

Minutes of the 33rd meeting of the Management Board Held in Helsinki from 19 to 20 March 2014

I. Summary record of the proceedings

The Chair opened the meeting by welcoming the participants and the new Board members appointed by the Council, Mr Anastassios YIANNAKI from Cyprus and Ms Liliana Luminița TÎRCHILĂ from Romania.

She also welcomed the Agency's new Director for Resources, Mr William Roberts, who shortly introduced himself.

The names of other participants attending the meeting and the proxy votes, of which the Chair was notified, are listed in Annex IV of these minutes.

1. Agenda (MB/A/01/2014)

The Chair mentioned that additional items were foreseen under 'Any other business':

- 2014 Biocides Stakeholders' Day
- Board of Appeal selection
- Online cooperation tool

One Board member asked for an update on the annual Helsinki Chemicals Forum. Last year's meeting was found by the Board members to be an excellent opportunity for updating knowledge of key legislative initiatives around the world.

Furthermore, the following room documents were introduced:

- Amendments to the draft minutes
- A note on the testing phase of an online cooperation tool to share documents with the Management Board and other bodies
- An updated list of competent authorities (including DNAs) and a directors' list of contact in MS/EEA countries

The agenda of the meeting was then adopted.

2. Declaration of specific interests

The Chair informed the members of the Management Board that she reviewed the members' declared conflicts of interests, together with the Secretariat, in accordance with ECHA's policy on conflicts of interests. No conflicts relating to the agenda of the 33rd Management Board meeting were identified.

The Chair invited the members to further declare any specific interests that could not be drawn from their declarations of interests and which could be considered to be

prejudicial to their independence with respect to any item on the agenda. No further specific interests were declared.

3. Minutes of the 32nd Management Board meeting (MB/M/04/2013)

The Chair referred to the proposed amendments to the draft minutes of the previous meeting which were tabled as a room document. Subject to these modifications (see corrigendum in Annex V), the draft minutes of the 32nd Management Board meeting held from 17 to 18 December 2013 in Helsinki were approved.

4. Report from the Executive Director (MB/01/2014)

The Management Board heard the Executive Director's quarterly report on the Agency's activities since the last Board meeting. Compared to the slides sent beforehand, the presented summary slides were updated for the most recent events and outputs. The Executive Director particularly mentioned the smooth entry into operation of the PIC Regulation on 1 March 2014. All indicators are on target by the end February with the exception of the percentage of unanimous agreements due to continuing divergence in opinion on the method of choice for the study on reproductive toxicity.

The Board members congratulated the Executive Director for the comprehensive report and the achievements. Some members requested further explanations on various topics related to the revocation of registration numbers, SME verification, quality of registration dossiers, data-sharing, DCG platform work, communication on exceeding the 5% compliance check target, international cooperation, progress with authorisation applications, nanomaterials, etc.

On the issue of nanomaterials, one Member State Board member expressed his readiness to share his country's perspective on manufactured nanomaterials and the shared responsibility with industry in developing a better understanding of the impact of nanomaterials on humans and the environment. Another Member State Board member deplored the delay in modification of the REACH annexes for the purpose of nanomaterials and encouraged ECHA to proceed with its examination of registrations with nano-uses.

A European Commission representative outlined the good work done by the Agency in the Classification and Labelling, and PIC areas, as well as the Biocides and consumers web portals. He also welcomed the information given in the report on the number of Biocides queries addressed by industry to the ECHA Helpdesk and the high quality decisions produced by the Board of Appeal. The Commission representative expressed concern about the progress made by Member States with the Biocides Review Programme, an activity which impacts on ECHA's future fee revenue. Furthermore, the Commission expressed concerns that not all Member States seem to be connected to ECHA's databases which is required for implementing the national tasks under the different regulations.

Discussion continued on the lessons learnt from different REACH processes and the need to share the outcome with stakeholders, for example in the area of testing proposals. Several Board members expressed their concern regarding the high proportion of incompliance among the checked REACH registration dossiers and asked the Secretariat to propose incentives for the registrants updating the information contained in their registration.

A Board member appointed by the Commission to represent interested parties emphasised the importance of ECHA's international activities for promoting regulatory convergence.

Some concerns were raised towards the Directors' Contact Group (DCG) composed of directors of the European Commission, ECHA, and industry associations. As Member States are not represented in the group, some members questioned the status of the group and the role of the Management Board in mandating the DCG. The DCG was encouraged to communicate any results promptly to the Member States.

The Secretariat confirmed that it is systematically assessing how the quality of registration dossiers can be improved. The ongoing compliance check strategy review is expected to bring progress in this area. The Management Board is associated with this process through its Working Group on Planning and Reporting. Members of this working group are also invited to a strategic compliance check workshop from 31 March to 1 April 2014 together with the Commission, Member States and stakeholders.

Board members appreciated the function of "SME Ambassador" and the activities undertaken by the Agency, both internally - raising awareness of ECHA staff for SME needs and concerns - and externally - harvesting and analysing their needs from interacting with SME representatives and companies as well as presenting ECHA's approach towards SMEs to various audiences. With regard to data sharing, the Secretariat stated that ECHA will publish information on data sharing disputes, providing practical examples to SMEs in their negotiations with larger companies.

