



MB/M/04/2008 final

**Minutes of the Meeting of ECHA's Management Board  
24/25 September 2008**

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

Draft agenda	MB/A/04/2008
Draft minutes	MB/M/03/2008
Election of the Chair	MB/48/2008
Appointment of alternates/ additional members of the Board of Appeal	MB/49/2008
Readiness of the Appeal procedure	MB/50/2008
Appointment of additional members of the RAC	MB/51/2008
Appointment of additional members of the SEAC	MB/52/2008
Revision of the Financial Regulation	MB/53/2008
Implementation of the Work Programme 2008	MB/54/2008
Transfers within budget	MB/55/2008
Possible changes to the 2009 draft budget	MB/56/2008
Work Programme for 2009	MB/57/2008
Addendum to Doc MB/57/2008	MB/57/2008 ADD MB/57/2008 rev. 01
Appointment of the Accounting Officer	MB/58/2008
Multi-Annual Work Programme for 2009-2012	MB/59/2008
Addendum to Doc MB/59/2008	MB/59/2008 ADD MB/59/2008 rev. 01
Internal Control Standards	MB/60/2008
Rules on transparency regarding the safety of substances	MB/61/2008
Observers from EEA-EFTA countries	MB/62/2008
Amendments to the Rules of Procedure	MB/63/2008 MB/63/2008 rev. 01
Report on the operational work and status of IT-systems	MB/RD/03/2008
Risk Communication Network	MB/64/2008
Security at ECHA: rules in place and on-going action	MB/42/2008 rev. 01
Updating the list of eligible stakeholder organisations and establishment of the code of conduct for stakeholder observers	MB/65/2008

## **II. Summary Record of the Proceeding**

### Introductory remarks

The meeting was opened by the Deputy-Chair of the Board who took the Chair. He welcomed the participants and reminded them of the reasons that he was to preside over the first part of the meeting, namely the resignation of the former Chair, Jukka Malm.

He congratulated the new representative of Denmark, Mr Per Nylykke on his official appointment. Mr. Nylykke briefly introduced himself to the other Board members.

The acting Chair then invited the representatives of the Commission to inform the Board of the status of the official appointment of Elke Anklam as the replacement of Anneli Pauli. A representative of the Commission replied that the Commission had adopted a formal decision according to which Anneli Pauli had been replaced by the Director in charge of the Institute for Health and Consumer Protection (IHCP) of the Commission's Joint Research Centre (JRC). By a separate letter ECHA had been informed by the Director General of the JRC that Ms Anklam is the current Director of IHCP. Ms Anklam was welcomed at a later point during the first day of the meeting and introduced herself on that occasion.

The acting Chair also introduced the observers attending the meeting and informed the Board members of the proxies that had been notified to him (Details are listed in Annex IV of these minutes).

The Board observed a minute's silence out of respect to the victims of a shooting in a Finnish school which had taken place the day before the meeting.

### 1. Agenda (*MB/A/04/2008*)

The Board took note of the draft agenda.

One of the Board members declared a conflict of interest with regard to agenda item 5 ('Appointment of alternates / additional members of the Board of Appeal') and announced that he would not attend the Board's deliberations on this particular point.

Another Board member proposed renaming agenda item 6 in line with the corresponding meeting document: "Readiness of the Appeal procedure". Several issues were flagged for discussion under 'Any Other Business' (see under II.25 below).

On this basis, the agenda was adopted.

### 2. Minutes (*MB/M/03/2008*)

Based on proposals submitted by two Members, the Board agreed on two amendments to the minutes of its meeting on 18/19 June 2008 (see corrigendum in the annex) and approved the draft minutes on this basis.

The Board also agreed that the names of the appointed members of the Board of Appeal should be deleted in the public version of these minutes for reasons of data protection.

3. Election of the Chair  
(*MB/48/2008*)

The acting Chair set out the reason for the election of a new Chair and presented the candidatures of Mr. Lynch (IE) and Mr Jakl (AT).

The Board then proceeded with the election of the Chair in line with its Rules of Procedure.

Two non-voting members were designated as tellers.

The candidates gave brief presentations in relation to their candidatures.

The vote took place by secret ballot. As the first ballot was not decisive, Mr Lynch, being the candidate with the lower number of votes, withdrew his candidature in line with the relevant provisions of the Board's Rules of Procedure. As a result of the second round of voting, the remaining candidate, Mr Jakl, was then elected by an overwhelming majority.

