

**Minutes of the Meeting of ECHA's Management Board  
18/19 June 2008**

## **I. Documents submitted to the Management Board**

Draft agenda	MB/A/03/2008 rev 1
Draft minutes	MB/M/02/2008
Report on operations of the Agency after 1 June 2008	MB/RD/01/2008
Decision following report on Executive Director's probationary report	MB/34/2008
Rules on transparency regarding safety of substances	MB/35/2008 rev. 01
Appointment of new RAC members	MB/36/2008
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Appointment of chairperson and members of the Board of Appeal	MB/33/2008
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Revisions of ECHA's Financial Regulation	MB/44/2008 rev 01
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Interim report from working group on reimbursement of REACH tasks to Member States	MB/38/2008
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Update on guidance	MB/41/2008
Security rules at ECHA	MB/42/2008

## II. Summary Record of the Proceeding

### Introductory remarks

The Chair presented the observers attending the meeting on behalf or in support of Board Members and informed the Board of the proxies that had been notified (details are listed under heading IV of these Minutes).

The Executive Director (ED) briefed the meeting on the official inauguration of the Agency held on 3 June 2008. He said around 300 persons attended this successful event, including numerous journalists from the Member States. The ED expressed his thanks to the City of Helsinki for the excellent reception in the town hall. The speeches were circulated for information of the members.

The observer attending on behalf Mr Andreasen (DK) stated that he had been nominated as the future representative of his country on the Management Board and that his appointment was currently being processed in the Council.

### 1. Agenda (*MB/A/03/2008 rev. 01*)

The Chair explained that items 5 and 6 (related to the implementing rules for the Agency's Staff regulation) had to be postponed to the next Management Board meeting in September because the Commission's agreement to the submitted draft implementing rules was still pending.

The meeting agreed to regroup the agenda in such a way that items 4 (Appointment of the Board of Appeal) and 17 (Request by the Commission to provide technical and scientific support based on Article 77 (2) of the REACH Regulation) should be dealt with in the presence of Mr Zourek.

It was also agreed to cover a series of items under 'Any Other Business' (see under heading II. 19).

On this basis, the agenda was adopted.

### 2. Minutes (*MB/M/02/2008*)

The Board accepted an amendment to the minutes of the Board meeting in April, which had been proposed by the UK (circulated in the form of a room document).

Two further requests for amendments were made orally. A Commission representative proposed an amendment to minutes under heading 19 'Any other Business – Budget'. A

representative of interested parties asked for including additional wording in the penultimate paragraph on page 9. These proposals were also accepted. (All amendments agreed are listed in the *corrigendum* in the annex to the present minutes).

The Chair underlined again that requests for amendments should preferably be submitted in writing in order to facilitate the discussion in the Management Board.

3. Report on operations of the Agency after 1 June 2008<sup>1</sup>  
(*MB/RD/01/2008*)

A room document was made available and Bjorn Hansen, Director for 'Operations' presented the agenda item on the basis of slides.

He recalled the types of activities started as from 1 June 2008 and explained the temporary measures taken in order to replace certain functionalities of REACH IT as well as the way in which the communication with stakeholders on these issues had been organised. He also provided an overview of the number of dossiers submitted.

Mr Hansen stressed the commitment of ECHA staff from all Directorates, who, in spite of difficult circumstances, had made it possible for industry to meet their obligations in time.

The ED provided complementary information on REACH IT-related aspects. In addition to the so-called 'REACH IT Build Up' team, a new 'REACH-IT Operation' team had been put in place. The latter had 6 staff and will be increased up to 11 staff members. A dedicated 'REACH IT Helpdesk' team had also been established. The ED said that in the immediate future emphasis would be laid on enabling bulk pre-registration.

In the subsequent discussion, several Board Members asked for further clarification regarding the impact of the manual processing of dossiers on other activities in ECHA.

One Member raised the question of whether in the future the ECHA helpdesk would be able to provide also information over the telephone. In the country he represented industry had given positive feedback to the national helpdesk in particular because it provided the possibility to talk directly to helpdesk staff.