The Executive Director noted the interest of several Board members in the outcome of workshops organised by ECHA with duty holders and also in the first experiences of the Secretariat with authorisation applications. He offered to provide information on the outcome of the meeting which was organised with the chromate industry as the latter substance has generated a lot of lobbying. For the experience with authorisation applications, a first assessment could be made after ca. 10-20 cases have been handled. This should also include the experience with public consultations.

The Management Board took note of the information. The Chair thanked the Secretariat for the impressive work done since the December meeting and acknowledged that the revision of the Compliance Check strategy is progressing as foreseen in the 2014 Work Programme.

5. Preliminary Draft Budget proposal, including an outline Work Programme and Establishment Plan for 2015 (MB/02/2014)

The Executive Director presented the preliminary draft budget proposal, including an outline Work Programme and the establishment plan for 2015. The Commission will take this proposal into account when formulating its own draft budget for the European Union for 2015. An ultimate decision on the budget, including staffing, will be taken by the Council and the European Parliament in the last quarter of the year. A final work programme will be adopted by the Management Board in September, following a written consultation of all members over the summer.

Overall, the proposed budget estimate featured the following key figures:

REACH/CLP

- The budget is expected to decrease by 5.1% to ca. EUR 102.6 million
- For the first time since 2010 a EU subsidy is requested (ca. EUR 10 million) since the REACH reserve is expected to be consumed
- The number of establishment posts would decrease from 441 to 437

BIOCIDES (start-up activity)

- The budget is expected to increase by 13.2% to ca. EUR 10.6 million (ca. EUR 5.9 million EU subsidy)

- The number of establishment posts would remain stable at 48 posts

PIC (start-up activity)

- The budget is expected to decrease by 4.1% to ca. EUR 1.2 million
- The number of establishment posts will remain stable at 6 posts

As regards staffing levels, the Secretariat proposed a reduction of 1% in 2015 in ECHA's cruising speed part (REACH and CLP), after reductions of 3.3% since 2012.

The Executive Director also presented the outline of the Work Programme for 2015 which would make considerable progress in achieving the four strategic objectives of the five-year strategic plan 2014-2018. He also informed the members of the proposed changes to the outline in response to the late comments of Board members.

The Board's Working Group on Planning and Reporting recommended the approval and reported on a discussion related to objectives and priority setting and improved links between the budget planning and the annual and multi-annual Work Programmes.

This was followed by an exchange of views.

The Commission representatives confirmed that they are not in the position to agree to any budget proposal which foresees less than 2.2 % reduction in staff in 2014 (REACH and CLP cruising speed area). The Commission had made this position known in its 2013 Commission Communication on the resources in agencies. A Commission representative added to this that ECHA should strive to implement the Work Programme with minimum resources.

Referring to a resolution of the European Parliament of 13 March 2014 in which the Commission was required not to use the said communication as a basis for the EU draft budget, a Member State representative expressed understanding for the position of the Secretariat to forward a budget request based on established needs and a 1% staff reduction.

The Executive Director clarified that the Agency will, at the end of the year, present a final budget proposal to the management Board which will be fully in line with the decision of the Council and the Parliament on the 2015 EU budget. At this stage, he advised however an Agency request based on the identified needs, which is in line with the established view of the Agencies' network and reflected in the European Parliament's guidelines for the 2015 budget. He also highlighted that the issue of self-financed activities, such as authorisation applications, may be handled differently from subsidy financed tasks and expressed satisfaction that the institutions agreed to look into this aspect for future budgetary procedures. At the same time, the Executive Director confirmed that ECHA is developing a Plan B to cope with higher cuts in establishment plan posts for the coming years.

During the discussion, several Board members expressed the wish for more transparency on budget and staffing permitting the Board to better set priorities. They also called for the Board to be mindful of the external perspective which would require careful and transparent justifications for budget and staffing requests.

After the discussion, the Board adopted the proposals as presented with the following modifications:

- The EU subsidy request for Biocides and PIC was slightly downsized because of reasons related to the financing of the European School.
- References to the DCG will be deleted from the outline of the Work Programme.

It was agreed that other comments on the outline of the Work Programme will be taken into account during the formulation of the final Work Programme in September.

The Commission representatives and one Member State representative did not support the decision and requested further reductions in the staffing request. A Commission representative also filed a reservation with regard to the amount of expected fee income as indicated in the budget proposal for ECHA's Biocides activity.

The Executive Director was instructed to forward the documents as adopted on behalf of the Management Board to the European Commission by 31 March 2014.

6. Multi-annual Staff Policy Plan 2015-17 (MB/03/2014)

The Director of Resources presented the annual update of the Multi-Annual Staff Policy Plan (MSPP) established according to ECHA's Financial Regulation. This planning document is submitted to the Commission and the EU Institutions for information purposes and to put the annual budget request into a longer term perspective.

