

Minutes of the 35th meeting of the Management Board

Held in Helsinki from 25 to 26 September 2014

I. Summary record of the proceedings

The Chair opened the meeting by welcoming the new Board member appointed by Council, Ms Sharon McGUINNESS from Ireland and announcing that the appointment of Mr Bojan VIDOVIĆ from Croatia was scheduled for 25 September.

The names of other participants attending the meeting and the proxy votes of which the Chair was notified are listed in Section IV of these minutes.

1. Agenda (MB/A/02/2014 rev.01)

The Chair announced that for agenda item 5, the Management Board will first be asked to elect a new Deputy Chair before proceeding with the election of the future Chair. It was also agreed that the elections will be dealt with *in camera*, involving only Board members, their persons of trust, the Executive Director as well as the Secretariat of the Management Board.

The agenda of the meeting was then adopted.

2. Declaration of specific interests

The Chair informed the members of the Management Board that she reviewed the members' declared interests, together with the Secretariat, in accordance with ECHA's policy on conflicts of interest. No conflicts relating to the agenda of the 35th Management Board meeting were identified.

The Chair clarified that as she is herself a candidate, she will ask the future Deputy Chair, once selected, to chair the elections of the new Chair as of 1 October (agenda item 5).

Afterwards, she invited the members to further declare any specific interests that could not be drawn from their declarations of interest and which could be considered to be prejudicial to their independence with respect to any items on the agenda. No further specific interests were declared.

3. Minutes of the 34th Management Board meeting (MB/M/02/2014)

The draft minutes of the 34th Management Board meeting, held from 17 to 18 June 2014 in Helsinki, were approved without amendments.

4. Quarterly report on ECHA's activities (MB/29/2014)

The Management Board heard the Executive Director's quarterly update on important developments of the Agency, including the work programme indicators and monitoring of risks. He highlighted that all indicators reached the target in the last quarter except the indicator related to unanimous agreements in the Member State Committee. The quality indicator was also still below target and, due to the upcoming certification audit, accelerated actions were in place to achieve the target beforehand. In terms of corporate risks, the Executive Director explained that the issues related to the fee income shortage in the Biocides area have not all been solved and that discussions are ongoing with the Commission on how to finance any shortage at the year end and to seek more subsidy in the long-term to finance the Biocides review programme (see agenda item 7 below).

The Deputy Executive Director continued with the report on all work programme activities in the last quarter. Board members welcomed the achievements and congratulated the Secretariat for the comprehensive report and impressive work done. An exchange of views took place on issues related to efficient collaboration with other institutions (e.g. OECD and JRC), work around the Prior Informed Consent Regulation, the launch of ePIC in September and the training offered to competent authorities on the tool. Regarding registration dossiers submitted by industry containing unclear substance identity information, some Board members considered that the issue would still deserve the Agency's higher attention in order to prevent a negative impact on subsequent REACH processes.

In the substance evaluation area and with reference to discussions taking place in the CARACAL¹ meeting, the Secretariat clarified that dissemination reports are meant to be published at the end of the evaluation process and even if not legally required this is seen as proof of transparency.

The Board welcomed the initiatives taken to improve ECHA's customer service and one Board member emphasised that the ultimate customers of the Agency are the European citizens whose health and environment legislations are in ECHA's remit and need to be protected.

A Commission representative responded to some Board members' concerns related to the new structure of the European Commission and important changes that could potentially impact the future work of the Agency. As a novelty, in the future, the responsibility for Biocides issues is transferred to the European Commission's Directorate General for Food and Health. Effects will be visible starting on 1 January 2015, when the reorganisation of the Commission is coming into force.

On request, the Secretariat informed the Board about the systematic need for efficiency and the efforts made by the Agency to identify main areas for efficiency improvements in times of budgetary and staffing constraints. The recently launched Efficiency Programme will review cross-directorate processes of ECHA and can as requested be presented to the Board in one of the forthcoming meetings.

The Management Board took note of the information.

¹ The 15th Meeting of Competent Authorities for REACH and CLP (CARACAL) on 8-9 July 2014.

5. Election of a Chair and a Deputy Chair of the Management Board (MB/30/2014)

The meeting took place *in camera* for this agenda item.

Elections for the position of the Chair and Deputy Chair were held because the first term of office of the current Chair, Ms Nina CROMNIER, expired on 30 September. Following the resignation of Mr Martin LYNCH as a Board member in July 2014, the Management Board members were required to also select a new Deputy Chair.

