



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

held on 16-17 October 2007

(Document approved by the Management Board)

I. Documents submitted to the Management Board

Draft Agenda	MB/A/04/2007
Draft Minutes of the Board Meeting of 24/25 September 2007	MB/M/03/2007
ECHA Work Programme 2008	MB/18/2007 MB/18/2007 rev. 01 MB/18/2007 rev. 02
Quality Plan	MB/19/2007
Financial Regulation and implementing rules	MB/20/2007
Draft Financial Regulation – Consultation of the Commission	MB/21/2007

II. Summary Record of the Proceeding

16 October 2007 - morning

Introduction by the Chair

The Chair presented the observers attending the meeting and informed the Board members of the proxies that had been notified. (Details are listed under heading IV of these Minutes).

1. Draft Agenda *(MB/A/4/2007)*

The Chair clarified that the documents regarding ECHA's future financial rules had not been submitted for adoption (as initially indicated in the draft agenda) but for approval of the drafts in order to enable the Agency to consult the Commission on these documents. The actual adoption of the Financial Regulation would then follow in December.

The Chair also made clear that the Board members would be invited to have an in-depth discussion on the content of the draft Work Programme 2008. At the same time, he reminded the Board of the legal obligation to adopt the work programme by 31 October.

The Board identified a number of additional points to be dealt with under 'Any Other Business' (for details, see chapter II.14).

On this basis, the Board adopted the agenda.

2. Draft Minutes *(MB/M/02/2007)*

The Board agreed on several amendments to the draft Minutes of its meeting on 24/25 September 2007 (see corrigendum in the annex).

3. Selection of the Executive Director

In order to prepare the selection process, the Chair recalled the procedure for the selection of the Executive Director as laid down in Article 84 of the REACH Regulation¹ and in the additional arrangements defined by the Board in document MB/10/2007 (final).

One of the Board members representing interested parties pointed to the pending request for review of the Commission's short-list of proposed candidates, which several NGOs

¹ Regulation (EC) N° 1907/2006 of the European Parliament and of the Council of 18 December 2006

had lodged with the Commission under the Regulation on the application of the Aarhus Convention². He therefore considered the Commission short-list as not yet final.

In response, the Board's Secretariat, backed by the Commission, took the view that the pending request for review did not suspend the validity of the Commission's short-list. The Chair concluded that, consequently, the selection process would be carried out as intended.

One member of the Board referred to an internal Commission document dealing with transitional arrangements in establishing the Agency. This member asked for clarification in relation to possible legal problems in placing the IED on the Commission shortlist. The Commission representative replied that the Commission decision on the shortlist had naturally passed the legal scrutiny of the Commission's Legal Service and that the conditions described in the internal Commission document were no longer valid taking into account the final REACH text and related arrangements.

4. Work Programme 2008 (*MB/18/2007, MB/18/2007 rev.01*)

The Chair welcomed the overall approach of the draft work programme, as it focused clearly on identifying the main priorities and deliverables for 2008. He explained that, in formal terms, the 'ECHA Action List 2008' would not form part of the work programme. This list was rather aimed at serving as an internal management tool. It had been disseminated to provide the Board members with a set of additional and more detailed information about the activities planned for 2008.

The floor was then given to the Interim Executive Director (IED), who presented the main elements of the document.

After that, the Chair invited general comments on the document. The issues raised by the Board members centred on the following aspects

- the identification of the workload, particularly by establishing a clearer link between the various deliverables and the required human and financial resources;
- priority setting, especially with regard to possible international activities, activities on substances of very high concern and on intelligent testing strategies;
- the need to develop and improve alternative plans for priorities (also with regard to the fee regulation);

² Regulation (EC) N° 1397/2007 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

- the timing for putting in place the necessary information technology for implementing REACH;
- the reader-friendliness of the document.