Similarly to the draft budget request, the MSPP as presented to the Board foresaw a reduction of 1% per year until 2018 whilst the above mentioned 2013 Commission Communication asked for reductions of over 2% per year. However, a proposal was presented to the Board as a potential solution should higher reductions eventually materialise.

REACH/CLP

- The establishment posts are foreseen to decline from 441 in 2014 to 433 in 2017 (corresponds to a reduction of over 5% since 2012)

BIOCIDES (start-up activity)

- The posts are foreseen to increase from 48 in 2014 to 50 in 2017
- The Financial Legislative Statement of the Commission for the BPR foresaw 60 posts in 2017 when the scope will be expanded

PIC

- The posts remain stable at 6

The number of FTEs of contract agents is foreseen to increase from 113 to 121.

The Commission representative explained that the opinion of the Commission on the MSPP could not be concluded in time for the meeting but summarised the main problems the services had identified: non-alignment with the MFF Communication for agencies, an overall increase in higher grades and in particular at AD15 and 16.

After an extended exchange of views, the Management Board agreed to foresee staff reductions of 1% per year until 2017 in the planning. The Commission representatives objected to the decision as far as the staff reductions are below those in the Commission communication of 2013. The Board also agreed to a number of revisions in the MSPP text to provide additional clarifications and to emphasise that since 2012, ECHA has been systematically reducing staff, has engaged in a structured development of further efficiencies and will eventually act in full compliance with the decision of the EU budgetary authority. At the same time, it was highlighted that the size of the staff reduction demanded by the Commission cannot be achieved only by efficiencies and would eventually require the setting of negative priorities.

Along with the Secretariat, the Board's Working Group on Planning and Reporting will continue to look into approaches for efficiency developments and prepare for the potential need to set negative priorities.

Apart from this, the Board agreed to delete two staff positions in the highest grades in 2016 and to consider the establishment plan evolution in 2016/7 as provisional subject to a further verification against the requirements of the EU Staff Regulation in terms of promotion possibilities in the next MSPP.

On this basis, and with the above mentioned reservations of the Commission representatives, the Management Board adopted the draft Multi-Annual Staff Policy Plan 2015-2017.

The Executive Director was instructed to submit the document to the European Commission and the Budgetary Authority by 31 March 2014.

7. General Report 2013 (MB/04/2014)

The Executive Director presented the draft General Report 2013 which gives a comprehensive image of ECHA's 2013 activities compared to the adopted Work Programme for the year, targets which were met, as well as the reasons for any shortcomings. To a high extent, the Agency achieved its objectives and priorities as set out in the annual Work Programme. Explicitly, the Work Programme 2013 contained 55 performance indicators and the target was met for 44 indicators, exceeded for 8 of them, while for three indicators the target was not met.

The draft report has been reviewed by the Working Group on Planning and Reporting and recommended for adoption.

Unanimously, the Board members welcomed the results presented in the annual report as well as the high performance level achieved with regard to discharging ECHA's tasks. They appreciated the clear and comprehensive content of the document and made a few suggestions to be considered for future reports (e.g. link between the outcomes and the indicators, analysis of the shortcomings).

On request, the Executive Director provided clarification on his foreword title, "The year of data quality". He explained his positive message as resulting from the good collaboration with industry, which is proactively responding to the Agency's requests for additional data. Many of the previous registrations - submitted for the 2010 deadline - have already been updated and will further improve in response to the dossier evaluation decisions sent to registrants. For the 2013 registration deadline, registrants also submitted an increased number of good-quality dossiers, in areas that have been subject to targeted actions such as substance identity and intermediates. He agreed the sentence in the foreword could make the type of improvement found clearer.

Concerning nanomaterials, also mentioned in the 2013 report several times, one Board member recalled the December discussion on the topic. He stated that considerable work is still to be done in this area.

Several interventions of the Board members referred to the 5% compliance check target, recommending clearer figures or graphs, avoiding misleading impressions, so that the work done by the Agency becomes more transparent for the general public.

The Board then adopted the General Report of the Agency for 2013 with some modifications¹ which were to be implemented during the finalisation of the report as a

¹ Page 6, 3rd paragraph: *Our initial screening of dossiers submitted for the 2013 registration*

corrigendum. It was also agreed that the title "year of quality" will be removed from the cover of the report.

The Board instructed the Executive Director to submit the document to the Member States, the European Parliament, the Council, the European Commission, the European Economic and Social Committee and the Court of Auditors and to have it published.

8. Analysis and Assessment of the Annual Activity Report ('Authorising Officer's report') 2013 (MB/05/2014)

The Management Board took note of the Executive Director's Annual Activity Report for 2013 on the performance of his duties as the authorising and appointing authority of the Agency. The Board members welcomed the results presented in the report, as well as the high performance level achieved with regard to discharging the tasks under the REACH and CLP Regulations. At the request of one Board Member, he agreed that Annex I of the report will be amended to also include the number of staff members in place at year end so as to demonstrate the compliance with the lower number of establishment posts approved by the Budgetary Authority.

