

Minutes of the 53rd meeting of the Management Board Held in Helsinki from 28 to 29 March 2019

I. Summary record of the proceedings

The Chair opened the meeting by welcoming the participants¹. She informed Board members that Member States have been making good progress in nominating new Management Board members to replace those whose second and final mandate is ending on 31 May 2019 and those whose first mandate will not be renewed.

In addition, she welcomed persons of trust from representative organisations (Ms Gertraud LAUBER, IGBCE and Mr Marco MENSINK, Cefic) who will substitute members appointed by the Commission to represent interested parties until the new members are appointed.

1. Agenda

The Chair introduced the draft agenda² and the following room documents:

- AP 3 Amendment to the MB 52 minutes
- AP B.1 The CV and motivation letter of Paul KRAJNIK, the candidate for the position of Management Board Deputy Chairman
- AP B.2 General Report 2018: Changes requested by DG ENV and agreed with the Secretariat
- AP B.4a Revised version of Update on dossier evaluation work
- AP B.5b Revised draft Management Board decision on a staff request
- AP B.8 Secretariat background note related to the ad hoc Working Group on the European Parliament Resolution on sodium dichromate and
- AP B.8 Lost at SEA – a report from Chemsec, distributed upon request of a Board member.

The Chair proposed to advance B.8 Report from the ad hoc Working Group on the EP Resolution on sodium dichromate to be the last point on the first meeting day. Some Board members requested a presentation from the Secretariat on the lead chromates court case³. The Secretariat proposed that this presentation be included also under agenda point B.8. The Chair also proposed that B.1 Election of the Management Board Deputy Chairman and B.5d Final report from the outgoing BoA Chairman take place *in camera*. The proposals were agreed.

It was noted that there were no requests for discussion in relation to the points for automatic adoption (A) or information (C).

The agenda of the meeting was then adopted on this basis. The order of these minutes follows that of the final draft agenda.

¹ Their names and the names of other participants attending the meeting and the proxy votes of which the Chair were notified are listed in Section IV of these minutes.

² MB/A/01/2019.

³ Case T-837/16 Sweden v Commission.

2. Declaration of specific interests

The Chair informed Management Board members that she has reviewed, together with the Secretariat, the members', observers', persons of trusts' and the Executive Director's declarations of interest in accordance with the revised ECHA procedure for the Prevention and Management of potential Conflicts of Interest (CoI). She explained that she applied the newly adopted risk levels to all declared interests:

- A ("interest cleared"): no competing interests declared or cleared as not relevant to the work of respective ECHA body;
- B ("interest requires ad hoc assessment"): competing interest may be relevant to the work of the respective ECHA body under certain specific circumstances;
- C ("interest leads to specific restriction"): competing interest covered by a specific cooling off period.

She concluded, based on the declarations, that there is no need for specific restrictions with respect to the agenda of this 53rd Management Board meeting.

The Chair then invited members to further declare any specific interests that could not be drawn from their declarations of interest and which could be considered to be prejudicial to their independence with respect to any items on the agenda. No further specific interests were declared in response to this.

The Chair reminded members of the importance of keeping their declarations up to date and invited them to regularly check their declarations for completeness, including current employment. She also pointed out that the new ECHA procedure for CoI prevention and management brought an update of the declarations' format and invited Board members to consider updating their declarations, even prior to their expiry, in particular if new elements need to be included after the submission of their declarations.

3. Minutes of the 52nd Management Board meeting

The draft minutes of the 52nd Management Board meeting⁴, held from 13 to 14 December 2018 in Helsinki, were adopted, subject to one amendment⁵. It was agreed that the same amendment would be reflected in the Preliminary Conclusions of the 52nd Management Board meeting.

The Chair also explained the status of agreed follow-up actions as follows.

The Secretariat will submit the amended budget 2018 and the final budget 2019 to the institutions and Member States and have them published.	MB 52	DONE
The Secretariat will publish and submit the Programming Document(s) 2019-2022 to the Member States and institutions, in particular the Commission, by 31 January 2019, as a basis for the 2020 budget request.	MB 52	DONE
The Secretariat will circulate an amended proposal for the revision of the policy for managing potential conflicts of interest, in view of a written adoption procedure.	MB 52	DONE
The Secretariat will take the Management Board's input on board during the further development of the communication strategy 2019-2023 ⁶ .	MB 52	DONE

⁴ MB/M/04/2018.

⁵ The amendment is included in these minutes under Annex V.

⁶ The final ECHA Communication Strategy 2019-2023 was distributed to Management Board members together with the meeting documentation.

The Chair will write to the European Parliament to acknowledge the resolution on sodium dichromate AfAs and outline the actions the MB intends to take.	MB 52	DONE
The Secretariat will support volunteering Board members to establish an ad hoc Management Board Working Group which will review the status of the AfA improvement actions agreed in 2016 and evaluate whether sufficient progress is being made.	MB 52	DONE
The Secretariat will support in implementing the four groups of actions arising from the Management Board's self-evaluation and, together with the Chair, report back to the Board.	MB 51 / 52	ON-GOING

Update from the Executive Director

The Executive Director informed the Management Board that the revision of the Secretariat's organisational structure, started in 2018, has been concluded with a number of new appointments. Since the last Management Board meeting, the position of Director of Risk Management and five Head of Unit posts have been filled⁷. One Head of Unit vacancy remains open, and will be filled as soon as possible.

A. Points for automatic adoption

A.1 Composition of the Management Board Working Groups

The Management Board adopted the composition of its Working Groups⁸, with two modifications, to reflect that Judite DIPANE (Latvia) joined the Working Group on Audit and Miroslava BAJANIKOVA (Slovakia) left the Working Group on Board of Appeal in March 2019.