After hearing the Mr Karel BLAHA and Mr Jean-Roger DREZE for the Deputy Chair posts and their replies to a follow-up question by one member, the Board proceeded first with the selection of a new Deputy Chair. Ms Gertraud LAUBER and Mr Hubert MANDERY were appointed as tellers. The votes were cast by secret ballot.

Mr Karel BLAHA was selected as the Deputy Chair in a first voting round with the required qualified majority of votes (two-thirds majority of members with voting rights). Mr BLAHA accepted the appointment and thanked the Board for the trust.

As Deputy Chair, Mr BLAHA then chaired the meeting for the election of a Chair.

After hearing the sole candidate and her response to a follow-up question by one member, the Board proceeded first with the selection. Ms Gertraud LAUBER and Mr Hubert MANDERY acted again as tellers. The votes were cast by secret ballot.

Ms Nina CROMNIER was selected as the Chair for a second term in office in a first voting round with the required qualified majority of votes (two-thirds majority of members with voting rights). Ms CROMNIER accepted the position and thanked the Board for the confidence they had shown in her.

The Management Board elected Mr Karel BLAHA as the Deputy Chair for a first term of office starting from 25 September 2014 and Ms Nina CROMNIER as the Chair for a second term of office starting from 1 October 2014.

6. Work Programme 2015 (MB/31/2014)

The Executive Director presented the draft ECHA Work Programme 2015 together with the new ECHA compliance check strategy which was submitted as a background document for providing further context to the dossier evaluation related activities foreseen in the work programme.

The Executive Director highlighted the key elements of the work programme mentioning important activities supporting each strategic objective of the Agency, with emphasis on the:

- *High quality of information*
Starting the preparation for the 2018 registration deadline and enhancing the support to small and medium-sized enterprises; revision of IT tools and manuals for dossier preparation and submission; new information on substances to be made available in a new format; compliance checks remaining a high priority as the dossier evaluation is a core activity in ECHA.
- *Addressing chemicals of concern*
In the risk management, substance evaluation and application for authorisations areas.

- *Scientific challenges*
Development of the scientific capacity in accordance with the science strategy defined in 2014 and increasing activities to improve the quality of registration data for nanomaterials.
- *Efficiency and effectiveness*
Investment in developing the IT systems to better serve industry and Member States, but also reduce manual work; in biocides, the review programme of active substances remains a priority; for the Committee - different options to be analysed to deal with the increased workload.

In terms of procedure, the Executive Director reminded that based on the outline of the work programme adopted by the Board in March 2014, the Board received a first draft of the programme on 1 July 2014 for consultation. The Secretariat received replies from eight Management Board members (seven Member States and the Commission) with over 230 comments. The Working Group on Planning and Reporting discussed these comments and amended the draft accordingly, in a meeting on 4 September.

He noted that the final ECHA budget and the establishment plan for human resources will be adopted in December 2014 by the Management Board following the final adoption of the general budget of the European Union by the Budgetary Authority (European Council and Parliament). Should the total revenue or authorised staff figures differ significantly from the current estimates, the work programme does not need to be adjusted as any reduction in staff can be temporarily compensated during the year. The procurement plan will be submitted to the Management Board for approval at the same time as the final budget in December 2013.

The new compliance check strategy “Safer chemicals – focusing on what matters most” is based on the experience of the first five years of dossier evaluation. The strategy aims to target the registration dossiers of the most important substances – those of the higher tonnage bands and with wide exposure and potential hazard properties – and among those dossiers, the most critical endpoints in terms of human health and environmental effects. The compliance check activity will use a common screening process that the Agency has developed for several purposes, including identifying where risk management efforts should be directed. The Management Board has been involved in the preparations of the strategy through its Working Group on Planning and Reporting.

A Commission representative chairing the Working Group Planning and Reporting meeting of 4 September, informed on the group’s findings which had been incorporated in the draft presented to the Management Board meeting. He highlighted the low number of members contributing during the consultation period for the work programme as well as the low attendance in the working group meeting.

Jointly, the Board members appreciated the draft Work Programme 2015, thanking the working group and the Secretariat for the work carried out. Members emphasised the importance of the Planning and Reporting Working Group and the growing reliance on its members in dealing with complex issues.

While debating the work programme draft, members commonly agreed on certain areas of concern: the volatile income in the Biocides area, possible peak in the authorisation applications and review of the information requirements in relation to the endpoint on reproductive toxicity.