The floor was given to the Chair of the Working Group on Planning and Reporting to present the recommendation of the group. He congratulated the Agency for the operational work performed in 2013 and conveyed the positive perception of the Working Group members on the Annual Activity Report. For the first time, recommendations were made to the management for the coming year.

Board members welcomed the initiative to include recommendations in the annual report and commented on some important ones, for example, the further improvement of the links between the multiannual and annual Work Programmes, through a better alignment of its planning and the reporting processes; follow-up on finding synergies

*deadline suggests that these dossiers seem to be of higher quality, **in areas that have been subject to targeted actions such as intermediates or substance identity**, ~~in key aspects~~ than the ones submitted in 2010 for the first deadline.*

Page 34, 3rd paragraph: *Provided timely support, of a high scientific quality, to the RAC and its rapporteurs for their development of 34 opinions and additionally ~~three~~ **two** opinions on Article 77(c) requests, and of scientific background documents for such proposals.*

Page 47, 5th paragraph: *The Coordination Group met for the first time in September 2013 and started its actual work in December 2013 following the appointment of ~~four~~ **contact** points, election of an interim Chair and establishment of draft rules of procedure and working procedures.*

Page 51, 1st paragraph: *For ~~two~~ **four** other substances, the MSC agreed unanimously that it was not possible to conclude on their identification as SVHCs.*

Page 52, 2nd paragraph: *RAC concluded on ~~four~~ **three** requests from the Executive Director for opinions under Article 77(3)(c): one concerning the toxicity to reproduction of gallium arsenide, a review of ECHA's report on the restriction of the non-classified phthalates DINP and DIDP and ~~two~~ **one** related to the specific target organ toxicity of two phenolic benzotriazoles.*

Page 53, 6th paragraph: *The first project focused on intermediates, ~~with a large number of~~ national authorities verifying the status of intermediates by checking the application of strictly controlled conditions (SCCs) onsite.*

Page 56, under Biocidal Products Committee: *A code of conduct for the participation of applicants ~~and stakeholders~~ in the BPC.*

Page 89, Annex 2, *Number of BPC meeting in 2013 was corrected (the total number is 3).*

between different activities, to better manage the resource constraints in the coming years; continuing to use the experience gained in data-sharing to provide targeted advice to companies, in particular SMEs.

Regarding one disapproval on carry-overs in the budgets, the Chairperson of the Planning and Reporting Working Group explained that the percentage of carry-over has been reduced to an acceptable level, confirmed by auditors. The Executive Director also clarified that carry-over is unavoidable when referring to IT.

Discussion then focused on the ISO 9001:2008 certification and how the implementation of a consistent and documented approach could help the daily operation of the Agency. At the request of several Board members, the Executive Director agreed to make a presentation at the next Board meeting, showing the added value of ISO 9001 and how its implementation could save resources.

Based on a draft prepared by the Board's Working Group on Planning and Reporting, the Board adopted its analysis and assessment of the Annual Activity Report with some minor modifications². In terms of recommendations, one item associated with the capacity of the ECHA Committees was deleted, while a new one was added. The new recommendation was for ECHA to share with industry the experience gained from authorisation applications, to enable them to prepare their dossiers in the most effective and efficient manner.

The Board adopted the analysis and assessment of the Annual Activity Report 2013 and the Executive Director was instructed to send the document to the Budgetary Authorities and the Court of Auditors, the European Parliament and the Council by 15 June 2014 and to include it into the General Report for 2013.

9. Multi-annual IT planning for IT systems 2014-2016 (MB/06/2014)

Due to time constraints, the Management Board decided to postpone the discussion on this topic until the next meeting.

10. Review of the policy for managing potential conflicts of interest (MB/07/2014)

The Executive Director presented the revised policy for prevention and management of potential conflicts of interest, originally adopted by the Management Board in September 2011. The review took stock of the experience gained since then, recommendations put forward by the European Court of Auditors and an external audit. The review also took into consideration the "Guidelines for decentralised agencies on the prevention and management of conflicts of interest", as adopted by the European Commission in December 2013. Essentially, the approach of ECHA towards preventing

² Page 3, point (8) ~~Supports~~ **Welcomes** the annual meeting with Directors of MSCAs, as of 20 November 2013, which considerably helps to deliver effective planning.

Page 3, point (12) ~~Welcomes the efforts~~ **Looks forward to being informed of further progress** towards ISO 9001:2008 certification, as well as towards meeting the requirements of the Framework Financial Regulation on efficiency and effectiveness of the internal control systems, and in particular the adoption of the Integrated Management Standards and the continuing analysis and management of risks.

Page 4, (a) *Better aligns its planning and reporting processes, by pursuing further improvement of the links between the Multiannual and Annual Work Programmes **and the preparation of the budget and informing the Management Board respectively.***

and managing potential conflict of interests was not modified but minor improvements to the policy were made, which are now also more clearly structured.

