



Helsinki,
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MINUTES OF THE MEETING OF ECHA'S MANAGEMENT BOARD

held on 13/14 February 2008

(Document approved by the Management Board)

I. Documents submitted to the Management Board

Draft Agenda	MB/A/01/2008 rev 1
Draft Minutes	MB/M/05/2007
Structure and content of Minutes	MB/01/2008
Decision on the eligibility criteria for the RAC and SEAC	MB/15/2008
Appointment of the members of the Committee for Socio-economic Analysis	MB/02/2008 rev 1
Draft budget for 2009 and Establishment Plan (accompanied by a preliminary Work Programme for 2009)	MB/03/2008
Preparation of the Multi-annual Work Programme	MB/04/2008
Consultation procedure on guidance	MB/30/2007 rev 1
Policy on cooperation with stakeholder organisations	MB/05/2008
Participation of EEA countries	MB/06/2008
Policy on Standard Operating Procedures	MB/07/2008
Amendment of the Establishment Plan 2008	MB/08/2008
Reimbursement of tasks executed by the Member States	MB/09/2008
Remuneration of the additional members and the alternates of the Board of Appeal	MB/10/2008
Communication strategy	MB/28/2007
ECHA's Code of Good Administrative Behaviour	MB/11/2008
Implementing rules for Regulation EC 1049/2001 ('Access to Documents')	MB/12/2008
Implementation of 'Aarhus' Regulation	MB/14/2008
Recruitment of management positions in 2008	MB/13/2008

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).

1. Draft agenda (*MB/A/01/2008 rev 1*)

The Board identified a number of additional points to be dealt with under ‘Any Other Business’ (for details, see chapter II. 22). Considering the length of the agenda, the Chair informed members of his intention to approve points 12 and 14 without discussion. Any comments on these points could be raised during the breaks.

On this basis the agenda was adopted.

2. Draft minutes (*MB/M/05/2007*)

After agreeing on several amendments (see corrigendum in the annex), the Board approved the draft Minutes of its meeting on 17 December 2007.

3. Structure and content of minutes (*MB/01/2008*)

Board members were given the possibility to provide feedback on the structure and content of the minutes produced by the Secretariat. The Board expressed its satisfaction with the way in which the Minutes had been drafted and thanked the Secretariat for the good quality of these documents.

4. Decision on the eligibility criteria for the Committee for Risk assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) (*MB/15/2008*)

The Chair recalled the background, i.e. the issue of independence of Committee members that arose at the previous Board meeting with regard to the nomination of SEAC members. In line with the mandate he received at the last Board meeting, the Chair had contacted those Member States whose nominations required further clarification. In the letter addressed to those Member States, he had outlined the criteria which the Board intended to take into account when appointing the Committee members.

The Executive Director explained that the Decision submitted to the Board for adoption was aimed at defining these criteria also for future appointment processes. He stressed the need to establish a clear and straightforward approach in this area.

The floor was then given to the Director for 'Cooperation' who explained the rationale of the proposed Decision in more detail.

In the subsequent discussion, one Member representing interested parties underlined the balance which needs to be struck between the need for expertise and the possible bias which any expert could potentially have. In his view, industry associations represent the overall interest of its members not of individual companies. Singling out industry associations should be avoided. He said that membership of an NGO could also be seen as possible bias. The other representatives of interested parties stated that they favoured clear rules that would protect the image and trust of the REACH bodies. One of them strongly supported a formal approach and urged the Board to include also the text on consultants in the related Decision.

One Member from a Member State that received the above-mentioned letter from the Chair, shared the analysis made by the Agency but argued that in its case the person nominated is employed by the chamber of commerce, which in its country is created by law, with obligatory membership and a mission of serving a public interest. Another such Member agreed that the Board should be given the power to decide on appointments and reminded that a new nominee was put forward by his country. He could now formally withdraw the initial nominee. Another Member argued that the Board was obliged to appoint its candidate without further assessment because only one nomination had been made.