The newly elected Chair then took over from the acting Chair and thanked the Board Members for their support. Like Mr. Jakl, Mr Lynch honoured the previous Chair, Jukka Malm, and he congratulated the new Chair and the Board to its good decision.

4. Presentation of new senior management

The Executive Director introduced the newly appointed members of ECHA's senior staff including future members of the Agency's management.

The following new and future staff members introduced themselves and explained their responsibilities:

Jukka Malm, Director of Assessment from 1 September 2008  
Christel Musset, Director of Processes<sup>1</sup> from 1 September 2008  
Andreas Herdina, future Director of cooperation  
Jef Maes, future Director of Resources  
Alain Lefebvre, future Head of Unit, Executive Office  
Derek Knight, senior scientific advisor to the ED from 16 September 2008

The Chair congratulated the new members of staff on their appointments

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<sup>1</sup>Please note that the Directorate was re-named "Registration and IT-tools" in October 2008

5. Appointment of alternates / additional members of the Board of Appeal  
(MB/49/2008)

Deliberations took place *in camera*.

The Board member who had declared a conflict of interest left the meeting room.

The Chair asked the ED and the Commission representatives to provide the Board with an update of the state of proceedings regarding the preparedness of the Board of Appeal and developments since the meeting of the Management Board of June 2008 when the Board had appointed the regular members of the Board.

Following the ED's report, the vote took place by secret ballot and the recommendations of the Preparatory Group were approved in line with the requirements of Article 82 of the REACH Regulation. The Board decided to appoint [REDACTED] as alternate Chairman and [REDACTED] as alternates of the legally qualified member and as additional legally qualified members of the Board of Appeal. The Board also authorised the ED to undertake in agreement with the Chair the necessary steps to inform the candidates of the decision.

With a view to the upcoming selection procedure for the Chair of the Board of Appeal, the legal member and the alternate and additional technical members, the Board decided to approach the procedure in the same manner as the present one, i.e. with a preparatory group, composed of the Vice-Chair, Grant LAWRENCE (COM) and Alexander NIES (DE).

Upon his return to the meeting, the Board Member who had previously declared a possible conflict of interest was informed of his appointment as alternate of the legally qualified member and as an additional legally qualified member of the Board of Appeal. With reference to Article 90 (3) of the REACH Regulation he declared his resignation as Member of the Management Board. He thanked the Board for the confidence placed in him and said he looked forward to serving the Agency in a different capacity. In this context, the Commission was invited to nominate a new representative for environmental and consumer NGOs forthwith.

6. Readiness of the Board of Appeal  
(MB/50/2008)

The Board heard a report on the state of proceedings and the developments since the last Board meeting from the Registrar of the Board of Appeal (in addition to the report of the ED under agenda heading 5)

The Registrar informed the Board members of a newspaper advertisement by ECHA related to the posts of regular members and Chairman of the Board of Appeal, which will be published in all Member States. The series of publications had started in some European Newspapers on the day of the meeting even though the actual vacancy notice had not yet been published. This situation was due to the fact that the Commission had communicated the delay of the publication in the Official Journal at such a short notice, that it had not been possible to cancel the publication in the national newspapers where publication space needs to

be booked well in advance. ECHA will inform potential candidates of up-to-date information in relation to the situation on the web page.

The report of the Registrar was followed by an exchange of views.

The Management Board endorsed the view that pending the appointment of the Chair of the Board of Appeal, the alternate Chair could act as Chair.

7. Appointment of Committee Members  
(*MB/51/2008 and MB/52/2008*)

On the basis of meeting documents MB/51/2008 and MB/52/2008 the Management Board decided to appoint Ms. Marianne VAN DER HAGEN (NO), Mr Poul BO LARSEN (DK) and Mr Frank JENSEN (DK) as members of the Risk Assessment Committee and Ms Karen THIELE (GE), Mr. Espen LANGTVET (NO) and Mr. Janez FURLAN (SI) as members of the Committee for Socio-economic Analysis.

It was agreed that the nomination of Mr Janez FURLAN would take effect as from 15 December 2008.

8. Revision of the Financial Regulation  
(*MB/53/2008*)

The floor was given to the Director for Resources who reminded the Board of the background which gave rise to the revision of ECHA's Financial Regulation (MB/24/2007 final). The item had already been discussed at the meeting of the Board of June 2008 with a view to the upcoming adoption of the Commission's new Financial Framework Regulation for Agencies.