In the Biocides area, one Board member stressed the importance of the classification of Biocides – seen as the bottle neck for dealing with risk assessment – and further development of the IT tool where he suggested that the Agency should spare its resources and focus on what would be essential in the future. The absence of applications for Union authorisation caught the attention of some Board members who

disputed the concept that all Biocides activities should be fully fee financed. They remarked that receiving sufficient subsidy from the Commission would allow lowering the fees and covering the Agency's uncertainties in the Biocides area. A Commission representative referred to discussions going on with the Commission, noting however that subsidies might still remain lower than expected and not leading to a significant decrease of fees for Union authorisations.

As regards the new compliance check strategy, Board members congratulated the Secretariat for developing the document. It was agreed, that the strategy, apart from the resource assumptions, could be endorsed by the Board with some minor modifications².

Related to the implementation of the new strategy and the Work Programme 2015, the Board discussed the impact of the recently adopted two-generation reprotoxicity test method required under REACH³ with the extended one-generation reprotoxicity study (EORGTS) for ECHA. Concerns were raised that this would lead to additional resources taken from the evaluation activity to handle with ca. 200 testing proposals under REACH transferred to the Commission and where ECHA may be required to support the Commission's decision making or re-do the examination.

Referring to the letter sent by the Executive Director to the Commission services on this topic on 24 September which was circulated as a room document, many Board members supported the position of the Secretariat as expressed in this letter. A Commission representative responded that the Agency will have to, under any circumstances, support the Commission in dealing with the legacy of testing proposals and recommended in general to allocate more Agency resources to the evaluation activity.

In reply to the concerns raised by the Board members, the Secretariat reviewed three fundamental issues to be strengthened in the work programme: (i) the compliance check strategy; (ii) the link to the one-generation tests identified as a risk until the conclusions of the Commission will be communicated to ECHA; (iii) and the current structure of the Biocides fees complemented by the question of whether subsidies will cover further developments, for example, the IT tool or the review programme absorbing a lot of resources, currently without any fee income coverage.

The Board members adopted the Agency's Work Programme 2015 subject to some modifications⁴. The Board highlighted the following identified risks, which would need further monitoring and possible action:

² Page 1: This emerging strategy ~~has as its core aim~~ also enables the identification of substances of concern.

Page 3: The scope of compliance check, ~~including the scrutiny level of the substance identity~~, will be matched with potential concerns identified ("fit for purpose" instead of "one size fits all").

Besides this the substance ~~identification~~ identity, to the extent relevant, is always assessed once a dossier is opened for a compliance check.

Page 4: ECHA intends to ~~improve~~ the transparency and usability of the ~~dissemination of registration dossiers~~ and other information disseminated on its website. This is an important measure to improve the dossier quality and will enable ~~by improving the amount and presentation of information and allowing~~ interested parties to follow which parts of the dossiers have been updated as a result of compliance check ~~is another important measure to improve dossier quality~~.

³ EORGTS will be included in Annexes IX and X of REACH

<http://chemicalwatch.com/21314/reach-committee-approves-one-generation-reprotox-test-method>

⁴ Page 10: "~~Following the expected~~ In the event that ~~adaptation by~~ the European Commission ~~will adapt of~~ the REACH information requirements (IR) to better take into account the specific aspects of nanomaterials; ECHA will increase its activities to improve the quality of registration data for nanomaterials. **ECHA will also continue its contributions for the**

- 1) The fee income in the area of Biocides,
- 2) The number of applications for Union authorisation in the area of Biocides, and
- 3) the handling of about 200 testing proposals under REACH transferred to the Commission and where ECHA may be required to support the Commission's decision making or re-do the examination.

It was also concluded that the Board would communicate to the European Commission the concerns related to the sustainability of the Biocides funding and the workload related to the recently adopted two generation reprotoxicity test method.

7. Budget for 2014 (MB/32-33/2014)

The Management Board received a report on the progress made by the Agency to reduce the Biocides budget income gap without disturbing the implementation of the Work Programme 2014.

a) Update on the budget for Biocides

The Secretariat informed the Management Board of the progress made in finding a solution to the problems of managing the income shortfall and short-term income volatility in the field of ECHA's Biocides tasks. The funding gap is being reduced since the June Board meeting but there was still a possibility of an income shortage by the end of the year. With regard to potential negative longer term effects, the Secretariat did, however, not recommend modifying the Work Programme 2014.

