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**MINUTES OF THE MEETING OF ECHA'S MANAGEMENT
BOARD**

held from 27 to 29 June 2007

(Document adopted by the Management Board)

I. Documents submitted to the Management Board

Draft Agenda	MB/A/01/2007
Background document – Infrastructure	MB/01/2007
Draft Rules of Procedure	MB/02/2007
Draft Work Programme for 2007	MB/03/2007
Draft Budget and establishment plan for 2007 and 2008	MB/04/2007
Draft Reimbursement Rules	MB/05/2007
Draft Implementing Rules of the Staff Regulation	MB/07/2007
Rules applicable to Seconded National Agents of the European Chemicals Agency	MB/08/2007
Election of the Chair (Candidature of Mr Malm)	MB/09/2007

II. Summary Record of the Proceeding

27 June 2007 – afternoon session

Introductory words by the Chair

The meeting was opened with Mr. Zourek, Commission representative and Director-General of the Directorate General for Enterprise and Industry, in the Chair. Mr Zourek explained that, as representative of ECHA's parent Directorate-General, he would chair the meeting (on a provisional basis) until the election of the regular chairperson by the Board. He explained the exceptional efforts undertaken by the Commission in setting up the Agency and in assisting it to be operational in such a short time frame. He also thanked the Finnish Government for contributing to these efforts.

The Chair underlined the importance of the role of the Management Board as the Agency's highest decision-making body and pointed to the numerous challenges the Board would be faced with in the following months and its responsibility to enable the agency to perform its duties. He stressed equally the limits of the Board which in his view should not enter into the competences of the Executive Director, who is in charge of the day-to-day management of the agency.

1. Adoption of the Agenda

The Management Board adopted the agenda as contained in document MB/A/01/2007 with the understanding that an additional point 'Working methods of the Board' would be dealt with under 'Any Other Business'.

2. Presentation of the members of the Management Board and the ECHA staff present

The Chair invited the Board members to introduce themselves briefly.

In this context, Mr Roggeman (BE) informed the meeting that he had been appointed on an interim basis pending the relevant post in the Belgium government being filled.

The floor was then given to Mr Dancet, ECHA's Interim Executive Director, who presented the ECHA staff attending the meeting, i.e. Messrs Kreysa, Hansen, and Heider as future acting Directors of the Agency as well as Ms Heikkilä (Legal Advisor) and Mr Kröger (Secretary of the Management Board). The latter was for the time being the only staff member working with the Interim Executive Director on the ECHA premises.

3. Tasks and responsibilities of the Management Board

Mr Kröger gave a presentation on the tasks and responsibilities of the Management Board. He explained the institutional rationale of regulatory agencies in the EU system and the relevant provisions of the REACH Regulation¹.

The subsequent discussion centered on the overall remit of the Management Board. Members stressed in particular that the Board should be informed about all matters related to the general functioning of the Agency. They asked for a regular dialogue to be held with the Executive Director on these matters.

The Chair reminded the Management Board that any undue interference with the responsibilities of the Executive Director should be avoided. This did not exclude, however, to request specific information points to be put on the agenda, which would contribute to asserting the Board's remit in the strict sense (i.e. items submitted for formal adoption or endorsement).

Replying to a question on the need for Board members from interested parties to abide by the obligation to make the declarations of interests (as required by Article 88 of the REACH Regulation), Mr Kröger clarified that the provision on the annual declaration of interests (Art. 88, paragraph 2) also applied to non-voting members from interested parties. By contrast, declarations with respect to individual agenda items had practical relevance only to voting members.

In general, it was felt that more guidance on the notions of 'conflicts of interest' and 'confidentiality' was needed. It was decided to revisit these issues at a later stage.

Finally, it was suggested that the Management Board should adopt general rules on transparency.

4. Establishment of the Agency – State of play (*MB/01/2007*)

The Chair debriefed the members of the Board on the current situation regarding the selection process for the Agency's Executive Director. He stressed that the whole procedure is standard insofar as it follows the Guidelines for the Appointment of Heads of Community Agencies.

