

**PRELIMINARY CONCLUSIONS  
OF THE 24<sup>TH</sup> MANAGEMENT BOARD MEETING  
ON 15.-16.12.2011**

**1. Composition of the Management Board**

The Board welcomed (new) members appointed by the Commission to the Board for representing interested parties without voting rights:

For industry, Mr Hubert Mandery (European Chemical Industry Council - CEFIC). For trade unions, Ms Gertraud Lauber (European Mine Chemicals and Energy Workers' Federation - EMCEF and European Trade Union Confederation - ETUC). For environment and consumer non-governmental organisations, Mr Martin Führ (European Environmental Bureau - EEB)

The mandate runs for four years. Mr Führ and Mr Mandery were re-appointed to the Board. Ms Lauber replaces Mr Musu from ETUC who was part of the Management Board since the first meeting in June 2007. The Board welcomed Ms Lauber and warmly thanked Tony Musu for his work for ECHA.

The Chair also informed that Guido Sacconi and Eskil Thuessen have announced their resignation from the Management Board. Until new appointments are finalised by the European Parliament and the Council respectively, Mr Sacconi has designated Ms Christina Rudén and Mr Thuessen Peter Østergaard as their *personnes de confiance*.

**2. Budgetary issues**

**Amending budget 2011**

The Management Board adopted a 2<sup>nd</sup> amendment to the 2011 budget that reduced the final budget by ca 7.1 MEUR and took note of the latest internal budget transfers.

**Budget and establishment plan 2012**

The Management Board adopted the Agency's budget for 2012. The budget amounts to a total of ca 103.2 MEUR. This is 10% higher than the total of the 2<sup>nd</sup> amending budget for 2011. The whole of the Agency's REACH/CLP budget in 2012 is funded through its own income. The primary source of revenue will be the cash reserve that was accumulated as a result of the first registration deadline.

The ECHA establishment plan remains at 456 posts, i.e. does not include additional establishment posts for REACH and CLP tasks whereas the Management Board had requested 20 new posts in March 2011.

The Board noted that the EU budgetary authority has foreseen 14 new posts and EU subsidies in the reserve of the EU budget for ECHA tasks under the pending Biocides and PIC Regulations. These resources become available once the final legislative acts have been adopted. For Biocides,

the Agency budget adopted by the Management Board foresees, however, already an amount of further 0,5MEUR for preparatory activities funded by the European Commission.

These budgetary decisions will be notified to the Budgetary Authority, the Court of Auditors and the Commission, and be published.

### **3. Revision of the work programme for 2012**

The Management Board adopted a revision to the work programme for 2012. The initial version was adopted in September 2011. The revision was to adapt the planning to the final number of establishment posts. By way of contrast to the Board's request to the Commission and the budgetary authority, no new posts were eventually authorised for ECHA's REACH and CLP related tasks (See above).

The revision was prepared by the Management Board working group on planning and reporting. The Board welcomed that the amendments proposed focused on preserving the Agency's capability to deliver its core mandate in support of the aims of the REACH and CLP legislations. Instead of temporarily discontinuing certain activities, the proposal was to rather reduce the level of ambition in certain areas. For several of ECHA's activities for 2012, small reductions were proposed. Some activities had been postponed. ECHA's new activities for 2012, as authorisation applications and substance evaluation, will not be affected by the cuts.

With small amendments, the Board adopted the revised work programme for 2012 and its annexes. The two changes related to strengthening the targets for assessing confidentiality claims and the preparation of restriction proposals on behalf of the Commission. The Board endorsed an updated ECHA work plan on international activities for 2012. Also here, some activities had to be de-prioritised.

In the discussion, a Commission representative highlighted the constraints for the EU budget under the next multi-annual financial framework and the desire of EU Member States to reduce the number of staff working for EU institutions and bodies. The Management Board has, therefore, to be prepared for dealing with a continued difficult budgetary environment in the coming years.

The revised work programme will be published and forwarded to institutional partners.

### **4. Future tasks and challenges of ECHA up to 2017**

As agreed in September 2011 in the context of the prolongation procedure for the Executive Director's mandate, the Management Board held an exchange of views on the future tasks and challenges of ECHA up to 2017.