He informed the Board of a minor departure from Article 58 the Framework Financial Regulation which was agreed with the Commission to bring the new ECHA Financial Regulation in coherence with the provisions of the Commission Regulation EC 340/2008 (the "Fee Regulation").

With regard to the discussion at the meeting of the Board in June 2008 regarding a "reserve fund" for ECHA (which would allow for fee income to be carried over to the next budgetary year), he informed the Board that the Commission's Directorate-General for Budget had not yet replied to a letter relating to this issue from ECHA's parent Directorate-General for Enterprise and Industry.

The Board adopted the ECHA Financial Regulation as annexed to document MB/53/2008.

9. Implementation of the Work Programme 2008  
(*MB/54/2008*)

The Executive Director presented document MB/54/2008 which was submitted to the Board following the request to receive information about the consequences of the reduced scope of REACH-IT in terms of the implementation of the Work Programme for 2008.

The Board heard a detailed report on the additional tasks that ECHA had to carry out which had not been foreseen in the Work Programme for 2008. This concerned in particular the manual work-arounds implemented due to the delays in REACH-IT. ECHA will also prepare for new tasks that are required by the CLP Regulation or have been requested by the Commission in the context of the revision of the Biocides Directive. In particular with regard to the latter issue, it was agreed that the Board would be regularly informed about the workload involved for the ECHA Secretariat.

In order to accommodate the changes in the tasks, a systematic priority setting exercise was carried out by ECHA and the Board was informed as to the negative priorities set by ECHA. It was pointed out that tasks receiving negative priority in 2008 would be undertaken in 2009.

This was followed by an exchange of views. The discussions focused in particular on ECHA's possible involvement in the revision of the Biocides Directive. Another member also wished to be informed as to the content of the revision and the role of ECHA therein.

The Chair concluded that the Executive Director could report next time on the content of the reform of the Biocides Directive and the progress made in the discussions with the Commission.

10. Budgetary Transfers 2008  
(*MB/55/2008*)

The agenda item was presented by the Director for Resources.

He informed the Board of some transfers within the 2008 Budget that had been made in accordance with the ECHA Financial Regulation.

The Board then heard a proposal for a budget transfer which would enable ECHA to make the necessary contractual arrangements with the owner of the Agency's premises to balance the ECHA part of the renovation costs for the future conference centre in 2008, thereby modifying the original arrangement whereby costs would be repaid through an increase in rent over the next 10 years.

Further details on this were given by the Executive Director who outlined the proposal from an economic point of view. In particular he compared the total costs of the proposed modification with the present contractual arrangements. In this context he highlighted the considerable uncertainties stemming from the unknown level of inflation over the 10 years to come. To this end, he presented two scenarios, the first involving low inflation and the second high inflation. Under the first scenario, the advance payment is unattractive while it becomes very attractive under the second one. These scenarios should be seen as extremes. They were also handed out to the Board Members in paper form.

The Board held an exchange of views on the proposal. Several Board Members expressed the wish to receive more detailed background information. At the same time, it was acknowledged that there is considerable time pressure if ECHA needs to implement the proposal in 2008. A Commission representative pointed out that the situation needed to be seen not only from the Agency's point of view but also from the Community's perspective. He also recalled that there might be a need to notify the budgetary authority of the transfer in line with Article 96 of the REACH Regulation.

The Chair concluded that the ECHA Secretariat should prepare more detailed background information on the issue and that the Board would be asked to approve the transfer by way of the written procedure.

11. Possible changes to the draft Budget 2009  
(*MB/56/2008*)

The Board heard the Director for Resources who presented the meeting document and informed Members that according to the latest information, estimates in relation to the Agency's fee income need to be adjusted downwards. However, ECHA will have to wait for the completion of the budgetary cycle and will only be able to decide if changes to the 2009 Budget are needed once the final Community subsidy is known.

With respect to the second part of the meeting document, the Board approved a change to budget line 3801 into a budget line with differentiated appropriations.