Another Member enquired about the possibility for Member States to get connected to the REACH IT system.

In response to these comments, the ED first said it was important to keep in mind that, when dealing with dossiers by using the temporary measures, ECHA staff not only replace the REACH IT functionalities but also carry out important work on the content of

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<sup>1</sup> The order of the agenda headings presented in these minutes follows the order in which the items were ultimately dealt with at the meeting on 18/19 June 2008.

the submissions. It was therefore not easy to assess the workforce absorbed due to the transitional arrangements.

With regard to the functioning of the ECHA helpdesk, the ED said that providing oral information was particularly difficult because of the need to cover all Community languages.

The ED explained that all efforts had been concentrated on the entry into operation of the Agency. Therefore, work on IT connectivity with Member States had to be interrupted until the end of June. Crypto-boxes could nevertheless be made to interested Member States, which should then contact him.

It was then decided to postpone further discussion on REACH IT-related matters to the specific agenda item reserved for this issue (see under II. 16).

The Chair concluded that the entry into operation of the Agency had been successfully ensured. He also highlighted that the Board had appreciated the fact that the ED had provided regular updates on REACH IT. This had created confidence. The Chair finally expressed his thanks to all ECHA staff for the tremendous efforts made.

4. Decision following the report on the Executive Directors' probationary period  
(*MB/34/2008 + addendum*)

The deliberations took place *in camera*.

One of the Members declared a possible conflict of interest in line with Article 88 (3) of the REACH Regulation.

The reporting officers presented the procedure followed and the outcome of the assessment. This was followed by an exchange of views.

The Board agreed the modification to the format of the probationary report as proposed in the *addendum* to meeting document MB/34/2008.

Subsequently, the Board confirmed Mr Geert Dancet in his position as ECHA's Executive Director.

5. Rules on transparency regarding safety of substances  
(*MB/35/2008 and MB/35/2008 rev. 01*)

Bjorn Hansen, Director for 'Operations' presented the meeting document using slides.

In the subsequent discussion, the Board stressed the need to provide information on the safety of substances in a way that would be useful to the general public.

One of the Members said that a link should be established with Article 35 of the REACH Regulation on access of information for workers. Mr Hansen replied that this was primarily an issue of the proper implementation of Article 119 (1) and (2) of the REACH Regulation. The application of these Articles should first be closely monitored before considering additional provisions in this area.

Other Members suggested clarifying the notion of ‘confidentiality’ in the Article 3 of the draft rules on transparency regarding safety of substances. It was also proposed to state in the recitals that the draft rules would be applied without prejudice to the Community legislation in the fields of ‘Access to documents (Regulation (EC) 1049/2001) and on the application of the Aarhus Convention (Regulation (EC) 1367/2006).

In the light of the discussion held, the ECHA Secretariat produced and circulated at a later stage in the meeting a revised document (MB/35/2008 rev. 01).

After presentation of this document by Minna Heikkilä (Senior Legal Advisor), the Management Board approved the draft rules contained in document MB/35/2008 rev. 01 and entrusted the Executive Director with transmitting the draft rules to the Commission in order to obtain its agreement - in line with Article 109 of the REACH Regulation – before final adoption by the Management Board.

5. Appointment of new RAC members  
(*MB/36/2008*)

On the basis of meeting document MB/36/2008 the Management Board decided, without discussion, to appoint Ms. Zhivka HALKOVA, Mr. Bogusaw BARANSKI and Ms. Alicja ANDERSSON as members of the Risk Assessment Committee.

6. Towards a first ‘candidate list’ of substance  
(*MB/37/2008*)

The meeting document was presented by the ED. As additional information a table providing an overview of the submitted and expected Annex XV dossiers was made available.

The Board received a detailed progress update on the establishment of the first candidate list of substances of very high concern (SVHC) for authorisation and the first recommendations for priority substances for authorisation. Members took note of the fact that the timely availability of the candidate list was dependent on the early submission of Annex XV-dossiers from Member States by mid June 2008. The finalisation of the candidate list in autumn 2008 was also a precondition for the Agency’s first recommendation of priority substances for authorisation by 1 June 2009.