It was explained that the current Biocides operations are not sustainable given the historical over-optimistic forecast of fee income. Under these circumstances, the budget structure needs to be re-considered and the amount of subsidy be increased in order to support activities which are not financed by fees. Medium-term manpower requirements are being re-evaluated to design a new baseline for Biocides from 2016 onwards and a bridging transition period needs to be planned and agreed with the Commission.

In the following discussion, Board members reinforced that further savings should not jeopardise the Review Programme or translations of guidance addressed to companies – most of them being small and medium-sized enterprises. In return, Board members supported an increase in virtual meetings and reducing guidance documents for national authorities.

Some Board members expressed their opinion that investing in fee forecasting may be ineffective at this stage given the fee review and data obtained from industry not

development of new testing and assessment methods, including alternatives to animal testing".

Page 18: A footnote was added: ***"See document Safer chemicals - focusing on what matters most" 26.9.2014*** and one paragraph amended:

"The highest priority substances are addressed under compliance check with the focus on the higher tier human health (*i.e. genotoxicity, repeated-dose toxicity, pre-natal developmental toxicity, reproduction toxicity and carcinogenicity*) and environment endpoints (*i.e. long-term aquatic toxicity, biodegradation and bioaccumulation*) of the lead and individual dossiers. ***Besides this, the substance identification, to the extent relevant, is always assessed once a dossier is opened for a compliance check***".

Page 19: "(Good ~~general~~ Laboratory Practice)"

Page 21: "200 compliance checks ***concluded (of which at least 50 % are planned to address the higher tier human health and environment endpoints)*** ~~concluded~~, leading to ca. 150 new draft decisions".

Page 36: "ECHA is responsible for ~~the certain~~ administrative and technical tasks".

Page 56: "Awareness raising will also continue related to the Biocidal Products Regulation, for example, in relation to the deadline of 1 September regarding Article 95 of the BPR ***and the duties of SMEs***".

sufficiently reliable. They alternatively proposed to use information which industry associations already have, referring to the Biocides Stakeholders' Day⁵ where some associations presented the industry's perspective on the Biocidal Products Regulation market.

In terms of procedure, the Board noted that ECHA propose a final amendment to the budget in the December Management Board meeting. The budget and expenditure will be balanced so that the eventual mismatch will be as small as possible. In accordance with the Financial Regulation, any remaining mismatch will be entered in the 2015 budget as payment appropriations or offset against a potential positive budget result in the following years. The Secretariat will work with the Commission Services to find a way to provide flexibility to deal with short term income volatility by the end of year.

The Board endorsed the approach presented by the Secretariat to determine the long-term sustainable Biocides structure with continued engagement with the relevant Commission services and Member State competent authorities.

b) Transfer within the budget

The Board was also informed of a number of small transfers within the budget undertaken by the Executive Director.

8. Revision of the Management Board Decision on the transfer of fees to the competent authorities of Member States (MB/34/2014)

The Executive Director presented a new draft for a revised Management Board Decision on the transfer of fees to Member State authorities. The Management Board discussed the review of this decision at its June meeting. The Working Group on the Transfer of Fees was then mandated to further prepare the review so that a revised decision would take effect from 1 January 2015, following a favorable opinion received from the European Commission.

The Chair of the Working Group on the Transfer of Fees informed of the conclusions of the Group following a meeting on 9 September in Helsinki. The new proposal was based on the following principles: encouraging efficiency; fee transfer contributes to the activities at Member State level but should avoid excess compensation; limitations in the budget also require the setting of an absolute ceiling and require reduction of fee transfer to Member States per activity; the implementation needs to be monitored and the modalities reviewed if the ceiling is triggered or work undertaken by Member States overly affected.

The Management Board held an extensive exchange of views on the new proposal, focusing on aspects like the legal framework, the new scale of payments for rapporteurs, the impact of the use of ECHA salaries as a base value, the burden sharing between ECHA and the Member States, and the maximum proportion of fees transferable. Concerns were expressed about the impact of the overall lower fee transfers for substance evaluation cases in particular on the commitment of Member States for this process.

Overall, the proposal received support from Management Board members, provided that the decision will be closely monitored by having a first review in twelve months' time to collect experiences.

⁵ European Biocidal Products Forum (EBPF) and the International Association for Soaps, Detergents and Maintenance Products (AISE) survey 2011 on future BPR market (slide 8): http://echa.europa.eu/documents/10162/21743569/11_bshd_grunwald_ecolab_en.pdf

The Board adopted the draft decision on the transfer of fees to the competent authorities of Member States, subject to the favourable opinion of the Commission and instructed the Executive Director to submit the document to the European Commission for its opinion. A sentence was added introducing a review after one year of application.