12. Work Programme 2009  
(*MB/57/2008, MB/57/2008/ADD, MB/57/2008 rev. 01*)

The floor was given to the Executive Director who presented meeting document MB/57/2008 as well as document MB/57/2008/ADD. The latter contained comments by the Commission on the draft Work Programme 2009 as well as proposals as to how to accommodate these. The ED explained that in line with a recommendation of the Commissions Internal Audit Service (IAS), expected to be finalised later in the year, the draft Work Programme should contain an annex listing ECHA's procurement planning. The content of this currently empty annex will be presented to the Board for adoption at the December meeting.

The Board took note of the documents and held an extensive exchange of views. Many Board Members thanked ECHA for the good overview provided in the Work Programme. The inclusion of performance indicators and ECHA's intention to further develop those was particularly welcomed.

With regard to the content of the programme, several Board Members expressed the wish to add clarifications or additions to the text. These issues focussed in particular on the following issues:

- ECHA activities related to substances on a nano-scale;
- Activities relating to the future updates of the candidate list, including support offered to Member States in preparing dossiers;
- the need for the ECHA helpdesk to adapt proactively on new developments;
- ECHA's involvement in the revision of the Biocides Directive;
- The allocation of staff to operational activities;
- The work on the first Community rolling action plan.

The ED and the Board's secretariat were given the mandate to accommodate the comments made and to table a revised document.

A document was distributed containing amendments to the Work Programme 2009 (MB/57/2008 rev. 01)

The Board expressed its satisfaction with the modifications and made one additional proposal for a change to the documents<sup>2</sup>.

The Secretariat of the Board included this change into the document and projected the changes on the screen in order to present the Board the final version of the text for adoption.

On this basis, the Chair concluded that the Management Board adopted the Work Programme 2009 and instructed the Executive Director to forward it to the Member States, the European Parliament, the Council and the Commission and to have it published on the ECHA web page.

13. Appointment of the Accounting Officer  
(MB/58/2008)

The Management Board appointed Ms Helene LILLGÄLS as Accounting Officer of the Agency. Ms LILLGÄLS introduced herself briefly prior to the appointment.

14. Replacement of the Reporting Officer for the Executive Director

The Management Board nominated Elke ANKLAM, Marta CIRAJ and Odile GAUTHIER as reporting officers in relation to the appraisal procedures of the Executive Director.

15. Multi-Annual Work-Programme  
(MB/59/2008)

The ED presented to the Board the draft multi-annual work programme contained in the meeting document MB/59/2008 and MB/59/2008/ADD. The latter contained comments by the Commission on the draft multi-annual work programme as well as proposals as to how to accommodate these. The ED stated that a working group of the Management Board had been established to advise on the drafting of the programme. A preliminary draft of the text had been presented to the Board at its June 2008 meeting. He added that ECHA would organise a consultation of the general public on the document once it has been adopted and translated.

The Board strongly welcomed the multi-annual work programme as a solid strategy document on the Agency's activities. During a subsequent exchange of views on the content, several Board Members expressed the wish to add a series of clarifications to the text.

These clarifications were to a large extent in line with those put forward during the deliberations on the annual work programme 2009 (cf agenda item 12 above), in particular with respect to facilitating the preparation of Annex XV SVHC dossiers or ECHA's future work related to nano-materials.

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<sup>2</sup> Page 23 (clarification regarding the collaboration between ECHA and the JRC)

The ED and the Board's Secretariat were given the mandate to accommodate the comments made and to table a revised document together with the revised draft annual work programme 2009.

A document was distributed containing amendments to the MAWP (MB/59/2008 rev. 01).

The Board expressed its satisfaction with the modifications and made a few additional proposals for changes to the document<sup>3</sup>.

The Secretariat of the Board included those changes into the documents and projected the changes on the screen in order to present the Board with the final version of the texts for adoption.

On this basis, the Chair concluded that the Management Board adopted the Multi-Annual Work Programme 2009-2012 and instructed the Executive Director to forward it to the Member States, the European Parliament, the Council and the Commission and to have it published on the ECHA web page with a form available so that comments could be submitted by the public.

#### 16. Internal Control Standards (MB/60/2008)

The senior staff member of the Agency in charge of quality assurance and internal audit presented the meeting document. He pointed to the significance of effective Internal Control standards in the Agency's governance construct. He explained that the Financial Regulation obliges the Management Board to adopt minimum standards in that respect, and that the revised Financial Regulation puts even more emphasis on Internal Control issues. The standards contained in the meeting document combine Internal Control standards, based on those of the Commission, with the requirements of the quality standard ISO 9001, in line with ECHA's early commitment to set up a quality system.