The Board underlined the need for prudent communication on the candidate list. It should not be perceived as a black list but it generates new obligations for suppliers of articles containing such substances.

Some Board Members raised the concern that a candidate list with only a limited number of substances could create the false impression of being an exhaustive list of all problematic cases. It was therefore made clear that the initial list would be reviewed on a regular basis and further substances would be added in the future.

Some Members pointed to the fact the Commission had not yet requested ECHA to prepare dossiers for SVHC substances for the candidate list. In response, the Commission underlined its intention to be very active in the process. A request for the inclusion of several PBT substances was currently being prepared.

7. Appointment of chairperson and members of the Board of Appeal  
(*MB/33/2008*)

The Board first held an exchange of views on the nature of the short list of candidates which the Commission had submitted.

Many Board Members criticised that the short list did not provide for a real choice. It was recalled that the Board, at its meeting in September 2007 and in the context of the appointment of the Executive Director, had called on the Commission to submit a short-list that would respect the prerogatives of the Board. The Board also regretted that it was forced to accept the short-list due to the time pressure under which it had to take a decision.

In response to these remarks, a representative of the Commission explained that the short-list was the result of the limited number of applications which the Commission had received for the positions of members of the Board of Appeal. He reassured the Board that the Commission had followed its normal administrative practice. All qualified candidates had been included in the short-list. He undertook to inform the Board of the number of candidates for the various posts in question. The Commission representative then said that, if necessary, the Commission would be ready to republish the vacancy notice. In this case, the eligibility and selection criteria should be re-examined in order to assess whether the requirements should be relaxed.

The ED stressed that, if re-publication was needed, it would also be important to publish the vacancy notice as widely as possible. This was agreed.

Concluding the introductory discussion on the short-list submitted by the Commission, the Chair underlined that it was important to respect the spirit of the REACH Regulation with regard to the appointments to be made by the Management Board. The Commission should therefore ensure that the list of candidates would offer a real choice to the Board.

The floor was then given to a representative of the Preparatory Group, who explained the working methods applied by the Group as well as the recommendations contained in the Group's report to the Management Board. He also thanked the Secretariat for the excellent support provided to the Preparatory Group.

The attention of the Board was drawn to possible difficulties arising from the selection interviews. One of the candidates had not been ready to clearly commit himself to taking up a position in Helsinki (if offered). Another candidate had said that in all likelihood he would only be available for a regular post on the Board of Appeal as from October 2009.

The Chair highlighted the need to put in place a fully operational Board of Appeal as quickly as possible. The successful candidates should therefore be available as from 1 January 2009 at the very latest. This had to be taken into account in the appointment process.

Subsequently, the Board held an exchange of views on the qualities and qualifications of the candidates.

The Board then decided to put the recommendations by the Preparatory Group to the vote as a whole. The vote was carried out by secret ballot and the recommendations made by the Preparatory Group were approved in line with the requirements of Article 82 of the REACH Regulation.

Given the information on the availability of the candidates provided by the Chair, the Board also decided that the selected candidates should be required to give a definitive answer within two weeks. They should also undertake to take up their positions as from 1 January at the latest.

Subject to these conditions, the Board appointed Mr [REDACTED] as Chairman, Mr [REDACTED] as legally qualified member and Mr [REDACTED] as technically qualified member of the Board of Appeal.

In addition the Board authorised its Chair

- to undertake the necessary steps together with the ECHA Secretariat to send out letters of intent to the successful candidates providing the usual 2-weeks deadline for acceptance;
- to take the necessary steps, in particular vis-à-vis the European Commission, in order to break any deadlock that could arise from the non-acceptance of some of the candidates, including the request for republication of the calls for expression of interest and/or the submission of a new or additional list of qualified candidates.

Finally the Management Board charged the Preparatory Group with the assessment of the remaining candidates for the positions as alternates and additional members with a view to appointing these at the next Management Board meeting in September 2008.

8. Request by the Commission to provide technical and scientific support based on Article 77 (2) of the REACH Regulation  
(*MB/45/2008*)

Joachim Kreysa, Director for Cooperation, presented the agenda item.