Reservations were recorded from the Belgian and French representatives who noted that the new draft decision leads to important decreases in the fee transfer per case, which may discourage Member State to participate the activity of substance evaluation.

9. Report on the SME verification activity: results, challenges, changes (MB/35/2014)

The Director for Resources informed the Board of the results of the REACH fee verification activity concerning fee reductions applicable to small and medium-sized enterprises (SME).

He informed on the challenges currently faced by the Agency:

- *High number of incorrect declarations*
This may indicate a lack of understanding about how the size of a company is determined. Up until now, ECHA has made significant efforts to clarify the rules governing the SME status and to raise awareness among industry to help the companies to declare their size correctly.
- *The European Union rules on SME classification*
Making the Commission Recommendation for determining the SME status of companies better understandable to the companies, which are often having different legal regimes and complicated enterprise structures, is one of the main obstacles encountered by ECHA.
- *Communication with registrants*
Higher transparency has been added to the communication with registrants, informing them of their right to conduct the verification in their language.
- *Language*
There is a variety of languages in which supporting documents are submitted which make the evaluation of the documents difficult. More, the recent ruling of the Board of Appeal on the language of the SME verification has increased ECHA's translation needs⁶.
- *Complaints and appeals*
During the years of verifications, several enterprises having made incorrect declarations have expressed dissatisfaction with the administrative charges levied on them, even though most of these companies have ultimately paid the administrative charge. ECHA was soon expecting the judgment of the EU General Court in one of these cases concerning the administrative charge.

Management Board members noted that despite the efforts made by the Agency in assisting SMEs, the proportion of 70% of companies incorrectly declaring that they would qualify as SMEs is of concern and should be further investigated.

It was stated that the majority of non-compliant cases are linked to the 2010 registration deadline, when awareness around the issue was lower, companies were

⁶ The decision states that SME verification is an activity initiated by ECHA and that therefore the Agency in that case would have had to conduct the verification in the language of the Member State where the company is registered unless English is explicitly agreed to.

insufficiently following the information published by ECHA, communicated through REACH-IT, or simply overlooking consequences of incorrect indication of their company size.

The Board members were thankful for the work done by the Agency and the clarifications given by the Secretariat on various aspects. It was underpinned that extra-contract staff has been recruited to carry out the SME verification work and the amount of money collected from administrative charges is used to pay their salaries and cover additional handling costs in undertaking the work (e.g. legal costs, translations of authentic documents which might be needed during the verification process).

It was underlined that the SME verification shall be continued to ensure equal treatment and fair competition on the chemicals market. In a single market with no internal frontiers, it is also essential that SMEs have a common understanding of the rules applied⁷. As no amendments of the rules are foreseen, it would be beneficial that SMEs receive support from Member State competent authorities and the network of national helpdesks, better placed to know their domestic market and awareness actions needed. The Secretariat will provide further information on companies wrongly declaring their company size, by country. More, the forthcoming impact study run by the Commission will re-assess the consequences of REACH legislation for SMEs.

Based on collected experience, the Secretariat announced that it will elaborate a revised administrative charge scale and present a proposal to the Management Board in March 2015. Measures will be taken to ensure that registrants for the 2018 deadline will self-examine their SME status before registering so that fewer companies make mistakes and have to pay the administrative charge. Several members wished the Secretariat to report to the Board the eventual consequences of the forthcoming Court of Justice ruling on one specific case, should it be negative for ECHA.

Given the recent ruling of the Board of Appeal on the language used in conducting the SME verification, the Secretariat will analyse the budget and staff implications impacting the SME verification or other REACH processes. The Management Board invited the Secretariat and the Working Group on Planning and Reporting to pre-discuss the issue and present the results at the March 2015 Board meeting by the latest.

The Management Board took note of the report.

10. Board of Appeal (MB/36/2014)

a) Appointment of a legally qualified member (MB/RD/01/2014)

The meeting took place *in camera* for this agenda item.

On the basis of a list of qualified candidates submitted by the European Commission to the Agency on 9 September 2014, a selection group of Management Board members (composed of Mr Björn HANSEN, as the Chair, as well as Ms Ana FRESNO RUIZ and Mr Jan Karel KWISTHOUT as members) had assessed five candidates for the position as a legally qualified member of the Board of Appeal on 24 September. A report with the outcome of the assessment was presented to the Management Board as a room document.