During a brief exchange of views, members of the Board welcomed the approach proposed, which was described as being both ambitious and comprehensive. Questions were raised regarding effective implementation within the Agency and the reporting thereof to the Management Board. ECHA Management was also asked to ensure that the provisions are properly implemented and respected by all staff. A representative of the Commission invited ECHA to develop indicators for this purpose. One Member asked how the EMAS environmental standard would fit into these quality and control standards.

The ED replied that ECHA is firmly committed to implementing a sound Internal Control and Quality System. As an example, he emphasised the importance of Standard Operating Procedures for ensuring the quality and consistency of the Agency's processes. A quality manager would be recruited in 2008 within the Executive Office to continue the work of ECHA's quality task force and the quality steering committee chaired by the ED. ECHA will update the Board on an annual basis in the context of regular reporting. The ED also confirmed that complying with high environmental standards such as EMAS is a general concern for ECHA.

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<sup>3</sup> Page 9, 7th bullet point (synergies with EC legislation), page 14 (reference to SVHC Annex XV dossiers received in 2008), and page 21 (clarification on the impact of the Forum activities).

The Chair thanked the ED for his commitment.

The Board adopted the ECHA Internal Control Standards as defined in document MB/60/2008.

17. Rules on Transparency regarding safety of substances  
(*MB/61/2008*)

The Board heard the Director for Assessment who outlined the context of the agenda item. The proposed rules were discussed at the Board meetings of April and June 2008. As required by the REACH Regulation, the draft rules were submitted to the Commission for agreement. The Commission had proposed four minor modifications as outlined in the meeting document and gave its formal agreement on 24 September 2008.

The Board held an exchange of views. Some Board members raised concerns about the Commission's request to delete a specific reference to 'alternative substances and technologies' under Article 3 of the draft rules. It was clarified explicitly that the intention was not to prevent the Agency from inviting submissions in relation to this type of information, but that it formed an integral part of the information activities referred to in paragraphs (d) to (g) of Article 3.

With this understanding shared by the Members representing the Commission, the Board adopted the rules on transparency regarding the safety of substances as annexed to document MB/61/2008.

18. Observers from EEA-EFTA countries  
(*MB/62/2008*)

The Management Board decided to include one observer from each of the EEA-EFTA Member States Iceland, Liechtenstein and Norway to the Management Board, pending the formal appointment of non-voting members from these countries and instructed the Executive Director to take the necessary steps to enable the participation of observers from these countries at the next meeting of the Management Board in December 2008.

19. Amendments to the Rules of Procedure  
(*MB/63/2008, MB/63/2008 rev. 01*)

The Secretary of the Management Board presented the meeting document MB/63/2008 aimed at amending the Board's Rules of Procedure. The objective of the proposed amendments was to accommodate certain data protection requirements regarding the publication of the members' declarations of interests and to clarify further the provisions on written procedures.

On the latter issue, Board members put forward a series of options on the basis of which the Secretariat then prepared a revised proposal (MB/63/2008 rev. 01).

However, as no consensus could be reached, it was decided to postpone the agenda item to be dealt with at the December Management Board meeting. In particular it has to be clarified if and how the procedure might be steered in situations where objections to the proposed decision are arising.

20. Report on the operational work and status of IT-systems  
(*MB/RD/03/2008*)

The Director for Processes gave a comprehensive overview on the operational work of ECHA and the status of IT-systems which was also submitted in writing in the form of a room document. The report included detailed figures on the number of pre-registrations received, the status of data submissions for registrations, PPORD notifications, and Inquiries, the developments regarding substances of very high concern and the candidate list as well as an update on the activities related to proposals for harmonised C&L and the evaluation tasks.

Regarding the status of IT-systems, the report covered all IT systems in support of operations: REACH-IT, IUCLID 5, CSA/CSR tool and OECD projects such as the QSAR toolbox and Global portal.

With regard to REACH-IT the Board was informed of the delivery of a new release on 8 September 2008 to replace in particular the manual submission procedures for registrations, inquiries, PPORD notifications, and Annex XV dossiers. ECHA is performing a major testing until end of September. The Director for Processes stressed that only those functionalities which will proof fully operational will go into production in October in order to avoid any disruption of operations.

