

PRELIMINARY CONCLUSIONS

**39TH MANAGEMENT BOARD MEETING
24-25 SEPTEMBER 2015, LUXEMBOURG**

1. Address of Secretary of State for Sustainable Development and Infrastructure: Mr Camille Gira

Mr Camille Gira, the Secretary of State for Sustainable Development and Infrastructure welcomed the Management Board members in Luxembourg. He highlighted the important role of both ECHA and national authorities and their impressive work and achievements since the kick-off of the REACH negotiations, under the previous Luxembourg presidency. He also sees a role for ECHA in the implementation of the forthcoming circular economy policy.

2. Quarterly report on ECHA's activities

The Management Board received the quarterly report on ECHA's progress in executing the 2015 Work Programme, including the work programme indicators and monitoring of risks.

3. ECHA Work Programme for 2016

The Management Board adopted the Agency's Work Programme for 2016, with minor factual corrections. The adoption was based on the understanding that the Programme may be updated in December 2015, once the final EU budget has been adopted by the Council and the European Parliament, determining the level of subsidy for ECHA and the staffing ceilings. It was also agreed that the text of the Work Programme should be editorially reviewed before publication.

4. The 2nd amending Budget 2015 and Notification of Transfers within the Budget

The Management Board adopted a 2nd amendment to the ECHA budget for 2015 and a corresponding amendment to the procurement plan. Following these amendments, the overall Agency expenditure (excluding the reserve) totals € 111.2 million, implying an increase of € 807 000, resulting from the increase in the Biocides expenditure as explained below:

REACH/CLP

- The REACH/CLP income is increased by € 340 000 corresponding to an amount returned by the Translation Centre for the Bodies of the European Union (CdT) - and is placed in the reserve.

- An amount of € 750 000 is budgeted for the renewal of ICT equipment to replace workstations.

Biocides

- The fee income was adjusted to the developments and accordingly increased by circa € 2.8 million to € 5.0 million (compared to the original budgeted amount of € 2.2 million) also including a refund from CdT of € 13,000.

- The increase in revenue will be used partially to finance the further development of Scientific IT tools for Biocides activities by € 1 million.

- The EU subsidy request was reduced by € 2.0 million (to € 3.8 million).

The Board also took note of the budget transfers carried out under the responsibility of the Executive Director.

A Commission representative made a reservation related to the amendment to ECHA's 2015 budget as far as expenditure is increased to advance investments in ICT equipment.

The Board instructed the Executive Director to notify the decision to the Budgetary Authority, the Court of Auditors and the Commission and ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union.

5. Consequences of the General Court Judgement in case T-177/12

By way of follow-up of discussions since the December 2014 Board meeting in relation to the General Court's judgement in the case *Spraylat GmbH v. ECHA*, the Management Board decided that ECHA should not take any discretionary action in response to the Court ruling.

Two Member State representatives expressed a reservation in relation to this conclusion.

The Secretariat will monitor the developments related to Court cases and propose actions to the Management Board if necessary.

6. Revision of the ECHA Guide for Reimbursement

The Management Board adopted a revised ECHA Guide for Reimbursement of Travel and Accommodation Expenses and Payment of Subsistence Allowances to Management Board members, Committee and Forum members and other participants invited to attend meetings of ECHA. The amendments will be effective as of 1 January 2016 and will also apply to the BPR.

In the context of reducing staff resources, budgetary constraints, the amendments will substantially reduce the administrative time required to process individual reimbursements.

7. Board of Appeal

The Management Board appointed a legally qualified member of the Board of Appeal for an initial period of five years.

In addition, the Management Board appointed Antonello LAPALORCIA as reporting officer for the members of the BoA, in place of Ana FRESNO.

Finally, the Management Board received updates from its Chair and the Working Group on the Board of Appeal on developments related to the Board of Appeal. This included information on planned modifications to the Commission implementing Regulation laying down the rules of organisation and procedure of the Board of Appeal of ECHA.

8. Implementing rules to the Staff Regulations

The Board adopted the 6th cluster of Implementing Rules giving further effect to the Staff Regulations and Conditions of Employment of Other Servants. The 6th cluster contains implementing rules concerning unpaid leave for temporary and contract staff of the Agency.

9. ECHA Committees

The Management Board appointed three new members nominated by Bulgaria, Cyprus and Luxembourg for RAC. With these three new nominations, RAC has 47 members.

As regards co-opted members in RAC and SEAC, the Management Board concluded that a qualified candidate from an EU Member State should be given priority as a co-opted member of RAC over a non EU national. This took into account aspects of capacity-building within the EU and open questions related to EU external policy approaches.

10. Items for information

10.1 Report on ECHA's IT Security Approach

The Director for Information Systems reported on ECHA's IT security approach, the enhanced security framework protecting restricted or highly restricted data, whilst gradually opening IT systems for remote access to its stakeholders in the Member States and at the Commission. It was noted that the IT security framework is effective and that security remains a priority for ECHA, which in turn affects its decisions in relation to the IT strategy.

10.2 Update of the Workplan on Nanomaterials

The Deputy Executive Director gave an overview of the implementation of the 2014-2015 Workplan on Nanomaterials. This included the effects of delayed changes to the REACH annexes, impacts on resource allocation and the necessary guidance update in advance of the 2018 registration deadline.

10.3 Update from the Advisory Group on Dissemination

The Chair of the Advisory Group on Dissemination presented an update of the group's work. In this context the Executive Director explained that the Secretariat will prepare a high level paper for the next Board meeting on ECHA's approach for involving third parties in REACH work, especially in the context of public consultations related to potential alternatives to Substances of Very High Concern.

10.4 Report on the Management Board Workshop of June 2015

The Management Board was informed of the report from the strategic workshop that took place on 16 June 2015. The Chair will together with the Secretariat present a proposal for further steps in the December Management Board meeting for shaping the post-2018 future of the agency and the next five-year Strategic plan.

11. Any other business

Management Board meeting dates 2016

The Chair proposed dates for the Management Board meetings in 2016:

- 17-18 March (Thursday-Friday)
- 22-23 June (Wednesday-Thursday)
- 28-29 September (Wednesday-Thursday)
- 13-14 December (Tuesday-Wednesday)

5th MSCA Directors' planning meeting 19 November 2015

The Chair referred to a document submitted for this point which includes the draft agenda of the 5th MSCA Directors' annual planning meeting and the questionnaire addressed to Directors responsible for the implementation of REACH, CLP and Biocides. The completed questionnaires will help the Agency to prepare the first outline programming document 2017-2019 for the Management Board's consideration in December 2015.

Management Board Working Groups

Hans Meijer and Michael Flüh were nominated as members of the Working Group on Planning and Reporting. Hans Meijer will join also the Working Group on the Board of Appeal.

Upcoming events

A conference on REACH will take place in Brussels on 20 October as part of the Luxembourg EU Presidency Programme. The CZ and SK authorities are also planning REACH conference in May 2016 (Prague, date tbc).

Board memberships

The Board warmly thanked Mr Führ, Mr Mandery and Ms Lauber, Commission representatives appointed to represent interested parties, for their contributions to ECHA's work over the past years.

Next meeting of the Management Board

On behalf of the Board members, the Chair warmly thanked the host for the invitation to Luxembourg. She noted the next meeting of the Board is scheduled to take place from 16 to 17 December 2015, in Helsinki.
