

# Minutes of the 64<sup>th</sup> meeting of the Management Board

Held on 15 December 2021 via remote connection

## I. Summary record of the proceedings

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The Chair opened the meeting by welcoming participants<sup>1</sup> to the 64<sup>th</sup> meeting of the Management Board (MB). A special welcome was extended to Ofelia BERCARU and Kai TAKA-AHO, new ECHA Directors joining their first MB meeting.

After a recap of the practical aspects of running the meeting remotely, the Secretariat confirmed that the necessary quorum<sup>2</sup> was achieved, as all Members and registered persons of trust and advisors had established their meeting connection.

### 1. Agenda

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The Chair introduced the draft agenda, reminded Board members of two items included under Any Other Business<sup>3</sup>, and proposed that point B.8 Procedure and practical arrangements for the appointment of the Executive Director is taken as the first point after the lunch break, for ease of organisation of the *in camera* part. The agenda of the meeting was then adopted on this basis. The order of items in these minutes reflect that in which the points were taken in the meeting.

With respect to the decisions of the Management Board taken in remote meetings, it was agreed to continue the practice of confirming them by using an online tool at the end of the meeting day.

### 2. Declaration of specific interests

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The Chair reminded the other Board members that the procedure and practical arrangements for the appointment of the Executive Director (agenda item B.8) will be discussed in a closed session (*in camera*). Only Management Board members, persons attending on behalf of Board members for this meeting (persons of trust), pre-registered advisors and essential ECHA Secretariat staff, i.e., the Executive Director, the Head of the Legal Affairs Unit, the Head of the Governance, Strategy and Relations Unit, the Head of HR and the Management Board secretariat will attend.

The Chair then asked Board members – and persons attending on behalf of a member – to declare if they have a (potential) conflict of interest in the ED appointment process, including specifically if they applied for the position, and in this case, not to attend the meeting for this agenda item, nor participate in any other way in the decision making. No interests were declared in response to this request.

With respect to other items on the agenda, the Chair informed the other Board members that he had reviewed, together with the Secretariat, the members', observers', persons of trusts' and the Executive Director's declarations of interest and commitment in accordance with ECHA's procedure for the Prevention and Management of potential Conflicts of Interest (CoIs)<sup>4</sup>.

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<sup>1</sup> The full list of participants is available under Section IV of these minutes.

<sup>2</sup> As defined in Article 6 of the Management Board Rules of Procedure.

<sup>3</sup> MB/A/05/2021 REV1.

<sup>4</sup> ECHA's Policy on the Prevention and Management of potential Conflicts of Interest (PRO-0067).

He concluded, based on the declarations, that there was no need for specific restrictions with respect to the agenda of this 64<sup>th</sup> 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 commitment 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 thanked members for their cooperation in regularly updating their declarations. The secretariat informed Board members that they will be invited to update their declarations by using a new online tool in the future.

Finally, the Chair strongly encouraged Board members to carefully study the annual recap of corporate ethical duties, which is provided according to the MB's Operating Framework<sup>5</sup>. The refresher had been distributed as a video recording and Board members were invited to watch the video and consult the Secretariat in case of questions.

### 3. Minutes of the 63<sup>rd</sup> Management Board meeting of 23 September 2021

The draft minutes of the 63<sup>rd</sup> Management Board meeting, held remotely on 23 September 2021, were adopted.<sup>6</sup>

The Chair pointed out the status of agreed follow-up actions as follows:

Action	MB	Status
The Executive Director will formalise the administrative arrangements regarding BoA AAMs by signing the appropriate Service Level Agreements.	58	DONE
The Management Board will review ECHA's Strategic Plan in 2021. The newly established ad hoc Subgroup on strategy review will prepare the review and provide recommendations and proposals to the Management Board.	60-62	DONE
The Secretariat will share with the Management Board the data availability roadmap (under the ECHA's transparency approach) when it becomes available.	60	PENDING
The Administrative arrangements for safeguarding the independence of the Board of Appeal will be updated to reflect the decision taken with respect to the reclassification of BoA members.	EO	PENDING
The Secretariat will publish the updated list of members of its Subgroups on ECHA's website.	62	DONE
The Executive Director will forward the Final Accounts, together with the opinion of the Management Board, to the accounting officer of the Commission, the Court of Auditors, the European Parliament and the Council, by 1 July 2021.	62	DONE
The Secretariat will reflect the steer received from the ECHA Strategy review and in the orientation debate in the draft Programming Document 2022-2025 and submit it for written consultation of the Management Board in October 2021.	63	DONE
The second amending budget and the procurement plan amendment for 2021:	63	DONE
o The Executive Director will notify the amending budget and		

<sup>5</sup> MB/52/2019 final REV2.