The discussion of the Board centred, in particular, on the consequences of existing and future bulk pre-registrations of all substances listed in EINECS. In response to questions raised in this respect, the ED expressed concern about possible negative repercussions on the REACH-IT system, the knowledge of the number of future registrants and the functioning of the SIEF.

One of the Board Members wished to know how ECHA was dealing with the five substances submitted for identification by the Commission. The Director for Assessment replied that consultant studies on these substances had been launched.

The Chair of the Forum enquired whether the REACH-IT tools for enforcers had been catered for under the current IT-contracts. The ED clarified that it was still being examined how this issue could be addressed.

Echoing the positive feedback by many Board Members, the Chair summed up the discussion by concluding that the Board congratulated the ED and the ECHA Secretariat on the considerable progress made. At request of several Board Members, the Secretariat undertook to make the room document available on the CIRCA web page

21. Security Guidelines at ECHA<sup>4</sup>  
(MB/42/2008 rev. 01)

The Board heard a report of the ED on the security measures implemented at ECHA following the entry into operation and the take over of the premises from the owner of ECHA's building. The most visible changes being ECHA security guards and the implementation of several security parameters, including restricted areas for treating confidential data. ECHA will also improve its security further in order to meet the ISO 27001 standard.

This was followed by a short exchange of views. One Board Member highlighted the security aspects involved in taking laptops or other storage devices outside the offices.

A representative of the Commission stressed that the report shows that ECHA is taking security matters seriously. He said, however, that ECHA is not yet fully in line with all ICT security recommendations elaborated by the Commission services. The Commission will write to ECHA to explain where concerns still exist.

The Chair concluded that the Board acknowledges that ECHA attaches high priority to security aspects and the ED thanked the Board for the feedback in the meeting or in writing later.

22. Risk Communication Network  
(MB/64/2008)

The agenda item was presented by the Director for Cooperation. He gave a report from the first meeting of the Risk Communication Network in Helsinki in September 2008. First discussions showed that Member States had different perceptions of the scope and the tasks of the network, and of ECHA's coordinating role. Whilst differences remained regarding the role and the limitations in relation to the activities of other bodies in Europe, the network adopted a mission statement as well as a modus operandi and established a working group on the precise scope of the network. The next meeting of the network will take place in spring 2009. Participation of observers from stakeholder organisations would then be discussed and agreed. ECHA expects some guidance from REACH CA on the issue. He concluded that the network is still in its infancy and ECHA would not invest many resources for the time being. The basic structures and communication tools have however been developed.

This was followed by an exchange of views. Whilst some Members were happy with the work done so far, one Member expressed concerns on behalf of his Member State with regard to the workload for ECHA and the Member States and questioned the usefulness of an additional risk communication body. A representative from interested parties expressed a lack of understanding as to why ECHA did not allow stakeholder observers to attend the meeting.

In response to these comments, the ED stated that the matter was not a current priority for ECHA. For this reason the next meeting is not scheduled to occur for several months and ECHA has not invested much in the way of resources. On the other hand, ECHA will sooner or later be asked to deal with communication on sensitive questions related to hazards and

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<sup>4</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.

risks from chemicals. The Director for Assessment added that observers will be included at later meetings but the first meetings were aimed at internal discussions with Member States.

23. Updating the list of eligible stakeholder organisations and establishment of the code of conduct for stakeholder involvement  
(MB/65/2008)

The Board heard the Head of Unit responsible for the Committees who presented the agenda item. Since the last presentation of stakeholder organisations that had been selected in accordance with the criteria developed by the Board, 17 new organisations have requested to participate in the Agency's work. Eight of those organisations were deemed eligible and the list of eligible and non-eligible stakeholder organisations had been adapted accordingly. The updated lists were presented to the Board as an annex to the meeting document. In total 77 organisations reacted to the open call from ECHA. 40 of them have been considered eligible. The MSC, the RAC and the SEAC have taken the decision to include stakeholder observers as early as their next meetings which will take place in October and November 2008.

She informed the meeting further that a code of conduct for stakeholder observers that was attached to the meeting document had been developed by the Secretariat in consultation with the RAC and the MSC and that it had been endorsed by the MSC.

During a subsequent discussion, a representative of the Parliament wondered why the organisation ChemSec had not been considered eligible. A representative of interested parties deplored the fact that the code of conduct requires observers to mention in advance agenda points they wanted to comment on which would discourage active participation.