In November of 2006, the Commission Working Group on REACH was informed about the selection criteria to be applied and the procedure to be followed. The vacancy notice was published in the Official Journal on the 9th of February with a closing date of 23 March. After an initial screening phase carried out by an external contractor, a pre-selection committee consisting of the responsible Commission departments had met. The

¹ Regulation (EC) N° 1907/2006 of 18 December 2006

latter consisted of representatives of the Directorates-General for Enterprise and Industry, Environment, Joint Research Centre and Administration.

The Chair stated that a shortlist would soon be submitted to the Commission's Advisory Committee on Appointments, which would interview the pre-selected persons after having followed an Assessment Centre and which would subsequently forward its opinion to the Commission. Candidates may be interviewed at Commissioner level before the final list would be submitted to the College leading to the adoption of that list of candidates by the Commission in September. On this basis the Management Board would select the suitable candidate, who, before being formally appointed, had to appear before the European Parliament.

Responding to a question, the Chair said that the number of candidates proposed by the Commission was unlikely to go beyond five. The final list would be published. He undertook to submit a written report on the internal selection process at the next meeting of the Board. The Commission would also clarify whether in addition to the names of the proposed candidates any further information is to be provided by the Commission to the Board.

It was also agreed that, at its next meeting, the Management Board would decide on the procedure to follow for the selection of the Executive Director.

The Interim Executive Director then gave an overview of the situation regarding the recruitment of staff, the internal organisation of ECHA, the helpdesks and the guidance documents. He underscored that an appropriate solution for ECHA's conference facilities had to be found as quickly as possible.

In order to facilitate the Board's decision-making process, it was suggested that the Interim Executive Director - given his involvement from the start in this aspect - would submit at the next meeting a clear recommendation underpinned by a calculation of the consequent budgetary implications.

28 June 2007 – morning session

The meeting continued with Mr Zourek in the Chair. He expressed the Board's gratitude for the superb evening event hosted by the Finnish Government the day before.

5. Rules of Procedures (MB/02/2007)

In his introduction, the Chair made a strong plea to the Board to accept to work with alternates, which the Commission considered to be very practical for the good working of the Board and was the reason why the Commission nominated both members and alternates for the 6 places for which it is responsible.

The Chair invited comments on the draft Rules of Procedures prepared by the Secretariat.

In general, the Board members welcomed the draft as good basis for governing the Board's proceedings.

The subsequent discussion on specific provisions started with the question of whether members should be allowed to nominate alternates.

Many Board members underlined the need to keep the Board meetings compact and workable. It was also said that, as a general rule, members should strive to attend the meetings personally. Some delegates voiced doubts about the compatibility of appointing alternates with the REACH Regulation.

Against this backdrop, it was decided not to foresee provisions on alternates in the Rules of Procedure for the time being. At the same time, the Board reached the understanding that, if required, members could be accompanied by an expert on their own expense. A person of the member's confidence should in particular be admitted to the meeting, if the member was impeded to attend personally, without voting rights. If absent, the member concerned could nevertheless delegate his/her voting right by proxy to another Board member.

One member stated that the necessary arrangements should be made in ECHA's Rules of Procedure for applying Regulation (EC) N° 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies entering into force that day. However, it was agreed to come back to this issue at a later stage.

On the basis of amendments proposed by another member, the Board discussed the need to provide for interpretation into the official languages of the Community. Several members supported this approach and pointed also to the issue of translation of documents.

The Board held in in-depth discussion on the use of languages. The Interim Executive Director gave an overview on the potential costs entailed by a fully-fledged interpretation regime. The Chair made clear that no specific appropriation was set aside for this kind of expenditure in the Agency's budget. While fully recognising the importance of an appropriate language regime, the Board concluded that for the time being no specific provisions on this subject matter should be included into the Rules of Procedure. The issue would be revisited at a later stage, in the light of practical experience made and in the light of Article 104 of the REACH Regulation.

Responding to another request, the Board agreed that the Rule of Procedure should be kept gender neutral and charged the Interim Executive Director with revising the text accordingly.

Some members underlined the need for proper planning of the Board meetings and suggested that a 12-18 months rolling plan should be established. This was agreed.