For facilitating the discussion, a thought starter was prepared by the Secretariat in liaison with the Management Board working group on planning and reporting. The challenges identified therein were also based on dedicated work of the ECHA management team on the future strategic objectives of ECHA, done in the context of the preparation of the update of the multi-annual work programme. A draft of this programme will be submitted to the Management Board for written consultation later in December.

Several strategic elements were highlighted in the discussion, as innovation and competitiveness, substitution of substances, delivery of

REACH goals, cooperation with stakeholders, synergies with other legislations and the "2020 goals" from the Johannesburg World Summit in 2002.

It was agreed that further written contributions to the thought starter shall be submitted to the Secretariat until mid January 2012. The working group on planning and reporting will review these comments in February 2012 and the issue will be (on the basis of a new text) brought to the March 2012 Board meeting for conclusion.

#### **5. Third country participation in ECHA's work (Art. 106 REACH)**

The Board agreed to invite the Serbian Chemicals Agency to participate in the work of the ECHA HelpNet, the network of national Helpdesks established under the REACH/CLP Regulations.

#### **6. Update of the multi-annual strategic audit plan**

The Board took note of the update of the Internal Audit Service strategic audit plan for 2011-2013. The strategic audit plan is still valid from the previous update (endorsed by the Management Board on 24 March 2011).

#### **7. Appointment of Committee members**

The following new member was appointed for the Committee for Risk Assessment: Ms Jolanta STAŠKO.

The following persons were appointed as members of the Committee for Socio-economic Analysis: Mr João ALEXANDRE and Mr Robert CSERGO.

The RAC membership of Dr Marian RUCKI was renewed to take effect from 26 June 2012.

#### **8. The ECHA Secretariat's Assessment of the Need and Feasibility of Enhancing Multilingual Communication in the Agency's Operations**

In line with the work programme for 2011, the Board took note of a needs and feasibility assessment by the ECHA Secretariat with regard to enhancing SME accessibility to communication with the Agency, including via REACH-IT, in different languages.

The needs and feasibility will be reviewed on the basis of language practice of 2013 registrants. A new submission tool is foreseen for SIEF members ahead of the 2018 registration deadline.

#### **9. Report from the Executive Director**

The Executive Director presented to the Board ECHA's main achievements in the last quarter.

Board members congratulated the Executive Director for the comprehensive report and the excellent achievements. An exchange of views concentrated on the number and assessment of confidentiality claims, dissemination progress with over 24 000 dossiers already published, personnel changes taking place in RAC and SEAC, number of testing proposals, access to documents requests, quality of registration dossiers, progress with service contracts for substance evaluation and the state of play with the candidate list against the policy target for 2012.

## **10. Multi-annual planning for IT systems**

The Board took note of the Agency's multi-annual IT priorities, challenges, resources and future direction.

## **11. Prolongation of the mandate of the Executive Director – next step**

The Management Board formally concluded the positive evaluation of the first mandate of the Executive Director. The Chair was mandated to inform the Commission accordingly to submit the prolongation internally for approval by the College.

The final decision on the prolongation of the Executive Director's mandate is formally scheduled to take place at the March 2012 Management Board meeting, after the final discussion on the future tasks and challenges of ECHA (see above). The decision was taken unanimously.

## **12. External communication / stakeholder involvement**

The Board endorsed ECHA's updated approach towards involving accredited stakeholder organisations in the Agency's work. Currently, 51 stakeholder organisations are accredited with ECHA. Systematic procedures have been created for registration and cooperation based on the criteria adopted by the Management Board in agreement with the Commission.

The Board also endorsed ECHA's updated External communications strategy, subject to some adjustments,. For the sake of clarification, "third parties" in general will be added as a target group for ECHA's external communications in order to take account of the fact that many processes rely on formal public consultations.

## **13. Reports from subgroups of the Management Board**

The Board was informed about the state of play with the Board's subgroups: on audit matters, on transfer of fees and on dissemination.

### Dissemination

The Chair of the advisory group on dissemination provided feedback from the last meeting.

The Board agreed on a revised mandate of the advisory group on dissemination which will include in future to monitor the progress made on dissemination *and other publication on the Agency's website of information on chemical substances.*

Members of the advisory group emphasised that the ECHA Secretariat is making strong efforts to bring the dissemination activity to full speed but that there are still issues which need to be addressed. In line with the REACH Regulation, ECHA is disseminating a large amount of information to the public but achieving clarifications as to legal interpretations and technical issues pose challenges. The planning for 2012 will substantially improve the situation. New solutions found for legal interpretations have to be implemented as speedily as possible and the outstanding issue in relation to the tonnage band urgently needs an resolution.