In line with the recommendations of the selection panel, the Management Board appointed a legally qualified member of the Board of Appeal and established a reserve

⁷ In this case, the Commission Recommendation concerning the definition of micro, small and medium-sized enterprise and the Guide to EU definition of SME:
http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/index_en.htm

list of two persons for the post. The selected candidate will be contacted by the Chair for accepting the appointment. If there is a positive confirmation, an employment offer will be submitted by the Executive Director in his capacity as ECHA's authority authorised to conclude contracts (AACC)⁸.

b) Appointments of alternate and additional legally qualified members

Due to time constraints in advance of the Management Board meeting, the selection group could not assess the candidates for the positions of alternate and additional legally qualified members of the Board of Appeal. The assessments will be organised in October/November 2014. The Management Board will receive a proposal either by written procedure or in the next Board meeting.

11. Annual report from the Quality Manager (MB/37/2014)

The Management Board received the annual report from ECHA's Quality Manager. Due to lack of time during the meeting, no presentation or discussion could take place.

12. Service Level Agreement with the European Global Navigation Satellite System Agency (GSA) on sharing the ECHA Internal Audit Capability (IAC) (MB/38/2014)

Due to the recently announced changes in the structure of the European Commission, the agenda item on the sharing of ECHA's internal audit capability with the European Global Navigation Satellite System Agency (GSA), in Prague, was taken off the agenda. In future, ECHA and GSA would no longer operate in the same policy area.

13. Implementing rules to the EU Staff Regulations (MB/39/2014)

The Board took note of the third cluster of five Implementing Rules (IRs) as notified by the European Commission in December 2013 and April 2014. These IRs have been considered by ECHA's management and discussed with ECHA's Staff Committee. The amended rules on reclassification of contract agents will be for immediate application by analogy and would allow ECHA Contract Agents to be reclassified for the first time in 2014.

The Board also noted the request to opt-out from five Commission Implementing Rules which are currently redrafted by the permanent group and DG HR to serve the Agencies' specific needs:

1. Appraisal of Officials
2. Promotion of Officials
3. Measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union
4. Policies for the engagement and use of temporary agents
5. Policies for the engagement and use of contract agents

The Management Board adopted the Implementing Rule on the reclassification of Contract Agents for early application by analogy and instructed the Executive Director to inform the European Commission on this. By the same letter, ECHA would seek the

⁸ The AACC will determine – as part of the recruitment process – the date on which the term of office (in accordance with Article 90(1)) of the REACH Regulation starts.

Commission's agreement to the opt-out from the five Implementing Rules referred to above.

14. Management Board Working Groups (MB/40-41/2014)

a) Revised Terms of Reference of the MB WG on Audit

Following a request from the Management Board in the March 2014 meeting, the Working Group on Audit recommended modifications to its Terms of Reference in June.

The Chair of the Working Group on Audit presented a proposal for adoption which foresaw the following:

- by default, the Management Board Chair and a European Commission representative are members of the Working Group on Audit;
- subject to the approval of the Management Board, the limitation that the two-year membership can be renewed only once, shall be removed;
- In addition, a quorum of four Management Board members participating to the meeting would be needed.

The Board adopted the revised Terms of Reference of its Working Group on Audit with the addition that the quorum for valid meetings shall be three members of the Management Board.

b) Appointment of WG members

The Management Board confirmed the overall composition of its working groups and appointed new members as presented in Annex III. The Board concluded that the Working Group on Planning and Reporting shall in future apply a quorum of four members present for valid meetings.

15. Any other business

Due to time constraints, the following issues were not discussed at the meeting:

- Outcome of the survey on the quality of Management Board documents
- The fourth MSCA Directors' planning meeting on 20 November 2014
- Update on Budget 2015
- Forum's initiative on resources needed for enforcement

It was agreed that the Board will receive the information related to these topics after the meeting.

Next meeting and closure

The Chair reminded members that the next meeting of the Management Board will take place from 16 to 17 December 2014, in Rome, Italy.

After the meeting the Board were invited to follow a presentation by Mr David Gee on the European Environment Agency's second report "Late lessons from early warnings".