It was clarified that the Board, if needed, could amend the Rules of procedure at any point in time. Such amendments would immediately enter into force unless otherwise decided and, consequently, no specific provisions in the Rules of Procedures were needed in this respect.

It was agreed that, as a general rule, and pending the rules of transparency to be adopted by the Board at a later stage, the final minutes of the Board's meetings will be made public at ECHA's website. This applies without prejudice to treat certain items and documents as confidential.

On the basis of the amendments agreed at the meeting, the Board adopted the Rules of Procedure unanimously.

6. Election of the Chairperson
(*MB/09/2007*)

The Chair recalled Mr Malm's (FI) candidature for the post as chairperson.

The Board proceeded with the election of the Chairperson in line with the Rules of procedure it had adopted.

Two non-voting members were designated as tellers. The vote took place by secret ballot. All casted votes supported Mr Malm and he was, therefore, elected unanimously.

Mr Zourek congratulated Mr Malm on this result and passed the Chair on to the newly elected chairperson.

Mr Lapalorcía (IT) was proposed by other members of the Board as Deputy-Chairperson and declared his readiness to stand for this post. The subsequent vote took place by secret ballot with the same members as tellers. Mr Lapalorcía was elected Deputy-Chair with overwhelming support.

The Chair congratulated Mr Lapalorcía on the election result and closed the morning session.

28 June 2007 – afternoon session

7. Work programme 2007
(*MB/03/2007*)

The Interim Executive Director presented ECHA's draft work programme for the year 2007. He explained that the approval of the programme was a prerequisite for executing the operational part of the budget. He drew attention to the fact that, contrary to previous

plan, most of the Commission officials could not be seconded before September instead of July, causing some delay in implementing the work programme.

Several Board members took the view that the structure of the work programme would benefit from spelling out more clearly the priorities, time schedule, milestones and essential deliverables for 2007.

One member expressed particular concern about progress on the REACH-IT system which is critical to the success of REACH now that IUCLID has been successfully rolled out. Another member questioned whether ECHA would be ready to start the pre-registration process as from 1 June 2008.

In response, Mr Dancet stated that, in terms of presentation of the work programme, ECHA had taken guidance from existing examples in other Agencies. Furthermore, only two staff members have taken office on 1 June with only limited on-site support from Commission staff. So far, no meeting could be set up to transfer ongoing RIP projects and other preparatory work from the Commission to the Agency, making setting of priorities and milestones impossible at this stage. Such meeting would now take place at end August. He undertook to inform the Board on the transfer of Commission competences in September and present the work programme for 2008 - to be submitted to the Board in October 2007 – in a format that would take into account the remarks made by the Board members.

Regarding the IT systems, Mr Dancet again stressed that the transfer of IUCLID and REACH-IT from the Commission to the ECHA still had to take place. The deadlines set by the legislature, e.g. for starting the pre-registration, were clearly ambitious. However, his prime objective was to nevertheless ensure that staff would concentrate on core tasks in order to make the Agency fully operational in time.

On the basis of the discussions held, the Chair concluded that the presentation of the work programme 2007 could remain unchanged. However, the work programme 2008 should be drafted in line with the comments made and it should be presented together with the multi-annual work programme. The Board then adopted the work programme for 2007 unanimously.

8. Draft budgets and establishment plans for 2007 and 2008
(*MB/04/2007*)

The Interim Executive Director presented the draft budget and establishment plan for 2007 as well as the estimate of revenue and expenditure for 2008 and the related establishment plan.

As background information, he explained that the Agency's fee regulation was still under preparation and would be adopted through the Commission's comitology procedure. He stressed that the 2007 numbers were entirely consistent with the Commission's revised financial statement with the exception of the 2008 establishment plan where the number

of statutory staff was slightly inferior as the remaining staff needs would be filled with contract agents.

The Board adopted the related document unanimously.

9. Draft reimbursement rules
(*MB/05/2007*)

Mr Heider, acting Director 'Resources' presented ECHA's draft reimbursement and provided clarification in response to questions by Board members. The Board adopted the reimbursement rules unanimously with two technical corrigenda.