16 October - afternoon

5. Quality Plan *(MB/14/2007)*

By way of an introduction, the IED underlined his intention to introduce quality control aspects into the management of ECHA at an early stage, which is also recommended by other agencies that introduced such aspects at a much later stage.

He introduced R. Durand, the ECHA staff member in charge of audit and quality control, who then presented the meeting document on ECHA's quality plan. He explained, in particular, the main elements and the rationale of an integrated quality management system for ECHA. The IED then presented the related milestones and critical success factors.

The subsequent discussion expressed strong support of the Management Board for the approach contained in the quality plan. Several members reported on the experience of their agencies in setting up quality measures. Some members recommended to go for external certification of the applied standard, whilst others warned against establishing too ambitious targets in this area, in particular because of the possible resource implications of launching a certification at this early stage.

The IED suggested that one of the Board members could sit on the steering committee to be established for the Agency's quality policy. The Chair also concluded that the plan received the full support of the Board and that the IED should report back to the Board on results in this area.

6. Work programme (Continuation of deliberations)

The Board resumed its deliberations on the work programme 2008 and examined the document in more detail, i.e. on a chapter-by-chapter basis.

Apart from a series of editorial changes, the Board agreed to clarify in the text

- ECHA's role in the international field, particularly in the OECD's Chemicals Programme;
- the cooperation between ECHA and the relevant national entities;

- the involvement of stakeholders;
- the need to aim at the broadest possible consensus on guidance;
- the interaction between REACH-IT and the industry's SIEF portal;
- ECHA's potential support activities for the Commission;
- the need to revise the annex in line with the various operational activities.

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

17 October - morning

7. Financial Regulation and implementing rules (*MB/20/2007/; MB/21/2007*)

The Chair recalled that according to Article 99 of the REACH Regulation the Management Board had to adopt the financial rules applicable to the Agency. However, this would require prior consultation of the Commission.

ECHA had initially planned to draft its financial rules by applying a new model (i.e. a revised version of the Framework Financial Regulation for Agency) which was being prepared by the Commission. This approach had formed the basis for the proposals made in document MB/20/2007.

The IED explained that recent development had made it necessary to change the intended course of action. It appeared that the Commission would be unable to adopt its new Framework Financial Regulation in time, i.e. before ECHA would obtain financial independence as from 1 January 2008. Additional (transitional) measures were therefore needed. These were described in a new document (MB/21/2007), copies of which were made available to the Board members

The floor was then given to ECHA's acting Director 'Resources', who presented the next steps in more detail as well as the derogations from the Framework Financial Regulation that should be envisaged.

In response, Board members emphasized, in particular, the importance of special provisions allowing for the establishment of a reserve fund.

The Board then approved

- ECHA's consultation of the Commission on the basis of the letter to the Directorate-General for Budget of the European Commission, contained in document MB/21/2007.

- the draft financial rules for ECHA contained in document MB/20/2007 for further consultation of the Commission at a later stage.

8. Composition of Committees and Forum

As a follow-up to the last Management Board meeting, the acting Director for 'Cooperation' provided additional information on the establishment and functioning of the Committees and the Forum. In this context, he addressed the selection process, the replacement of future members, their reimbursement and possible remuneration as well as the question of stakeholder involvement.

Some Board members said that, for the sake of effectiveness and efficiency, the number of committee members should be limited. Other members stressed that the Member States should have the possibility to appoint two members for the risk assessment committee and for the committee on socio-economic analysis. Some members pointed to the Management Boards' responsibility for appointing the members on the basis of their role and experience in performing the tasks specified in Article 77(3), Art 85(1) and (2) of the REACH Regulation. Even in the case where only one candidate is nominated, the candidate should meet the qualifications in order to be appointed by the Board. One of the Board members made clear that the nomination of two candidates by a Member State could be the result of an internal compromise between the various branches of the national administration concerned. This should be taken into account by the Management Board when appointing the committee members.

The Chair stressed the important role of the future committee members and the need for the Member States to nominate persons who would be able to invest themselves fully into this work.