<sup>6</sup> MB/M/04/2021.

the procurement plan, to the Budgetary Authority, the Court of Auditors and the Commission within four weeks of the adoption; and o Ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union within three months.		
The Secretariat will provide the name of the appointed Management Board observer to the Commission for the pre-selection process of the future Executive Director.	63	DONE
The Secretariat will inform the Management Board Chair of the local health and safety measures to support his decision on the MB's meeting arrangements for December 2021.	63	DONE

## A. Points for automatic adoption

No points for automatic adoption were scheduled for this meeting.

## B. Points for discussion / decision

### B.1 Report from the Management Board Subgroups Strategy, Planning and Implementation (SPI), Finance, Audit and Risks (FAR) and Board of Appeal (BoA)

The Management Board took note of oral reports from the Chairs of its Subgroups on Strategy, Planning and Implementation (SPI) which met on 23 November 2021; on Finance, Audit and Risks (FAR), which met on 24 November 2021 and on Board of Appeal (BoA), which met on 3 November 2021.

The SPI Subgroup had prepared a number of items on the agenda of this plenary meeting, including the Programming Document, budget 2022 and took note of an update concerning the implications of the Chemicals Strategy for Sustainability on ECHA's work.

The FAR Subgroup had prepared the adoption of the Internal Audit Capability's 2022 work plan and agreed to recommend not to revise the Management Board decision on the Transfer of Fees<sup>7</sup>, based on information from the secretariat that the application works well and that the ceiling is not at risk of being exceeded. The FAR Subgroup also scrutinised the outcome of audits conducted in 2021, as well as the actions taken to address the findings of previous audits. Further to the Subgroup FAR's work, the Chair drew the attention of the other Board members to the risks identified in the risk register for 2022, including the difficulties in recruiting qualified staff, the limited resources and cyber-attacks.

The Chair of the Subgroup BoA informed the Management Board that the Subgroup had prepared the written procedure concerning the confirmation of the function of the Technically Qualified Member at the end of his contractual probationary period. He further reported that there was no need to prolong the validity of the MB decision on the composition of the BoA<sup>8</sup> as there are now sufficient alternate Legally Qualified Members available to process appeals at a satisfactory rate. The Chair of the Subgroup informed the Board that the update of the ED-BoA administrative arrangements is planned for 2022, and that the Commission requested the Agency to put in place a specific Code of Conduct for the full-time BoA members, which will equally be included in the work plan for 2022. Finally, the Chair reminded Board members of the possibility to attend BoA public hearings and that a meeting with all BoA members is tentatively planned for 2022.

<sup>7</sup> Management Board Decision 32/2020.

<sup>8</sup> Management Board Decision 39/2020.

Board members thanked the Chairs for their work and reports and one member appointed by the Commission to represent interested parties requested that the Management Board reviews the mandate and powers of all the subgroups, to make sure that they are still effective and efficient.

## B.2 Annual audit plan of the Internal Audit Capability 2022

The Management Board approved the annual work plan of the Internal Audit Capability (IAC) for 2022<sup>9</sup> and took note of the Commission's Internal Audit Service's (IAS) Strategic Internal Audit plan for ECHA for 2022-2024. The MB Subgroup FAR recommended the approval of the IAC work plan.

The IAC audits planned for 2022 will address IT security, stakeholder relationship management activities and meetings' management at ECHA. Follow-up audits will concern the identification and evaluation of environmental aspects at ECHA, agency-wide implementation of planning, reporting and monitoring process in order to achieve SPD-level objectives and biocidal active substances approval. Board members also noted that the planned ex-post evaluation for 2022 will concern the SCIP database, according to the Commission's request expressed in its opinion on the draft Programming Document 2022-2024.

## B.3 New tasks and Chemicals Strategy for Sustainability of the Commission: report from the ECHA Secretariat on requests for support, input provided and impacts

The Management Board took note<sup>10</sup> of the requests received to support the implementation of the Commission's Chemicals Strategy for Sustainability (CSS), the input provided so far, and the potential impact on the ECHA Work Programme 2021.

First, the Executive Director explained that the secretariat had aimed to provide a consistent and holistic input to support the Commission in the implementation of the CSS. This input is based on ECHA's competence in understanding scientific-technical processes and their impact compared to policy objectives and it has been largely provided by secretariat experts, in a bottom-up manner. It was highlighted that this had been thanks to the exceptional commitment and hard work of ECHA staff and was possible due to efficiencies gained and increased risk tolerance in relation to ECHA's regulatory work. The management team has recently engaged in a reflection process on high level topics related to key REACH processes, which would allow to increase the consistency of input even further. With respect to new tasks, it was explained that the secretariat strives to provide the utmost transparency to the Management Board, in cooperation with the Commission, with a view to more information and allowing for better reactivity.

The Chair of the Subgroup SPI then explained that the secretariat's overview was reviewed in the meeting of 23 November 2021 and that the subgroup appreciated the information, discussed a potential new task, and requested that the secretariat's input should remain scientific-technical and not of policy nature. It was further welcomed that the CSS input will be in the future part of the regular planning and reporting processes and not any longer a standalone item on the agenda of Board meetings.