One Board member pointed out that the Advisory Group on dissemination has been a long-standing and useful sub-group of the Management Board, in support of ECHA's dissemination activities. Even though the group is discontinued, if pertinent topics arise in the area of dissemination of information, they should be dealt with by the Management Board in a flexible manner.

B. Points for discussion/decision

B.1 Election of the Management Board Deputy Chairman (as of 1 June 2019) [*in camera*]

The Management Board elected Mr Paul KRAJNIK (Austria) as Deputy Chairman for a first term of office starting from 1 June 2019⁹. The second and final term of the previous Deputy Chairman, Mr Henrik Søren LARSEN (Denmark) ends on 31 May 2019.

Mr Paul KRAJNIK stood for election as Deputy Chairman. The Management Board appointed Mr Marco MENSINK (Cefic) and Mr Stefan SCHEUER (European Environment Bureau) as tellers. After hearing the candidate, Board members cast their votes by secret ballot.

⁷ The organisation of the Secretariat is published on ECHA's website at: <https://echa.europa.eu/about-us/who-we-are/organisation>

⁸ MB/01/2019.

⁹ MB/02/2019.

Mr Paul KRAJNIK was unanimously elected as the Deputy Chairman on the first voting round. He accepted the position and thanked the Board for the confidence they had expressed.

B.2 General Report 2018

The Management Board adopted the Agency's General Report 2018¹⁰ and gave its appreciation for the results accomplished in the previous year. The adoption was subject to amendments, proposed by DG ENV prior to the Management Board meeting (distributed as a room document) and brought by Board members during the course of the meeting. These concerned the key achievements section in relation to ECHA's data on chemicals, the main achievements of the Integrated Regulatory Strategy and the screening process, the number of meetings of the Authorisations for Applications (AfA) Task Force, the rate of compliance with ECHA's dossier evaluation decisions, as well as the inclusion of a list of abbreviations.

The Working Group on Planning and Reporting had reviewed the previous draft of the report and given input on 6 March 2019. The Working Group recommended the adoption of the General Report 2018, noting that the Secretariat had taken into account the comments provided.

Board members expressed their appreciation for the new, shorter format of the General Report, its improved readability and the fact that it has been optimised for online publication. They provided positive feedback to the Secretariat on the structure of the document, which is more impact oriented than in the past and deviates from the structure of the Programming Document, allowing to make better inter-linkages between ECHA's activities.

The final General Report will be submitted to the Member States, the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors, and published¹¹.

B.3 Assessment of the Consolidated Annual Activity Report 2018

The Management Board took note of the Executive Director's Consolidated Annual Activity Report (CAAR) drawn up in his capacity as ECHA's authorising officer under the Financial Regulation, and adopted its own assessment of this report¹².

The Working Group on Planning and Reporting had reviewed this report on 6 March, as well as the Secretariat's report on the follow-up actions to the recommendations adopted by the Management Board for 2018. The Working Group found the follow-up actions satisfactory and prepared the draft assessment for 2019 during the same meeting.

The draft assessment included 11 recommendations for 2019, to which a further one was added by the Management Board at the meeting. The additional recommendation concerns assessing applications for authorisations and drafting of opinions by ECHA committees¹³.

The finalised Consolidated Annual Activity Report and the Management Board's assessment will be sent to the Court of Auditors, the European Parliament, and the Commission by 1 July 2019. From 2020 onwards, the report will also include the Annual report from the Advisory Committee on Conflict of Interests.

¹⁰ MB/03/2019.

¹¹ The General Report 2018 is available at https://echa.europa.eu/documents/10162/21877836/general_report_18_en.pdf

¹² MB/04/2019.

¹³ Recommendation d).

B.4 Work Programme implementation

a) Update on dossier evaluation work

The Management Board endorsed the Secretariat's intention¹⁴ to make the necessary additional resources available to improve REACH registration dossier compliance and quality, in particular by implementing the REACH Evaluation Joint Action Plan, which is being developed with the Commission.

The Planning and Reporting Working Group discussed the proposal on 6 March and provided general support to the Action Plan, noting that many details are still to be clarified.

Overall, Board members welcomed the Secretariat's intention to improve REACH dossier compliance and quality, at an even higher ambition level than what ECHA's Strategic Plan¹⁵ provides for. They pointed out that this is a key recommendation in the REACH Refit evaluation and is also part of the Board's recommendation for 2019 and the initiative clearly addresses the very high public and political attention as well.

The fact that ECHA prioritises this activity is a welcome development, both in substance and in terms of sending the right message to policy-makers, Member States, the general public and to a large extent, duty-holders. A Board member representing interested parties pointed out that industry is fully aware of the issue of lacking dossier compliance and quality and is prepared to work with ECHA to achieve improvements. At the same time, the member called for careful communication on this matter, in particular to preserve the EU's reputation as a world-leader in terms of chemical safety and to maintain industry's drive to comply with REACH requirements.

Board members pointed out that they look forward to learning more details about the Action Plan once it is agreed with the Commission. They asked questions related to the Action Plan's effects on and requirements of other stakeholders, such as Member States, and called for very clear communication about dossier compliance and quality in general and about the Action Plan in particular. They highlighted that even though a relatively low percentage of dossiers is checked, it should be made clear to the general public that all registered substances will be scrutinised and addressed in groups of substances of concern for concerted regulatory action.

Despite the general support for the initiative, Board members voiced very strong concerns regarding the resource implications of increased efforts on dossier compliance and quality, and in particular the negative impacts these may have on other operational priorities. They asked the Secretariat to provide more detailed information on these potential ensuing negative priorities in due course.

