

**PRELIMINARY CONCLUSIONS
OF THE 23RD MANAGEMENT BOARD MEETING
ON 29.-30.9.2011**

1. Address by Dr. Chris SAID, Parliamentary Secretary for Consumers, Fair Competition and Public Dialogue

Dr. Chris SAID, Parliamentary Secretary for Consumers, Fair Competition and Public Dialogue warmly welcomed the Board members to Gozo. He highlighted the importance of REACH for human health and environment as well as for the competitiveness of European industry, being therefore a role model for other countries.

Dr. SAID referred to Maltese experiences gained from the first REACH and CLP registration deadlines. He explained the successful REACH and CLP related activities of the new Malta Competition and Consumer Affairs Authority, which had absorbed the functions of the former Malta Standards Authority. He highlighted the support the Authority provides especially for small and medium size enterprises, micro-sized companies and downstream users in Malta, mentioning also diverse stakeholder activities and campaigns. Despite its small size, the Maltese CA is effectively supporting the government.

2. Decision on the selection procedure for the Executive Director

At the Management Board meeting of June 2011 the Commission representatives informed the other Board members that the Commission requires a decision in relation to the mandate of the Executive Director. The mandate expires by the end of 2012. With respect to the procedural and time-wise implications, they requested to be informed at the latest by the end of September 2011 whether the Board intends to prolong the mandate or if the launch of a new selection procedure for the position is needed.

The Board examined the question at the meeting. In response to the Chair's request, the Executive Director had previously confirmed his availability for another term in office of five years. The Board heard in particular its members designated as reporting officers for the Executive Director and held an exchange of views on the results obtained during the initial mandate and the suitability for the future mission, tasks and needs of ECHA.

On the basis of these deliberations and the confirmation of the current Executive Director that he would be available for another term, the Management Board decided by consensus that it is in the best interest of the Agency not to launch new selection procedure. As a result of this decision, the Management Board will proceed with an evaluation which is appropriate for the prolongation of the mandate.

3. Budget 2012 & MAFF / transfers within the budget 2011

The Board took note of the state of play in the budgetary procedure for 2012 and the establishment of the next EU multi-annual financial framework for 2014-2020.

In 2012, ECHA is funded through fees and the total budget is estimated to be 102,6 million euros. The ENVI Committee of the European Parliament proposes to grant additional ten temporary agents.

For 2014-2020, a mixed funding is needed, as the fee income will not be sufficient to fully finance the Agency's activities after 2013. The proposal presented by the Commission for the financing period 2014-2020 leaves doubts whether these financing needs are secured.

The Board took note of the latest budget transfers carried out under the responsibility of the Executive Director.

4. Appointment of the Accounting Officer

The Board appointed a new Accounting Officer.

5. Work plan on international activities 2012

The Board endorsed the work plan for international activities for 2012, subject to the outcome of the 2012 budget procedure. The Board will revisit this item accordingly in December.

Priorities for 2012 include activities developing international standards or assessing chemicals, support to Candidate countries, OECD work and cooperation with third countries. However, the activities can in the view of several members only be undertaken if enough new human resources are becoming available.

6. Work Programme 2012

After textual amendments, the Management Board adopted the Agency's Work Programme 2012. The working assumption is that ECHA will get 20 new posts for 2012 of which 10 temporary agent posts are hopefully to be approved by the Budgetary Authority and 10 contract agent posts by the Management Board. Otherwise, the Management Board will have to consider how several tasks in the work programme will be accomplished.

The Annexes of the document will be completed in December, once the final income and the 2012 establishment plan for ECHA will be known.

The Board instructed the Executive Director to forward the document to the Member States, the European Parliament, the Council and the Commission and to have it published on the ECHA web site.

7. ECHA Policy on conflict of interests

The Board endorsed the ECHA Policy on conflict of interests. The policy is applicable to all ECHA bodies and networks, ECHA Secretariat and Board of Appeal as well as to third parties working for the Agency. A new declaration of interest for ECHA employees and the members of the Management Board as well as other Agency bodies was also agreed. Implementing procedures will be prepared or updated for ECHA's bodies. Another important feature of the new ECHA policy is an ethical committee which will be created. If needed, the committee will provide advice and facilitate consistent application of the policy within ECHA.

The new policy will be published on ECHA webpage.

8. Appointment of Committees members

The following new Committee members were appointed

- for the Committee for Risk Assessment: Ms Gera Maria TROISI.
- for the Committee for Socio-economic Analysis: Ms Maria Jesús RODRIGUEZ de SANCHO.