Board members, including two members representing the Commission, thanked the secretariat for the overview and in particular ECHA staff for their dedication and the high-quality input provided, which is necessary for the successful implementation of the CSS.

With respect to potential new tasks, a person of trust replacing a member representing the Commission pointed out that the resource impacts of potential work under the proposal for

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<sup>9</sup> MB/37/2021.

<sup>10</sup> MB/38/2021.

a revision of the Cross-Border Health Threats Regulation<sup>11</sup> appear very limited and the Commission in any event intends to address them latest as part of the discussion about the potential transfer of certain scientific committees. In the wider context of the discussion about potential new tasks, it was pointed out that it is challenging to define the right institutional pathway for feeding in the views of the Management Board in the decision on whether to allocate them to the Agency. The decision lies with the Commission for making the proposal, whereas the ultimate decision lies with the co-legislator, that is, the European Parliament and Member States via the Council. Technical input from ECHA, and as part of the Agency the Management Board, is sought and considered as appropriate and as foreseen in its internal rules by the Commission when formulating their proposals.

Board members further welcomed that a discussion on new tasks and on the impact of the CSS work takes place in the Management Board. It was pointed out that as these elements are closely linked to ECHA's workload planning and in the future to its founding regulation, it is appropriate that such discussions take place in the full Board, as opposed to its subgroups. Some Board members expressed concern that the workload impacts of new tasks and an increase in workload in existing tasks stretch the capacities of the secretariat more than it is possible to accommodate. It was pointed out that not only should tasks be accompanied by resources but also tasks should be tailored to the existing resources. It was clarified that for new tasks allocated to ECHA as a result of the CSS, the resource impacts will be reflected in the legislative proposals, in particular in the respective financial-legislative statements.

Finally, it was recalled that the CSS-related work highlights the managerial challenge of not only matching resources to the volume of tasks but also of articulating ECHA's competence. The Commission, in its opinion on the draft Programming Document 2022-2024<sup>12</sup> requested the secretariat to provide by the end of the first quarter of 2022 a detailed report on the allocation of the Agency's human resources to the activities of the Agency with due consideration of the tasks of the Agency to be maintained, revised or phased out. The secretariat commenced work to respond to this request and this necessarily includes foresight analysis on the possible evolution of ECHA's tasks, as well as of human resource needs. The analysis will be shared with the Management Board in the first half of 2022.

#### B.4 Programming Document 2022-2025, incl. preliminary draft budget 2023

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The Management Board adopted ECHA's Programming Document (PD) 2022-2025<sup>13</sup>, as well as its reply to the Commission's opinion on the draft Programming Document 2022-2024. In this context, the Management Board took note of the IT Masterplan for 2022.

The adopted Programming Document (PD) includes, in a merged format, the final Programming Document 2022-2024 and the draft Programming Document 2023-2025, including the draft Work Programme for 2023<sup>14</sup>. The Management Board instructed the Secretariat to provide the relevant extract of the draft PD 2023-2025 to the Commission for its opinion<sup>15</sup> and as input for the 2023 budgetary procedure (budget request), and to send the final PD to the Commission, the European Parliament and the Council, as well as publish it on ECHA's website.

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<sup>11</sup> 2020/0322(COD).

<sup>12</sup> C(2021) 5458 final of 27 July 2021.

<sup>13</sup> MB/39/2021.

<sup>14</sup> Adopted according to Article 78(b) of REACH.

<sup>15</sup> To be provided as per Article 32(7) of the ECHA Financial Regulation.

## **Proposal**

First, the Executive Director presented the secretariat's proposal for resource allocation and work planning, as reflected in the draft PD 2022-2025. It was noted that it follows the priorities established by the MB in December 2020<sup>16</sup>, builds on the outcome of the ECHA strategy review<sup>17</sup> and takes into account the Commission opinion on the draft PD 2022-2024, as well as the written input provided by Board members in October 2021.

The focus of the work in this planning period is proposed to remain on ECHA's legally required core tasks with a view to achieving the best possible impact – within the available human and financial resources, which are broadly stable. It was explained that CSS-related work is embedded in the PD and that most of the resources are proposed to be used for the achievement of Strategic Priority 1 (Identification and risk management of substances of concern, in particular the integrated regulatory strategy). In this context, it was highlighted that the ambitious compliance check target of 300 is proposed to be maintained for 2022 and 2023 and that it has already been achieved for 2021.

With respect to BPR, it was noted that the human resources are aligned with the establishment plan and this will need to be reconciled with a growing workload related to the review programme. A growing workload under the PIC and POP regulations was equally highlighted, including the challenges in matching this to the limited human resources.

Finally, with respect to the SCIP database established by ECHA under the Waste Framework Directive, it was recalled that the legal obligations are currently fulfilled by using REACH human resources (eight Contract Agents), which need to be gradually returned from the "Environment" budget line to the "REACH" line, starting from 2023. While the situation is stable for 2022, the 2023 resourcing is yet to be clarified and this is reflected in the proposed PD accordingly (with no human, but only financial resources planned to be requested for 2023).