The Secretariat explained that the main actions of the plan concern industry, ECHA and the Commission but some will have impacts on Member States, which will be discussed with them in the appropriate fora, e.g. CARACAL. On resources, it was clarified that parts of the additional resources may come over time from efficiency gains but these are limited. The Secretariat has already implemented many of the possible efficiency measures, including reviewing quality targets and simplifying processes. Now every activity is under review to determine how it contributes to ECHA's overall objectives. The only available further efficiency measure is stopping or reducing certain activities, after careful consideration and analysis.

In conclusion, the Management Board took note of the information provided by the Secretariat. Board members recognised that ECHA has been asked to streamline and focus its activities for a number of years and these requests have been fulfilled. They also recognised that further focus and prioritisation in the future is likely to be accompanied by negative priority setting, in which the Management Board, as the governing body of the Agency will need to help the Secretariat, irrespective of individual Member States' political priorities. The Management Board's endorsement extends to the Secretariat taking all possible actions to improve REACH dossier compliance and quality, as also included among

¹⁴ MB/05/2019.

¹⁵ As adopted in December 2018, see MB/M/04/2018.

the CAAR assessment recommendations for 2019, and recognising that when no further resources are available, the Secretariat will need to come back to the Management Board and get a steer on prioritisation.

b) Update on new tasks and required adaptations to the ECHA draft estimate of revenue and expenditure / budget request 2020

The Management Board took note of an update regarding the status of new tasks. This included Poison Centres, occupational exposure limits (OELs), the EU Chemical Legislation Finder, persistent organic pollutants (POPs) and the Waste Framework Directive¹⁶.

The Secretariat informed the Management Board that it started preliminary discussions with the Commission DG Environment regarding potential involvement of ECHA under the Water Framework Directive¹⁷ and the Drinking Water Directive¹⁸. The Management Board will be informed on the progress of these talks.

The Management Board also approved the adaptation to ECHA's draft estimate of revenue and expenditure 2020 to accommodate the human and financial resource needs necessary for carrying out the Agency's tasks under the Waste Framework Directive¹⁹. The adaptation will increase ECHA's financial and human resources request under Titles 1, 2 and 5 within the PIC and POPs line for 2020 by EUR 2.442 million and 8 FTEs.

With regard to the Waste Framework Directive, the Secretariat informed the Management Board that it expects to shortly receive the Commission's confirmation on the use of the 900 000 EUR REACH Fee surplus which was committed in 2018 and is ready to start the development of the database's prototype when the confirmation arrives. Nevertheless, the Management Board noted that ECHA will not be able to comply with the first legal deadline under the directive, i.e. the database would not be established by 5 January 2020. Board members regretted this delay, acknowledged that this is due to the lack of clarity from the Commission on the resourcing of this task and asked the Secretariat to provide regular status updates during the Management Board meetings.

A representative of the Commission explained that indeed a solution is likely to be found for 2019, whereby ECHA will be able to use the REACH Fee surplus, including for the use of external staff. In case of a shortfall, additional funds could be made available from the LIFE programme. For 2020, extra funds would be transferred to the PIC/POP budget line from REACH/CLP subsidy and ECHA has been asked to modify its budget request accordingly²⁰. For 2021 and beyond, the appropriate modifications have been introduced in the legislative statement and this would be reflected in the future MFF. These arrangements will be formalised by a letter from DGs GROW and ENV Directors General to the ECHA Executive Director.

The Management Board expressed its satisfaction regarding the likely solution for ECHA's tasks under the Waste Framework Directive, even though the use of REACH/CLP funds for the purposes of the Waste Framework Directive did not enjoy general support. The Chair asked the Secretariat to provide information to the Management Board when the confirmation from the Commission services arrive, and for the Secretariat to bring any matter to its attention in due course, in particular concerning remaining resourcing issues or additional delays, as also foreseen in the Management Board's assessment on the CAAR 2018.

It was noted that the Working Group Planning and Reporting discussed the status of new tasks on 6 March and was of the opinion that work on the Waste Framework Directive tasks needs to proceed in a timely manner, to allow Member States to fulfil their own legal

¹⁶ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives.

¹⁷ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

¹⁸ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, recast COM(2017)753.

¹⁹ MB/06/2019.

²⁰ See adopted adaptation above.

obligations. The Working Group also expressed its concern regarding the low human resources (1 FTE) allocated to the POPs tasks.

In general, Board members thanked the Secretariat for taking on new tasks in an efficient and flexible manner and pointed out that the incoming tasks are a reflection of ECHA's recognition as a competence centre for the sustainable use of chemicals. They nevertheless called for better resource-planning for future new tasks and they invited the Commission to fully support the Agency in this respect. Board members also exchanged views on how they would be able to support ECHA's resourcing needs at the political level within their own Member States.

c) Technical version of the Programming Document 2020-2022 for seeking the Commission's opinion

The Management Board approved the submission of a technical version of the Programming Document (PD) 2020-2022²¹ to the Commission.

The technical version of the PD shifts the focus from the Work Programme 2019 as a financing decision for the Agency to the draft Work Programme 2020 and as input to the budgetary process. This alternative presentation will be submitted to the Commission to facilitate the adoption of its opinion on the Work Programme 2020. The content of the document, in terms of actions and outputs planned for 2019 and 2020, remains unchanged.

B.5 Board of Appeal [*in camera*]

Separate minutes²² have been prepared for the first part of the Board of Appeal (BoA) *in camera* session, from point a) to c). These minutes also cover the additional *in camera* session, which took place at the end of the second meeting day.

a) Report from the Working Group Board of Appeal

The Management Board took note of a report from its Working Group on Board of Appeal.

b) Appointment of Chairman and other staff matters

The Management Board took note of an update regarding the appointment of the BoA Chairman and took a decision in a staff matter.

