

## PRELIMINARY CONCLUSIONS

35<sup>TH</sup> MANAGEMENT BOARD MEETING  
25-26 SEPTEMBER 2014, HELSINKI

### 1. Quarterly report on ECHA's activities

The Management Board received the quarterly update on progress in executing the 2014 Work Programme, including the work programme indicators and monitoring of risks.

### 2. Election of a Chair and a Deputy Chair of the Management Board

Ms. Nina CROMNIER, the Swedish Board member was re-elected as the Chair of the Board, for her second and last term of office of two years.

Mr. Karel BLAHA the Czech Board member was elected as the Deputy Chair of the Board, for his first term of office of two years.

### 3. Work Programme 2015

The Management Board adopted the Agency's Work programme for 2015, highlighting the following identified risks which would need further monitoring and possibly action: (1) the fee income in the area of Biocides, (2) the number of applications for Union authorisation in the area of Biocides, and (3) the handling of ca. 200 testing proposals under REACH transferred to the Commission and where ECHA may be required to support the Commission's decision making or re-do the examination.

The Management Board discussed and endorsed, with minor modifications, ECHA's new Compliance Check Strategy presented in the document "Safer chemicals – focusing on what matters more".

### 4. Budget for 2014

The Management Board noted the progress made by the Agency in order to reduce the Biocides budget income gap without significantly disturbing the implementation of the Work programme 2014. In this context, the Board also took note of the general concerns related to the long term sustainable Biocides resource planning for ECHA. The Board endorsed the approach presented by the Secretariat to determine the long term sustainable Biocides structure with continued engagement with the relevant Commission services and Member States competent authorities.

The Board was also informed of a number of transfers within the budget undertaken by the Executive Director.

## 5. Revision of the Management Board Decision on the transfer of fees to the competent authorities of Member States

The Management Board adopted the draft decision on the transfer of fees, with the addition of a first review of the fees after 1 year, to the competent authorities of Member States and instructed the Executive Director to submit the document to the European Commission for its opinion. Once a favorable opinion would be received from the Commission, the Decision should enter into force as of 1 January 2015.

Two Member States representatives expressed reservations against the decision, noting that the revision leads to a significant decrease of the fee transfer per dossier, which could discourage the Member States from participating to REACH activities.

## 6. Report on the SME verification activity: results, challenges, changes

The Board took note of the results of the small and medium-sized enterprises (SME) verification activity started in 2011 when ECHA moved towards a systematic verification of the status of all SME registrants.

It was noted that the SME verification carried out by the Agency is important to ensure that only genuine SMEs benefit from the reduced fees. Thus, based on collected experience, the Secretariat announced that it will elaborate a revised administrative charge scale for the 2013 deadline registrations and present it to the Management Board in March 2015. It also announced measures to ensure that registrants for the 2018 deadline will self-examine their SME status before registering so that fewer companies make mistakes and have to pay the administrative charge.

## 7. Board of Appeal

The Management Board appointed a legally qualified member of the Board of Appeal and established a reserve list for the post.

The assessment of candidates for the positions of alternate and additional legally qualified members is still pending. A decision may be requested from the Management Board either by written procedure or during the next Management Board meeting.

## 8. Implementing rules to the EU Staff Regulations

The Management Board adopted the Commission rules on reclassification of contract agents for immediate application by analogy. This will allow that contract agents working at ECHA will be considered for promotion as of 1 January 2014.

The Board also endorsed a request to opt-out from five Commission Implementing Rules which have a different context in agencies compared to the Commission:

1. Appraisal of Officials
2. Promotion of Officials
3. Measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union
4. Policies for the engagement and use of temporary agents
5. Policies for the engagement and use of contract agents

## 9. Management Board Working Group

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### a) Revised Terms of Reference of the MB WG on Audit

The Management Board adopted the revised Terms of Reference of its Working Group on Audit, in line with a conclusion taken in the June 2014 Board meeting.

### b) Appointment of WG members

The Management Board confirmed the structure of its working groups and appointed new members.

## 10. Other issues

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- The Management Board received the annual report from ECHA's Quality Manager. Due to the lack of time during the meeting no presentation or discussion could take place so that the topic is postponed to the next meeting.
- An agenda item on the sharing of ECHA's internal audit capability with the GSA Agency in Prague was taken off the agenda because of the recently announced changes to the structure of the Commission.
- The Secretariat is asked to communicate the content of the information scheduled under AOB on the agenda by email to the Board members.

### Next meeting of the Management Board

The Chair informed that the next meeting of the Board is scheduled to take place from 16 to 17 December 2014.

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