The Board was informed of a request by the Commission asking ECHA to provide technical and scientific support to the activities of the European Community at international level. The request was based on Article 77(2) of the REACH Regulation and mainly concerned the cooperation with the OECD, the work on Persistent Organic Pollutants and the support to regulatory dialogues with third countries (e.g. through awareness events, conferences, workshops). These activities would be based on a work plan in order to allow for an efficient coordination of ECHA and Commission activities and would in the Commission's view not require new resources.

Generally, the Board welcomed the detailed request but observed that it would be a challenge for ECHA to comply with the request without making available supplementary resources. The Board therefore wished to review this work plan together with the regular work programme of the Agency. In addition, the multi-annual work programme should be adapted accordingly.

Some Members raised the issue of providing training and information to third countries, including developing countries. The ED said that such training activities could have far-reaching implications in terms of workload. At any rate, such training should be carried out in close cooperation with the Commission. As far as accession countries were concerned, ECHA should ask for reimbursement out of the related Community programmes.

Finally, the Board noted that the list of activities was not exhaustive and the Commission could ask for further support in the future.

9. Revision of ECHA's Financial Regulation  
(*MB/44/2008 rev. 01*)

The agenda item was presented by Udo Heider, Director for Resources.

He explained that the Commission's new Financial Framework Regulation for Agency's was expected to be adopted in late June 2008 (a copy of the draft was provided as annex to meeting MB/44/2008 rev. 01). After adoption by the Commission, ECHA should base its own Financial Regulation on the new Commission model. The Board agreed to carry out this adaptation by written procedure.

Mr Heider made clear that the new rules would not address the important aspect of how to make efficient use of the fee income. Two options were, in theory, available to

overcome this problem. The first one would consist of an amendment to the REACH Regulation aimed at defining fee income as so-called ‘assigned revenue’.

The second option would be the creation of a reserve fund. This meant that a derogation from the (new) Framework Financial Regulation would be required.

A representative of the Commission stated that at this point in time he did not see an amendment to the REACH Regulation as a realistic option and therefore strongly advised to go for the reserve fund. The ED said that, to this effect, the appropriate contacts with the Commission’s DG for Budget would have to be established beforehand.

The Management Board asked the ECHA Secretariat to make concrete proposals at the next Board meeting in September 2008

10. Outcome of 2008 Budget Review and follow-up  
(*MB/46/2008*)

The ED provided the Board with a report on the use of the budget 2008 and pointed to the risk of considerable under-spending in the current year which was budgeted by the Commission. He presented the solution to the problem as put forward in the meeting document, i.e. the potential payment of renovation cost in the form of a lump sum, instead of spreading the cost over the next 11 years and paying it off in a form of advanced rent which would reduce the rental cost in future years.

The Board welcomed the proposal made. A Commission representative stressed, however, that similar situations should be avoided in the future and drew attention to the need for keeping the budgetary authority informed in an appropriate manner.

As a result, the Board endorsed the proposal made in document MB/46/2008 for addressing the under-spending of the budget in 2008 and mandated the Executive Director to work out a practical solution with the owner for the change to the rental contract. The Board entrusted the Chairman with informing the budgetary authority thereof.

11. Annual declarations of commitment and interest  
(*MB/47/2008*)

The Secretary of the Management Board presented the meeting document.

The Board agreed that all Members should renew their annual declarations of commitment and interest. The related forms were made available.

In line with the proposal made in meeting document MB/47/2008, the Board adopted an amendment to its Rules of Procedure providing for the publication of these declarations

of interests. Moreover, the Board decided on the way in which specific declarations (in terms of Article 88 (3) of the REACH Regulation) of interest should be recorded in the official minutes.

12. Recruitment procedure for Registrar and Accounting Officer  
(MB/43/2008)

The ED informed the Board of the selection procedures for the Agency's Accounting Officer and the Registrar of the Board of Appeal. He recalled that the Accounting Officer would be appointed by the Management Board (the publication of the vacancy notice had been scheduled for the end of June 2008). The ED said that, if so desired, the Board could send an observer to the selection panel. The Board did not make use of this possibility.