On the stakeholder involvement, the Chair said that the guiding principles of an overall ECHA policy should be transparency while ensuring workability and protection of confidential information. Another Board member said that it was essential to ensure physical presence of representatives of interest groups at the meeting, including the possibility to take the floor.

9. Work Programme (Continuation of deliberations) (*MB/18/2007 rev. 02*)

A revised version of the Work Programme 2008 (MB/18/2007 rev. 02) was made available to the Board. This document also included a modified table in the annex, which in line with the request of the Board provided a break-down of financial and human resource according to the specific area of activities of the Work Programme.

The Board agreed on a limited number of additional editorial changes and on this basis adopted the Work Programme 2008.

It was also agreed that progress made in implementing the Work Programme will be reported to the Board at each of its meetings during 2008.

10. Selection of the Executive Director

In line with the requirements of Article 84 of the REACH Regulation³, and after five rounds of ballots, the Board elected Mr Geert DANCET for the position of ECHA's Executive Director.

11. REACH-IT stakeholder workshop

The IED debriefed the Board on the stakeholder workshop on REACH IT, which had taken place on 5 October 2007 in Brussels.

In the subsequent discussion some members voiced their concern about the risk of the IT tools not being available in time. The importance of allowing for sufficient time for testing was also highlighted. One member of the Board clearly stated not having any confidence anymore in the management of the REACH-IT project for getting a timely implementation of the essential REACH-IT modules enabling the submission of pre-registration and registration at 1 June 2008.

The IED assured the Board that, if required, the necessary risk mitigation measures would be put in place. In addition, it was agreed that the IED would report at each Management Board meeting on progress in this field.

12. State of Play of Conference Center and rental agreement

The IED explained that the construction work for the conference centre was well under way. A revised version of the lease agreement had been prepared and would be signed shortly.

13. Any Other Business

Budgetary Procedure 2008

The Commission representatives stated that the EP's Committee on Budgets had reinstated the budget initially proposed by the Commission for ECHA in 2008. This would be put to the vote at the EP's next plenary session.

Fee Regulation

The Commission debriefed on the ongoing adoption process of ECHA's Fee Regulation under the 'comitology' procedure. The draft was scheduled for discussion in the

³ Regulation (EC) N° 1907/2006 of the European Parliament and of the Council of 18 December 2006

responsible Committee on 31 October and the final adoption of document was planned for March 2008.

Training

The IED recalled the ‘training of the trainers’ scheme, which ECHA intended to run in place in 2008. Member States were requested to inform the Agency of their training needs during the first week of November at the latest.

Legal action against REACH in the UK

One of the Board members informed the participants of recent developments of legal action against REACH in the UK. The responsible court in the UK decided to submit one of the three contentious issues (monomers in polymers) to the European Court of Justice for review.

The Chair suggested that these developments should be followed closely by the Agency’s legal team.

Meetings in 2008

After discussion, the Board agreed to adhere to the meeting schedule for 2008 that had been agreed at the previous Board meeting.

14. Next meeting and closure

The Chair recalled that the next (full day) meeting would be held on 17 December 2007.

Decisions taken/ Conclusions reached by the Management Board

1. Formal decisions

The Management Board

- selected Mr Geert DANCET for the position as Executive Director of ECHA;
- adopted the Work Programme 2008 (MB/18/2007 rev.2);
- approved, on the basis of the document MB/21/2007, ECHA's consultation of the Commission on the Agency's financial rules;
- approved the draft financial rules for ECHA contained in the document MB/20/2007 for further consultation of the Commission at a later stage.

2. Other action points

The Management Board will nominate a member for ECHA's steering committee on quality management.