## **Subgroup SPI input**

The MB then heard from the Chair of its Subgroup SPI, which prepared this item during its meeting of 23 November 2021. It was explained that the subgroup was pleased to note the reflection of the strategy review outcome in the draft PD and asked for a number of changes in the document. These changes have been duly implemented and the subgroup recommended the adoption of the PD. Finally, the subgroup's concerns with respect to the resourcing of the SCIP database from 2023 were highlighted and the draft reply to the Commission opinion, prepared by the subgroup, was presented for MB adoption.

## **Exchange of views**

Management Board members thanked the secretariat for the proposal, expressed their support thereto and congratulated the staff for some key achievements in 2021 which the future work programmes will benefit from, including reaching the compliance check target and the progress made in grouping, reflected in the recent publication of the first assessments of regulatory needs for groups of chemicals. In the context of the latter, the importance of involving Member States' expertise in the integrated regulatory strategy work was highlighted.

A Board member pointed out that in many areas ECHA's outputs depend on the input of its regulatory partners, in particular on Member States, and that these resources are scarce and limit the contribution Member States are able to provide. The secretariat shared these concerns, pointed out that it is part of the 2022 corporate risk register, and explained its readiness to support Member States. The evolution of committee work needs to be considered also in view of new tasks, and it was noted that the secretariat will present a reflection paper on the future of RAC for the March 2022 MB meeting.

A Board member highlighted the managerial challenge of the fragmentation of ECHA's

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<sup>16</sup> MB/M/05/2020.

<sup>17</sup> MB/30/2021 final.

tasks, which the secretariat concurred with. It was explained that this issue, together with the challenge of difficult to predict fee income and the complex administrative and financial framework with three separate budgets are a subject for discussion and opportunity for improvement in the context of ECHA's future founding regulation.

A Board member raised a question concerning the sustainability of ECHA's outputs, in the light of staff's workload and motivation, under exceptional (pandemic-related) circumstances. The secretariat explained the steps taken to support staff and that regular surveys are and are planned to be conducted to monitor the situation and take the appropriate steps.

A Board member representing the Commission expressed support to the work programme 2022. With respect to the draft PD 2023-2025, it was pointed out that the Commission will closely scrutinise it, including the human and financial resource request and will provide its formal opinion in writing. During this process, it may be possible that the human and financial request figures will need to be revised. Reference was made to the detailed report on the allocation of the Agency's human resources to the activities of the Agency with due consideration of the tasks of the Agency to be maintained, revised or phased out, which the secretariat will provide to the Commission by the end of the first quarter of 2022.

Another Board member representing the Commission thanked the secretariat for the high-quality work under the PIC and POP Regulations and acknowledged that the workload has increased over time in these areas. The secretariat explained that all possible internal synergies and efficiencies have been exhausted and not increasing the human resources will lead to negative priorities and to an increased risk of missing legal deadlines. Before increasing support to ECHA, the Commission invited the secretariat to continue trying to exploit all potential synergies and efficiencies and offered the Commission's support in this exercise.

With respect to the SCIP database, a Board member representing the Commission thanked the secretariat for the strong effort of setting up the database in a very short timeframe and acknowledged that it is important to ensure that ECHA's resources correspond to its tasks in this area also in 2023 and afterwards. Five full-time equivalents from the REACH line were identified as the appropriate level of human resources for the maintenance mode, which should ensure compliance with the main legal obligations. Another Board member representing the Commission underlined that there must be a clear roadmap in place on how the resources will be gradually returned to REACH over time. Reference was made to the ex-post evaluation of the SCIP database (2022), which will inform the MB and the Commission on how SCIP meets the policy agenda, and this will serve the long-term resource planning of this area, including during any future change of the Waste Framework Directive. The secretariat thanked the Commission services for the clarification and committed to reflecting the use of 5 FTEs from the REACH quota in 2023, while charging the expenditure to the "Environment" budget line, in the final draft PD 2023-2025 accordingly.

On this basis, the Chair concluded that the PD is adopted and asked the secretariat to finalise the document for submission and publication and to dispatch the MB's reply to the Commission opinion.

## B.5 Budget, establishment plan and procurement plan 2022

The Management Board adopted ECHA's final budget for 2022, including the establishment plan and the procurement plan<sup>18</sup>. The Subgroup SPI had reviewed the proposal for the final budget 2022 and recommended its adoption to the Management Board.

ECHA's total expenditure budget for 2022 amounts to €112.7 million, including expenditure related to the delegated tasks (the amount of which will be updated to reflect the signed agreements). The EU balancing subsidy requests and appropriations are aligned with the EU Budget 2022 ceilings and so are the foreseen staffing levels.