The Chair asked the Secretariat to explain its legal analysis of this latter issue. The Secretary of the Management Board took the view that the appointment of Committee Members by the Board was not to be regarded as an automatic process even in cases where only one candidate had been appointed by a Member States. The rationale of Article 85 (2) of the REACH Regulation¹, which had been invoked, was to ensure an appropriate geographical balance in the Committee. In other words, this provision was not aimed at depriving the Board from the right and duty to assess the suitability of the proposed candidate. An appropriate level of independence of the committee members had to be considered as an underlying prerequisite for them to carry out their work properly. The Secretariat also explained that the legal basis for clarifying such eligibility criteria, in the form of a Decision, was Article 78 of the REACH Regulation (i.e. the Management Board's right to adopt the Agency's internal rules and procedures).

A broad majority of the Board members supported the view that the Board had discretionary power when appointing Committee members. However, many had doubts as to whether further rules on independence at this stage should be codified in the form of a Decision or whether a case-by-case analysis against a set of criteria would be more appropriate. Some members stated that they would prefer to establish guiding principles. They also stressed that the Board should remain free to apply these on a case-by-case basis.

With regard to the particular problem of employees of chambers of commerce (where such chambers were established under public law to serve a public interest), the Board concluded that their nomination could be regarded as unproblematic.

As a result of this discussion, the Chair concluded that it is preferred not to codify the transparency principles at this point in time, but to reproduce the principles for employment or membership of companies or associations as well as consultants in the minutes of this meeting and apply these principles on a case-by-case basis.

¹ Regulation (EC) N° 1907/2006

The guiding principles, to be applied on a case-by-case basis, are as follows:

- *Candidates being employed by a commercial enterprise that could have any direct interest in the matter dealt with by the relevant Committee shall not be appointed. Appointed members of the Committees of the Agency shall resign from the Committee before they enter into service in any such enterprise.*
- *Candidates being an active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group in the context of the field dealt with by the relevant Committee shall not be appointed. Appointed members shall resign from the Committee before they enter into service in any such association.*
- *Candidates who work as private consultants or who are employed by a consultancy company (including employees of universities or public institutes providing such services on an occasional basis) and who currently have contracts with chemical industry or downstream users associations, chemical companies, or other potential registrants or authorisation applicants after having been appointed as members, should*

(a) withdraw from current contracts and

(b) refrain from entering into any new contracts with potential registrants, applicants and chemical industry or downstream user associations.

5. Appointment of the members of the Committee for Socio-economic Analysis
(MB/02/2008 rev. 1)

The Head of Unit for ‘Committees’ presented the meeting document and set out the decision to be taken. She explained the changes that have taken place since the discussion in December and informed the Board that since the list was sent to the Board, Germany had withdrawn Ms Antje Freriks from the list of candidates, as the nominee was not available any more for this position. In view of the conclusions drawn on the former point, the second Austrian nominee could now also be moved to the list of candidates whose appointment is unproblematic.

The Board Member representing the UK announced that the person nominated by his country would be employed by the national Competent Authority as from 1 March 2008 and that the nationality of the nominees is irrelevant.

The Board Member representing CZ declared that his country wished to withdraw Mr Vladimir Novotny from the list. Whilst accepting this decision, the Chair invited the responsible authorities in CZ to confirm the withdrawal in writing.

On the basis of these modifications, the Board appointed (with one abstention) the nominees listed in the first part of annex 2 (rev.1) of meeting document MB/02/2008 rev. 1 including Mr Schwarzer and excluding Mrs Freriks. The Chair hoped that Latvia would understand that the Board is not questioning the expertise of its non-appointed nominee and that the

expertise of this person could be put at use to the committee by any future appointee of that Member State or by other means such as invited expert or observer status.

The future procedure for replacing Committee members was briefly raised. Member States should notify the nominations for replacements in writing. The Chair and the ED would examine the compatibility with the guiding principles. The names of nominees would be published on the Agency's website. Appointments would be made at regular Board meetings or, where necessary, by the written procedure.

6. Draft budget and establishment plan for 2009
(*MB/03/2008*)

The Chair recalled the background of the documents submitted for approval, i.e. the obligation (according to Article 96 of the REACH Regulation) for the Management Board to forward to the Commission an estimate of revenue and expenditure for the following financial year, accompanied by a draft establishment plan.

