



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

held on 24 to 25 September 2007

(Document approved by the Management Board)

I. Documents submitted to the Management Board

Draft Agenda	MB/A/03/2007
Draft Minutes of the Board Meeting of 18 July 2007	MB/M/03/2007
Appointment of the Executive Director	MB/10/2007 rev.02
Procedure for nomination of Committee members and Forum members	MB/14/2007
Handover of files and responsibilities from the Commission	MB/15/2007 rev. 01
Rolling Plan	MB/16/2007
Board of Appeal: Planning of nominations and procedure	MB/17/2007

II. Summary Record of the Proceeding

24 September 2007

Introduction by the Chair

The Chair presented the observers attending the meeting and informed the Board members of a proxy that had been notified. (Details are listed under heading IV of these Minutes).

He recalled again the obligation to submit annual declarations of commitment and interest. These should be handed over during the meeting to the Board's Secretariat.

As an information point, the Chair said that ECHA's website had been recently updated with information about the composition and activities of the Management Board. It now also contained the approved Minutes and other key documents adopted by the Board.

1. Draft Agenda
(*MB/A/3/2007*)

The Board decided to bring forward the agenda item 'Board of Appeal: Planning of nominations and procedure' to deal with it before the item on the 'Rolling Plan'. In addition, the Chair clarified that the Board would be requested to endorse the course of action contained in the document on the Board of Appeal (i.e. it was not to be regarded as a document submitted only for information, as initially indicated)

The Board also identified a number of additional points that would be dealt with under 'Any Other Business' (for details, see chapter II. 9) and adopted the agenda on this basis.

2. Draft Minutes
(*MB/M/02/2007*)

The Board approved the draft Minutes of its meeting on 18 July 2007.

For the drafting of future Minutes of the Board meetings, it was agreed not to indicate, unless warranted by specific circumstances, the entity a Board member was representing (as a general rule, reference would therefore be made to 'a member of the Board' rather than to 'a member of the Board representing a Member State' or 'representing the Commission').

3. Appointment of the Executive Director – State of Play

By letter of 19 September 2007, the European Commission had notified the Chairman of the names of the proposed candidates for the position of Executive Director (Mr Geert Dancet and Ms Anne Lambert).

Copies of the Commission's letter were made available to the Board members at the meeting. The application documents of the candidates (including their CVs and letters of motivation) had already been circulated beforehand.

Whilst acknowledging the quality of the proposed candidates, several Board members expressed their disappointment with the fact that the Commission's short-list contained only two names, resulting in a serious limitation of the choice for the Management Board. These Board members asked for information about the criteria which led to a short-list of two candidates. In response, a Commission representative clarified that the Commission had followed its standard procedure in establishing the short-list. Some Board members emphasized that such a situation should not be repeated in the future.

The Chair debriefed the Management Board on contacts between the Board's Secretariat and the administration of the European Parliament (EP). The EP's Committee on the Environment has tentatively set aside a slot at its November session for the successful candidate to make a statement and answer questions (in line with Article 84 of the REACH Regulation). The name of the candidate selected by the Board will have to be communicated in writing to the President of the EP.

The Chairman then presented the standard set of questions for the interviews, which he had prepared together with the preparatory group set up at the Board meeting on 18 July 2007. The Board welcomed the quality of the questions. It was nevertheless decided to carry out some fine-tuning, in particular with a view to personalising the questions further. The Board agreed not to make the questions available to the candidates before the interviews.

After that, the Board discussed the voting procedure. It was felt that further clarification in the related document adopted by the Management Board at its last meeting (MB/10/2007) was needed. The Chairman was asked to prepare, together with the Secretariat, a proposal for a revised document.

4. Information session on the activities of Directorate A

The acting Director for 'Cooperation' gave a presentation¹ of the activities of his Directorate.

¹ All power point presentations will be made available to Board members on the Management Board's CIRCA website.

One of the Board members stressed the need to seek close cooperation between ECHA and non-EU countries such as the USA and Canada as well as with international organizations, in particular the OECD. It was clarified that such a co-operation would always have to take account of the respective remits of ECHA and the European Commission.