The Board members welcomed the changes as proposed in the document. An exchange of views took place on transparency, public perception and the practical application of the policy. One member highlighted the potential need to align the Terms of Reference of the "Conflicts of Interests Advisory Committee" with the revised policy. The Secretariat took note and will analyse the issue and propose a remedy if needed. It highlighted that transparency is a key element when it comes to managing potential conflicts of interest and that allegations made in this area are often based on perception. At the same time it was remarked that the challenge lies in managing concrete cases where potential conflicts of interests require staff members or experts to step down from specific cases. ECHA's approach to publishing the declarations of interest of all Board or Committee members, their Chairs and all managers was considered as very transparent and satisfying by a Board member.

Following the adoption of the revised policy, the Executive Director informed the Board of an advice issued by the Conflicts of Interest Advisory Committee on the practice followed by ECHA with regard to concurrent employment of RAC and SEAC members at a Member State competent authority and participating in voting on the dossiers submitted by that Member State. This was followed by an exchange of views. The Board took note of the explanations and of the comments and concerns from members. One Member State representative in particular expressed strong reservations against this practice, referring to a potentially negative impact on the readiness of Member States to engage in Committee (support) work. It was noted that both RAC and SEAC will be consulted on the details of the advice and the Management Board will be kept duly informed of this matter.

11. Annual report of the Conflicts of Interest Advisory Committee (MB/08/2014)

The Management Board heard the annual report of the Chair of the Conflicts of Interest Advisory Committee (COIAC). The report indicated the nature of the matters dealt with by the Committee and the advice provided. The 2013 Annual report of the Conflicts of Interest Advisory Committee will be published.

12. Access to the PIC IT system for designated national authorities and customs authorities (MB/09/2014)

The Director of Information System presented the security model for data related to the implementation of the PIC Regulation. At the PIC Stakeholder Workshop in June 2013, designated national authorities from Member States and industry representatives expressed that PIC information would not need to receive such a confidential treatment as that given to the information handled in REACH-IT, R4BP3 and RIPE. The Security Officers Network provided the same positive opinion at its meeting of 13 March 2014.

The access to the full information of an export or import of a listed chemical to designated national authorities will be secured through a two-factor authentication system (e.g. a password/code and a token/PIN). Customs authorities will have direct access to more limited set of non-sensitive data when entering the correct combination of a notification reference number and the importing country.

The Management Board endorsed the proposed approach for providing access to the ECHA ePIC IT system for designated national authorities and customs authorities.

13. Remuneration of alternate and additional members of the Board of Appeal (MB/10/2014)

The Management Board adopted the amended Management Board Decision on remuneration of the alternate and additional members³ of the Board of Appeal. The revised decision will allow a higher maximum number of days being remunerated for the Board of Appeal alternate and additional members if appeal cases result in a high workload (15 instead of the previous 10-day maximum remuneration).

It was noted, that the financial impact on the Agency's budget is estimated to be very limited and the alternate and additional member system has proven to be extremely cost-efficient so far, as they are only used when needed for a specific case.

14. Preparation of the review of the Decision on the transfer of fees to Member States (MB/11/2014)

The Executive Director presented the planning for the review of the Decision on the transfer of fees to Member States as scheduled in the last version of the Decision of 2012⁴. He also invited the Board members to designate a new member of the working group, proposing to ensure a balanced representation of old and new Member States in the group.

A first working group meeting was proposed for late May. Depending on the need for a second meeting of the working group, the adoption of a revised Management Board Decision could take place in June or September. Afterwards, the draft Decision will be sent to the Commission for its opinion. Once a favourable opinion is received from the Commission, the Decision can enter into force on 1 January 2015.

In reaction to a question from one Board member, it was stated that the forthcoming review should reflect new provisions, e.g. for cases when Member States are evaluating several substances which are linked in the CoRAP list. Moreover, the completion of the second round of substance evaluations in April is expected to bring a sufficient basis for reviewing in this area.

The industry representative questioned if the number of people dealing with the implementation of REACH in Member States could be communicated and if the general public could be informed accordingly in the future. In reply, one Board member suggested that figures could be extracted from the reports submitted by Member States to the European Commission on the implementation of REACH.

The Management Board took note of the planning for the review of the Decision on the transfer of fees to Member States. The Working Group on the Transfer of Fees was mandated to prepare the review so that a revised decision would take effect in January 2015. Ms Liliana Luminița TÎRCHILĂ was designated as a new member of the working group.

³ Alternate members represent the regular (full-time) members in their absence, whilst additional members are designated to enable the Board of Appeal to reach final decisions within a reasonable time.

⁴ The REACH Regulation and the REACH Fee Regulation foresee that a proportion of the fees collected by ECHA shall be transferred to Member States, in particular to compensate for the rapporteur work in the areas of restrictions, substance evaluation and authorisation.

15. Mandates of the members of the Working Group on Audit (MB/12/2014)

The Management Board prolonged the mandate of Antti PELTOMÄKI as a member of the Working Group on Audit for a second term until the end of March 2016 and mandated the working group to assess whether its 'Terms of Reference'⁵ require adaptations and report back on this issue in the next Management Board meeting.

16. Implementing Rules to the Staff Regulations (MB/13/2014)

The Director of Resources presented the second cluster of new Implementing Rules giving effect to the amended Staff Regulations and Conditions of Employment of other servants that entered into effect on 1 January 2014.