9. Probationary report of the technically qualified member of the Board of Appeal

The Board confirmed the technical member of the Board of Appeal in his functions.

10. Integrated Quality Management – update

The Board took note of the progress made in establishing the Agency's Integrated Quality Management System (IQMS) since September 2010.

An activity and process structure has been established, which is used for work planning, staff model and cost accounting. 77 new IQMS documents have been approved, and the quality organisation has been strengthened. ECHA will develop a roadmap leading to ISO 9001 certification and a roadmap to introduce the EMAS (EU Eco-Management and Audit Scheme) standard.

11. Report from the Executive Director

The Executive Director reported on the Agency's activities and main achievements since the June Board meeting.

Board members congratulated him for the excellent achievements. The discussions focussed on substance evaluation, the Member States' access to IUCLID data base, nanomaterials, the use of the new enforcement IT tool (RIPE) as well as the workload for ECHA staff and the prioritisation of the Agency's work. Also the participation of stakeholder observers at the Forum meetings was discussed in the context of ECHA's transparency towards stakeholders. In this regard the Commission was urged by a Board member to ensure timely appointment of Board members from interested parties whose term of office has expired.

12. Exchange of views with the Malta Competition and Consumer Affairs Authority on REACH & CLP tasks and cooperation with ECHA

Ms Ingrid BUSUTTIL from the Malta Competition and Consumer Affairs Authority (MCCAA) presented the Board the national REACH and CLP implementation and enforcement approach on chemicals legislation. She gave an informative overview over the functions of the newly created Authority, REACH and CLP implementation in Malta including Enforcement Committee and helpdesk activities as well as the main achievements. Those included successful information campaigns, seminars and workshops, security structure for REACH-IT and an established helpdesk. She mentioned also the challenges related to resources of a small organisation. The MCCAA was very interested in cooperation with other Member States, e.g. in preparing a joint Annex XV dossier.

13. Requests from Croatia and Serbia

The Board decided in agreement with the Committees and the Forum to invite the EU candidate country Croatia to participate as observer in the work of ECHA's Committees and Forum in order to observe practices and getting prepared for full EU membership.

In relation to a request from the Serbian Chemicals Agency; the Board decided that the helpdesk of this Agency is invited as a guest to the Helpnet meeting in October. The Board will decide in its December meeting whether the potential candidate country Serbia will be invited to join the work of the HelpNet as an observer. For that purpose, it will revisit the 2008 criteria for accepting the participation of third countries in the work of ECHA.

14. Activities related to downstream user obligations / requirements for substances in articles

The Board took note of a report on the above mentioned issues. Among future activities to support companies are online tools for notification and reporting, practical support on various matters, review of web page and manuals as well as training for national helpdesks. ECHA will later organise a webinar to present these new tools to downstream users and will ask all national helpdesks to make a similar webinar in their languages in order to reach the SMEs. The ECHA-stakeholder exchange network on exposure scenarios will hold a first meeting in November.

15. Planning for substances evaluation tasks and status of the preparations for the first rolling action plan 2012-2014

The Board took note of the state of play of the substance evaluation activities. The draft rolling action plan CoRAP will be submitted to Member State committee in October 2011, and the final plan should be published by 1 March 2012. The service contracts for substance evaluation should be signed by MSCAs by January 2012. During the subsequent discussion, several Member States asked that the Board would revisit the calculation methods for establishing the reimbursements to Member States for such work. Due to the difficult budgetary situation in many Member States, it was agreed that the corresponding working group would consider this request at the meeting in December.

16. Any other business

Report on the outcome of written procedure MB/WP/02/2011

The Chair introduced the positive outcome of the written procedure. On request of one Member, ECHA clarified that the security arrangements for access to IUCLID database would not be lower than for REACH-IT database.

Biocides preparations – state of play

The Board received an update about the state of play with biocides preparatory activities.

Update from the dissemination working group

The Board received feedback from the working group meeting that took place just before the Board meeting. In reaction to this update, several members asked that the mandate of this working group would be enlarged. It was also

decided that the Dutch member would join the group. The working group would report back to the December Board meeting.

Access to documents

The Board received an update about Access to documents requests in 2011.

MSCA Directors planning meeting

The Board was informed about the agenda of the first MSCA Directors planning meeting at ECHA on 14 December 2011.

Graduate scheme on chemical policies

The Executive Director presented the state of play of the graduate scheme, which will be launched in Rome on 11 November.

The next meeting of the Management Board will take place on **15-16 December 2011** in Helsinki.