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<sup>18</sup> MB/40/2021

A Management Board member representing the Commission expressed support for the proposal and recalled the importance of Member States' support for ECHA's EU contribution during the annual budgetary processes. The secretariat was invited to continue closely monitoring the income from fees and charges, so that the necessary steps may be initiated in due course and the EU balancing contribution can be used in full. With respect to human resources used for the SCIP database, the need for arrangements for a progressive phasing out of REACH resources was reiterated.

It was noted that ECHA's income is difficult to predict, despite the progress made in modelling, and volatile, as opposed to a relatively stable expenditure level. In response to a question on possible measures to be taken in case of a sharp loss of revenue, the secretariat explained that careful planning is in place and a limited amount of flexibility and resilience exists, which can be used, as necessary. Board members discussed that the predictability and sustainability of ECHA's funding will be addressed in the context of the planned founding regulation and welcomed that the MB will be informed of the progress made.

## B.8 Procedure and practical arrangements for the appointment of the Executive Director [*in camera*]

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This item was held *in camera*. Only Board members, their persons of trust, the Executive Director, the Head of Legal Affairs, the Head of HR, the Head of Governance, Strategy and Relations and the secretariat of the Management Board were present.

The Management Board first took note of an oral update from the Board member representing DG GROW about the progress of the pre-selection process and the next steps. It was noted that the call for expressions of interest<sup>19</sup> closed on 19 November 2021 and that sufficient candidatures have been received. The Commission is treating this file as a matter of urgency, the pre-selection panel has been established and the first interviews with the eligible candidates will be scheduled as soon as possible. Afterwards, the most suitable candidates will undergo an assessment by the Consultative Committee for senior appointments and will be subsequently interviewed by the Commissioner(s) in charge. The list of most qualified candidates will afterwards be formally adopted by the Commission and transmitted to the Chair of the ECHA Management Board. Further to questions from Board members, it was clarified that the number of candidates on the Commission's list is determined by the overall amount and quality of candidatures, and that the Commission aims to propose a list which provides sufficient and valuable options for the Management Board.

Next, a member of the ED preparatory group<sup>20</sup> presented the group's proposal<sup>21</sup> for the procedure and practical arrangements for the appointment of the Executive Director. The proposal concerned the Management Board phase of the selection, that is, the assessment of the candidates on the Commission's list, the appointment and the subsequent address to the European Parliament. The Management Board adopted the practical arrangements as proposed.

Afterwards Board members held an exchange of views about the interim arrangements, which are necessary to ensure the continuity of the Agency's operations until the new Executive Director takes up their role. It was agreed that the Management Board will appoint an interim/acting Executive Director in an extraordinary meeting in January 2022 (date to be confirmed). This person would take up duties on 1 April 2022 and remain in function until the future Executive Director takes up their role.

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<sup>19</sup> COM/2021/20069, Official Journal 2021/C 418 A/01 – 15/10/2021.

<sup>20</sup> The group had been established in June 2021 (MB/M/03/2021) and is composed of the Chair of the Management Board (Paul KRAJNÍK), the Reporting Officers for the Executive Director (Kristin SCHREIBER, Alojz GRABNER, Claudia DUMITRU) and two members appointed by the Commission to represent interested parties (Marco MENSINK and Stefan SCHEUER).

<sup>21</sup> MB/43/2021

## B.9 Charter of tasks and responsibilities of the ECHA authorising officer

The Management Board adopted the Charter of tasks and responsibilities of the ECHA Executive Director as authorising officer.<sup>22</sup> The Charter aims at providing transparency and it summarises one part of the Executive Director's duties, in relation to budgetary and financial management.

## B.6 Quarterly report on ECHA's activities

The Management Board took note of the Quarterly Report on ECHA's activities<sup>23</sup>. The highlights, presented by the secretariat, included the pausing of the gradual return to the office due to the worsening pandemic situation in Finland, the on-going performance issues with the dissemination platform and the website, challenges with ECHA's EMAS (Eco-management and Audit Scheme) registration, as well as the progress with the classification of glyphosate, which generates a very high public interest.

## B.7 Appointment of Committee members

The Management Board renewed<sup>24</sup> the mandate of two members (Michal MARTINEK (CZ) and Julija BROVKINA (LV)) for the Committee for Risk Assessment (RAC). The Management Board further nominated one new candidate (Michael BÜCKER (DE)) and renewed the mandate of three members (Jean-Marc BRIGNON (FR), Julieta NIKOVA (BG) and Marit MÅGE (NO)) for the Committee for Socio-Economic Analysis (SEAC). Further to a question from a Board member appointed by the Commission to represent interested parties, it was clarified that the regular interviews with the Committee Chairs took place prior to the proposal for appointment and no issues were identified.

## Confirmation of decisions taken

The Management Board confirmed all the decisions taken during the 64<sup>th</sup> meeting<sup>25</sup>, using an electronic tool (Webropol), which was set up to guarantee anonymity and secrecy of the vote, the use of proxies and ensured that every member with voting rights was only able to submit one vote. The decisions were confirmed with the required two-thirds majority of votes.