He explained that two of the Implementing Rules were for immediate application by analogy and contained implementing provisions on "part-time work"⁶ and "classification criteria on engagement"⁷. At that time, ECHA awaited the finalisation of the standard reclassification rules for contract agents in agencies. In a meeting with agencies, the Commission informed that the reclassification rules may not be ready before the summer.

As for the third Implementing Rule - on "working time"⁸ - ECHA sought the Commission's agreement on a certain change to the Commission Rules; the proposal would not change the weekly working hours, but the way flexitime would be accumulated by staff. Further, it was explained that ECHA is recording important workload peaks at the end of each year, which translates into extended hours for employees. Several Board members supported the deviation proposed, reasoning that if genuine results for the Agency are recorded, flexibility towards staff should also be accepted.

A Commission and one Member State representative noted that the proposal differs from the Commission approach in terms of the modalities for compensating flexitime accumulations. For this reason they expressed reservations, while other Board members supported the deviation proposal, defending flexibility towards employees.

The Board members adopted two implementing rules for early application by analogy and changes to another one on working time, which will become an ECHA Implementing Rule, pending the European Commission's agreement.

The Board also agreed to the opt-out from three further implementing rules, namely the ones on "attestation procedure"⁹, "early retirement"¹⁰ and "recourse to non-permanent staff at the Commission"¹¹.

⁵ Terms of reference of the Management Board Working Group on Audit (MB/26/2010 final).

⁶ Commission Decision C(2013) 9046 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work.

⁷ Commission Decision C(2013) 8970 laying down general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement.

⁸ Commission Decision C(2013) 8995 on working time.

⁹ Commission Decision C(2013) 9022 repealing Commission Decision of 23.11.2006 laying down the rules for implementing the attestation procedure (C(2006)5788).

¹⁰ Commission Decision C(2013) 9039 repealing Commission Decision of 28.04.2004 adopting General implementing provisions on the early retirement of officials and temporary agents without reduction of pension rights (C(2004)1588 final/5).

¹¹ Commission Decision C(2013) 9028 amending Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services.

17. Additional items for information

- 17.1 Update of the MB Rolling Plan, including Board meeting dates for 2015 (MB/14/2014),
- 17.2 Outcome of written procedures (MB/WP/01-03/2014),
- 17.3 Implementation of the Common Approach for decentralised EU agencies (MB/15/2014).

18. Any other business

Review of the compliance check strategy

The Secretariat informed of the planning and progress of the revised compliance check strategy development. A workshop is organised from 31 March to 1 April in Helsinki, with representatives from Member States, the Management Board, the European Commission and accredited stakeholders. The Secretariat will report back to the Management Board in June and to CARACAL in July. The revised compliance check strategy should be concluded by September 2014.

The German Board member informed about a project being launched in his country, aiming to provide input for the strategy that ECHA is performing.

2014 Biocides Stakeholders' Day

The Chair informed that this event is foreseen for 24 September 2014. Board members will be able to signal their interest in participating to this event.

Board of Appeal selection

A representative of the European Commission gave an update on the progress made by the Commission with establishing a list of qualified candidates for the position of the Legally Qualified member and alternates hereof for the Board of Appeal.

Online cooperation tool

The Secretariat gave an update on the testing phase of an IT tool for document sharing and online collaboration. A decision on whether or not this new tool will be implemented was announced for June.

Next meeting and closure

The Chair reminded members that the next meeting of the Management Board will take place from 17 to 18 June 2014 in Helsinki.

After the meeting Board members received a briefing session on ECHA's new tasks under the PIC Regulation which entered into application on 1 March 2014.

II. Documents submitted to the Management Board

Draft agenda	MB/A/01/2014
Draft minutes of the 32 nd Management Board meeting	MB/M/04/2013
Report from the Executive Director	MB/01/2014
Preliminary Draft Budget proposal, including an outline Work Programme and Establishment Plan for 2015	MB/02/2014
Multi-annual Staff Policy Plan 2015-17	MB/03/2014
General Report 2013	MB/04/2014
Analysis and Assessment of the Annual Activity Report ('Authorising Officer's report') 2013	MB/05/2014
Multi-annual IT planning for IT systems 2014-2016	MB/06/2014
Review of the policy for managing potential conflicts of interest	MB/07/2014
Annual report of the Conflicts of Interest Advisory Committee	MB/08/2014
Access to the PIC IT system for Designated National Authorities and Customs authorities	MB/09/2014 rev.01
Remuneration of alternate and additional members of the Board of Appeal	MB/10/2014
Preparation of the review of the decision on the transfer of fees to Member States	MB/11/2014
Mandates of the members of the Working Group on Audit	MB/12/2014
Implementing Rules to the Staff Regulations	MB/13/2014
Update of the MB Rolling Plan	MB/14/2014
Outcome of written procedures	MB/WP/01- 03/2014
Implementation of the Common Approach for decentralised EU agencies	MB/15/2014