II. Documents submitted to the Management Board

Draft agenda	MB/A/03/2014 rev.01
Draft minutes of the 34 th Management Board meeting	MB/M/02/2014
Quarterly report on ECHA's activities	MB/29/2014
Election of a Chair and a Deputy Chair of the Management Board	MB/30/2014
Work Programme 2015	MB/31/2014
Budget for 2014	
a. Update on the budget for Biocides	MB/32/2014
b. Transfer within the budget	MB/33/2014
Revision of the Management Board Decision on the transfer of fees to the competent authorities of Member States	MB/34/2014
Report on the SME verification activity: results, challenges, changes	MB/35/2014
Board of Appeal	MB/36/2014
a. Appointment of a legally qualified member	MB/RD/01/2014
b. Appointments of alternate and additional legally qualified members	N/A
Annual report from the Quality Manager	MB/37/2014
Service Level Agreement with the European Global Navigation Satellite System Agency (GSA) on sharing the ECHA Internal Audit Capability (IAC)	MB/38/2014
Implementing rules to the EU Staff Regulations	MB/39/2014
Management Board Working Groups	
a. Revised Terms of Reference of the MB WG on Audit	MB/40/2014
b. Appointment of WG members	MB/41/2014
Outcome of the survey on the quality of Management Board documents	
The fourth MSCA directors' planning meeting 2014	
Forum initiative on resource needs for enforcement	

III. Decision taken/Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its 35th meeting (MB/A/03/2014).
- Approved the minutes of its 34th meeting (MB/M/02/2014).
- Selected Mr Karel BLAHA as Deputy Chair for a first term of office of two years starting from 25 September 2014.
- Selected Ms Nina CROMNIER as Chair for a second term of office of two years starting from 1 October 2014.
- Adopted the Agency's Work Programme 2015, subject to the modifications indicated in these minutes.
- Endorsed the new ECHA Compliance Check Strategy "Safer chemicals – focusing on what matters more", subject to the modifications indicated in these minutes.
- Endorsed the approach presented by the Secretariat to determine the long-term sustainable Biocides structure with continued engagement with the relevant Commission services and Member State competent authorities.
- Took note of the latest budget transfers executed under the responsibility of the Executive Director.
- Adopted a revised draft decision on the transfer of fees to the competent authorities of Member States, with the addition of a first review of the fees after one year of application, and instructed the Executive Director to submit the document to the European Commission for its opinion.
- Appointed a legally qualified member of the Board of Appeal and established a reserve list for the post.
- Adopted the Commission's rules on reclassification of Contract Agents for immediate application by analogy and endorsed a request to opt-out from five Commission Implementing Rules as indicated in these minutes.
- Adopted the revised Terms of Reference of its Working Group on Audit.
- Confirmed a new composition of its working groups as follows:

Working Group on Planning and Reporting

1. Mr Alexander NIES (February 2009)
2. Mr Thomas JAKL (September 2012)
3. Mr Antti PELTOMÄKI (March 2012)
4. Mr Jean-Roger DREZE (September 2012)
5. Mr Björn HANSEN (June 2013)
6. Ms Sharon MCGUINNESS (September 2014)
7. Mr Karel BLAHA (September 2014)
8. Ms Simona FAJAR (September 2014)

(A quorum of four members of the working group present is required for a valid meeting)

Working Group Reporting officers for the Executive Director

1. Mr Thomas JAKL (December 2012)
2. Ms Simona FAJFAR (March 2011)
3. Mr Krzysztof MARUSZEWSKI⁹ (December 2012)

Working Group on the Board of Appeal

1. Mr Jan Karel KWISTHOUT (March 2011)
2. Ms Ana FRESNO (April 2009)
3. Mr Björn HANSEN¹⁰ (June 2013)
4. Mr Alexander NIES (June 2014)
5. Ms Catherine MIR (June 2014)
6. Ms Luminița TÎRCHILĂ (June 2014)

Advisory group on the dissemination of public information on chemical substances

1. Mr Antonello LAPALORCIA (Chair) (Sept 2009)
2. Mr Martin FÜHR¹¹ (Sept 2009)
3. Mr Björn HANSEN (June 2013)
4. Mr Jan-Karel KWISTHOUT (Sept 2011)
5. Ms Gertraud LAUBER¹² (Dec 2011)
6. Mr Hubert MANDERY¹³ (June 2010)
8. Mr Antti PELTOMÄKI (June 2013)

Working Group Audit

1. Ms Kassandra DIMITRIOU (March 2013, second term)
 2. Mr Antti PELTOMÄKI (*ex officio* as Commission representative)
 3. Ms Nina CROMNIER (*ex officio* as Chair of the MB)
 4. Mr Thomas JAKL (September 2014)
 5. Mr Jean-Roger DREZE (September 2014)
 6. Mr Tristan CAMILLERI (September 2014)
- (A quorum of three members of the working group present is required for a valid meeting)