The ED explained that, together with the draft budget and establishment plan, several underlying documents had been made available to the Board, in particular a draft work programme for 2009. The objective of this document was to illustrate the anticipated work underlying the draft budget. In line with the requirements of the REACH Regulation, the draft would be further fine-tuned and then submitted to the Board for formal approval at its meeting in September 2008.

The ED presented the main features of the draft work programme 2009 on the basis of slides.

In the following discussion, a representative of the Commission stressed the importance for ECHA to seek close cooperation with the Commission for all international activities of the Agency.

Board members raised a series of specific questions to which the ED replied. In response to the suggestion to separate the budget of tasks financed by fees from the other activities of the work programme, the ED said that he was willing to examine this but that any later examination of the level of the fees compared to expenditure for activities covered by fees could only be done on a multi-annual basis. He undertook to examine how best to include quantitative performance indicators and targets. On the issue of ECHA's involvement in the work of the 'Substance Identification Exchange Fora', the ED said that a voluntary cooperation would be envisaged, given that the REACH Regulation did not lay down a formal role for the Agency in these processes. On the recommendation for establishing 'enforcement' as an additional priority in 2009, the ED undertook to examine whether enforcement would make use of significant Agency resources in this year. The Chair saw this as a subject to be dealt with in the priorities for 2010.

Concluding the discussion on the draft work programme for 2009, the Chair took note of the Board's broad support for this document. He advised the ED to take account of the comments made when finalising the programme at a later stage.

After that, the ED presented the draft budget and establishment plan for 2009 as well the Multi-annual Staff Policy Plan (requested by the Commission and the budgetary authority as an additional supporting document). The content of the latter document would be revisited in

the context of the Board's work on the Multi-annual Work Programme (see below under heading II.7)

After a brief discussion, the Board agreed that the Multi-annual Staff Policy Plan could be forwarded as a draft to the Commission.

Regarding the budget 2009, the ED said that the future contribution of EEA-EFTA countries would amount to roughly 2,3 % of the Community subsidy. He explained that it was assumed that in line with the draft fee regulation, reimbursements to Member States would only start after 2009.

It was clarified that there was a certain element of flexibility in the budgetary structure. Subject to certain conditions, this allowed for the reallocation of funds within and between titles.

One of the Commission representatives informed the Board that on the basis of an agreement of November last year, the budgetary authority intended to cut the budget of the Community agencies by €50 million over the coming years in order to free money for Galileo. If applied in a linear way, this would result in a cut for ECHA in the order of €3 million.

One Board Member said that, for the purposes of the Management Board, a more simplified version of the budget (establishing a clearer link between the activities of the work programme and title III of the budget) may be appropriate. The ED undertook to take this into account when preparing the final budget in the autumn.

The Board then approved the draft estimate of revenue and expenditure for the year 2009, together with the establishment plan, and instructed the Executive Director to forward the documents on behalf of the Management Board to the European Commission.

7. Preparation of the Multi-annual Work Programme (MB/04/2008)

The ED explained the proposed format of the Agency's Multi-annual Work Programme as well as the idea of establishing a small working group in responsible for preparing the document.

One of the Board members representing interested parties took the view that the programme would have to undergo a public consultation process in line with the requirements of the Regulation on the application of the provisions of the Aarhus Convention². The Commission clarified that internal work programmes of Community institutions were exempt from this consultation procedure. It was then argued that, according to the REACH Regulation, the Multi-annual Work Programme had to contain a list of substances within the context of authorisation process³. Therefore a public consultation on the whole Programme would be required. However, other Board members clarified that the Regulation provided for a

² Regulation (EC) N° 1367/ 2007 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies

³ Reference was made to Article 59 (1) of the REACH Regulation

specific consultation process on the list concerned⁴. One of the Board Members suggested that, regardless of the legal requirements, the general public should be given the opportunity to react to the Multi-annual Work Programme. The ED reacted positively to this idea and said that the possibility of providing comments on-line would be envisaged. The Chair supported the view expressed by the ED and proposed that the issue of the procedure to be applied, including with respect to any on-line consultation process, be considered by the working group.