III. Decision taken/Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its 33rd meeting (MB/A/01/2014).
- Approved the minutes of its 32nd meeting (MB/M/04/2013).
- Approved the draft estimate of revenue and expenditure for 2015, together with the establishment plan and the outline of the Work Programme, as annexed to MB/02/2014, subject to the modifications indicated in these minutes; and instructed the Executive Director to forward the documents to the European Commission and the European Institutions as required by the applicable rules and regulations by 31 March 2014.
- Adopted the ECHA Multi-Annual Staff Policy Plan 2015-2017 as contained in document MB/03/2014 subject to the modifications indicated in these minutes. The Board instructed the Executive Director to submit the document to the Commission and the budgetary authority by 31 March 2014.
- Adopted the General Report of the Agency for 2013 as contained in document MB/04/2014 subject to the modifications indicated in these minutes, and instructed the Executive Director to submit the document to the Member States and European Institutions as required by the applicable rules and regulations by 30 April 2014
- Took note of the Annual Activity Report for 2013 of the Executive Director as ECHA's authorising officer and adopted its analysis and assessment (MB/05/2014) thereof, subject to the modifications indicated in these minutes. The Board instructed the Executive Director to forward the analysis and assessment to the Budgetary Authority and the Court of Auditors by 15 June and to include it into the ECHA General Report for 2013.
- Adopted a revised Policy for Prevention and Management of potential Conflicts of Interest (MB/07/2014), including the annexed Declaration of Interest template, and replaced Annex 1 of its Rules of Procedure (MB/51/2012) with the revised Declaration of Interest template. Furthermore, the Board approved that the Annex to the relevant Rules of Procedure of other ECHA bodies can be aligned with the revised Declaration of Interest template.

Endorsed the approach for providing access to ECHA's PIC IT systems for designated national authorities under the PIC Regulation and for national customs authorities of EU Member States as contained in document MB/09/2014 rev.01.

- Adopted amended Decision on remuneration of the alternate and additional members of the Board of Appeal as presented in document MB/10/2014.
- Mandated its Working Group on the Transfer of Fees to prepare the review of the Management Board Decision on the transfer of fees to Member States.

- Designated Ms Liliana Luminița TÎRCHILĂ as a member of the Working Group on the Transfer of Fees.
- Prolonged the mandate of Antti PELTOMÄKI as a member of the Working Group on Audit for a second term until the end of March 2016, and mandated the Working Group to assess whether its Terms of Reference require adaptations, and report back on this issue in the next Management Board meeting.
- Adopted two Staff Regulation Implementing Rules for early application by analogy concerning part-time work and criteria applicable to classification in step on appointment or engagement; adopted changes to another Implementing Rule on working time, subject to the required agreement of the Commission; endorsed the opt-out from three further Implementing Rules; and instructed the Executive Director to inform the Commission accordingly and seek the Commission's agreement as required.

List of agreed follow-up actions:

- On request, the Secretariat will provide information on the outcome of a workshop with metal industries and on work carried out with the European Aviation Safety Agency on the REACH obligations of aviation industries.
- The follow-up of the RAC and SEAC practice with regard to potential conflict of interest arising from concurrent employment.

IV. List of Attendees

Representatives of the Member States

Thomas JAKL	(AT)	
Jean-Roger DREZE	(BE)	
Boyko MALINOV	(BG)	
Anastassios YIANNAKI	(CY)	
Karel BLÁHA	(CZ)	also acting as proxy of Edita NOVÁKOVÁ
Alexander NIES	(DE)	
Aive TELLING	(EE)	
Pirkko KIVELA	(FI)	
Kassandra DIMITRIOU	(EL)	
Ana FRESNO RUIZ	(ES)	
Catherine MIR	(FR)	
Krisztina Klára BIRÓ	(HU)	
Martin LYNCH	(IE)	also acting as proxy of Antonello LAPALORCIA and Francis FARRUGIA
Marija TERIOSINA	(LT)	
Paul RASQUE	(LU)	
Jan Karel KWISTHOUT	(NL)	also acting as proxy of Peter ØSTERGÅRD-HAVE
Edyta MIĘGOĆ	(PL)	
Ana PEREZ	(PT)	
Luminița TÎRCHILĂ	(RO)	
Nina CROMNIER	(SE)	also acting as proxy of Christina RUDÉN and Anne LAPERROUZE
Simona FAJFAR	(SI)	
David John Arwyn DAVIES	(UK)	

Representatives of the European Commission

Antti PELTOMÄKI		
Björn HANSEN		also acting as proxy of Krzysztof MARUSZEWSKI on 19/03/2014
Krzysztof MARUSZEWSKI		

Representatives from interested parties appointed by the European Commission

Hubert MANDERY	(CEFIC)
Gertraud LAUBER	(IndustriAll)
Martin FÜHR	(Environment Health and Consumer NGOs)

Observers from EEA/EFTA countries and accession countries

Sigurbjorg SAEMUNSDOTTIR	(IS)
Henrik Hallgrim ERIKSEN	(NO)