Consequently, no written procedures will be conducted after the meeting to confirm the decisions taken.

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<sup>22</sup> MB/44/2021.

<sup>23</sup> MB/41/2021.

<sup>24</sup> MB/42/2021

<sup>25</sup> The online confirmation included all the decisions reached in the meeting, namely under the following points of the agenda:

3. Draft minutes of the 63<sup>rd</sup> Management Board meeting of 23 September 2021,

B.2 Annual audit plan of the Internal Audit Capability 2022,

B.4 Programming Document 2022-2025, incl. preliminary draft budget 2023,

B.5 Budget, establishment plan and procurement plan 2022

B.7 Appointment of Committee members,

B.8 Procedure and practical arrangements for the appointment of the Executive Director,

B.9 Charter of tasks and responsibilities of the ECHA authorising officer.

## C. Points for information (without discussion)

### C.1 Transfers within the budget since last notification

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The Management Board took note<sup>26</sup> of the transfers within the budget since the last notification from the Executive Director.

### C.2 The Management Boards of the Decentralised Agencies (Study)

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The Management Board took note<sup>27</sup> of a study on the Management Boards of the Decentralised Agencies, commissioned by the European Parliament Committee on Budget (BUDG).

### C.3 Follow-up of discharge recommendations 2019 (report on ECHA actions)

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The Management Board took note<sup>28</sup> of the Secretariat's report on the follow-up taken in response to the European Parliament's decisions of 28 April 2021 on discharge; on the closure of the accounts of ECHA for the financial year 2019 and to the European Parliament resolution of 29 April 2021 with observations forming an integral part of the decision on discharge.

### C.4 Outcome of the Written Procedure MB/WP/03/2021

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The Management Board took note<sup>29</sup> of the positive outcome of its Written Procedure MB/WP/03/2021. The Written Procedure concerned the confirmation in functions of the Technically Qualified Member of the Board of Appeal, at the end of his contractual probationary period.

## 4. Any other business

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### **Staff matters**

The Management Board took note of information from the Executive Director concerning the recent appointment of the new Chair of the Member State Committee. In this context, Board members heard a general overview of the applicable HR policies and rules to prevent (potential) conflicts of interests, as well as of the steps followed in this recruitment. Clarifying questions and answers were provided during the *in camera* session.

### **Management Board meeting dates 2022-2023**

The Chair announced the planned Management Board meeting dates for 2022, as follows:  
29-30 March 2022;  
22-23 June 2022<sup>30</sup>;  
29-30 September 2022 and  
15-16 December 2022.

In addition, it was recalled that extraordinary plenary sessions may take place, if and as they are necessary to appoint the interim/acting and the future Executive Director.

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<sup>26</sup> MB/45/2021.

<sup>27</sup> MB/46/2021.

<sup>28</sup> MB/47/2021.

<sup>29</sup> MB/WP/03/2021.

<sup>30</sup> To be confirmed.

The Chair also explained that the Management Board meetings for 2023 are preliminarily planned to take place as follows:

30-31 March 2023;

21-22 June 2023;

28-29 September 2023 and

14-15 December 2023.

### **Annual recap of corporate ethical duties**

The Chair explained that the annual recap of corporate ethical duties had been distributed among the meeting documents as an updated video and invited Board members to study it carefully.

### **Report of the High-Level Roundtable on the Chemicals Strategy for Sustainability Enforcement and compliance of chemicals legislation**

Upon request of a Board member appointed by the Commission to represent interested parties, the Commission briefly presented the roundtable report<sup>31</sup>, which put forward ten recommendations. A Board member highlighted the recommendations with respect to transparency and non-compliance and asked the secretariat to explain its practice of not publishing names of companies failing compliance check, which, in the Board member's view, should be revised. The secretariat briefly presented its progress in improving the transparency of the registration and evaluation processes. It was noted that the secretariat's current practice is based on statutory obligations and legal analysis, and potential changes may be discussed in the context of the revamp of the dissemination portal.

Other Board members pointed out that some of the recommendations may bring changes to the role of the ECHA Forum for Exchange of Information on Enforcement (Forum) and it was acknowledged that this element, as well as all other recommendations, will be duly considered by the Commission in its on-going policy development work.

### **Economic Analysis of the Impacts of the Chemicals Strategy for Sustainability (Phase 1 Report for Cefic)**

A Board member appointed by the Commission to represent interested parties briefly presented the Economic Analysis of the Impacts of the Chemicals Strategy for Sustainability, a Phase 1 Report prepared by Ricardo for the European Chemicals Industry Council (Cefic)<sup>32</sup>. It was noted that the report is a first in a series and other Board members were invited to contact Cefic in case of questions or deeper interest.

### **Next meeting and closure**

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The Chair thanked participants and the secretariat for their participation. It was noted that the next Board meeting will take place in January 2022, with the exact date and location to be communicated in due course. Finally, the Chair thanked all Board members and ECHA staff for their commitment and work in 2021 and wished a safe and relaxing holiday period.