In addition, the Management Board re-confirmed the composition of the selection group for the BoA Chairman. As decided in December 2018, the selection group remains composed of Hans MEIJER, Kestutis SADAUSKAS and Oscar GONZALEZ SANCHEZ. The Board decided to convene an extraordinary meeting in April 2019 to appoint the Chairman of the Board of Appeal, once the assessment of all candidates is concluded.

c) Implementation of audit recommendations

The Management Board held an exchange of views on the implementation of certain actions arising from audit recommendations received in 2018 from the Commission's Internal Audit Service.

d) Final report from the outgoing Chairman

The Management Board took note of the final annual report²³ from the outgoing Chairman, Ms Mercedes Ortuño. The report included considerations on the first 10 years of the Board of Appeal, including its set-up, work and future outlook. It provided an overview on the BoA's functioning and the number of appeals processed.

Board members warmly thanked Ms Ortuño for her work, which has been instrumental in setting up the BoA and establishing the good cooperation with all stakeholders, including the Secretariat, the appellants and the Commission. They thanked her for the good quality

²¹ MB/07/2019.

²² MB/M/01/2019, uploaded to S-CIRCABC on 3 April.

²³ MB/10/2019.

and the clarity of the BoA decisions, which helped REACH work better and increased the efficiency of the Secretariat as well.

B.6 ECHA Committees

a) Annual reports from the Committees

The Management Board took note of the second annual report from ECHA's committees (Committee for Risk Assessment (RAC), Committee for Socio-Economic Analysis (SEAC), Member State Committee (MSC) and Biocidal Products Committee (BPC))²⁴, which included information on the committees' workload, expertise needs, as well as on the level of engagement of their members.

The Management Board welcomed the reports and emphasised the crucial role of the committees for ECHA's scientific work. As such, it is a priority for the Management Board to have them fully resourced, equipped with the necessary capacities for their members and able to function in an optimal manner.

Board members acknowledged the ever increasing workload of RAC and SEAC in 2019 and 2020, as well as these committees' needs for additional resources and expertise. With regard to the MSC, they noted that its main challenge is the constantly high and unpredictable workload and the need to consider more efficient ways to identify and resolve diverging scientific views in dossier and substance evaluation (rather than the increased use of proposals for amendments (PfAs)). They took note of the difficulties in scheduling BPC meetings, which require a more predictable planning from evaluating competent authorities for active substance approval and Union authorisation, as well as the need for increased involvement of members on draft BPC opinions in the Union authorisation process.

The exchange of views between Board members and the committee Chairmen aimed at identifying ways forward for the main challenges for the committees' functioning. This included considerations on

- The committees' membership, in particular members' activity and the Chairmen's early input to the appointment process and identifying the required expertise;
- The changing expertise needs of the committees and the best ways to obtain the necessary expertise and experience, which might include working with Member States, research institutions and academia in new settings;
- Efficiency measures for committees, including the opinions' preparation (and the Secretariat's role therein), format, reduced length and standardisation of key phrases, as well as the need to ensure an optimal balance between efficiency and keeping up the opinions' high quality.

With regard to other efficiency measures for RAC and SEAC, the proposed amendment to the Rules of Procedures of these committees²⁵ was also discussed under this agenda point. The RAC and SEAC Chairmen explained that it is proposed to lower the quorum to bring the Rules of Procedure into line with the operational needs of RAC and SEAC going forward and in particular to enable RAC and SEAC members to handle the length of the plenary meetings through 2019 and 2020, and to allow them to choose the parts of the meeting best suited to their skillset. Board members did not object to this proposed amendment and asked the Chairmen to report to the Management Board, should the lowering of the quorum pose difficulties in the future.

²⁴ MB/11/2019.

²⁵ See point B.6b and MB/12/2019.

b) Amendment to Rules of Procedure of Committees

The Management Board adopted revisions²⁶ updating the Rules of Procedure for RAC and SEAC concerning lowering the quorum from at least sixty percent (60 %) to at least fifty percent (50 %) on the following items:

- The quorum necessary for a meeting is achieved when at least fifty percent of all members having the right to vote are present at the meeting at the time of the agenda point in question.
- When opinions are being adopted under written procedure, at least fifty percent of the members having the right to vote have to respond for the procedure to be regarded as valid.

These revisions had been agreed by RAC and SEAC at their respective plenary meetings (RAC 6-8 March and 12-15 March; SEAC 12-15 March). The updated Rules of Procedure will be published on ECHA's website.

c) Appointment of committee members

The Management Board appointed²⁷ one new member, Ms Julija BROVKINA (Latvia), for the Committee of Risk Assessment (RAC) and one new member, Ms Zieduna VASILIUENE (Lithuania), for the Committee for Socio-economic Analysis (SEAC).

Following these appointments and renewals, RAC will have 58 members (including five co-opted members) and SEAC will have 39 members (including five co-opted members). The names of the committee members will be published on ECHA's website together with their annual declarations of interest.

B.8 Report from the ad hoc Working Group on the EP Resolution on sodium dichromate

The Management Board took note of a background document prepared by the Secretariat on the progress of the ad hoc Working Group²⁸. It was noted that in the time allotted, the group did not manage to arrive at conclusions or recommendations.

The Secretariat explained that the first meeting of the ad hoc Working Group's work was supported by an analysis of two European Parliament (EP) Resolutions and the aim was to identify overlapping topics and review the actions taken by ECHA in between. This prepared the second meeting of the group, where a number of views were raised regarding the ECHA committees' opinion-making, which were not unanimous. The different views could not be captured in a satisfactory manner in a reporting document, as it would have needed more time for discussion, analysis and reaching alignment.

The Secretariat then proposed to schedule one more meeting for the ad hoc group, where ECHA would report to it and the ad hoc group would respond to the actions ECHA is taking now, including actions planned before the resolutions, such as streamlining the opinion forming. This proposal was supported by members of the ad hoc Working Group as it was acknowledged that the different views have started to converge further to the second meeting.