5. Procedure for nomination of Committee members and Forum members
(MB/14/2007)

The acting Director 'Cooperation' presented the envisaged overall approach towards the nomination of Committee and Forum members as well as the related document and its annexes. He explained, in particular, the Management Board's role in appointing the members and in approving the Rules of Procedures of these bodies.

In response, the Board provided a series of comments on the future functioning and structure of the committees. Emphasis was laid on the need to ensure coherence between and to avoid overlapping of the activities of the three Committees and the Forum.

An issue of special concern for the Board members was the workload future Committee members would be faced with. The question was raised of how the related expenses would be covered.

It was also said that it would be difficult to nominate experts who would be able to cover the whole range of expertise required for the respective committees. Rather than being experts themselves in many fields, it was important for such members to have internal access to the relevant knowledge in their national administration.

Some Board members requested clarification regarding the replacement of Committee and Forum members and the possible use of *rapporteurs* and sub-groups.

One Board member underlined the need to ensure the appropriate involvement of stakeholders, which was important to ensure transparency. The chair suggested that these aspects should be discussed further in the next meeting of the Board.

The Chairman concluded that the various points raised should be clarified, where appropriate, i.e. either by amending the related documents to be sent to the Member States or by providing supplementary information at one of the next Board meetings.

On this basis, the Management Board endorsed the overall course of action described in document MB/14/2007.

6. Handover of files and responsibilities from the Commission
(MB/15/2007, MB/15/2007rev. 01)

A revised version of the document on the handover of files and responsibilities from the Commission was circulated. The Interim Executive Director presented the main features

of the document by outlining for each thematic area the state of play and the way forward.

The IED also explained that the meeting document was based on individual and more detailed handover notes which the Commission's Directorates-General had prepared. Copies of these papers would be made available to Board members on request. Such requests should be addressed to the Board's Secretariat.

After the IED's presentation, the floor was given to the Commission for additional remarks. The Commission representative recalled the time pressure under which ECHA had to operate. In spite of the strong commitment of staff, this had to be regarded as a major challenge for the Agency. Adding additional new tasks to ECHA's existing remit should therefore be avoided. He also pointed to the fact that ECHA was not mandated to engage in policy discussions at the international level.

In the subsequent discussion, the IED clarified some of the deadlines contained in the document on the handover, in particular the difference between the target date for finalising guidance documents at the level of the Competent Authorities and the date of the final hand-over to ECHA.

Several Board members drew attention to the need of taking into account the fields of nanomaterial and nanotechnology and the development of OECD test-methods. The IED said that ECHA could provide technical expertise in this respect. As a policy issue, however, nanotechnology would continue to be dealt with by the Commission.

7. Selection of the Executive Director – Voting Procedure (MB/10/2007 rev. 02)

The Chairman presented a revised version of the document on the procedures and practical arrangements for the appointment of the Executive Director. The Board adopted the proposed amendments.

25 September - Morning session

8. Appointment of the Executive Director – Interviews

By way of introduction, the Chair recalled the procedure to be followed (short presentation by the candidates themselves, followed by a set of standard questions and additional questions put forward by individual Board members). He also explained that the interviews would be held in alphabetical order

The Board then proceeded with the interview of the first candidate (Mr Geert Dancet).

9. Any Other Business

In view of the time still available after the first interview, the Board decided to bring forward and to deal with the agenda item 'Any Other Business' before the interview of the second candidate.

Legal action against REACH in the UK

One of the Board members informed the participants about legal action which four importers of polymers had launched in the UK against the REACH Regulation. Their aim is to seek judicial review by the European Court of Justice of certain provisions of the Regulation. Preliminary internal court proceedings in the UK would begin in October 2007.

Budgetary Procedure 2008

The representative of ECHA's parent DG debriefed the Board on recent developments regarding the budgetary procedure for 2008. The EP's Committee on the Environment has reinstated the initial appropriation proposed by the Commission. It was hoped that the Committee on the Budget would align itself to this position at its meeting on 3 October 2007. The Plenary would vote on the matter on 23 October.

