

## Minutes of the 65<sup>th</sup> meeting of the Management Board

Hybrid meeting held on 29-30 March 2022 in Helsinki/by remote connection

### I. Summary record of the proceedings

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The Chair opened the meeting by welcoming participants to this hybrid meeting of the Management Board (MB). A special welcome was extended to new persons of trust and members joining for the first time: Klaus BEREND, Acting Director in DG SANTE as a new Board member, and Alexander ROESKE as the new person of trust of Gertraud LAUBER, appointed by the Commission to represent interested parties. The Chair further welcomed Martin HOJSÍK, ECHA's liaison Member at the European Parliament, who attended the first part of the Board meeting as part of his visit to ECHA.

A recap of the practical aspects of running the meeting in person and online was provided and the Secretariat confirmed that the quorum necessary to hold a meeting<sup>1</sup> was achieved, as all Members, registered persons of trust and advisors had established their meeting connection.

#### 1. Agenda

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The Chair introduced the draft agenda<sup>2</sup>, which was adopted as presented.

Upon the Chair's proposal, the MB agreed to continue the practice of confirming the decisions taken using an online tool.

#### 2. Declaration of specific interests

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The Chair thanked other Board members for taking into use the new online tool for submitting and updating declarations of interest. The Chair then informed 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>3</sup>.

He concluded, based on the declarations, that there was no need for specific restrictions with respect to the agenda of this 65<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.

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<sup>1</sup> As defined in Article 6 of the Management Board Rules of Procedure.

<sup>2</sup> MB/A/02/2022.

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

### 3. Minutes of the extraordinary Management Board meeting

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The draft minutes of the extraordinary Management Board meeting of 19 January 2022 (online) were circulated on 4 February 2022. The Chair opened the floor for amendment proposals. There were no requests for the floor.

The minutes of the extraordinary Management Board meeting<sup>4</sup> were then adopted, as submitted.

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

Action	MB	Status
The Secretariat will share the data availability roadmap (under the ECHA's transparency approach) with the Management Board 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 Board of Appeal members.	EO/ 2021	PENDING
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.	EO/ 2022	DONE
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.	EO/ 2022	ON- GOING

#### *Address of Martin HOJSÍK, Member of the European Parliament*

Martin HOJSÍK addressed the Management Board in his capacity as liaison Member of the European Parliament for ECHA, designated by the Committee on the Environment, Public Health and Food Safety. He referred to his experiences during his visit to the Agency on 28-29 March 2022 and thanked all ECHA staff, as well as Board members, for ECHA's work. He further pointed out the need to share ECHA's experience in the scientific-technical implementation of chemicals legislation with policy makers and called on the Agency to provide support in the implementation of the Commission's Chemicals Strategy for Sustainability (CSS).

#### **A. Points for automatic adoption**

##### **A.1. Proposal to discontinue the chemical similarity check service performed in the context of BPR**

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The Management Board adopted the secretariat's proposal to discontinue the chemical similarity check service performed in the context of the Biocidal Products Regulation (BPR).<sup>5</sup> The Management Board decision 31/2013 on the service charge for chemical similarity checks performed for biocidal active substances is therefore revoked.

#### **B. Points for discussion / decision**

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<sup>4</sup> MB/M/01/2022.

<sup>5</sup> MB/04/2022.

## B.1 Report from the Management Board Subgroup Strategy, Planning and Implementation (SPI)

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The Management Board took note of the oral report concerning the Management Board Subgroup SPI meeting of 8 March 2022, provided by the Chair of the Subgroup.

## B.2 Reporting

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### B.2.A Annual Report 2021

The Management Board adopted the REACH General Report (section 1) part of ECHA's Annual Report 2021<sup>6</sup>, subject to changes proposed and agreed in the meeting.

The Management Board Subgroup SPI had given input in March 2022 and reviewed the previous draft of the report. The Subgroup recommended the adoption of the Annual Report 2021, acknowledging that the secretariat had reflected on the comments provided.

Board members expressed their appreciation for the results accomplished in the previous year and overall welcomed the draft report. Clarifications were proposed concerning the wording of the foreword and the executive summary. Board members underlined that the topic of animal testing requires continued attention, including at Board level. Board members also invited the secretariat to explain more clearly the impact of the efforts on compliance checks, including an explanation on the rate of non-compliant dossiers (40 %) and continuing to regularly provide the Board with information on this topic. In the context of indicators, a Board member representing the Commission asked for and received further information on the secretariat's actions to support Member States in the evaluation of biocidal active substances.

The Annual Report 2021 will be submitted to Member States, the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors and will be published on ECHA's website.

### B.2.B Management Board Analysis and Assessment of the Consolidated Annual Activity Report 2021

As part of the Annual Report 2021 (sections 2-4), the Management Board took note of the Executive Director's Consolidated Annual Activity Report for 2021, drawn up in his capacity as ECHA's authorising officer under the Financial Regulation. The Chair of the Subgroup SPI presented the draft Management Board assessment<sup>7</sup> of this report, prepared in the last meeting of the Subgroup on 8 March 2022.

The proposed assessment was adopted, with one amendment proposed by a Board member representing the Commission, concerning the performance indicators and targets for the grouping of substances under the Integrated Regulatory Strategy. As part of the Annual Report 2021, the assessment will be sent to the Court of Auditors, the European Parliament, and the Commission, no later than 1 July 2022.