IV. List of Attendees

Representatives of the Member States

Zoltán ADAMIS (HU)

Maria ALAJŐE (EE)

Helge ANDREASEN (DK)

Aurelija BAJORAITIENĖ (LT)

Karel BLÁHA (CZ)

Marta CIRAJ (SI)

Francis E. FARRUGIA (MT)

Ethel FORSBERG (SE)

Ana FRESNO RUIZ (ES)

also acting as proxy of

Mr GONÇALVES HENRIQUES (PT)

Odile GAUTHIER

Ekaterina Spasova GECHEVA-ZAHARIEVA (BG)

Claude GEIMER (LU)

Thomas JAKL (AT)

Ilze KIRSTUKA (LV)

Katarzyna KITAJEWSKA (PL)

Antonello LAPALORCIA (IT)

Martin LYNCH (IE)

Jukka MALM (FI)

Rodica MOROHOI (RO)

Alexander NIES (DE)

Edita NOVÁKOVÁ (SK)

Maarten ROGGEMAN

John ROBERTS (UK)

Arnold VAN DER WIELEN (NL)

Maria-Miranda XEPAPADAKI-TOMARA (EL)

also acting as proxy of

Mr NICOLAIDES (CY)

Representatives of the Commission

Heinz ZOUREK (COM)

also acting as proxy of Mr LAWRENCE (COM)

Independent persons (appointed by the European Parliament)

Alexander DE ROO

Bernd LANGE

Individuals from interested parties (appointed by the Commission)

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

Observers

Fernanda SANTIAGO attending on behalf of Mr GONÇALVES
HENRIQUES (PT)
Tasoula KYPRIANIDOU-LEODIDOU (CY) attending on behalf of Mr NICOLAIDES (CY)

Ian COSTEA (RO)

Astrid BARTELS (COM)

ECHA staff

Geert DANCET (Interim Executive Director)

Joachim KREYSA (Acting Director 'Cooperation')
Bjørn HANSEN (Acting Director 'Operations')
Udo HEIDER (Acting Director 'Resources')

Minna HEIKKILÄ (Legal Advisor)

Régis DURAND (Audit & Quality Control)

Martin KRÖGER (Secretary of the Management Board)

Corrigendum to Document: MB/M/03/2007

(Agreed at the Management Board meeting of 16/17 October 2007)

**Minutes of the Meeting of ECHA's Management Board
held from
24 to 25 September 2007**

[...]

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3 Appointment of the Executive Director – State of Play

[...]

Whilst acknowledging the quality of the proposed candidates, several Board members expressed their disappointment with the fact that the Commission's short-list contained only two names, resulting in a serious limitation of the choice for the Management Board. These Board members asked for information about the criteria which led to a short-list of two candidates. In response, a Commission representative clarified that the Commission had followed its standard procedure in establishing the short-list. They Some Board members emphasized that this such a situation should not be repeated in the future.

[...]

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12. Board of Appeal: Planning of nomination and procedure
(MB/17/2007)

[...]

The Board discussed and agreed on areas where further fine-tuning was needed.[...]
'Similar experience' should be sufficient.

The Board urged the Commission to propose a sufficient number of candidates in order to ensure that the Board would have a real choice when appointing the Chairperson, the members and alternates of the Board of Appeal.

On the basis of these clarifications, the Board endorsed the overall course of action proposed in document MB/17/2007, in particular with regard to the permanent work structure and the general composition of the Board.

[...]

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[...]

6. Presentation of the Rolling Plan
(MB/16/2007)

In the subsequent discussion, a Board member representing the Commission asked for the Financial Regulation to be accompanied by its Implementing Rules. He suggested that the Work Programme 2008~~9~~₉ should be presented together with the draft budget for 2009. He also said that the adoption of the Fee Regulation was a prerequisite for discussing the future fees for expert services provided to the Agency. This item should therefore rather be discussed in April 2008.

[...]

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IV. List of Attendees

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Leandros NICOLAIDES
Alexander NIES (DE)
Edita NOVÁKOVÁ (SK)
John ROBERTS (UK)
Maarten ROGGEMAN

[...]