The Board then endorsed the procedure for preparing a Multi-annual Work Programme (as contained in document MB/04/2008) and nominated the following persons as members of the working group

Ms Odile Gauthier

Mr Antonello Lapalorcia

Mr Arnold Van der Wielen

Mr Jukka Malm

Ms Anneli Pauli (subject to her approval, given that she was not present at the meeting).

⁴ Reference was made to Article 59 (4) of the REACH Regulation

8. Consultation procedure on guidance
(*MB/30/2007 rev 1*)

The Director for 'Cooperation' presented the revised document that had been produced further to the Management Board meeting of December 2007.

The Chair asked the Board to discuss the paper in two stages covering, first, the problem of lack of consensus on the content of a guidance document for which Germany, Austria and Denmark had put forward alternative text proposals; second, the many other issues raised last time and for which France and Denmark had circulated comments or suggestions. He invited to the Board to start with comments on the latter area.

A first set of comments by Board members centered on the use of the 'fast track' procedure, the need to inform the Competent Authorities and the Management Board periodically about progress, the regular involvement of the Committees and the composition of the Partner Expert Group.

Further issues raised included the role of national authorities and courts in interpreting the REACH Regulation as well as the respective role of the Commission, ED and fora consisting of representatives of Member States, including the Management Board, in the elaboration and approval of guidance documents, and the status of such documents.

On the lack of consensus on the content of guidance documents, several representatives of the Member States wished to give the final word to the Board and insisted on informing the users on the Agency's website of any dissenting views to guidance adopted by majority views. Other members drew attention to the fact that the Regulation gave the power for issuing guidance to the Agency and the Executive Director and to the need to provide the users with clear and unambiguous guidance documents.

Further to this discussion and at the request of the Board, the ED produced and presented a revised version of the meeting document. He also circulated a first and second version of the disclaimer for guidance documents which could address the issue of lack of consensus. The Board took the view that the new document and the last version of the disclaimer largely accommodated the concerns raised but nevertheless suggested additional amendments. The Chair welcomed the principle endorsement reached and decided to resubmit the document the same day for a final editorial suggestions. It was agreed that these suggestions should be sent to the Agency within one week from the end of the Management Board meeting.

9. Policy on cooperation with stakeholder organisations
(MB/05/2008)

The Head of unit for 'Committees' presented the meeting document.

In response to questions raised by Board members, she provided several clarifications on the envisaged approach to stakeholder involvement. Regarding the concern that the confidentiality requirement should be limited to well-defined areas, she agreed that this concept should not be applied in a too restrictive manner. Details could be defined more clearly in the rules of procedures of the fora concerned. If the planned call for expression of interest resulted in too many applications, the Committees could carry out a selection process. Finally, the list would have a temporary end-date for the first selection of the list of recognised stakeholder organisations but other organisations could register after the first deadline for later updates of the list.

Certain modifications to the proposed policy paper⁵ were agreed. On this basis the Chair concluded that the Management Board approved the policy document (contained in the annex of document MB/05/2008) and authorised the Executive Director to launch a call for expression of interest for the stakeholder organisations to participate in the work of the Agency.

10. Participation of EEA countries
(MB/06/2008)

After a short presentation, the Board approved the conclusions proposed in document MB/06/2008. In addition, the Board authorised the ED, on entry into force of the EEA Joint Committee Decision to incorporate REACH, to make the necessary arrangements for implementing the provisions on the participation of the EEA-EFTA States in the Management Board, the Member States Committee, the Committee for Risk Assessment, the Committee for Socio-economic Analysis and the Forum as members without voting rights.

11. Policy on Standard Operating Procedure
(MB/07/2008)

The meeting document was presented by the ECHA staff member in charge of Audit and Quality Control.

In the subsequent discussion, it was clarified that the Agency would not aim at certification in the short term but at a later stage.

Mr Perroy expressed his interest in sitting on the steering committee for quality control.