10. Seat Agreement
(*MB/06/2007*)

Mrs Heikkilä (Legal Advisor) presented the background and the content of the Seat Agreement, which was scheduled to be signed on 28 June 2007 by ECHA and the Finnish authorities.

The Chair declared that he had been involved in the negotiations of the Agreement as representative of the Finnish Government. He would, therefore, not participate in the Board's decision-making on the endorsement of the Seat Agreement, nor would he sign the document. The signature should be entrusted to the Interim Executive Director only.

The Management Board endorsed the Seat Agreement as contained in the related document and agreed with the approach proposed by the Chair for the signature of the document on behalf of the Agency.

In this context the Chair also concluded that the Board authorised the Interim Executive Director to sign the sub-lease contract with the Finnish Government on behalf of the Agency.

11. Draft ECHA staff rules
(*MB/07/2007; MB/08/2007*)

Mr Heider presented the documents entitled 'Implementing provisions for the Staff Regulation' and the 'Rules applicable to Seconded National Experts'.

Given the complexity of these matters, it was agreed that the Board, if needed, would come back to the staff-related rules in more detail at a later stage, in particular in case any concrete problem would arise. With regard to the possible secondments from the private sector, it was agreed that these should be approved by the Executive Director on a case-by-case basis and that the Management Board would be duly informed thereof.

On this basis, the Board adopted unanimously the rules on the secondment of national experts and approved the course of action as described in the document on the implementing provisions for the Staff Regulation.

12. Any Other Business

Following the request of a Board member, the Management Board discussed possible working methods, including the potential need for establishing working groups and a bureau.

After an exchange of views on these matters, the Chair concluded that it would be premature to introduce additional structures at this stage. It was therefore agreed to come back to this subject at a later stage and in the light of practical experience gained.

13. Next meeting

The Chair announced the dates of the next meetings of the Board, which would be held on

18 July 2007,
18-19 September 2007,
16-17 October 2007 and
4-5 December 2007.

29 June 2007 morning session

The session started with a series of administrative announcements made by the Secretariat:

The Board members were invited to take note of the sub-lease contract with the Finnish Government. Copies were made available on a confidential basis.

A list of all Board members and their contact details would be circulated to all delegates for information and updating.

The Board members were asked to provide ECHA with a short CV and a photograph, which would be put on the Agency's website (it was suggested to use the existing information about the Interim Executive Director on the site as an example).

Regarding the next meeting it was clarified that:

- the meeting on 18/19 September would only start on the first day at 15.00 hrs (this afternoon would be an information not a decision-making session)
- on 16/17 October there would be a full two days meeting and

- the December meeting would also start only in the afternoon of 4 December (possibly only information session) and continue on 5 December (full day).

The Chair then debriefed the meeting on the press conference that he had held in the morning together with the Interim Executive Director.

After that, Mr Hansen gave a presentation on 'Implementing REACH processes within the Agency'.

Questions raised by the Board members focused on the guidance documents and training of staff.

Mr Dancet clarified that the technical guidance documents were being finalised under the lead of the Commission, which is in charge of the corresponding contracts. However, the integration of these documents in the overall guidance and the summary documents would be responsibility of the Agency and, ultimately, of the Executive Director. The summary document on 'pre-registration' should be delivered in October 2007 and the summary document on 'registration' was scheduled for February 2008. These would be submitted to the Board for information. After that these documents would be translated and put on the website of the Agency.

On questions with regard to training of staff at national level, Mr Dancet said it should be examined in more detail to what extent staff of the Competent Authorities (CA) in the Member States could be involved in future ECHA training courses. He encouraged the representatives of the Member States on the Board to communicate to the Agency information about concrete training needs of the CAs. Rather than training all staff across the Member States, a system of 'training of the trainers' should be envisaged.

Subsequently, Ms Heikkilä gave a presentation on 'Relations between ECHA and the European and national Institutions and Agencies' which the Board members found useful.

It was agreed that all Power Points presentations made during the Management Board meeting would be made available on the Agency's Circa website

Finally, the Chair closed the meeting by expressing his thanks for the active participation of all Board members as well as for the support provided by the Interim Executive Director and his staff.

