for improved completeness check of incoming registrations by reinforcing the automatic completeness check rules on substance identity (SID) information, and by requesting the identification of the scope of joint registrations with regard to SID information via REACH-IT.

The Board took also note that the Secretariat will carry out a cost/benefit analysis for implementing a manual SID verification during the registration process and that the Commission will provide clarifications on different legal questions. The Management Board stressed the importance of having a broad scope when carrying out the cost/benefit analysis. A decision on the potential manual check could be taken in the March 2015 Board meeting.

10. Revision to Guidelines on managing cash reserves deriving from fees and charges

The Management Board approved a revision of the guidelines on managing cash reserves deriving from fees and charges.

11. Internal implementing rules to EU Financial and Staff Regulations

The Management Board adopted implementing rules to ECHA's Financial Regulation, entering into force on 1 January 2015, and endorsed a proposal to request an opt-out from the Commission's staff implementing rules on working time.

12. Audit issues

Report from the Working Group audit

The new Chair of the Working Group Audit informed on audit issues, important audit reports, action plans and related developments. The submitted report covered the findings of an IAS audit on applications for authorisations. The action plan on this audit was particularly welcomed by members.

Sharing the Internal Audit Capability with GSA Agency / Revised mission charter of the IAS

The Management Board endorsed the sharing of ECHA's Internal Audit Capability with the European Global Navigation Satellite System Agency (GSA) and adopted a revised mission charter of the Internal Audit Service of the Commission (IAS), aligning the charter with the new Financial Regulation.

13. ECHA Anti-Fraud Strategy

The Management Board adopted an Anti-Fraud Strategy aiming to foster a culture of high ethical behaviour in the Agency and to prevent serious financial and reputational damage to the organisation. The Strategy contains an action plan with concrete actions to be implemented in the years 2015-2016.

14. ECHA Transparency Approach

The Board adopted ECHA's Approach to Transparency. After years of experience and step-by-step improvements, the approach to transparency will ensure that ECHA will remain a forerunner in the EU when it comes to open and participatory decision-making and dissemination of information. Some minor modifications were agreed to the draft presented by the Secretariat.

15. Annual report from the Quality Manager

The Board took note of the report on the ISO 9001 certification of the Agency, which it considered as a major achievement.

16. Nomination Reporting officers for members of Board of Appeal

The Board appointed two members Kestutis Sadaukas and Alexander Nies as reporting officers for the full-time members of the BoA. The former is also a new member of the Working Group on the BoA.

17. Information items

- Outcome report for WP/04/2014 (appointment of alternate/additional legally qualified members of the Board of Appeal)
- Favourable opinion of the Commission on the Management Board draft decision on the transfer of fees to Member States
- ECHA roadmap towards 2018 REACH registration deadline
- Report on follow-up of discharge 2012
