

The Management Boards of the Decentralised Agencies (Study)

64th Meeting of the Management Board 15 December 2021

Key messages

The Management Board (MB) is invited to take note of a study published by the Policy Department for Budgetary Affairs of the European Parliament in October 2021.

The study assesses EU decentralised agencies' Management Boards, in particular the effectiveness and efficiency of their working methods, as well as other governance issues, such as their size, composition, and decision-making. The study reviewed the MBs of all EU decentralised agencies, yet, the findings and recommendations are pertinent for the reflection of individual MBs, such as ECHA's, in view of future improvements.

The results show that the EU decentralised agencies' Management Boards are effective and efficient in performing their role and that fundamental changes are not needed. However, there is scope for improving working methods.

Background

The European Parliament's Policy Department for Budgetary Affairs commissioned a study in early 2021 to examine the established practices in the EU decentralised agencies with regard to the Management Boards and assess in particular how effective their working methods are and whether there is room for improvement. The study was carried out by a consultancy (CSES) over the course of 2021.

Proposals for improvement

The proposals for improvement put forward in the study are provided for Board members' information. Elements thereof may be considered by the MB during the course of the next periodic review of its Code of Governance and may contribute to inputting the Commission's preparatory work for ECHA's planned founding regulation.

The proposals for improvement are addressed to all agencies' MBs. Where relevant, the Secretariat mapped the proposals against the measures and practices which are already in place for ECHA's Management Board.

	Management Board membership and representativeness	
1.	Rather than a 'one-size-fits-all' model, there needs to be a degree of flexibility with the structure and composition of the Management Boards reflecting the specific nature, mission and mandate of each agency.	The structure and composition of ECHA's MB is defined in REACH (Art 78-79).
2.	Any pressure to increase the size of MBs further should be resisted. If an expansion of a MB is deemed appropriate, consideration might be given to alternative arrangements such as rotating memberships.	The composition of ECHA's MB is defined in REACH (Art 79).
3.	The EU agencies founding regulations should provide a comprehensive role description for MB members and their alternates that sets out the	N/A

	expectations and responsibilities.	
4.	The EU agencies could provide the Appointing Authority with non-binding guidelines on the MB members selection criteria, where appropriate and necessary.	The ECHA MB Chair requests Member States to appoint new MB members and this request includes a general overview of the applicable legal framework (REACH articles). There are no selection criteria beyond what is included in REACH (Art 79).
5.	Where not available, consideration should be given to introducing formal induction session for new MBs' members to help them become acquainted with their role and responsibilities.	ECHA's incoming MB members participate in an induction session.
6.	To reduce the risk of MB meetings being overloaded, the filtering mechanisms of working groups should be used more extensively to deliberate on specific issues and prepare documents for the plenary sessions.	ECHA's MB has established and works with subgroups (Article 10, Rules of Procedure).
7.	Where not already present, consideration could be given to establishing a MB Secretariat or similar entity to provide support to the MB and enable members to take informed decisions.	The ECHA Executive Director is responsible for providing the Secretariat of the MB (REACH Article 83). The practical work is carried out by the Governance, Strategy and Relations Unit.
8.	The European Parliament should ensure that it appoints appropriate Management Boards members and makes the best use of them.	N/A
	Management Board working methods	
9.	The MBs should develop a Code of Good Governance as an overarching framework for their activities. The Code should define high-level principles that would guide and inspire the conduct of MB members and the MB as a whole.	ECHA's MB has a Code of Governance in place since 2019.
10.	MBs should consider adopting the written procedure to make decisions (or other decision-making rules) on non-controversial, routine and administrative agenda items.	ECHA's MB uses written procedures for urgent issues, between two meetings of the Board, or in case of an inability to convene meetings (Article 7, Rules of Procedure).
11.	The EU agencies should develop a Code of Conduct for their Management Boards setting out principles, procedures and specific mechanisms to deal with conflicts of interest of their members.	ECHA's MB has a Code of Conduct in place. All MB members accept and sign this Code when taking up their role.
12.	Ideally, the approach of having combination of face-to-face and virtual MB meetings should be adopted in the future.	This is planned, once the 'new normal' is established, also in line with ECHA's climate neutrality pledge.
	Towards better performance	
13.	MBs could periodically undertake a survey of their members to assess how effectively and efficiently they are performing their role.	This is partly addressed by the periodic review of the Code of Governance of the ECHA MB (every two years), as well as by periodic surveys run among MB members.
14.	The EU Agencies Network should support the exchange of good practices between the MBs of the different EU agencies.	ECHA actively participates in the work of the EU Agencies Network, which includes exchanges of governance-related best practices. The MB Secretariat is in regular contact with the MB Secretariats of peer agencies.

MB/46/2021 final
Helsinki, 15 December 2021
PUBLIC

Attachments:

- The Management Boards of the Decentralised Agencies – Study (Policy Department for Budgetary Affairs, Author: Centre for Strategy & Evaluation Services (CSES), Directorate-General for Internal Policies, PE 699.400 – October 2021), available at https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/BUDG/DV/2021/11-09/TheManagementBoardsoftheDecentralisedAgencies_EN.pdf

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