In response to these comments, the Head of Unit for the Committees clarified that observers are not prevented from spontaneous interventions but should mention to the Chair in advance any items they wish to raise. Regarding the eligibility of ChemSec, she stressed that when signing up in ECHA's database, this organisation provided information that forced ECHA to consider it ineligible in accordance with the criteria established by the Management Board.

24. Any Other Business

#### *International activities*

The Board was informed by ECHA about recent developments following the request of the Commission to ECHA to support the Communities' international activities. A first work plan agreed with the Commission will be presented at the next Board meeting.

#### *Revision of the Biocides Directive*

ECHA informed the Board that the Commission had submitted a request for an analysis by ECHA regarding the Agency's possible role under a revised biocides legislation.

### *Request by Turkey*

Turkey has submitted a request to ECHA to be permitted to participate in its work, in particular the work of the Committees. ECHA will send a reply indicating that a Commission consultation on the matter is needed as the Commission is the legal representative of the EU *vis-à-vis* Turkey in this context. The Commission has already been contacted.

### *Letter of OSPAR*

One Board member enquired as to the state of proceedings regarding a letter from OSPAR (North-East Atlantic convention). The Executive Director informed the meeting that this should be seen in the context of ECHA's international activities and that ECHA will shortly send a reply.

### *Reimbursement of Member States for REACH tasks*

By request, the Executive Director informed the meeting about the state of proceedings of the working group on the reimbursement of Member States for REACH tasks. The item is foreseen as being included on agenda of the next Board meeting.

### *Commission Communication on Agencies*

The Commission reported to the Board in relation to the consultation process on the Commission Communication on Agencies: "European Agencies – the way forward" (COM (2008)135 final). Members were invited to contribute to this process. Comments can be forwarded to the Commission either through the Commission's representatives on the Board or through the Executive Director. ECHA will make the Commission communication available via CIRCA.

### *Conference in Cyprus*

The Board Member from Cyprus informed the meeting about a successful REACH event in Cyprus on 28 June with ECHA participation. A similar event will take place on 13 October.

### *Conference in Malta*

A conference entitled "REACH reaching industry" will take place in Malta on 27 November 2008.

### *Work of the Committees and the Forum*

One Board Member expressed the wish to receive an update on the activities of ECHA's Committees and the Forum. This was supported by other Members and the ED undertook to include this issue as part of ECHA's next operational report.

25. Next meeting and closure

The Chair reminded members that the next meeting of the Management Board would be held in Helsinki on 17 December 2008.

On behalf of the Board the Chair expressed his thanks to Udo Heider, Joachim Kreysa and Martin Kröger who have played key roles in setting up the Agency since the beginning of its activities. As their secondment from the Commission will shortly come to an end, this was the last Management Board meeting these members of staff would attend in their current capacity.



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

#### The Management Board

- approved the minutes contained in document MB/M/03/2008 subject to the amendments indicated in the corrigendum attached to the present minutes.
- adopted the agenda contained in MB/A/04/2008 with the modification that agenda item 6 would be renamed “Readiness of the Appeal Procedure”.
- elected Mr. Thomas JAKL (AT) as Chair.
- appointed [REDACTED] as alternate Chairman and [REDACTED] [REDACTED] as alternates of the legally qualified member and as additional legally qualified members of the Board of Appeal.
- authorised the Executive Director to undertake in agreement with the Chair the necessary steps to inform the candidates of the decision and appointed the Antonello LAPALORCIA (IT), Grant LAWRENCE (COM) and Alexander NIES (DE) as members of a Preparatory Group in relation to the selection procedure for the Chair of the Board of Appeal, the legal member and the alternate and additional technical members.
- endorsed the view that pending the appointment of the Chair of the Board of Appeal, the alternate Chair could replace the regular members for a transitional period.
- established a Working Group, composed of Martin LYNCH (IE), Alexander NIES (DE), Arnold VAN DER WIELEN (NL), Grant LAWRENCE (COM) and Antonello LAPALORCIA with the mandate to propose to the Board a solution for setting up an operational Board of Appeal should the alternate Chair fail to accept his appointment.
- decided to appoint Ms. Marianne VAN DER HAGEN, Mr Poul BO LARSEN and Mr Frank JENSEN as members of the Risk Assessment Committee and Ms Karen THIELE, Mr. Espen LANGTVET and, as of 15 December 2008, Mr. Janez FURLAN as members of the Committee for Socio-economic Analysis.
- adopted a revised Financial Regulation for the Agency as annexed to document MB/53/2008.
- agreed not to adopt a transfer of budget appropriations as outlined in document MB/55/2008 under heading B and to enter into written procedure on this item.
- Approved a change to a budget line as outlined in document MB/56/2008.
- Adopted the Work Programme of the Agency for 2009 (MB/57/2008ADD and rev.1) subject to a modification on page 23 of the document.

