

Report from the MB Working Group on the Board of Appeal

38th Meeting of the Management Board 17-18 June 2015

Item	10.4
Action	For information
Status	Final - Public

Key messages

The Management Board is invited to take note of the annual report of the Management Board working group on the Board of Appeal for 2014. The Working Group held three meetings in 2014, in addition to those related to staff appraisal or selection procedures. In these three meetings the Working Group dealt in particular with the Review of the structure of the BoA and the status of its Registry.

Background

Since 2014, the Management Board Working Group on the Board of Appeal provides an annual report on its activities¹.

Rationale

The report indicates the nature of the matters dealt with and the advice provided.

Attachment:

- Annual report of the Management Board Working Group on the Board of Appeal for 2014

For questions mb-secretariat@echa.europa.eu

¹ See Rolling Plan of the Management Board and the 2014 annual report (MB/25/2014)

Annex

Annual report of the Management Board Working Group on the Board of Appeal for 2014

1. Introduction

In 2009 the Management Board decided to establish a permanent Working Group on the Board of Appeal (BoA), responsible for all Management Board issues concerning the Board of Appeal and its members². The Working Group regularly reported to the Management Board on specific topics.

In its June 2014 meeting the Management Board took note of the first annual report of the Working Group and this annex contains the Working Group's second annual report.

2. Composition and meetings

The Working Group consisted until September 2014 of three members who were also acting as reporting officers for the performance appraisal of the Members of the BoA (as staff members of ECHA) and as panel for selecting Members and alternate/additional Members of the BoA. In September 2014 the Management Board decided³ to designate three additional members to the Working Group, which, as from that moment onwards, comprised of six members. Since then, one Working Group members has been replaced by a new Member of the Management Board, who has been designated as Working Group member.

The Working Group currently (1st June 2015) comprises of four members:

- | | |
|--------------------------------|-----------------|
| 1. Ms Ana FRESNO | (April 2009) |
| 2. Mr Kestutis SAUDASKAS (COM) | (December 2014) |
| 3. Ms Catherine MIR | (June 2014) |
| 4. Ms Luminița TÎRCHILĂ | (June 2014) |

The Chairman of the BoA, the Registrar and the Executive Office, more specifically the Secretariat of the Management Board, provided support to the Working Group as appropriate, enabling it to perform its duties.

In 2014 the Working Group met on:

- 7 May (Helsinki)
- 24 September (Helsinki)
- 18 December (Rome, back-to-back to the 36th Management Board meeting).

The three reporting officers met for the annual performance appraisal dialogue with BoA Members on:

- 19 March.

The panel for the selection of the new Legally Qualified Member of the BoA met on:

- 24 September (Helsinki).

The panel for the selection of new alternate and additional Legally Qualified Members of the BoA met on:

- 9-10 October (Helsinki)
- 7 November (Brussels).

² see minutes MB/M/02/2009, April 2009, formal conclusions

³ see minutes MB/M/02/2014, June 2014, formal conclusions

3. Deliverables in 2014

Throughout 2014, the Working Group has stayed involved through regular e-mail contacts and discussions in meetings, on specific BoA related ongoing developments, predominantly with the Chairman of the BoA. The Chairman of the BoA informed the Working Group in particular also on the use of alternates in appeal cases.

Annual performance appraisal of full-time BoA members for 2013

Within its mandate, the Working Group had annual dialogues with BoA members and completed the annual performance appraisal reports of the full-time Members of the BoA for the year 2013. The Management Board was informed of the finalisation of the annual process in its June Meeting.

Selection of new BoA members

On the basis of a list of qualified candidates submitted by the European Commission to the Agency on 9 September 2014, a selection group of Management Board members (composed of Mr Björn HANSEN, as the Chair, as well as Ms Ana FRESNO RUIZ and Mr Jan-Karel KWISTHOUT as members) assessed five candidates for the position as a legally qualified member of the Board of Appeal on 24 September. A report with the outcome of the assessment was presented to the Management Board as a room document in its September meeting. In line with the recommendations of the selection panel, the Management Board appointed a legally qualified member of the Board of Appeal and established a reserve list of two persons for the post.

In the same way, a selection group of Management Board members (composed of Mr Björn HANSEN, as the Chair, as well as Mr Alexander Nies and Mr Jan-Karel KWISTHOUT as members) assessed seven candidates for the position as alternate and additional legally qualified member of the Board of Appeal on 9-10 October and 7 November. A report with the outcome of the assessment was presented to the Management Board during a written procedure in November. In line with the recommendations of the selection panel, the Management Board appointed two alternate and additional legally qualified members of the Board of Appeal and established a reserve list of 3 persons for the post.

Review of the structure of the BoA and status of its Registry

Within its mandate, the members of the MBWG on BoA developed an understanding of the structure and working methods of the BoA and started preparing groundwork in order to present the Management Board in 2015 its recommendations in relation to both, the future structure of the BoA and the status of the Registry⁴. On the issue of whether or not the Registry of the BoA should be organically dependent on the BoA rather than the ECHA Secretariat, it organised an exchange of views with the Secretariat and the Members of BoA during a dedicated half day meeting in Helsinki on 7 May 2014. In this exercise it included also reflections about the review about the practical administrative arrangements agreed between the Chairman of the BoA and the Executive Director⁵ regarding the functioning of the Board of Appeal and its Registry within the organisational framework of the Agency. The Working Group presented its preliminary findings to the Management Board at its June 2014 meeting⁶ and continued its work afterwards.

Annual report to the Management Board for the year 2013

The Working Group further presented to the Management Board at its June 2014 meeting its annual report of activities and indicated it envisaged a substantial further work package of BoA issues to be considered, including its annual report for 2014, a review of the organisational structure of the BoA, decisions of the Management Board for the prolongation of mandates of

⁴ See documents MB/64/2012 and MB/07/2013 and minutes of the Management Board MB/M/04/2012 and MB/M/01/2014 for the background.

⁵ Paragraph 7 of these administrative arrangements (MB/51/2009) foresees that they shall be reviewed by the Working Group of the Board of Appeal and the Management Board be informed accordingly.

⁶ MB/26/2014

permanent and non-permanent members of BoA, a review of Registry related aspects of the Rules of Procedure for the BoA, and a review of the administrative arrangements for BoA.

Administrative matters and continuity of Working Group proceedings

The Working group recommended to the Management Board for adoption at its March 2014 meeting a decision on remuneration of the alternate and additional members of the Board of Appeal⁷.

Due to foreseen changes in the membership of the Working Group in the course of 2015, the Working Group, together with the Secretariat, prepared for a decision taken by the Management Board at its December 2014 meeting to change the composition of the Reporting Officers for the Board of Appeal⁸.

These foreseen compositional changes were also a reason for the Working Group to meet on 18 December, back to back to the Management Board, together with the Chair of the BoA, the Registrar and the Secretariat. That meeting of the Working Group served to organize the transfer of knowledge from departing to incoming members for the sake of continuity and to organize and plan its activities for 2015 in a structured manner for ensuring that its ability to timely provide its deliverables in 2015.

⁷ MB/10/2014

⁸ MB/63/2014