



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

held on 18 July 2007

(Document adopted by the Management Board)

I. Documents submitted to the Management Board

Draft Agenda	MB/A/02/2007 Rev. 01
Draft Minutes of the Board Meeting of 27-29 June 2007	MB/M/01/2007
Procedure for the appointment of the Executive Director	MB/10/2007 MB/10/2007 rev. 01
Background document provided by the Commission: 'The selection process for the Executive Director of the European Chemicals Agency'	
Decision on the Conference Centre	MB/11/2007 rev. 01
Background document: Advice by the Finnish Government Agency 'Senaatti'	
Appointment of the Accounting Officer	MB/12/2007
Multi-annual staff policy plan	MB/13/2007

II. Summary Record of the Proceeding

Morning session

Introduction by the Chair

The Chair informed the meeting about the proxies that had been notified to him prior to the meeting. (Details are listed under heading IV of these Minutes).¹

He then recalled the obligation to submit annual declarations of commitment and interest. For this purpose, the forms annexed to the Rules of Procedure should be used. The members of the Board were requested to hand over during the day or to send these declarations to the Board's Secretariat.

1. Draft Agenda
(MB/A/02/2007)

The Board adopted the agenda on the understanding that a number of additional points (replacement of Board members by the Council, first reading of the budget in the Council) would be dealt with under 'Any Other Business'.

2. Draft Minutes
(MB/M/01/2007)

The Board agreed on several amendments to the draft Minutes of its meeting of 27-29 June 2007 (see corrigendum in annex 1).

This also included an amendment to the Rules of Reimbursement (MB/05/2007) in order to allow for the reimbursement of travel costs for persons attending Board meetings on behalf of a Member (see annex 2).

3. Procedure for the Appointment of the Executive Director

(MB/10/2007; Background document provided by the Commission: 'The selection process for the Executive Director of the European Chemicals Agency')

At the request of the Chair, the Commission presented its background paper on the internal pre-selection process for the post of ECHA's Executive Director.

The Commission confirmed that it would make available the shortlist of proposed candidates in good time before the Management Board meeting in September so that candidates could be invited for interviews.

¹ By way of precaution and because she intended to leave the meeting during the afternoon session, Ms Nováková (SK) announced that Mr Bláha (CZ) would act as her proxy, if needed.

Several representatives of the Member States expressed their disappointment with the limited content of the background document. The paper was considered to be less comprehensive than similar documents on the same topic, which the Commission had previously circulated in other fora (e.g. in the Commission Working Group on REACH preparations). The Commission was urged to ensure that in the future the same level of information should be made to the Management Board.

Many delegates asked the Commission to supply the Board with additional information about the pre-selection process. One representative of the Member States wished to be informed about the number of applications the Commission had received. Others said that it would be of interest to be provided with the results of the assessment centre, which consultants would carry out on behalf of the Commission. It was felt that such factual information on the managerial capacity of the candidates would help the Board in its own selection procedure which should, according to the Regulation, in part be based on management merits.

In response, the Commission stressed that the list of candidates to be submitted to the Board would not be accompanied by any other information. Any information collected during the selection procedure is subject to confidentiality in accordance with the published notice. Statistical information could always be submitted afterwards. The Commission representative also stressed that the Board's own appointment procedure had to be organised as a self-contained and independent process.

The Board, however, voiced its concerns that this approach would make it more difficult for the Board to come to an informed decision.

Subsequently, the Chairman concluded that the Commission was not under the obligation to give any additional information and that the Board would have to see in what form any additional information could be given by the Commission's representatives in the Board.

He then proposed to discuss the paper on the appointment procedure for the Executive Director that he had produced in cooperation with the Board's Secretariat.

As a general preliminary remark, a representative of the Member States took the view that the discussion should not take place in the presence of any candidate for the position of Executive Director. He considered this to be a prerequisite for ensuring a proper and unassailable procedure. Several other representatives of the Member States aligned themselves with this viewpoint.

It was therefore agreed to hold a short break after which the discussion would be resumed without those persons participating in the Commission's pre-selection of candidates.

After the break, the Chair presented the paper on the procedure on the appointment of the Executive Director. He pointed in particular to the idea of developing a standard set of questions for the interviews and to the timing to be envisaged. The interviews should be held at the September meeting whereas the actual vote should take place in October. The

Chair also recalled that the Executive Director should preferably take up his duties in good time before the entry into operations of the Agency on 1 June 2008.

The subsequent discussion centred on the following issues:

- Many delegates were of the opinion that the interviews should not be based exclusively on a set of standard questions. Rather, additional spontaneous questions by Board members should also be allowed.
- Consequently, more time should be allocated to each individual interview.
- All relevant abilities should be covered, including leadership, communication skills and the candidate's vision.
- In carrying out the selection procedure, any possible conflict of interest had to be avoided.
- The final appointment of the selected person after his/her appearance before the European Parliament was considered to be a matter that the Board should deal with at one of its regular sessions (i.e. at the meeting in December).