III. Decisions taken/ Conclusions reached by the Management Board

1. Formal decisions

The Management Board

- adopted the Rules of Procedure as contained in document MB/02/2007 rev 01, annexed to these Minutes;
- elected Mr Jukka Malm (FI) as its Chair;
- elected Mr Antonello Lapalorcia (IT) as Deputy-Chair;
- adopted the work programme as contained in document MB/03/2007;
- adopted the budget for 2007 and the estimated revenue and expenditure for 2008 as well as the related establishment plans (contained in document MB/04/2007)
- adopted the reimbursement rules as contained in document MB/05/2007 rev 01, annexed to these Minutes,
- endorsed the Seat Agreement contained in document MB/06/2007 and entrusted the Interim Executive Director with the signature of this document on behalf of ECHA;
- authorised the Interim Executive Director to sign the sub-lease contract with the Finnish Government on behalf of the Agency.
- endorsed the course of action proposed in document MB/07/2007 on 'Implementing provisions for the Staff Regulation;
- adopted the rules on secondment of national experts as contained in the amended document MB/08/2007 rev 01.

2. Other action points

The Management Board

- expressed its wish to adopt, at the appropriate stage, general rules on transparency;
- expressed its wish to receive, at the appropriate stage, to receive guidance on the notions of 'conflict of interest's and 'confidentiality'

- asked the Commission to submit at the meeting on 18 July 2007 a written report on the internal Commission selection process for the shortlist of candidates for the post as Executive Director;
- expressed its wish to decide at its next meeting on the procedure to follow for the appointment of the Executive Director;
- asked the Interim Executive Director to submit, at the appropriate stage, draft rules for implementing the Regulation (EC) N° 1367/ 2007 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies;
- asked the Chairman and the Interim Executive Director to prepare a rolling programme for the Management Board meetings in the next 12 to 18 months.
- asked the Interim Executive Director to prepare the draft work programme for 2008 to be submitted to the Board in October in a format spelling out clearly the priorities, time schedule, milestones and essential deliverables and to submit, at the same time, a draft multi-annual work programme.
- asked the Interim Executive Director to make available on the Circa website the Power Point presentation given at the Board meeting of 27-29 June 2007.

IV. List of Attendees

Representatives of the Member States

Zoltán ADAMIS (HU)
Maria ALAJŐE (EE)
Helge ANDREASEN (DK)
Aurelija BAJORAITIENĖ (LT)
Karel BLÁHA (CZ)
Marta CIRAJ (SI)
Francis E. FARRUGIA (MT)
Ethel FORSBERG (SE)
Ana FRESNO RUIZ (ES)
Odile GAUTHIER (FR)
Ekaterina Spasova GECHEVA-ZAHARIEVA (BG)
Claude GEIMER (LU)
Thomas JAKL (AT)
Ilze KIRSTUKA (LV)
Katarzyna KITAJEWSKA (PL)
Antonello LAPALORCIA (IT)
Martin LYNCH (IE)
Jukka MALM (FI)
Rodica MOROHOI (RO)
Leandros NICOLAIDES (CY)
Alexander NIES (DE)
Edita NOVÁKOVÁ (SK)
John ROBERTS (UK)
Maarten ROGGEMAN (BE)
Arnoldus Wilhelmus VAN DER WIELEN (NL)
Maria-Miranda XEPAPADAKI-TOMARA (EL)

Representatives of the Commission

Heinz ZOUREK (COM) having a written proxy from Mr Lawrence (COM)
Anneli PAULI (COM)

Independent persons (appointed by the European Parliament)

Alexander DE ROO
Bernd LANGE

Individuals from interested parties (appointed by the Commission)

Alain PERROY (CEFIC)
Tony MUSU (ETUC)
Marc PALLEMAERTS (IEEP)

ECHA staff

Geert DANCET (Interim Executive Director)

Joachim KREYSA (Acting Director 'Cooperation')

Bjørn HANSEN (Acting Director 'Operations')

Udo Heider (Acting Director 'Resources')

Minna HEIKKILÄ (Legal Advisor)

Martin KRÖGER (Secretary of the Management Board)