The Board expressed its general support for the proposed approach and endorsed document MB/07/2008.

⁵ Deletion of the last bullet point under the heading 'Procedure and criteria'. The last paragraph under this heading would be integrated into the introductory wording under the heading 'I. Committee and the Forum'

The ED was invited to report back on progress and to make the Standard Operating Procedures available on the Internet.

12. Amendment of the Establishment Plan 2008
(*MB/08/2008*)

The Board decided to amend the establishment plan as proposed in document MB/08/2008.

13. Reimbursement of tasks executed by the Member States
(*MB/09/2008*)

The ED presented the meeting document, including a possible way forward and a certain number of basic principles on which a system of transfer of a proportion of the fees to the Member States Competent Authorities should be based. The working group to be established would be chaired by the ED and should consist of experts nominated by the interested Board members as well as expert staff from the Agency.

The Commission informed participants that the Fee Regulation had been submitted to the European Parliament. Formal adoption had been scheduled for end of March 2008.

The discussion focused on the issue of how to reconcile a simple and workable system with the need to base the reimbursement on real costs incurred. In this context, the question was raised how such costs would be calculated and whether indirect costs, in particular overheads linked to rent, IT-infrastructure etc., would be covered. Differences in the legal structures of the Competent Authorities would need to be taken into account.

The number of substances to be examined under REACH evaluation and authorisation and the number of man-days spent for the two types of tasks for Member States were also discussed and found by some to be underestimated. The ED was asked to provide the Board members with the underlying assumption leading to those numbers. The Commission expressed a general warning for any review of the model, since the Agency will not be in a position to ask for additional subsidies from the Community budget during the current financial perspectives (2007-2013), nor would it be easy to increase the fees further than what has been put forward in the draft fee regulation.

The ED underlined that the Court of Auditors and the Internal Audit Service had criticised over-simplified systems of cost calculation (e.g. where no distinction between the Member States was made).

Board members representing DE, UK and SE as well as the Commission expressed their interest in nominating experts to the working group.

The Chair concluded that the Board endorsed the conclusions contained in document MB/09/2008 as a basis for further work on the subject. It invited the working group to take account of the issues raised by the Management Board and to provide an interim report at the Board meeting in June 2008.

14. Remuneration of the additional members and alternates of the Board of Appeal
(*MB/10/2008*)

At the invitation of the Chair, the Commission debriefed the Board on the state of play of the procedure for establishing a list of candidates. The Commission representative said that the vacancy notice would be published the following day in the Official Journal of the European Union and that the Commission would provide adequate publicity on its website. He encouraged the Member States to help publicise the vacancy as widely as possible.

The Chair recalled the Board's intention to appoint the members of the Board of Appeal at its meeting in June 2008 and urged the Commission to do its utmost to keep to this timetable. A proposal for the Board's own internal arrangements for the appointment process would be tabled at the meeting in April.

The Board then adopted the Decision in the Annex of meeting document MB/10/2008.

15. Communication strategy
(MB/28/2007)

No written comments on documents had been received, which had initially been scheduled for the meeting in December 2007.

The Head of Unit for 'Communication & External Relations' presented the meeting document.

Subsequently, the Board had a brief exchange of views on the communication strategy.

Special emphasis was placed on the need to raise awareness about the pre-registration deadline, in particular with regard to small companies.

Several Board members provided comments on the envisaged target groups. It was suggested to cover - earlier than indicated in the document - the general public as well as specific groups such as workers, employers, health professionals, university and research institutions, third countries and international organisations.

In terms of content, the inclusion of the following were recommended: 'recruitment of ECHA personnel', 'teaching of REACH in European universities' and 'crisis communication' as possible subject matters.

The Chair warned against having too many of external target groups at the initial stage. Given that ECHA was a fast growing organisation, special attention should also be given to internal communication.

16. ECHA's Code of Good Administrative Behaviour
(MB/11/2008)

The Senior Legal Advisor of ECHA presented the meeting document.

The Board agreed two amendments to the proposed text (i.e. to mention – under Article 2 – the users of the Agency and to include 'other members of the public' under Article 16).