The Chair explained that by proposing a standard set of questions his intention had not been to restrict the active participation of Board members in the process but rather to make sure that all relevant areas would be covered.

A representative of the Commission pointed to the need to ensure the comparability of the results of the interviews.

After an in-depth discussion of the various issues raised, it was decided to charge the Chair and the Secretariat with producing a revised version of document MB/10/2007, for discussion and approval during the afternoon session.

Afternoon session

4. Decision on the conference centre (*MB/11/2007 rev. 01*)

The Interim Executive Director (IED) presented the document on the decision on the building of the Agency's future conference facilities, including the various options available and the related pros and cons.

He also pointed to the Agency's obligation to notify the budgetary authority (the European Parliament and the Council) of any major project related to the rental or purchase of buildings. He, therefore, had established a first informal contact with the

responsible Members of the European Parliament, on which he debriefed the Board. He explained that Parliament's Budget Committee had a general preference for the purchase of the premises occupied by European Agencies. This should be accommodated by trying to negotiate a purchase option in the context of the renewal of the ECHA's lease agreement. Accordingly, the Agency would also follow a recent recommendation by the European Court of Auditors to EU institutions that they should always seek long-term rental contracts which include an option to purchase.

The Board then discussed the background and details of the recommendations submitted by the IED. It expressed a clear preference for option n° 1 (building of the conference centre on the Agency's existing premises), which appeared to be the most economic one. It also welcomed the idea of engaging a building consultant in order to assist the Agency in this project.

In response to a question raised by a representative of a Member State, the IED clarified that a break-up clause in the lease contract would not result in inappropriate additional cost. He also explained the in-built incentive for keeping costs down under the preferred option.

In the light of the information provided by the IED, the Board endorsed the recommendation contained in document MB/11/2007 rev. 01 and asked the IED to keep the Board regularly informed about progress.

5. Appointment of the Accounting Officer.
(MB/12/2007)

ECHA's acting Director 'Resources' explained the legal bases for the appointment of the Agency's Accounting Officer as well as the tasks and responsibilities of this position. He underlined that the appointment was a prerequisite for starting to test ECHA's system of financial management, the launch of which was scheduled for 1 September 2007.

After that, he introduced the proposed candidate, who would be seconded from the Commission and serve as acting Accounting Officer until 31 December 2008.

On request of a member of the Board, the IED clarified that the person was to be seen as the acting Accounting Officer who would be in charge of the accounts until the appointment at the end of next year of the Accounting Officer in accordance with the procedure established by the Regulation.

On the basis of this information, the Board appointed the acting Accounting Officer in line with the proposal made in document MB/12/2007.

6. Presentation of the multi-annual staff policy plan
(*MB/13/2007*)

The Board took note of the multi-annual staff policy plan. A contradiction in the document was clarified (i.e. the Directorate for Substances of Very High Concern will be created in 2009).

Board members raised a number of issues related to the possible impact of certain activities on the Agency's staff policy (e.g. ECHA's future responsibility for the guidance documents; the cooperation with third countries; the notification of new substances).

In response the Chair clarified that the document, in its present form, did not contain any new decisions to be taken. The paper was rather the result of previous planning activities by the Commission. Initially, it had been produced to meet certain procedural requirements by the Commission's DG for Administration and by the European Parliament.

However, the Chair reassured the Board that it would have ample opportunity to revisit the Agency's overall staff policy in the context of the forthcoming presentation of ECHA's multi-annual work programme in October.

7. Procedure for the Appointment of the Executive Director (Continuation of morning session)
(*MB/10/2007 rev. 01*)

The Board approved a revised version of the document on the procedure for the appointment of the Executive Director (see reference above).

The Board also decided to establish a preparatory group consisting of the Chairman, the Deputy-Chairman, Ms Gauthier (FR) as a further representative of the Member States, Mr Lawrence (COM) as well as Mr de Roo as independent member appointed by the European Parliament.

The Board made clear that the composition of this particular group (which did not include a non-voting Board member) was without prejudice to the possible establishment of other working groups in the future.

It was decided that the preparatory group would mainly work on the basis of emails. The Chair would serve a central contact point.

The Chair raised the question of what kind of information on the selection process could be given to the media. He recalled that the names of the short-listed candidates would anyhow be published by the Commission. ECHA, for its part, would therefore also

provide this kind of information. For the rest, the Chair would limit himself to explain the procedure which the Board had decided to follow.

A representative of the Member States suggested a general exchange of views on the profile of the candidate the Board was looking for. It should be held on the day preceding the interviews. He also said that the European Parliament should be informed of the procedure and the next steps envisaged by the Board. These points were agreed.

In order to allow for an adequate preparation of the interviews (including the timely transmission of documents), the next Board meeting was postponed to 24/25 September 2007 (on the understanding that the meeting would start on 24 September in the afternoon).

Finally, the Chair stated that any suggestions for standard questions should reach him by 17 September 2007 at the latest.