- Instructed the Executive Director to forward the Work Programme to the Member States, the European Parliament, the Council and the Commission and to have it published.
- adopted the Multi-Annual Work Programme of the Agency for 2009-2012 (MB/57/2008ADD and rev.1) subject to modifications on pages 9, 14, 21 of the document.
- Instructed the Executive Director to forward the Multi-Annual Work Programme to the Member States, the European Parliament, the Council and the Commission and to have it published on the ECHA web site to include a form to enable the public to submit comments.
- appointed Ms Helene LILLGÄLS as Accounting Officer of the Agency.
- nominated Elke ANKLAM, Marta CIRAJ and Odile GAUTHIER as reporting officers for the appraisal procedures of the Executive Director.
- adopted the Agency's Internal Control Standards as defined in document MB/60/2008.
- adopted the rules on transparency regarding the safety of substances as annexed to MB/61/2008 in agreement with the Commission.
- decided to include one observer from each of the EEA-EFTA Member States Iceland, Lichtenstein and Norway into the Management Board, pending the formal appointment of non-voting members from these countries.
- instructed the Executive Director to take the necessary steps to enable the participation of observers from these countries in the next meeting of the Management Board.

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

##### Representatives of the Member States

Zoltán ADAMIS (HU)  
Maria ALAJÖE (EE)  
Aurelija BAJORAITIENĖ (LT)  
Karel BLAHA (CZ)  
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)  
Claude GEIMER (LU)  
Thomas JAKL (AT)  
Katarzyna KITAJEWSKA (PL)  
Anontello LAPALORCIA (IT)  
Marc LEEMANS (BE)  
Martin LYNCH (IE)  
Leandros NICOLAIDES (CY)  
Alexander NIES (DE)  
Edita NOVÁKOVÁ (SK)  
Per NYLYKKE (DK)  
Teodor OGNEAN (RO)  
John ROBERTS (UK)  
Arnoldus VAN DER WIELEN (NL)  
Maria-Miranda XEPAPADAKI-TOMARA (EL)

##### Representatives of the Commission

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

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

Alexander DE ROO also acting as proxy of Bernd LANGE

Individuals from interested parties (appointed by the Commission)

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

Observers

Pirkko KIVELA                      on behalf of Jukka MALM  
Fernanda SANTIAGO                on behalf of António GONÇALVES HENRIQUES (PT)  
Veneta VLADIMIROVA            on behalf of Ekaterina GECHEVA-ZAHARIEVA (BG)  
Sharon MUNN                        (Chair of the RAC)  
Anna-Liisa SUNDQUIST          (Chair of the SEAC)  
Graham WILLMOT (COM)  
Astrid BARTELS (COM)

ECHA staff

Geert DANCET (Executive Director)

Joachim KREYSA (Director ‘Cooperation’)  
Jukka MALM (Director ‘Assessment’)  
Christel Musset (Director ‘Registration and IT-tools’)  
Udo HEIDER (Director ‘Resources’)

Minna HEIKKILÄ (Senior Legal Advisor)  
Régis DURAND (Audit and Quality Management)  
Sari HAUKKA (Registrar of the Board of Appeal)  
Derek KNIGHT, (Senior Scientific Advisor to the Executive Director)  
Leena YLÄ-MONONEN (Head of Unit ‘Committees’)

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

Martin KRÖGER (Secretary of the Management Board)

Future ECHA staff

Andreas Herdina, future Director of cooperation  
Jef Maes, future Director of Resources  
Alain Lefebvre, future Head of Unit, Executive Office

Corrigendum to Document: MB/M/03/2008

*(Agreed at the Management Board meeting on 24 September 2008)*

**Minutes of the Meeting of ECHA's Management Board  
held on  
17/18 June 2008**

16. Next stages of REACH-IT

[....]

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.

19. Any other business

[....]

**“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.”**

[....]