On this basis, the Board adopted the Decision in the annex of document MB/11/2008.

17. Implementing rules of Regulation EC 1049/2001 ('Access to documents')
(MB/12/2008)

The Senior Legal Advisor presented the meeting document and the Decision submitted for adoption. She said that a specific instrument for the review of rejection of confidentiality claims (see Article 118 (3) of the REACH Regulation) would be produced at a later stage in the form of a Standard Operating Procedure.

One of the representatives of interested parties took the view that the Regulation on the application of the provisions of the Aarhus Convention⁶ should be taken into account in the context of the implementing rules for 'Access to documents'. He also saw a role for the Chairperson in deciding on request for access to documents issued by the Board. He referred to the full set of proposed amendments which the secretariat should circulate.

One of the Commission representatives disagreed with the former speaker and asked not to confuse the two sets of documents. The Aarhus Convention focuses on environmental information and not on documents for which access is requested. In his view, it would be sufficient to add a recital specifying that "this is without prejudice to Regulation 1687/06". By analogy with the Commission, all confirmatory applications could be dealt with by the Executive Director and thus leaving the Chair out of these short-timed procedures.

The above-mentioned representative of interested parties replied that the scope of the Aarhus Convention and its implementing Regulation (1367/ 2007) and that of the general Regulation on access to documents (1049/2001) overlapped, and that the special rules of Regulation 1367/2007 had to be applied by the Agency in dealing with requests for access to documents, whenever such documents contained environmental information as defined in the latter Regulation.

One Member asked for deletion of Article 5 (8) of the implementing rules because it was considered to go beyond the remit of the Management Board. This was agreed.

Another Member suggested to make explicit reference to Articles 118 and 119 of the REACH Regulation and said he would make available specific proposals for amendments.

Other members stressed the need to keep the requests free of charge, to make reference to the linguistic regime and to ensure access to register in electronic form.

The Chair concluded that, as there is time left for adoption of this rule, all proposed amendments should be circulated together with a revised text of the draft implementing rules for final decision by the Board at the next Board meeting.

⁶ Regulation (EC) N° 1367/ 2007 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies

18. Implementation of the 'Aarhus' Regulation
(MB/14/2008)

The Senior Legal Advisor, presented the meeting document and made clear that the 'Aarhus' Regulation, together with the recent Commission Decision, were fully and directly applicable to the Agency. In her view, no further specific implementing rules were needed at this stage.

One of the representatives of interested parties expressed disagreement with this view, and drew the attention of the meeting of the express provisions of Article 13 of the 'Aarhus' Regulation, requiring Community bodies such as the Agency to consider the need for application measures. He reminded the meeting of the discussion that took place on this matter at the 1st meeting of the Management Board, and of the decision recorded in the minutes of that meeting in which it had explicitly 'asked the Interim Executive Director to submit, at the appropriate stage, draft rules for implementing the Regulation (EC) N° 1367/ 2007'.

In view of this earlier decision, the Chair proposed that the issue be revisited at a later meeting.

19. Appraisal of the Executive Director

Ms Gauthier, on behalf of the reporting officers, debriefed the Board on the procedure related to the appraisal of the Executive Director's probationary period.

The probationary report and a recommendation for decision will be submitted by the 3 reporting officers to the Board at its meeting in June.

20. Implementation of the 2008 Work Programme

The ED reported on progress in the implementation of the work programme 2008, covering all the priority actions required for the entry into operation by June 1st.

The timely delivery of the various components of REACH-IT was considered to be the most critical factor within the Agency's activities until entry into operation.

The Commission underlined that this was as an ambitious IT project and that the importance of timely delivery had been discussed at the highest level with the contractor concerned, who had made explicit undertakings in writing on the timely delivery and was also subject to contractual penalties in case of failure to deliver. The Commission said that the framework contract had been handed over to the ECHA but that the Commission was still involved in the monitoring as some deliveries concerned the first specific contract.

However, several Board members expressed their concern that the delivery of the instruments for data input by industry could be delayed.

The Chair concluded that the ED had done his utmost in taking the necessary safeguards and that the strict policy vis-à-vis the contractor should also be continued in the future.