8. Any other business

Training activities

One Member State representative enquired about the deadline to be met for communicating the interest of national authorities in participating in training activities that would be organized by ECHA in the future. The IED replied that, as far as training in 2008 was concerned, such request should reach the Agency by the end of September 2007 at the latest.

Budget – First reading in the Council

The Chair invited the Commission to debrief the Board on the 1st reading of the Community budget 2008 in the Council. The Commission representative explained that the Council had decided on a cut in both financial appropriations (minus 18 %) and newly requested posts (minus 25 %; this would lead to a reduction of 13% of all the posts foreseen for the end of 2008). He said that the Council's objective was to increase its leeway for the subsequent negotiations with the European Parliament. The cut was therefore an expected outcome. It was hoped that Parliament would bring the appropriation back to the amount initially proposed by the Commission. Possibly, Parliament would put a certain percentage of the overall amount into reserve, as it had done in the past. De-freezing the reserve would then be subject to submitting updated information on the work programme, including staff policy.

The Commission urged the representative of the Member States to draw the attention of their colleagues responsible for budgetary matters in the Council to the specific situation of ECHA, which was still in its inception phase.

Finalising the Agency budget for 2008

The Board discussed the way in which the Agency's budget for 2008 would have to be finalised. This would require fine-tuning and formal adoption of the budget by the Board after the last reading in the European Parliament (scheduled for 13 December) and before the beginning of the financial year 2008. Against this backdrop, it was decided to postpone the last meeting of the Board in 2008 to 17 December.

Formal replacement of Board members

One of the Member States had informed the Secretariat that it intended to replace its representative on the Management Board. In this context, the Council had asked whether other Member States were envisaging similar changes. The Board confirmed that this was currently not the case.

Declaration of Independence- National civil servants

At the request of a representative of the Member States the Board clarified that the fact of being a national civil servant was not to be declared in the annual declaration of interests.

The Secretariat recalled that, at its first meeting, the Board had decided to revisit the notions of 'independence' and possible 'conflict of interests' at a later stage and on the basis of a draft guidance document.

10. Next meeting and closure

As a general remark on the effective preparation of the meetings, the Chair said that he would appreciate timely information about any major issues which a member would like to raise.

The next meeting was fixed for 24/25 September 2007, with the following items to be covered

- Interviews of the candidates for the position of Executive Director;
- Establishment of the Agency's Committees;
- Handover of files from the Commission to the Agency;
- The Agency's 18-month rolling plan.

III. Decisions taken/ Conclusions reached by the Management Board

1. Formal decisions

The Management Board

- adopted the Minutes of its meeting of 27 to 29 June 2007 (MB/M/01/2007) with the corrigenda contained in annexes 1 and 2;
- approved the procedure for the appointment of the Executive Director contained in document MB/10/2007 rev. 01;
- decided to establish a preparatory group for planning a standard set of questions for the interviews of candidates for the position of Executive Director. The group will consist of the Chairman and Deputy- Chairman, Ms Gauthier (FR) as a further representative of the Member States, Mr Lawrence (COM) as well as Mr de Roo as independent member appointed by the European Parliament;
- endorsed the recommendations contained in document MB/11/2007 rev. 01 concerning ECHA's future conference centre and
- appointed the acting Accounting Officer proposed in document MB/12/2007.

2. Other action points

The Management Board

- recalled the requirement of signing annual declarations of commitment and interest, which should be sent to the Secretariat and
- undertook to inform the European Parliament of the procedure and timetable the Board envisaged for the selection of the Executive Director.

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)
Claude GEIMER (LU)
Ilze KIRSTUKA (LV)
Katarzyna KITAJEWSKA (PL)
Antonello LAPALORCIA (IT)
Martin LYNCH (IE)
Jukka MALM (FI)
Rodica MOROHOI (RO)
Alexander NIES (DE) also acting as proxy of Mr JAKL (AT)
Edita NOVÁKOVÁ (SK)
John ROBERTS (UK)
Arnoldus Wilhelmus VAN DER WIELEN (NL), also acting as proxy of Mr
ROGGEMAN (BE) and Ms
GECHEVA (BG)
Maria-Miranda XEPAPADAKI-TOMARA (EL) also acting as proxy of Mr
NICOLAIDES (CY)

Representatives of the Commission

Heinz ZOUREK (COM)
Grant LAWRENCE (COM)
Anneli PAULI (COM)

Independent persons (appointed by the European Parliament)

Alexander DE ROO, also acting as proxy of Mr LANGE

Individuals from interested parties (appointed by the Commission)

Tony MUSU (ETUC)
Marc PALLEMAERTS (IEEP)

Observers

Mr Martin WIMMER (AT)

ECHA staff

Geert DANCET (Interim Executive Director)

Joachim KREYSA (Acting Director 'Cooperation')

Bjørn HANSEN (Acting Director 'Operations')

Udo HEIDER (Acting Director 'Resources')

Hélène LILLGÄLS (Acting Accounting Officer)

Martin KRÖGER (Secretary of the Management Board)