The appointment of the Registrar of the Board of Appeal will follow the regular procedure for ECHA staff. According to the draft Rules of Procedure, the Registrar of the Board of Appeal will be appointed on the basis of a proposal by the Chairman, who should therefore sit on the related selection panel. The publication of the post of Registrar would therefore depend on the availability of the Chairman of the Board of Appeal.

13. Interim report from working group on reimbursement of REACH tasks to Member States  
(MB/38/2008)

On the basis of the meeting document, the ED updated the Board on the progress made by the Working Group on the reimbursement of tasks executed by the Member States under the REACH Regulation.

During the subsequent discussion the indications in the interim report regarding the workload of rapporteurs were considered by some Members as underestimated. One of the members took the view that, by contrast, the co-rapporteurs would require less time than estimated by the working group.

One of the Members underlined that the reimbursement should be adequate because otherwise the quality of the work was likely to suffer. Some Members questioned the need to apply a coefficient. Regarding the practicalities of the reimbursement, it was suggested that the payments should be made directly to the national institutions concerned.

Another proposal made was to include a representative of the new Member States into the working group. The question was raised to what extent the need for training experts could be taken into account.

A request was made to reconsider whether the use of the so-called transitional dossiers for the pilot phase is the best approach or whether the first real cases should be used instead.

A representative of the Commission stated that the Commission was still to deliver its official position on the proposals made. He emphasised that, for reasons of sound financial management, reimbursement had to be based on real costs and that a coefficient had to be applied.

The ED reassured that the Board that the different concerns raised would be taken into account by the working group. Regarding the issue of training and transfer of expertise, he saw this as a matter to be addressed by the committees.

The Chair encouraged the representatives of the new Member States to volunteer for participation in the working group.

He concluded that the Board welcomed the report and endorsed the way forward. A pilot project should therefore be carried out and the final report based on it would be presented after June 2009. The second interim report to be presented in December 2008 should contain proposals on the maximum proportion to be reimbursed, the coefficient to be used and the conditions of the contracts including the terms of reference.

14. Interim report from working group on multi-annual work programme  
(*MB/39/2008*)

The ED presented to the Board the preliminary draft multi-annual work programme contained in the meeting document. He recalled that the adoption of such a document was an obligation under the REACH Regulation.

The Board welcomed the work accomplished so far and held an exchange of views on the content. Several suggestions for improvements were brought forward, e.g. the idea to seek synergies with other legislation and to strive for an ambitious level for the vision of the Agency. Cooperation with the other institutions was mentioned as an area that should be adequately covered.

One of the Members raised the question of how to organise a consultation of the general public on the document. It was clarified that the results of a public consultation on the multi-annual work programme would be taken into account in the context of the first annual update.

The Board took note of the fact that the Working Group would present a final text at the Board meeting in September 2008. The Chair invited the Working Group to take the proposals made into account when revising the draft. Specific text proposals should be made to the ECHA Secretariat in writing.

15. Outcome of selection of stakeholder organisations  
(*MB/40/2008*)

Joachim Kreysa, Director for 'Cooperation' presented the meeting document, including the outcome of a first call for expression of interest for stakeholder organisations wishing to participate at the work of the Agency. The list was based on selection criteria adopted by the MB in its February meeting, ensuring that the organisations acted at European level and in a field that is relevant to the work of ECHA. It was also proposed to add two organisations to the list of eligible stakeholder organisations that do not meet all the criteria adopted by the Board but would cover important aspects otherwise not sufficiently addressed. Of this list of 31 organisations ECHA would recommend the committees and Forum to accept a balanced selection of 15 organisations as observers.

It was clarified that the call for expression of interest would remain open, i.e. further applications would be admissible. In addition to the participation of certain stakeholder organisations as observers in the committees, ECHA will organise stakeholder days reaching out to a wider stakeholder community.

The ED undertook that observers representing NGOs and trade unions would be reimbursed if the costs were not covered by other sources.