With regard to future reports on progress in implementing the work programme, the Chair invited the ED to focus at the next Board meeting on a more limited number of activities.

21. Recruitment of management positions in 2008
(*MB/13/2008*)

The ED presented the meeting document on the recruitment of management positions in 2008 and explained the rationale of the changes in the organisational chart, which was developed in close cooperation with the responsible Directorate.

Board members stressed, in particular the importance of recruiting high quality staff and of publicising these important posts widely. The organisational structure of the Agency should ensure a clear division of responsibilities.

22. Any other Business

Current vacancies in ECHA

The ED recalled the vacancy notices that the Agency had published. Board members were invited to help publishing these widely (links to ECHA's website should be created).

OECD and other international work

The ED said that the Agency would need the Commission's formal approval in order to start certain projects in cooperation with the OECD and to start the awareness campaign on pre-registration for third countries. The Chair urged the Commission to respond positively to this request.

Conference

A joint Commission/ECHA conference for stakeholders will be organised in Brussels. The ED undertook to circulate the related programme.

Seat Agreement

The Chair informed the meeting that the Seat Agreement between Finland and ECHA had entered into force on 6 February 2008.

23. Next meeting and closure

The Chair recalled that the next meeting would be held on 23/24 April 2008 (two full days).

Important agenda items will include:

- the General Report for 2007
- the Rules of procedure for the Committees
- the practical arrangements for the appointment of the Board of Appeal
- finalisation of the implementing rules for the 'Access to Documents' Regulation
- rules on transparency regarding the safety of substances
- guidance on substances in articles
- pre-registration.

III. Decisions taken/ Conclusions reached by the Management Board

The Management Board

- agreed on guiding principles for the appointment of the members of the Committee for Risk Assessment and the Committee for Socio-economic Analysis (see under heading II. 4 of these minutes);
- appointed as members of the Committee for Socio-economic Analysis the nominees listed in the first part of annex 2 (rev.1) of meeting document MB/02/2008 rev. 1⁷;
- approved the draft estimate of revenue and expenditure for the year 2009, together with the establishment plan (contained in document MB/03/2008), and instructed the Executive Director to forward the documents on behalf of the Management Board to the European Commission;
- endorsed the document on stakeholder consultation procedures as revised during the meeting subject to final editorial changes after a final commenting round of the members;
- endorsed the procedure for preparing a Multi-annual Work Programme (as contained in document MB/04/2008) and nominated the following persons as members of the working group

Ms Odile Gauthier
Mr Antonello Lapalorcia
Mr Arnold Van der Wielen
Mr Jukka Malm
Ms Anneli Pauli (subject to her approval)

- approved the policy document contained in the annex of document MB/05/2008 and authorised the Executive Director to launch a call for expression of interest by the stakeholder organisations to participate in the work of the Agency;
- approved that, pending the adoption of the EEA Joint Committee Decision, representatives from Norway, Iceland and Lichtenstein should be invited to participate as observers at the meetings of the Member State Committee, the Committee for Risk Assessment, the Committee for Socio-economic Analysis and the Forum;
- charged the ECHA Secretariat with seeking the agreement of the relevant Committees and the Forum as to such a participation;
- entrusted the Executive Director, subject to an agreement of the relevant Committees and the Forum, with sending the invitation to the countries concerned;

⁷ The nominations of Ms Freriks and Mr Novotny had been withdrawn and Mr Schwarzer was added

- authorised the Executive Director to extend such an invitation to the participation in the activities of working groups that were not formal components of the Agency (i.e. outside the scope of Article 76 of the REACH Regulation);
- authorised the Executive Director, on entry into force of the EEA Joint Committee Decisions, to make the necessary arrangements for implementing the provisions on the participation of the EEA-EFTA States in the Management Board, the Member States Committee, the Committee for Risk Assessment, the Committee for Socio-economic Analysis and the Forum.
- endorsed the document MB/07/2008 on ‘Policy on Standard Operating procedures’;
- decided to amend the establishment plan for 2008 as proposed in document MB/08/2008;
- endorsed the conclusions contained in document MB/09/2008 on ‘Reimbursement of tasks executed by the Member States’ as a basis for further work on the subject and established a work group with the mandate to provide an interim report at the Board meeting in June 2008;
- adopted the Decision on ‘Remuneration of the additional members and the alternates of the Board of Appeal’ contained in the Annex of meeting document MB/10/2008;
- adopted, on the basis of meeting document MB/11/2008, a Decision on a ‘Code of good administrative behaviour for the staff of the European Chemicals Agency in their relation with the public’.