European Chemical Safety Day – Proposal by Slovenia

The Board member representing Slovenia circulated and presented a paper on a project for holding a European Chemical Safety Day during the forthcoming Slovenian Presidency of the EU as a start for a pilot project on risk communication.

It was decided to pursue this project on a bilateral basis. Appropriate contacts would be established between, on the one hand, Slovenia, and ECHA and the Member States on the other hand.

Recruitment

The IED informed the Board about new calls for expression of interest for Temporary Agents posts, which had been published the day before on the website of the European Personnel Selection Office. The publication covered six different job profiles (junior and senior scientific assistants, IT/IUCLID assistance, webmasters, facility assistants and a facility manager). Applications had to be submitted by 22 October. Members were encouraged to distribute information about these calls in their constituencies.

10. Appointment of the Executive Director – Continuations of interview

The Board proceeded with the interview of the second candidate for the position of Executive Director (Ms Anne Lambert).

11. State of play on building the building of Conference Centre and rental agreement

The Board decided to bring forward and to deal with this agenda item before the lunch break.

The IED presented the state of play on the basis of slides and pointed, in particular, to the joint decision signed with the lessor on the construction of the conference centre. He also mentioned the project of establishing a consolidated version of the existing lease agreement accommodating its various amendments and annexes.

In response to a question of a Board member, the IED clarified that the tender procedure for building the conference centre had been carried out under the auspices of the lessor, who was directly responsible for awarding the works contracts.

25 September - afternoon

12. Board of Appeal: Planning of nomination and procedure
(MB/17/2007)

The IED introduced the Registrar of the Board Appeal, who subsequently presented the related meeting documents. The presentation focused on the qualifications required for the members of the Board of Appeal, the question of whether a permanent or *ad hoc* structure should be established as well as on the nomination procedure and its timing.

The Board discussed and agreed on areas where further fine-tuning was needed. Notably, the requirements to be included in the draft vacancy notice had to be clarified. The objective should be to avoid possible discrimination against national educational systems. It should also be ensured that the requirements on experience in Community law for the second legally qualified member of the Board of Appeal should not exclude possible candidates from the accession countries. Regarding the requirement of 'judicial experience' for the Chairman, it was decided to broaden this criterion. 'Similar experience' should be sufficient.

The Board urged the Commission to propose a sufficient number of candidates in order to ensure that the Board would have a real choice when appointing the Chairperson, the members and alternates of the Board of Appeal.

On the basis of these clarifications, the Board endorsed the overall course of action proposed in document MB/17/2007, in particular with regard to the permanent work structure and the general composition of the Board

Detailed practical arrangements for the appointment of the member of the Board of Appeal will be submitted to the Management Board in due course.

The IED undertook to make the Commission's draft Regulation on the qualification of the members of the Board of Appeal available on the CIRCA website.

13. Presentation of Rolling Plan
(MB/16/2007)

The IED presented the Rolling Plan for the activities of the Management Board and underlined the tentative nature of the document. He made clear that the plan had to be considered as a living document, which would be updated on a regular basis.

The IED explained orally some adjustments to be made to the text circulated. The presentation of the Communication Plan should be postponed to December. By contrast, the draft Financial Regulation would already be presented in October (instead of December), because prior consultation of the Commission was necessary before adopting the final text. The IED also proposed to postpone the first Multi-annual Work Programme to next year and involve the Management Board members more in the preparation of the Multi-annual Work Programme. For this purpose, the members agreed with the proposal of the IED that a reflection group should be established in the Board, which could start its work at the occasion of the February meeting.

In the subsequent discussion, a Board member representing the Commission asked for the Financial Regulation to be accompanied by its Implementing Rules. He suggested that the Work Programme 2009 should be presented together with the draft budget for 2009. He also said that the adoption of the Fee Regulation was a prerequisite for discussing the future fees for expert services provided to the Agency. This item should therefore rather be discussed in April 2008.