The Board briefly discussed the eligibility of some specific stakeholder organisations as well as the way in which to ensure a good balance of stakeholder organisations.

The Board concluded that the final selection of eligible stakeholder organisations and of potential observers and that the final selection and specific rules for observer involvement in the work of the Committees and the Forum would be left to these Agency bodies. However, the Board reserved its right to review this matter when appropriate.

#### 16. Next stages of REACH IT (*MB/RD/02/2008*)

A room document was distributed.

The ED informed the Board of the next stages of REACH-IT and the functionalities that would be available in the months to come. Two new versions would be delivered respectively in July (bulk pre-registration) and September (replacing the manual submission pipeline and migration of temporary databases) and a prolongation of the framework contract with the current contractor would depend on the successful and timely delivery of these two versions. He also informed the Board of its plan to call for a study examining alternative options and to arrange for evaluation of the project.

The Board held an exchange of views. This included a discussion on whether the contractual relationship with the responsible consultant should be reviewed. Several Board members stressed, however, that it was important to avoid disrupting further work.

The Chair of the Forum asked when the technical support for the Forum would be made available.

Members underlined that core functionalities - in particular bulk submission of pre-registration or the submission of registration, PPORDs and inquiries - should be made available within a clearly defined timeframe. They asked to be informed, for each of the core functionalities, about the essential working steps and their scheduled deadlines.

One of the Members also asked for the translation of the REACH-IT user interfaces for pre-registration, as they were at present only available in English.

The ED reassured the Board that bulk submissions would be possible the latest from 15 September 2008 and of the other submissions the latest from December 2008. He undertook to continue with the sending of regular updates on the REACH IT situation to the Board members.

17. Update on guidance  
(*MB/41/2008*)

Joachim Kreysa, Director for 'Cooperation' informed the Board on guidance related activities during the last months. Before entry into operation on 1 June 2008, ECHA published the guidance on information requirements and chemical safety assessment and on the requirements for substances in articles. In addition, the REACH Navigator and the guidance on registration had been updated. The Board was also briefed on the inaccurate interpretations of substance identity guidance prevailing in industry and on the creation of an expert roster for supporting the updating work.

The Board took note of the information provided. It was concluded that further discussions would be held at the next Management Board meeting. In the meantime, serious concerns, if any, should be communicated to the Chair.

18. Security rules at ECHA  
(*MB/42/2008*)

It was decided to postpone this agenda item to the Management Board meeting in September 2008. The Agency was asked to complete the document with IT security.

19. Any Other Business

*Exhibition of Slovenian Presidency*

The Board was informed by its member from Slovenia of the availability of an exhibition on chemical safety in daily life.

### *Seminar in Cyprus*

In Cyprus, a conference on pre-registration will be held on 20 July 2008 with broad stakeholder and third country participation.

### *Relation with the European Parliament*

The Board was informed of the information needs of the EP regarding the Management Board's activities.

### *Training of the Trainers*

The ED also informed the members of the postponement of the next «training for trainers», the date of first stakeholder day (10 October) and the date of the first meeting of the Risk Communicators Network (second week of September).

### *Vacancies for junior scientists*

Special attention of the members was drawn to the vacancy notices for IT-assistants and junior scientists.

### *Access to CIRCA site*

Given the sensitive nature of some of the documents displayed on the CIRCA site, it was decided not to broaden the scope of existing access rights.

### *Travel costs*

Members were reminded of the existing reimbursement rules, in particular regarding the need to make travel arrangements in the most economic way possible.

### *Cosmetics*

A member of the Board referred to the initiative of the Commission to involve ECHA in finding a practical solution for the problem of imports of cosmetics from USA. The Commission would have promised a practical solution and contacted ECHA in this respect. The Board member expressed concern about this initiative which could be understood as interfering with the independent position of the Agency and called on ECHA to respect this when replying to the Commission.

### 20. Next meeting and closure

The Chair recalled that the next meeting of the Management Board would be held in Helsinki on 24 and 25 September 2008.

On behalf of the Board the Chair expressed his thanks to Board Member Ms Anneli Pauli (who would be replaced by another Commission representative) for the good cooperation with the Management Board.