Working Group on the transfer of fees

1. Mr Arwyn DAVIES (Chair) (June 2010)
2. Mr Antonello LAPALORCIA (June 2010)
3. Mr Boyko MALINOV (December 2011)
4. Mr Alexander NIES (June 2010)
5. Ms Luminița TÎRCHILĂ (March 2014)
6. Mr Antti PELTOMÄKI (March 2012)

⁹ European Commission

¹⁰ European Commission

¹¹ *Ex officio*

¹² *Ex officio*

¹³ *Ex officio*

List of agreed follow-up actions:

- The Management Board will communicate to the European Commission concerns related to the sustainability of the Biocides funding and the workload related to the recently agreed two-generation reprotoxicity test method.
- A document containing a proportion per country of the registrants with wrong company size declarations will be sent to Management Board members, as Annex III to the *Report on the SME verification activity: results, challenges, changes* (MB/35/2014).

IV. List of Attendees

Representatives of the Member States

Jean-Roger DREZE	(BE)	
Karel BLÁHA	(CZ)	Also acting as proxy of Edita NOVÁKOVÁ
Alexander NIES	(DE)	Also acting as proxy of Thomas JAKL
Henrik Søren LARSEN	(DK)	
Aive TELLING	(EE)	
Kassandra DIMITRIOU	(EL)	Also acting as proxy of Anastassios YIANNAKI and Antonello LAPALORCIA
Ana FRESNO RUIZ	(ES)	
Pirkko KIVELA	(FI)	
Catherine MIR	(FR)	
Krisztina Klára BIRÓ	(HU)	
Sharon McGUINNESS	(IE)	
Marija TERIOSINA	(LT)	Also acting as proxy of Edyta MIĘGOĆ
Paul RASQUE	(LU)	
Tristan CAMILLERI	(MT)	
Jan Karel KWISTHOUT	(NL)	
Ana PEREZ	(PT)	
Luminița TÎRCHILĂ	(RO)	
Nina CROMNIER	(SE)	
Simona FAJFAR	(SI)	
David John Arwyn DAVIES	(UK)	

Representatives of the European Commission

Antti PELTOMÄKI
Björn HANSEN
Krzysztof MARUSZEWSKI

Independent persons appointed by the European Parliament

Christina RUDÉN
Anne LAPERROUZE

Representatives from interested parties appointed by the European Commission

Gertraud LAUBER (EMCEF)
Hubert MANDERY (CEFIC)

Observers from EEA/EFTA countries and accession countries

Bojan VIDOVIC (HR)

Other Observers

Paul KRAJNIK on behalf of Thomas JAKL
Laura IZZO on behalf of Antonello LAPALORCIA
Miroslava BAJANIKOVA on behalf of Edita NOVAKOVA
Abdel-Ilah EL-AMELI European Commission

ECHA staff

Geert DANCET	(Executive Director)
Jukka MALM	(Deputy Executive Director/Director of Regulatory Affairs)
Andreas HERDINA	(Director of Cooperation)
Jack DE BRUIJN	(Director of Risk Management)
Christel MUSSET	(Director of Registration)
Leena YLÄ-MONONEN	(Director of Evaluation)
Luisa CONSOLINI	(Director of Information Systems)
William ROBERTS	(Director of Resources)
Lindsay JACKSON	(Head of Unit Communication)
Minna HEIKKILÄ	(Head of Unit, Legal Affairs)
Wim DE COEN	(Head of Unit, Executive Office)
Frank BÜCHLER	(Executive Office)
Mervi MUSTAKALLIO	(Executive Office)
Gaida LAPITAJŠ	(Quality Manager)
Viorica NAGHY	(Executive Office)

(Staff attending specific agenda items)

Watze DE WOLF	(Chair of Member State Committee)
Tomas ÖBERG	(Chair of Committee for Socio-Economic Analysis)
Sari HAUUKKA	(Registrar, Board of Appeal)
Tuula HAKALA	(Head of Unit, Finance)
John WICKHAM	(Accounting Officer)
Eric RIEGER	(Policy and Regulation Advisor - Team Leader)
Claudio CARLON	(Head of Unit, Evaluation II)
Dimitrios KARGIANIOTIS	(Budget Officer)
Theodora BASMATZI	(Staff Committee representative)