Another Board member stressed the need for the Board to be regularly updated on the state of preparedness of ECHA. The IED suggested to bring this item forward to the Board meeting in February 2008.

One of the Board members pointed to the link between implementing the Regulation on the Application of the Aarhus Convention with the measures on 'transparency' and 'access to documents'. The discussion of the topics should not be disconnected.

As a general remark on the Board's working methods, the Chair stressed his intention to allow in the future for more in-depth discussions on issues of particular importance before asking the Board for final adoption or endorsement of a text (this should, for instance, apply to the planned document on transparency). The Chair also stressed his desire to involve the Board members more proactively (as a possible example he floated the idea of some Board members examining existing evaluation reports of other Agencies with a view to drawing lessons for ECHA).

After that, the Chair invited the representative of the Netherlands (NL) to present briefly a discussion paper by the Dutch government entitled 'Who is responsible for developing, adopting, and providing REACH guidance?' The paper had been made available to the

Board on the CIRCA website and had previously been subject to discussions at a meeting of REACH Competent Authorities.

The Board member from NL explained that the reason for submitting this paper was the need to clarify the remit of the various bodies involved in implementing REACH, in particular with regard to the preparation and processing of guidance documents. The IED drew attention to the Rolling Plan, which already foresaw, for the December meeting, a discussion of the Board on a document on stakeholder involvement in the preparation of guidance documents.

In addition, the Chair pointed to an existing document defining the remit of the meetings of the REACH Competent Authorities. It was agreed to make this document available on the Board's CIRCA site.

14. Next meeting and closure

The Chair confirmed that the next meeting would be held on 16 and 17 October 2007.

As a final remark on the selection procedure for the post of Executive Director, one of the Board members informed the participants that the *European Environmental Bureau* had lodged a request for review of the Commission's decision on the short-list of candidates. The request for review had been made under the provisions on the Regulation on the Application of the Aarhus Regulation.

Decisions taken/ Conclusions reached by the Management Board

1. Formal decisions

The Management Board

- adopted the Minutes of its meeting on 18 July 2007 (MB/M/02/2007);
- approved the overall course of action proposed for the nomination of Committee members and Forum members as contained in document MB/14/2007;
- adopted amendments to the document and the procedure and practical arrangements for the appointment of the Executive Director contained in document MB/10/2007 rev. 02;
- endorsed the overall course of action regarding the Board of Appeal, as proposed in document MB/17/2007;

2. Other action points

The Management Board encouraged ECHA and the Member States to examine their possible participation in the project of a European Chemical Safety in cooperation with the Slovenian government, focusing on risk communication.

IV. List of Attendees

Representatives of the Member States

Zoltán ADAMIS (HU)
Maria ALAJÕE (EE)
Helge ANDREASEN (DK)
Aurelija BAJORAITIENË (LT)
Karel BLÁHA (CZ)
Marta CIRAJ (SI)
Francis E. FARRUGIA (MT)
Ethel FORSBERG (SE) also acting as proxy of Ms GAUTHIER (FR)
Ana FRESNO RUIZ (ES)
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)
Arnold VAN DER WIELEN (NL)
Maria-Miranda XEPAPADAKI-TOMARA (EL)

Representatives of the Commission

Heinz ZOUREK (COM)
Grant 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)

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

Observers

Philippe CHEMIN attending on behalf of Ms GAUTHIER (FR)
Fernanda SANTIAGO attending on behalf of Mr GONÇALVES HENRIQUES (PT)

Jan HAMMAR (SE)

ECHA staff

Geert DANCET (Interim Executive Director)

Joachim KREYSA (Acting Director 'Cooperation')
Udo HEIDER (Acting Director 'Resources')

Jack DE BRUIJN (acting Head of Unit 'Procedures Testing')

Mina HEIKKILÄ (Legal Advisor)

Sari HAUKKA (Registrar Board of Appeal)

Martin KRÖGER (Secretary of the Management Board)