Other Observers

Henrik Søren LARSEN	on behalf of Peter ØSTERGÅRD-HAVE (DK)
Francesca GIANNOTTI	on behalf of Antonello LAPALORCIA (IT)
Tristan CAMILLERI	on behalf of Francis FARRUGIA (MT)

ECHA staff

Geert DANCET	(Executive Director)
Jukka MALM	(Deputy Executive Director/Director of Regulatory Affairs)
Andreas HERDINA	(Director of Cooperation)
Jack DE BRUIJN	(Director of Risk Management)
Christel MUSSET	(Director of Registration)
Leena YLA-MONONEN	(Director of Evaluation)
Luisa CONSOLINI	(Director of Information Systems)
William ROBERTS	(Director of Resources)
Lindsay JACKSON	(Head of Unit Communication)
Minna HEIKKILA	(Head of Unit, Legal Affairs)
Sari HAUKKA	(Registrar, Board of Appeal)
Alain LEFEBVRE	(Head of Unit, Executive Office)
Frank BÜCHLER	(Executive Office)
Mervi MUSTAKALLIO	(Executive Office)
Viorica NAGHY	(Executive Office)
Evelina TODOROVA	(Executive Office)

(Staff attending specific agenda items)

Tomas OBERG	(Chair of SEAC)
Tim BOWMER	(Chair of RAC)
Watze DE WOLF	(Chair of MSC)
Erik VAN DER PLASSCHE	(Chair of BPC)
Derek KNIGHT	(Senior Scientific Advisor to the Executive Director)
Shay O'MALLEY	(Head of Unit, HR)
Kevin POLLARD	(Head of Unit, Registration and Dissemination)
Bo BALDUYCK	(Legal Advisor - Data Protection, Executive Office)
Hannu HIRVONEN	(Head of Unit, Business Applications)
Eric RIEGER	(Policy and Regulation Advisor, HR)
Dimitrios KARGIANIOTIS	(Budget Officer)
Chiara MACCHI	(Administrative Assistant, Registration Unit)
Tobias ECKSTEIN	(IT Officer, Information Systems)
Sari HOCHART	(HR Officer)

V. Corrigendum to the minutes of the 32nd Management Board

1. Agenda item 2, 'Declaration of specific interests', 3rd paragraph:

"In reply to this, one Management Board member representing a Member State declared ~~an potential conflict issue~~ of interest with regard to the prolongation of one alternate Board of Appeal member who used to be a work colleague (agenda item 12). The member **brought this up in the Management Board Working Group on the Board of Appeal as well** and did not participate in discussions or decision making on this specific **matter in order to avoid a potential conflict of interest**".

2. Agenda item 4, 'Report of the Executive Director', last paragraph:

"On Biocides, Board members asked for more information on Helpdesk activities in future quarterly reports. Moreover, the importance of the MSCAs' commitment for achieving the target of 50 annual assessments for active substances in the Review Programme was highlighted, ~~in particular~~ by the Commission representatives, **in particular for the funding of ECHA.**"

3. Agenda item 6, 'Budget and Establishment Plan for 2014':

3rd paragraph

"The budgetary authority did not approve the additional funding for the REACH/CLP budget of €1.2 million to cover the cost of the European Schooling in Helsinki. Moreover, the 1% additional staff reduction proposed by the Commission to be applied to all agencies at "cruising speed" will be added to the general 1% staff reduction for ECHA in the area of REACH and CLP. Overall, a more than 2% cut was applied to the REACH/CLP posts, resulting in a reduction of 10 posts in 2014, instead of five posts as requested by ECHA in the preliminary draft budget in March 2013. ~~This is a more than 1% higher staff cut for ECHA's REACH and CLP activities compared to other EU institutions.~~ **This involves that ECHA's REACH and CLP establishment posts will reduce by over 2% in 2014 compared to 2013.** By increasing the occupation rate by 1% and adding two extra CA posts the agency would still be possible to realise the full adopted 2014 Work Programme."

6th paragraph

"A Commission representative reassured the Board that DG Environment has reserved €1.5 million to **conditionally** cover ~~any~~ shortfall in Biocides fees, reminding that these funds will have to be taken from the Life Plus programme, meaning that less projects will be funded at the European level. This calls for a regular monitoring of fee revenues and a judicious use of the funds by ECHA."

a) New 8th paragraph

"A discussion took also place on need to better enabling the Management Board to set priorities in view of future resource constraints. The Board's Working Group on Planning and Reporting would look into this element."

4. Agenda item 18, 'Update of the work plan on nanomaterials':

Penultimate paragraph

"Management Board members highlighted that ECHA gained an excellent reputation in the field of nanomaterials in the past years through its proactive engagement in this important field. ~~At the same time, some Board members expressed concerns in relation to limitations imposed by the current legislative framework, which does in their view not ensure a protection of the environment and human health. The Secretariat acknowledged these concerns which refer, however, to circumstances outside the mandate of the Agency.~~ **The Board and the Executive Director were of the opinion that the presently available information on nanomaterials is insufficient to adequately judge their potential impact; an improvement of this situation is needed with respect to the aim to protect human health and environment."**