### Transfer of fees

The Executive Director informed the Board of the outcome of the last meeting of the working group. The MB Decision 65/2010 shall be revised by March 2013, and several options for an update were presented.

Several members asked for a revision of the decision already in 2012, at the September Board meeting to be adopted after the Commission's agreement in the December meeting. ECHA will gather new data to facilitate the discussion on ways forward.

ECHA will contact the Directors of Member State Competent Authorities to provide salary data to the Agency. Board members were asked to support ECHA with this request.

The Board invited the Bulgarian Board member, Mr Boiko MALINOV, to join the working group on transfer of fees. The Swedish member, Ms Nina CROMNIER will be the new Chair of the working group.

### Audit

The Board received an update on audit matters: on outsourcing of the data centre, audit plans for 2012 and on two audit reports.

#### **14. Designation of a MB member for ECHA Ethical Committee**

The Board was informed about the implementation of ECHA's Conflict of interest policy: new declaration forms, awareness campaign and other follow-up actions.

The Board appointed Mr Antonello LAPALORCIA as its member for the Ethical Committee. The Committee was established as part of ECHA Policy on potential conflicts of interest, and has a consultative function. It will be chaired by the Head of ECHA's Legal Affairs Unit and also comprise an external expert. Once established, the Committee will agree on a proposal for its Terms of Reference. Several Board members suggested a different name for the Committee taking into account that it shall exclusively deal with (potential) conflict of interest situations, and the Committee is asked to assess its naming when discussing its Terms of Reference.

#### **15. Review of Staff Committee Implementing Rules**

The Board adopted a minor amendment to the Implementing Rules for Article 9 of the EU Staff Regulation, regarding the setting up of a Staff Committee. The amendment will be submitted to the European Commission for the required agreement to all implementing rules to the EU Staff Regulations.

#### **16. Review of the decision MB/77/2009(D) – payment of witnesses BoA**

The Board reviewed its decision on the payment of witnesses in Board of Appeal proceedings. It was decided that there is no need for amendments. The Board of Appeal should report back to the working group on the Board of Appeal if it later identifies the need for changes to be made.

## **17. Update on the Agency's Work Plan on substances on nanoscale**

The Board took note of the work plan on substances on nanoscale.

Four pillars to support the activities on substances on nanoscale were explained:

- Internal and external capacity building;
- sharing experience with and generate consensus among MSCA, MSC and RAC members on safety information on nanomaterials in REACH registration dossiers;
- feedback and advice to registrants that wish to register nanomaterials at the 2013 registration deadline; and
- contribution to ongoing international regulatory activities

The previous planning covering 2010-2011 was supported by 2.5 full time equivalent (FTE); an increase of 2.5 fte is foreseen for 2012-2013 to support all planned activities on nanomaterials.

The Board held an exchange of views which emphasised the importance for ECHA to closely follow and actively contribute to the developments in this area.

## **18. Update on biocides / outcome of legislative process**

The Board took note of the outcome of the legislative procedure and ECHA's preparatory activities for the Biocidal Products Regulation, which is expected to enter into force in mid-2012. Operational activities at ECHA could then start in autumn 2013.

The Board was informed that the scoping phase on operational processes is nearly finished, and hand-over arrangements with Joint Research Centre have started and are scheduled to be finalised by January 2014. A new Biocides unit is foreseen to start at ECHA in February 2012.

## **19. Any other business**

- *Review of ECHA (Art 75 REACH)*

The Commission informed the Board on the review of ECHA, for which an external study is about to be finalised.

- *MSCA Directors Planning meeting*

The Board was informed about the first MSCA Directors planning meeting, which took place on December 14. Directors from almost all Member States discussed actively a variety of items related to the planning of the work load in 2012-2015. First feedback from the participants was positive and most wanted to continue with this meeting annually; however, several improvement proposals were made and will be implemented.

- *C&L inventory - state of play*

The state of play on C&L inventory was explained to the Board. Due to technical difficulties, the launch of the inventory was delayed until first quarter of 2012.

The next meeting of the Management Board will take place on **22-23 March 2012** in Helsinki.

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