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<sup>31</sup> Available at: [https://ec.europa.eu/environment/news/chemicals-strategy-high-level-roundtable-adopts-joint-report-enforcement-and-compliance-2021-11-26\\_en](https://ec.europa.eu/environment/news/chemicals-strategy-high-level-roundtable-adopts-joint-report-enforcement-and-compliance-2021-11-26_en)

<sup>32</sup> Available at: <https://cefic.org/app/uploads/2021/12/Economic-Analysis-of-the-Impacts-of-the-Chemicals-Strategy-for-Sustainability-Phase-1.pdf>

## II. Documents submitted to the Management Board

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Draft Agenda	MB/A/05/2021REV1
Draft Minutes of the 63 <sup>rd</sup> Management Board meeting	MB/M/04/2021
Annual audit plan of the Internal Audit Capability 2022	MB/37/2021
New tasks and Chemicals Strategy for Sustainability of the Commission: report from the ECHA Secretariat on requests for support, input provided and impacts	MB/38/2021
Programming Document 2022-2025, incl. preliminary draft budget 2023	MB/39/2021
Budget, establishment plan and procurement plan 2022	MB/40/2021
Quarterly report on ECHA's activities	MB/41/2021
Appointment of Committee members	MB/42/2021
Procedure and practical arrangements for the appointment of the Executive Director	MB/43/2021
Charter of tasks and responsibilities of the ECHA authorising officer	MB/44/2021
Transfers within the budget since last notification	MB/45/2021
The Management Boards of the Decentralised Agencies (Study)	MB/46/2021
European Chemicals Agency report on the follow-up to the 2019 budgetary discharge	MB/47/2021
Outcome of the Written Procedure MB/WP/03/2021	MB/WP/03/2021
Management Board meeting dates 2022-2023	
Annual recap of corporate ethical duties	
Report of the High-Level Roundtable on the Chemicals Strategy for Sustainability: Enforcement and compliance of chemicals legislation	
Economic Analysis of the Impacts of the Chemicals Strategy for Sustainability (Phase 1 Report for Cefic)	

### III. Decisions taken/ Conclusions reached by the Management Board

#### The Management Board:

- Adopted the agenda for its 64<sup>th</sup> meeting (Decision 39/2021).
- Approved the minutes of the 63<sup>rd</sup> Management Board meeting held on 23 September 2021 (Decision 40/2021).
- Took note of reports from its Subgroups Strategy, Planning and Implementation (SPI), Finance, Audit and Risks (FAR) and Board of Appeal (BoA).
- Took note of the 2022-2024 Strategic Internal Audit Plan issued by the European Commission's Internal Audit Service (IAS).
- Approved the annual audit work plan of the Internal Audit Capability for 2022. (Decision 41/2021)
- Took note of the current state of play of the requests received to support the Commission's Chemicals Strategy for Sustainability (CSS), the input provided so far, and the potential impact on the ECHA Work Programme 2021.
- Adopted the ECHA Programming Document 2022-2025, comprising the final Programming Document 2022-2024 and the draft Programming Document 2023-2025, including the draft Work Programme for 2023 and the preliminary draft budget for 2023 (budget request). (Decision 42/2021)  
Adopted the reply to be sent to the Commission on its opinion on the draft Programming Document 2022-2024.
- Adopted the Budget, establishment plan and procurement plan 2022. (Decision 43/2021)
- Took note of the Quarterly Report on ECHA's activities.
- Appointed one new member and renewed the mandate of members to the Committee for Risk Assessment (RAC) and Socio-economic Analysis (SEAC), as follows (Decision 44/2021):

SEAC new member:	Michael BÜCKER (DE)
SEAC renewals:	Jean-Marc BRIGNON (FR), Julieta NIKOVA (BG) and Marit MÅGE (NO)
RAC renewals:	Michal MARTINEK (CZ) and Julija BROVKINA (LV)

- Adopted the procedure and practical arrangements for the appointment of the Executive Director. (Decision 45/2021)
- Adopted the Charter of tasks and responsibilities of the ECHA Executive Director as authorising officer. (Decision 46/2021)
- Took note of transfers within the budget since the last notification.
- Took note of a study on the Management Boards of the Decentralised Agencies, commissioned by the European Parliament Committee on Budget (BUDG).
- Took note of the European Chemicals Agency report on the follow-up to the 2019 budgetary discharge decision and resolution<sup>33</sup>.
- Took note of the positive outcome of its Written Procedure MB/WP/03/2021.
- Took note of the planned Management Board meeting dates for 2022-2023.
- Took note of the annual recap of corporate ethical duties.
- Took note of the Report of the High-Level Roundtable on the Chemicals Strategy for Sustainability: Enforcement and compliance of chemicals legislation.
- Took note of the Economic Analysis of the Impacts of the Chemicals Strategy for Sustainability (Phase 1 Report for Cefic).