IV. List of Attendees

Representatives of the Member States

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

Representatives of the Commission

Grant LAWRENCE (COM) also acting as proxy of Heinz ZOUREK (COM) and Anneli PAULI (COM)

Independent persons (appointed by the European Parliament)

Bernd LANGE (absent on 13 February 2008)
Alexander DE ROO on 13 February also acting as proxy of Mr LANGE

Individuals from interested parties (appointed by the Commission)

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

Observers

Mr Teodor OGNEAN attending on behalf of Ms MOROHOI (RO)
Ms Simona FAJFAR attending on behalf of Ms CIRAJ (SI)
Mr Frits VON MEIJENFELD attending on behalf of Mr VAN DER WIELEN (NL)
Mr Martin WIMMER attending on behalf of Mr JAKL (AT)
Ms VLADIMIROVA attending on behalf of Ms GECHEVA (BG)
Mr HENNESSY attending on behalf of Mr Zourek (COM)
Ms ANKLAM attending on behalf of Ms PAULI (COM)

Mr Jakob-Matthias DROSSARD (DE)

Ms Astrid BARTELS (COM)

ECHA staff

Geert DANCET (Executive Director)

Joachim KREYSA (Director 'Cooperation')

Bjørn HANSEN (Director 'Operations')

Minna HEIKKILÄ (Legal Advisor)

Régis DURAND (Audit & Quality Control))

Leena YLÄ-MONONEN (Head of Unit 'Committees')

Alastair MACPHAIL (Head of Unit 'Human Resources')

Juhani SORMUNEN (Head of Unit 'Communication & External Relations)

Tuula HAKALA (Head of Unit 'Finance')

Sari HAUKKA (Registrar of the Board of Appeal)

Martin KRÖGER (Secretary of the Management Board)

Corrigendum to Document: MB/M/05/2007

(Agreed at the Management Board meeting on 13 February 2008)

**Minutes of the Meeting of ECHA's Management Board
held on
17 December 2007**

[...]

6. Appointment of the members of the Committee for Risk Assessment (RAC)
(MB/25/2007)

[...]

One of the Board Member said that his country had nominated only one candidate in order to signal its preference for having a small committee. Nevertheless, he could agree to a general policy of appointing up to two members per country if the Board had a preference for such a solution. He stressed, however, that his country reserved its right to nominate a second candidate at a later stage in case this should be necessary to ensure an adequate information flow between the RAC and the national competent authority.

Other Board members underlined the need for all Committee members to meet the requirements of the REACH Regulation in terms of qualification and experience.

Two Board members explained why their countries had nominated candidates that were nationals from another Member State. They said that this was particularly due to the lack of appropriate human resources in their own countries.

One of the Board members voiced general concern about such an approach whilst others said that the professional qualification of the candidates should be regarded as the most important criterion given the scientific nature of the RAC.

~~It was made clear that these members in the RAC, although independent, would be closely supported by the national Competent Authorities of the Member States by which they had been nominated.~~

In this context, the Chair drew attention to the fact that the REACH Regulation contained concrete provisions (i.e. Article 85, paragraphs 5 to 7) on the relationship between the Committee members and the nominating Member States.

~~One of the Board members voiced general concern about such an approach whilst others said that the professional qualification of the candidates should be regarded as the most important criterion given the scientific nature of the RAC.~~

The ED reassured the Board that countries which had not yet nominated candidates for the Committees would be able to do so at a later stage, although it should be kept in mind that good knowledge of risk management was an essential criterion for this scientific committee.

[...]