He also thanked Mr Bjorn Hansen for his crucial role in setting up the Agency and Ms Jayne Loach for her excellent support to the Management Board. (Mr Hansen's and Ms Loach's secondments from the Commission will shortly come to an end and they will return to Brussels.)

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### III. Decisions taken/ Conclusions reached by the Management Board

#### The Management Board

- Approved the minutes contained in document MB/M/02/2008 subject to the amendments indicated in the corrigendum attached to the present minutes;
- Agreed the modification to the format of the probationary report of the Executive Director as proposed in the addendum to meeting document MB/34/2008 and subsequently confirmed Mr Geert Dancet in his position as ECHA's Executive Director;
- Approved the draft rules on transparency regarding the safety of substances contained in document MB/35/2008 rev. 01. The Management Board entrusted the Executive Director with transmitting the draft rules to the Commission in order to obtain its agreement - in line with Article 109 of the REACH Regulation – before final adoption by the Management Board;
- Decided to appoint Ms. Zhivka HALKOVA, Mr. Boguslaw BARANSKI and Ms. Alicja ANDERSSON as members of the Risk Assessment Committee.
- Appointed Mr [REDACTED] as Chairman, Mr [REDACTED] as legally qualified member and Mr [REDACTED] as technically qualified member of the Board of Appeal (subject to their timely availability for the positions as from 1 January 2009 at the latest);
- Authorised its Chair to undertake the necessary steps together with the ECHA Secretariat to send out letters of intent to the successful candidates;
- Authorised its Chair to take the necessary steps, in particular vis-à-vis the European Commission, in order to break any deadlock that could arise from the unavailability of some of the candidates, including the request for republication of the calls for expression of interest and/or the submission of a new or additional list of qualified candidates;
- Charged the Preparatory Group with the assessment of the remaining candidates for the positions as alternates and additional members with a view to appointing these at the next Management Board meeting in September 2008;
- Endorsed the proposal made in document MB/46/2008 for addressing the under-spending of the budget in 2008 and mandated the Executive Director to work out a practical solution for the change to the rental contract that corresponds to the proposal and for the VAT recovery. The Board entrusted the Chairman with informing the budgetary authority thereof.

- Adopted the following amendment to Article 9 (1), subparagraph 1, of its Rules of Procedure (MB/02/2007):

*“In addition, the declarations of interests shall be published on the Agency’s website.”*

- Approved the approach on recording specific declarations of interest as indicated under heading 3 of meeting document MB/47/2008.

#### **IV. List of Attendees**

##### Representatives of the Member States

Zoltán ADAMIS (HU)  
Maria ALAJŐE (EE)  
Aurelija BAJORAITIENĖ (LT)  
Marta CIRAJ (SI) also acting as proxy of Aurelija BAJORAITIENĖ (LT)  
(during the absence of the latter)  
Francis E. FARRUGIA (MT)  
Ethel FORSBERG (SE)  
Ana FRESNO RUIZ (ES) also acting as proxy of António GONÇALVES  
HENRIQUES (PT) and Ekaterina GECHEVA (BG)  
Odile GAUTHIER (FR) also acting as proxy of Antonello LAPALORCIA (IT)  
Claude GEIMER (LU)  
Thomas JAKL (AT) also acting as proxy of Karel BLÁHA (CZ)  
Katarzyna KITAJEWSKA (PL) also acting as proxy of Edita NOVÁKOVÁ (SK)  
(during the absence of the latter)  
Martin LYNCH (IE) also acting as proxy of Francis E. FARRUGIA (MT)  
(during the absence of the latter)  
  
Jukka MALM (FI) also acting as proxy of Ilze KIRSTUKA (LV)  
Leandros NICOLAIDES (CY) also acting as proxy of Teodor OGNEAN (RO)  
(during the absence of the latter)  
Alexander NIES (DE) also acting as proxy of Marc LEEMANS (BE)  
Edita NOVÁKOVÁ (SK)  
Teodor OGNEAN (RO)  
John ROBERTS (UK)  
Arnoldus VAN DER WIELEN (NL) also acting as proxy of Helge ANDREASEN (DK)  
  
