

Minutes of the extraordinary meeting of the Management Board

Held on 19 January 2022 via remote connection

I. Summary record of the proceedings

The Chair opened the meeting by welcoming participants¹ to the extraordinary meeting of the Management Board (MB).

After a recap of the practical aspects of running the meeting remotely, the secretariat confirmed that the necessary quorum² was achieved, as all Members and registered advisors had established their meeting connection.

1. Agenda

The Chair introduced the draft agenda, which was adopted as proposed. It was noted that points B.3 and B.4 will take place in camera, open only to Management Board members, their pre-registered advisors and essential ECHA secretariat staff, including the Executive Director.

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.

2. Declaration of specific interests

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)³.

He concluded, based on the declarations, that there was no need for specific restrictions with respect to the agenda of this extraordinary 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.

¹ The full list of participants is available under Section IV of these minutes.

² As defined in Article 6 of the Management Board Rules of Procedure.

³ ECHA's Policy on the Prevention and Management of potential Conflicts of Interest (PRO-0067).

3. Minutes of the 64th Management Board meeting of 15 December 2021

The draft minutes of the 64th Management Board meeting, held remotely on 15 December 2021, were adopted.⁴

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

Action	MB	Status
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 finalise and send the Programming Document 2022-2025 to the Institutions and Member States and publish it on ECHA's website.	64	ON-GOING
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.	64	ON-GOING
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.	64	ON-GOING

A. Points for automatic adoption

No points for automatic adoption were scheduled for this meeting.

B. Points for discussion / decision

B.1 Function of the ECHA Executive Director

The Management Board took note of information prepared by the secretariat concerning the function of the ECHA Executive Director⁵. Board members held an exchange of views, in a workshop-setting, on the main elements of this function and its interplay with the Management Board and the secretariat.

B.2 Administrative and operational milestones of the Executive Director in 2022 and beyond

The Management Board took note of the main administrative and operational deliverables of the Executive Director (ED) in 2022 and beyond⁶. The information prepared by the secretariat was based on the duties and powers of the Executive Director as set out in Article 83 of Regulation (EC) No 1907/2006 (REACH) and considered the approved Work Programme for 2022 as well.

⁴ MB/M/05/2021.

⁵ MB/01/2022.

⁶ MB/02/2022.

B.3 Status of the pre-selection of the ECHA Executive Director (update from the Commission) [*in camera*]

The Management Board took note of an oral update from a Board member representing the Commission with respect to the progress of the pre-selection process of the future Executive Director. It was noted that the process is progressing as scheduled, and it was welcomed that the Commission treats the file as a matter of priority.

B.4 Appointment of an Acting Executive Director [*in camera*]

The Management Board decided to appoint⁷ the longest serving ECHA senior manager, Shay O'MALLEY, as Acting Executive Director, from 1 April 2022 until the new Executive Director takes up his/her role. The decision was prepared by and based on the recommendation the Management Board's preparatory group for the ED selection.

The Management Board's decision will be implemented by Bjorn HANSEN, the current Executive Director, who will temporarily assign Shay O'MALLEY the duties of Acting Executive Director as of 1 April 2022.

According to the caretaking nature and expected short duration of the appointment, the Management Board invited the Acting Executive Director to focus on providing stability for ECHA, ensuring the effective implementation of the 2022 Work Programme and to consult the Board with respect to decisions on policies, initiatives and appointments with long-term impact.

Confirmation of decisions taken

The Management Board confirmed all the decisions taken during the extraordinary meeting⁸, using a new electronic tool (EU Survey). The tool is operated by the European Commission, conforms to all the data protection requirements, and requires a login for enhanced security. It was set up to guarantee anonymity and secrecy of the vote, the use of proxies and ensured that the number of votes submitted does not exceed the number of members with voting rights (32). The decisions were confirmed unanimously.

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

C. Points for information (without discussion)

No points for information were scheduled for this meeting.

4. Any other business

The Management Board took note of information from its Chair concerning the formal approval of the request for early retirement of the current Executive Director, Bjorn HANSEN.