During the exchange of views, Board members acknowledged that the sodium dichromate resolution²⁹ was the second European Parliament resolution calling into question a Commission decision based on the ECHA committees' scientific input and that the EP has

²⁶ MB/12/2019.

²⁷ MB/13/2019.

²⁸ MB/15/2019.

²⁹ European Parliament resolution of 29 November 2018 on the draft Commission implementing decision granting an authorisation for certain uses of sodium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Ilario Ormezzano Sai S.R.L.).

in the meantime adopted three other resolutions³⁰. In addition, the General Court announced its judgment in the lead chromates case³¹, which is also likely to have implications on the application for authorisation (AfA) process.

Board members recognised that these developments indicate an increasing level of concern with regard to the AfA process, which poses a reputational risk for ECHA, as well as for chemicals safety legislation in Europe in general. It was also underlined that the AfA process is under a high level of public and political scrutiny at European and Member State level, which calls for action and very careful communication. Furthermore, it was noted that the attention is not only on the work of the ECHA committees but also on the way the opinions feed into the overall AfA process. A Board member representing interested parties pointed out that when developing the AfA process it needs to be kept in mind that industry needs a predictable AfA process, to be able to fulfil their duties under REACH.

A representative of the Commission explained that the Commission is ready to work with ECHA to analyse the root causes of the issues raised and determine what kind of measures are needed, if there are indeed system problems. The member explained that the Commission is working to try and provide timely proposals to the REACH Committee. This requires more flexible ways of working from the Commission and there is a lot of political goodwill to address these issues. The Commission takes full political responsibility but it cannot be expected to duplicate the scientific work of the ECHA committees, who are there to provide the scientific advice.

Other Board members noted that the EP resolutions express a political view, which differs from the science-based work of the ECHA committees, as well as from the General Court's judgment, which puts a clear legal obligation on ECHA and on the Commission. All feedback is useful on the AfA process as it is a relatively new one, but the Management Board's main concern is to ensure that ECHA follows its legal obligations.

Board members also underlined that the Management Board's role includes defending the independence of ECHA including its committees to reach their own conclusions. Reference was made to the annual report of the ECHA committees³², and in particular to the difficulties in getting the right expertise for them and getting the right amount of members to volunteer to work on opinions, which should not be exacerbated by any perceived additional criticism from external or internal sources. Board members called for careful communication in this respect, internally and externally.

The Chair reminded Board members that the Management Board's role is to provide very clear steer to the Agency, collectively as a Board, despite the differences in opinions. From a reputational perspective, it needs to be clearly communicated that any issues that may arise with regard to the AfA process, or any other process, are properly and accurately addressed, if it's appropriate. In this case, the Management Board needs to make sure that ECHA is in line with the Court judgment, which should also be the first priority of the ad hoc Working Group. The resolutions of the EP, while important, are results of political processes, which could have a different impact on the scientific decision-making of ECHA committees. The Management Board is also responsible for ensuring that the Secretariat, staff and Committee members who give their time and resources are fully supported and resourced.

In conclusion, it was agreed to schedule one further meeting of the ad hoc Working Group, which will be used to receive a report from ECHA on the steps proposed or taken to improve the (AfA) process and the quality of opinions in line with the principles set out in the recent

³⁰ European Parliament resolutions of 27 March 2019 on the draft Commission implementing decision partially granting an authorisation for certain uses of bis(2-ethylhexyl) phthalate (DEHP) under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (DEZA a.s.) and (Grupa Azoty Zakłady Azotowe Kędzierzyn S.A.) and European Parliament resolution of 27 March 2019 on the draft Commission implementing decision granting an authorisation for certain uses of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Lanxess Deutschland GmbH and others).

³¹ Case T-837/16 Sweden v Commission. Upon request from Board members, the Secretariat provided a presentation on the facts of the case on the second meeting day.

³² See point B.6a of this meeting.

General Court judgment on lead chromates and to further work on its conclusions and recommendations. The ad hoc group will provide its report to the June Management Board meeting and the Chair will respond to the European Parliament on that basis.

B.7 Poison Centre Notification Portal security model

The Management Board amended its Decision No 37/2018 on the scope of application of the ECHA Unified Security Declaration, to include the Poison Centre Notification Portal (PCNP) in the list of tools covered by that decision. The Management Board also endorsed tailored security requirements for Poison Centre appointed bodies (ABs) accessing the PCNP³³. The tailored security requirements had been agreed by the Security Officers' Network on 20 February 2019, with one abstention.

The Management Board noted that this security model concerns version 1 of the PCNP, which will go live on 24 April and which will make it possible to collect notifications from industry on hazardous mixtures for the purpose of emergency health response and dispatch them to appointed bodies (ABs) in Member States (download function). The agreed temporary framework takes into account the short deadlines in which the PCNP has to be made available for use by Member States (1 January 2020) and the difficulties and time requirements the introduction of a separate or heavily modified (compared to REACH-IT) security model would entail. Version 2 of the database³⁴ will be searchable and implemented later on, with potentially an adjusted security model.

B.9 ECHA's Transparency Approach – update on actions for 2019-2020

The Management Board took note of a report from the Secretariat on the actions undertaken in 2017-2018 to improve the transparency of the Agency's work and endorsed the proposed improvement actions for 2019-2020³⁵.

ECHA's Approach to Transparency³⁶ foresees continuous improvement for the transparency of the Agency's work. In 2017-2018, ECHA focused on further developing the dissemination of information on chemicals; improving communication, including more focus on specific target groups and continued improvement of the transparency of committee meetings, regulatory decision making and third party involvement therein. The main actions for 2019-2020 include the further development of the dissemination of information on chemicals and practising open communication and participatory decision making.