Maria-Miranda XEPAPADAKI-TOMARA (EL)

##### Representatives of the Commission

Heinz ZOUREK (COM)  
Grant LAWRENCE (COM) also acting as proxy of Heinz ZOUREK (during the absence of the  
latter)  
Anneli PAULI (COM)

##### Independent persons (appointed by the European Parliament)

Bernd LANGE also acting as proxy of Alexander DE ROO

Individuals from interested parties (appointed by the Commission)

Tony MUSU (ETUC)  
Marc PALLEMAERTS (IEEP)

Observers

Fernanda SANTIAGO            on behalf of António GONÇALVES HENRIQUES (PT)  
Per NYLYKKE                    on behalf of Helge ANDREASEN (DK)  
Katerina SEBKOVA            on behalf of Karel BLAHA (CZ)  
Armands PLATE                on behalf of Ilze KIRSTUKA (LV)  
Mario BECCIA                 on behalf of Antonello LAPALORCIA (IT)  
Veneta VLADIMIROVA        on behalf of Ekaterina GECHEVA-ZAHARIEVA (BG)  
Patrick HENNESY              on behalf of Heinz ZOUREK (COM) (during the absence of the  
latter)  
Daniel CLOQUET (Business Europe)    on behalf of Alain PERROY (CEFIC)  
Sharon MUNN                 (Chair of the RAC)  
Anna-Liisa SUNDQUIST       (Chair of the SEAC)  
Ulrike KOWALSKI             (Chair of the Forum)  
Astrid BARTELS (COM)

ECHA staff

Geert DANCET (Executive Director)

Joachim KREYSA (Director 'Cooperation')  
Bjørn HANSEN (Director 'Operations')  
Udo HEIDER (Director 'Resources')

Minna HEIKKILÄ (Senior Legal Advisor)

Alen MOČILNIKAR (Legal Advisor, Registrar of the Board of Appeal)  
Frank BÜCHLER (Legal Advisor)

Martin KRÖGER (Secretary of the Management Board)

**Corrigendum to Document: MB/M/02/2008**

*(Agreed at the Management Board meeting on 18 June 2008)*

**Minutes of the Meeting of ECHA's Management Board  
held on  
23/24 April 2008**

2. Draft minutes  
(MB/M/01/2008)

[....]

One of the Members raised the issue of an article in ‘Chemical Watch’, which had been published following the Board meeting in February. He said that the necessary confidentiality of the Board’s deliberation should be ensured. He also asked for an official press release to be issued after each Board meeting. The Chair noted that the article in question had accurately reported the final decision on the procedure for finalising guidance which the Board had adopted after a written procedure, but had not revealed confidential deliberations.

[....]

7. Rules of Procedure of Committees and Forum  
(MB/20/2008)

[....]

Finally, ~~one of the Board Members~~ the same representative of interested parties raised the issue of the threshold for declaring financial interests. As a consequence, the Management Board invited the Secretariat to review, if necessary, the threshold of financial interests of € 50.000 in the light of the rules and practise of the other comparable bodies and to report back to the Management Board on this.

[....]

19. Any other Business

[....]

*Budget*

~~The Commission explained that it intended to overcome the cut of EUR 3 million in ECHA’s budget for 2009. This could be done by carrying over the existing under-spending of EUR 1.9 million to the 2009 budget. In addition, ECHA revenue will benefit from the contribution by EEA countries (estimated at about EUR 1.5 million).~~

The Commission explained that the agreement reached in a Trialogue between the Budgetary Authority and the Commission in November 2007 on the financing of such projects as Galileo would mean a budget cut of about 3 million for ECHA in the Preliminary Draft Budget for 2009.

In order to overcome this shortfall, the Commission intends to propose to the Budgetary Authority to allow for a carry-over of part of the 2007 budget surplus of about € 1.5

million and to budget for an EFTA contribution of about €1.5 million, as the ETA agreement is scheduled to be ratified this summer.

[....]