<sup>33</sup> 7 P9 TA(2021)0194 and 2020/2170(DEC).

Agreed follow-up actions:

- The secretariat will finalise and send the Programming Document 2022-2025 to the Institutions and Member States and publish it on ECHA's website.
- The secretariat will provide the extract of the Programming Document 2023-2025 to the Commission by 31 January 2022, as input to the 2023 budgetary process and the basis for the Commission's opinion under Article 32(7) of the Financial Regulation.
- The secretariat will transmit the final budget 2022, including the establishment plan, for information, to the European Parliament and the Council, the Court of Auditors and the Commission, and publish them on the website of the Agency within four weeks from the adoption.
- An extraordinary Management Board will be convened in January 2022 (exact date to be confirmed) to appoint the interim/acting Executive Director.

## List of attendees<sup>34</sup>

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### Representatives of the Member States

Paul KRAJNIK	(AT)	
Teodora VALKOVA	(BG)	
Dubravka Marija KREKOVIC	(HR)	
Tasoula KYPRIANIDOU- LEONTIDOU	(CY)	(Also acting as proxy for Sofia ZISI (EL) in the afternoon session)
Tatjana KOLESNIKOVA	(CZ)	
Magnus LOFSTEDT	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONEN	(FI)	
Axel VORWERK	(DE)	
Sofia ZISI	(EL)	
Szilvia DEIM	(HU)	
Stephen CURRAN	(IE)	
Pasqualino ROSSI	(IT)	
Judite DIPANE	(LV)	
Donata PIPIRAITE- VALISKIENE	(LT)	
Jerome FAE	(LU)	(Also acting as proxy for Kees HOPPENER (NL) in the afternoon session)
Ingrid BORG	(MT)	
Kees HOPPENER	(NL)	
Anna LEWANDOWSKA	(PL)	
Lilia MARTINS	(PT)	
Claudia DUMITRU	(RO)	
Helena POLAKOVICOVA	(SK)	
Alojz GRABNER	(SI)	(Also acting as proxy for Ingrid BORG (MT) in the afternoon session)
Oscar GONZALEZ SANCHEZ	(ES)	(Also acting as proxy for Anne-France RIHOUX (BE) and Karine BOQUET (FR))
Per ÄNGQUIST	(SE)	

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<sup>34</sup> 32 members with six proxies given (as detailed above and below: three full proxies and three partial ones (for the afternoon session)) and two EEA/EFTA observers joined the remote meeting.

Representatives of the European Commission

Kestutis SADAUSKAS	DG ENV
Kristin SCHREIBER	DG GROW (Also acting as proxy for Sabine JÜLICHER (DG SANTE))

Independent persons appointed by the European Parliament

Kristel BERNAERTS

Olwenn MARTIN

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER	EEB-BEUC – European Environmental Bureau/European Consumer Organisation
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Marco MENSINK	Cefic
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Not participating, no substitutes

Anne-France RIHOUX (BE)

Karine BOQUET (FR)

Observers from EEA/EFTA countries

Steinunn Fjóla SIGURDARDOTTIR (IS)

Sverre Thomas JAHRE (NO)

Persons participating on behalf of Board members / observers:

Klaus BEREND on behalf of Sabine JÜLICHER (DG SANTE)

Ignacio DORESTE (ETUC) on behalf of Gertraud LAUBER (IGBCE)

Other observers

Michael FLÜH	European Commission/DG GROW
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Abdel-Ilah EL-AMELI	European Commission/DG GROW
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Bernhard BERGER	European Commission/DG ENV
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## ECHA staff and representatives of ECHA bodies

Bjorn HANSEN	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Shay O'MALLEY	(Director of Resources)
Peter VAN DER ZANDT	(Director of Risk Management)
Mike RASENBERG	(Director of Hazard Assessment)
Ofelia BERCARU	(Director of Prioritisation and Integration)
Kai TAKA-AHO	(Director of Information Systems)
Tim BOWMER	(Chair of the Committee for Risk Assessment)
Katja VOM HOFE	(Chair of the Enforcement Forum)
Mercedes VIÑAS	(Head of Communications Unit)
Minna HEIKKILÄ	(Head of Legal Unit)
Frank BÜCHLER	(Head of Governance, Strategy and Relations Unit)
Minna STRÖMBERG	(Internal Audit Capability)
Tuula HAKALA	(Head of Finance Unit)
Hristina RANGELOVA	(Budget Officer, Finance Unit)
Jaime MARTIN-GRANIZO	(Procurement Officer, Finance Unit)
Eric RIEGER	(Head of Human Resources Unit)
Sara CERTANC	(Human Resources Officer, Human Resources Unit)
Gabriella CSEH	(Management Board Secretary, Governance, Strategy and Relations Unit)
Timo RÖCKE	(Strategic Planning Officer, Governance, Strategy, and Relations Unit)
Jenni HOLSTI	(Management Board Assistant, Governance, Strategy and Relations Unit)