Board members asked the Agency to continue respecting applicable rules, in particular related to data protection and confidentiality, when disseminating information on chemicals. They asked ECHA to work further on disseminating information per tonnage band and improve the dissemination of completeness and compliance information. In this respect, the Secretariat pointed out that the compliance check regulatory cycle is published on ECHA's website. A representative of the Commission drew attention to the fact that the meaning of transparency for EU decentralised agencies, in particular science-based ones dealing with risk assessment, has been shifting and ECHA is likely to face increased public and political expectations in the future when it comes to being proactive about openness and transparency.

B.10 Review of the Management Board working methods

The Management Board took note of the status of the review of the Management Board sub-groups³⁷ and held an exchange of views to provide steer for the continued work.

Board members were of the view that while there is a high number of Management Board sub-groups, they function well and provide valuable input to the Board's decision-making.

³³ MB/14/2019.

³⁴ As foreseen in Commission Decision C(2018)5893 of 12 September 2018 and agreed by the Management Board in September 2018, see MB/M/03/2018.

³⁵ MB/16/2019.

³⁶ MB/61/2014.

³⁷ MB/17/2019.

They allow Board members to participate actively and gain expertise. Nevertheless, the sub-groups represent a considerable workload for their members and their high number poses a risk in terms of dispersion of expertise and experience. Some sub-groups fulfil specific tasks, as required by law (e.g. Reporting Officers for the Executive Director and Board of Appeal members), some feed key input into planning and reporting and audit decisions, while others are set up to respond to ad hoc needs (e.g. transfer of fees, building project).

Board members agreed that there is no single right way to set up the sub-groups of the Management Board. They pointed out that, irrespective of the number of sub-groups, each of them should have a clearly defined mandate adopted by the Management Board and should function in an open, transparent and efficient manner. The sub-groups should have the right expertise from their members, adjusted to the mandate and tasks of that group. The sub-groups should be set up in a way, which allows them to provide meaningful preparation of the Management Board's decisions, in particular when it comes to priority setting, strategy development and oversight.

The Chair and the Deputy Chair, with the support of the Secretariat, will take this input into account and come back with a proposal with regard to the sub-groups during the June Management Board meeting. This will include draft terms of reference for the sub-groups.

In addition, some Management Board members volunteered to mentor incoming Board members (from June 2019). The Secretariat will circulate a call for further volunteers.

B.11 Quarterly report on ECHA's activities

The Management Board took note of the report³⁸ on ECHA's progress in implementing the 2019 Work Programme. Board members asked for further information and clarification on a number of items, which was provided by the Secretariat. The topics included:

- Preparations for the UK withdrawal.
- Compliance check of substances registered in 2018.
- A training workshop hosted by ECHA on applying non-animal testing strategies for assessing skin sensitisation.
- An ECHA side event during the third meeting of the Open-Ended Working Group for the Strategic Approach to International Chemicals Management which takes place on 2-4 April 2019 in Montevideo, Uruguay.

C. Points for information

C.1 Annual report from the Advisory Committee on Conflict of Interests

The Management Board took note of the annual report³⁹ from the Advisory Committee on Conflict of Interests (CoIAC). It was noted that the annual report will, in the future, be part of the Consolidated Annual Activity Report.

C.2 Update of the Management Board Rolling Plan

The Management Board took note of its updated Rolling Plan⁴⁰ for the following three years.

³⁸ MB/18/2019.

³⁹ MB/19/2019.

⁴⁰ MB/20/2019.

C.3 Outcome of the Written Procedures on the revision of the Conflict of Interest policy and on the OEL related budget and programming document amendments

The Management Board took note of the positive outcome⁴¹ of the Written Procedures MB/WP/01-02/2019 on the revision of the Conflict of Interest policy and on the OEL related budget and programming document amendments.

By way of these written procedures, ECHA's new Procedure for the Prevention and Management of potential Conflicts of Interest entered into force on 25 February 2019 and, on the same date, the Programming Document and the Budget 2019 were amended to reflect the Agency's work related to providing opinions on a regular basis for occupational exposure limits (OELs) and to accommodate the corresponding revenue and expenditure by introducing new budget lines.

C.4 Notification of budget transfers

The Management Board took note of the budget transfers⁴² carried out under the responsibility of the Executive Director since the last notification in December 2018. The budget transfers will be published on ECHA's website.

C.5 Information on revised Procedure for Prevention and Management of potential Conflicts of Interest

The Management Board took note of a summary⁴³ prepared by the Secretariat on the revised ECHA Procedure for Prevention and Management of potential Conflicts of Interest and more in particular the main changes that may have a direct impact on members of the Board. It was noted that the yearly refresher on ethical duties of Board members will take place in June.

4. Any other business

UK withdrawal from the EU

The Management Board took note of the fact that the date of the UK withdrawal moved away from 29 March 2019 to a later date.

Annual performance appraisals of the Executive Director and the Board of Appeal members

The Management Board took note of the information from its Chair that she received the annual appraisal report (and the 2019 job objectives) of the Executive Director agreed with the reporting officers and no issues of concern have to be brought to the attention of the Management Board.

The reporting officers of the Board of Appeal members held a dialogue with the BoA members on 27 March and the Management Report received information on the progress of the appraisal exercise under agenda points B.5 a-b.

Information session on the ECHA budget cycle

The item was postponed to the June meeting of the Management Board.

⁴¹ MB/WP/01-02/2019.

⁴² MB/21/2019.

⁴³ MB/22/2019.

Next meeting and closure

The Management Board warmly thanked its outgoing members who participated at their last ordinary Management Board meeting:

- Anastassios YIANNAKI, Cyprus
- Henrik LARSEN, Denmark
- Jörg LEBSANFT, Germany
- Kassandra DIMITRIOU, Greece
- Marija TERIOSINA, Lithuania (not present at the meeting)
- Luminita TIRCHILA, Romania (not present at the meeting)
- Lidia WASOWICZ, Poland
- Keith BAILEY, United Kingdom
- Antti PELTOMÄKI, DG GROW

The Chair asked Board members to consider the extraordinary meeting of the Management Board which will take place in April 2019 in their planning. She asked the Secretariat to circulate date proposals to Board members.