Next meeting and closure

The Chair thanked participants and recalled that the next Board meeting will take place on 29-30 March 2022.

⁷ MB/03/2022.

⁸ The online confirmation included all the decisions reached in the meeting, namely under the following points of the agenda:

3. Draft minutes of the 64th Management Board meeting of 15 December 2021,
B.4 Appointment of an Acting Executive Director.

II. Documents submitted to the Management Board

Draft Agenda	MB/A/01/2022
Draft Minutes of the 64 th Management Board meeting	MB/M/05/2021
Function of the ECHA Executive Director	MB/01/2022
Administrative and operational milestones of the Executive Director in 2022 and beyond	MB/02/2022
Appointment of an Acting Executive Director	MB/03/2022

III. Decisions taken/ Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its extraordinary meeting (Decision 01/2022).
- Approved the minutes of the 64th Management Board meeting held on 15 December 2021 (Decision 02/2022).
- Held an exchange of views on the function of the ECHA Executive Director.
- Took note of the administrative and operational milestones of the Executive Director in 2022 and beyond.
- Appointed the longest serving senior manager, Shay O'MALLEY, as Acting Executive Director, from 1 April 2022 until the new Executive Director takes up their role (Decision 03/2022).

Instructed Bjorn HANSEN, the current Executive Director to implement this decision by temporarily assigning Shay O'MALLEY the duties of Acting Executive Director as of 1 April 2022.

Invited the Acting Executive Director to focus on providing stability for ECHA, ensuring the effective implementation of the 2022 Work Programme and to consult the Board with respect to decisions on policies, initiatives and appointments with long-term impact.

- Took note of information from its Chair concerning the formal approval of the request for early retirement of Bjorn HANSEN, the current Executive Director.

Agreed follow-up actions:

- The current Executive Director will implement the Management Board decision 03/2022 by temporarily assigning Shay O'MALLEY the duties of Acting Executive Director as of 1 April 2022.
- The objectives of the Acting Executive Director for the interim period will be defined by the Executive Director Reporting Officers, in line with the guidance provided by the Management Board in its extraordinary meeting of 19 January 2022.

List of attendees⁹

Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-FRANCE Rihoux	(BE)	
Teodora VALKOVA	(BG)	
Dubravka Marija KREKOVIC	(HR)	
Tasoula KYPRIANIDOU- LEONTIDOU	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Magnus LOFSTEDT	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONEN	(FI)	
Karine BOQUET	(FR)	
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)	
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) for the last part of the meeting including the confirmatory voting)

⁹ 32 members with two proxies given (as detailed above and below: one full proxy and one partial one (for the last part of the meeting including the confirmatory voting)), two representatives from the interested parties and one EEA/EFTA observer joined the remote meeting.

Oscar GONZALEZ SANCHEZ (ES)

Per ÄNGQUIST (SE)

Representatives of the European Commission

Kristin SCHREIBER DG GROW

Kestutis SADAUSKAS DG ENV

Sabine JÜLICHER DG SANTE

Independent persons appointed by the European Parliament

Kristel BERNAERTS (Also acting as proxy for Olwenn MARTIN (EP))

Representatives from interested parties appointed by the European Commission

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

Marco MENSINK Cefic

Not participating, no substitutes

Olwenn MARTIN (EP)

Gertraud LAUBER (IGBCE)

Steinunn Fjóla SIGURDARDOTTIR (IS)

Observers from EEA/EFTA countries

Sverre Thomas JAHRE (NO)

Persons participating on behalf of Board members / observers:

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Other observers

Abdel-Ilah EL-AMELI European Commission/DG GROW

Bernhard BERGER European Commission/DG ENV

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)	
Kai TAKA-AHO	(Director of Information Systems)	
Minna HEIKKILÄ	(Head of Legal Unit)	
Frank BÜCHLER	(Head of Governance, Strategy and Relations Unit)	
Eric RIEGER	(Head of Human Resources Unit)	
Gabriella CSEH	(Management Board Secretary, Strategy and Relations Unit)	Governance,
Jenni HOLSTI	(Management Board Assistant, Strategy and Relations Unit)	Governance,