The Chair then noted that the next ordinary meeting of the Board is scheduled to take place from 19 to 20 June 2019 in Helsinki and will include a workshop.

II. Documents submitted to the Management Board

Draft Agenda	MB/A/01/2019
Draft Minutes of the 52 nd Meeting	MB/M/04/2018
Composition of Management Board Working Groups	MB/01/2019
Election of the Management Board Deputy Chairman (as of 1 June 2019)	MB/02/2019
General Report 2018	MB/03/2019
Assessment of the Consolidated Annual Activity Report 2018	MB/04/2019
Update on dossier evaluation work	MB/05/2019
Adaptations to the ECHA draft estimate of revenue and expenditure / budget request 2020	MB/06/2019
Technical version of the Programming Document 2020-2022 for seeking the Commission's opinion	MB/07/2019
Appointment of (BoA) Chairman and other staff matters	MB/08/2019
Implementation of audit recommendations	MB/09/2019
Final report from the outgoing (BoA) Chairman	MB/10/2019
Annual reports from the Committees	MB/11/2019
Amendment to the Rules of Procedure of Committees	MB/12/2019
Appointment of Committee members	MB/13/2019
Poison Centre Notification Portal security model	MB/14/2019
Report from the ad hoc Working Group on the EP Resolution on sodium dichromate	MB/15/2019
ECHA's Transparency Approach – update on action for 2019-2020	MB/16/2019
Review of the Management Board working methods	MB/17/2019
Quarterly report on ECHA's activities	MB/18/2019
Annual report from the Advisory Committee on Conflict of Interests	MB/19/2019
Update of the Management Board Rolling Plan	MB/20/2019
Outcome of the Written Procedures on the revision of the Conflict of Interest policy and on the OEL related budget and programming document amendments	MB/WP/01-02/2019
Notification of budget transfers	MB/21/2019
Information on revised Procedure for Prevention and Management of potential Conflicts of Interest	MB/22/2019

III. Decisions taken/Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its 53rd meeting (Decision 03/2019), with two modifications.
- Approved the minutes of its 52nd meeting (Decision 04/2019), with one amendment.
- Adopted the composition of its Working Groups (Decision 05/2019), with two modifications.
- Elected Paul KRAJNIK as Deputy Chair of the Management Board, from 1 June 2019, for a first term of two years (Decision 06/2019).
- Adopted the Agency's General Report for 2018, subject to a number of modifications, and instructed the Executive Director to submit the document to the Member States and European Institutions, as required by 30 April 2019 (Decision 07/2019).
- Adopted its assessment of the Authorising Officers annual activity report for 2018, and instructed the Executive Director to send the Consolidated Annual Activity Report, together with its assessment, to the Court of Auditors, to the Commission, to the European Parliament and to the Council no later than 1 July 2019 (Decision 08/2019).
- Endorsed the Secretariat's intention to make the necessary additional resources available to improve REACH registration dossier compliance.
- Took note of an update from the Secretariat on new tasks.
- Approved the adaptation of ECHA's draft estimate of revenue and expenditure 2020, to accommodate the human and financial resource needs necessary for carrying out the Agency's tasks under the Waste Framework Directive (WFD) (Decision 09/2019).
- Approved the submission of the technical version of the Programming Document 2020-2022 to the Commission (Decision 10/2019).
- Took note of a report from its Working Group on the Board of Appeal.
- Took note of a report from the selection group for the Chairman of the Board of Appeal and took a decision on a staff request pursuant to Article 90(1) of the Staff Regulations (Decision 11/2019).
- Confirmed the composition of the selection group for the appointment of the Chairman of the Board of Appeal (Hans MEIJER, Kestutis SADAUSKAS and Oscar GONZALEZ SANCHEZ) and decided to convene an extraordinary meeting in April 2019.
- Held an exchange of views on the implementation of certain audit recommendations.
- Took note of the final report from the outgoing Chairman of the Board of Appeal.
- Took note of the annual reports from the ECHA committees (RAC, SEAC, MSC and BPC).
- Adopted revisions updating the Rules of Procedure for RAC (Decision 12/2019) and SEAC (Decision 13/2019) concerning lowering the quorum from at least sixty percent to at least fifty percent on the following items:
 - o The quorum necessary for a meeting is achieved when at least fifty percent of all members having the right to vote are present at the meeting at the time of the agenda point in question.
 - o When opinions are being adopted under written procedure, at least fifty percent of the members having the right to vote have to respond for the procedure to be regarded as valid.

- Appointed new members to the Committee of Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) (Decision 14/2019).

RAC	Ms Julija BROVKINA (Latvia)
SEAC	Ms Zieduna VASILIUNE (Lithuania)

- Amended its decision No 37/2018 on the scope of application of the ECHA Unified Security Declaration, to include the Poison Centre Notification Portal (PCNP) in the list of tools covered by that decision (Decision 15/2019) and endorsed the tailored security requirements for Poison Centre appointed bodies (ABs) accessing PCNP (Decision 16/2019).
- Took note of a background document prepared by the Secretariat on the progress of the ad hoc Working Group on the EP Resolution on sodium dichromate and decided to schedule one further meeting, to receive a report from ECHA on the steps proposed or taken to improve the AfA process and the quality of opinions in line with the principles set out in the recent General Court judgment on lead chromates and to further work on its conclusions and recommendations.
- Endorsed the actions proposed by the Secretariat for 2019-2020 in the area of continual improvement in transparency (Decision 17/2019).
- Held an exchange of views on its own working methods and in particular on the functioning of its sub-groups.
- Took note of the quarterly report on ECHA's activities.
- Took note of the annual report from the Advisory Committee on Conflict of Interests.
- Took note of the update of the Management Board Rolling Plan.
- Took note of the positive outcome of the Written Procedures MB/WP/01-02/2019 on the revision of the Conflict of Interest policy (Decision MB/01/2019) and on the OEL related budget and programming document amendments (Decision MB/02/2019).
- Took note of the budget transfers carried out under the responsibility of the Executive Director since the last notification in December 2018.
- Took note of summary information from the Secretariat on the revised Procedure for Prevention and Management of potential Conflicts of Interest.

Agreed follow-up actions:

- The Executive Director will submit the General Report 2018 to the Member States and European Institutions, as required, by 30 April 2019.
- The Executive Director will forward the Consolidated Annual Activity Report 2018, together with its assessment, to the Court of Auditors, to the Commission, to the European Parliament and to the Council no later than 1 July 2019.
- The Secretariat will submit the adapted draft estimate of revenue and expenditure / budget request 2020 to the Commission.
- The Secretariat will submit the technical version of the Programming Document 2020-2022 to the Commission, for officially seeking its opinion thereon.
- The Chair will call for an extraordinary meeting of the Management Board to appoint the new Chairman of the Board of Appeal.
- The Secretariat will schedule a further meeting for the ad hoc Working Group on the EP Resolution on sodium dichromate.
- The Secretariat will support the Chair in proposing improvements for the work of the Management Board sub-groups.

IV. List of attendees

Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-France RIHOUX	(BE)	
Bojan VIDOVIC	(HR)	
Anastassios YIANNAKI	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Henrik Søren LARSEN	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONEN	(FI)	
Marie-Laure METAYER	(FR)	
Jörg LEBSANFT	(DE)	
Kassandra DIMITRIOU	(EL)	
Krisztina BIRO	(HU)	
Sharon McGUINNESS	(IE)	
Francesca GIANNOTTI	(IT)	
Judīte DIPĀNE	(LV)	(Also acting as proxy to Marija Teriosina (LT))
Paul RASQUE	(LU)	
Ingrid BORG	(MT)	
Hans MEIJER	(NL)	
Lidia WAŚOWICZ	(PL)	
Ana Lilia MARTINS	(PT)	(Also acting as proxy to Luminita Tirchila (RO))
Miroslava BAJANIKOVA	(SK)	
Alojz GRABNER	(SI)	
Oscar GONZALEZ SANCHEZ	(ES)	
Lisa ANFÄLT	(SE)	
Keith BAILEY	(UK)	

Representatives of the European Commission

Kestutis SADAUSKAS
Antti PELTOMÄKI
Sabine JÜLICHER

Independent persons appointed by the European Parliament

Olwenn MARTIN
Kristel BERNAERTS

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER EEB-BEUC – European Environmental
Bureau/European Consumer Organisation

Observers from EEA/EFTA countries

Sigurbjörg SAEMUNSDOTTIR (IS)

Persons participating on behalf of Board members/observers:

Aurelija BAJORAITIENE (on behalf of Marija TERIOSINA)
Marco MENSINK (on behalf of Peter SMITH)
Gertraud LAUBER (on behalf of Esther LYNCH)
Heidi MORKA (on behalf of Sverre-Thomas JAHRE)

Other observers

Abdel EL-AMELI	European Commission
Cristina DE AVILA	European Commission
Teodora VALKOVA	Bulgaria
Anna GRACZYK	accompanying Lidia WASOWICZ
Tom COUGHLAN	accompanying Sharon MCGUINNESS
Peter VAN DER ZANDT	Future ECHA Director for Risk Management

ECHA staff

Bjorn HANSEN	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Jack DE BRUIJN	(Director of Prioritisation and Integration)
Christel MUSSET	(Director of Hazard Assessment)
Luisa CONSOLINI	(Director of Information Systems)
Shay O'MALLEY	(Director of Resources)
Minna HEIKKILÄ	(Head of Unit, Legal)
Frank BÜCHLER	(Head of Unit, Governance, Strategy and Relations)
Gabriella CSEH	(Management Support Officer, Governance, Strategy and Relations unit)
Timo RÖCKE	(Strategic Planning Officer, Governance, Strategy and Relations unit)

(Staff attending specific agenda items)

Tomas ÖBERG	(Chair, Committee for Socio-Economic Analysis)
Tim BOWMER	(Chair, Committee for Risk Assessment)
Watze DE WOLF	(Chair, Member State Committee)
Erik VAN DE PLASSCHE	(Chair, Biocidal Products Committee)
Mikko VÄÄNÄNEN	(Press Officer, Communications unit)

V. Amendment to the draft minutes of the 52nd Management Board meeting

Amendment proposed by the Secretariat⁴⁴

A.1 Implementing Rules to the Staff Regulations

Addition of the ***following text***:

The Management Board adopted three Implementing Rules to the Staff Regulations, concerning:

- the function of adviser;
- middle management staff; and
- the probationary period appraisal, managerial trial appraisal and annual performance appraisal of the Executive Director and the members of the Board of Appeal.

The adoption of the Implementing Rule concerning the probationary period appraisal, managerial trial appraisal and annual performance appraisal of the Executive Director and the members of the Board of Appeal is subject to the formal approval of the European Commission.

With regard to the Implementing Rule on the function of adviser, a Board member asked the Secretariat to clarify whether it intended to make use of the services for staff members in the high grades in question. The Secretariat replied that the Implementing Rules fall under the Staff Regulations and that there are currently no plans to engage advisers according to them. Nevertheless, it may not be ruled out that the need arises to do so in the future, in duly justified cases.

⁴⁴ The same amendment will be reflected in the preliminary conclusions of the 52nd meeting of the Management Board.