## B.3 Quarterly report on ECHA's activities

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The Management Board took note of the Quarterly Report on ECHA's activities<sup>8</sup>. The highlights, presented by the secretariat, included an update on elevated risks to business continuity due to the geopolitical situation and measures to address these risks. The secretariat further reported on the SME verification target being at risk of not being met in 2022, on the high public interest on the restriction of substances in tattoo inks and permanent make-up and the continuing high public attention on animal testing.

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<sup>6</sup> MB/05/2022.

<sup>7</sup> MB/06/2022.

<sup>8</sup> MB/07/2022.

The Chair pointed out the importance of addressing the persisting public concerns regarding animal testing and invited the secretariat to provide the MB with an update on the secretariat's approach, as well as an overview of ECHA's role, the regulatory framework and stakeholders' views and criticism. It was noted that this information may be provided as an information session or as part of one of the next regular Board meetings.

It was also noted that the impact of the Active Substance Action Plan for biocides remains below expectation with no significant increase in the number of evaluation reports, adding further to the delay of the review programme. In this context, a Board member representing the Commission asked other Board members to draw Member States' attention to the need for progress.

## B.4 ECHA Committees

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### B.4.A Appointment of Committee members

The Management Board appointed one new member for the Committee for Risk Assessment (RAC) (Loreta STRUMYLAITĖ) and appointed four new members for the Committee for Socio-Economic Analysis (SEAC) (Nikoletta SOFIKITI, Ignacio GRACIA FERNÁNDEZ, Priscilla REALE and Oona FREUDENTHAL)<sup>9</sup>.

### B.4.B Annual Report from the Committees

The Management Board took note of the fifth annual report<sup>10</sup> from the Chairs of ECHA's committees: Committee for Risk Assessment (RAC), Committee for Socio-Economic Analysis (SEAC), Member State Committee (MSC) and Biocidal Products Committee (BPC).

In this context, the Management Board welcomed Katinka VAN DER JAGT, the new Chair of the MSC, who provided her first annual report to the Board. A thank you was also extended to Charmaine AJAO who has ensured continuity of the MSC operations while the recruitment process for the new Chair was ongoing.

The Chairs' reports included information on the committees' membership (appointments, qualifications, turnovers, rapporteurships, performance), workload management and prognosis, as well as challenges and main achievements in 2021. With respect to RAC and SEAC, the importance of increasing membership was highlighted, as necessary to cope with the workload, which is expected to grow not only in terms of size but also in terms of the diversity of skills required.

The Chair of the RAC provided information about the positive impact of the Committee's restructuring by way of using working groups, which allowed the length of plenary meetings to be reduced. It was noted that this solution helped to cope with the existing work but is not expected to provide a long-term solution for the anticipated high increase in the RAC's workload. The need to safeguard the cohesion of the MSC was highlighted, as well as a request extended to Member States to increase the reliability of their forecasting for evaluations submitted for peer review in the BPC.

Board members thanked the Chairs for the comprehensive reports and thanked all the committee members for completing their demanding workload in 2021, under challenging, pandemic-related circumstances. The discussion touched upon various topics related to the functioning of the committees:

- Maintaining the high quality of the committees' processes and outputs, which is ensured by, among other elements, the work of deputy chairs, regular auditing and the use of working groups.
- The importance of availability of committee members' time and contribution. It was pointed out that Member States should be encouraged to deliver on their

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<sup>9</sup> MB/08/2022.

<sup>10</sup> MB/09/2022.

commitments, as also pointed out in a recent special report of the European Court of Auditors<sup>11</sup>.

- The need for flexibility, agility and transparent operating rules for all committees, in particular with a view to the expected increase in their workload (especially the RAC).
- The need to ensure consistent and fit for purpose remuneration of committee work. It was noted that the secretariat will present an analysis and proposals for an upcoming Board meeting.
- The lessons learnt during the take-up of IT tools for collaboration and planned improvements.

#### B.4.C RAC organisation and future of ECHA committee tasks

The Management Board took note of the secretariat's analysis of the capacity and organisation of the RAC and its preliminary reflection on the organisation of ECHA committee work in view of new tasks<sup>12</sup>.

The secretariat first explained that this analysis is complementary to the regular dialogue concerning the functioning of ECHA committees. Reference was made to past actions to maintain the RAC's capacity, including annual membership interview rounds, work organisation and adding working groups as necessary. Further improvements will be proposed, e.g. concerning the remuneration of committee work, and as further new tasks materialise, more working groups will be established. At the same time, it was underlined that the growth in tasks means that the demands on committee members' working time grow (the reality is 70 to 80 %) and additional competences become necessary.

The secretariat further referred to new tasks, e.g. under the Drinking Water Directive which have already been or may be allocated to ECHA in the future, as part of the horizontal reallocation of tasks, or separate pieces of legislation, such as the Batteries Directive. In the long term, this will require a reflection about the structuring, organisation and membership of ECHA committees' work, which goes beyond RAC. This reflection will be based on an analysis of the new tasks and will depend on their content, timing and the expectations for ECHA's outputs. In the context of this uncertainty, it was pointed out that the structure and functioning of ECHA committees will require flexibility in the future to be able to accommodate new tasks and deliver the required outputs.

Board members welcomed this first analysis and asked the secretariat to regularly update the MB about scientific-technical considerations related to the ECHA committees' structure and functioning, including the necessary resources and additional competences, once further information is available on potential new tasks. Members representing the Commission pointed out that this reflection may feed into the Commission's assessment of the cohesion of reattributing tasks, as well as the resource implications, and it may further be useful for the preparatory work on the future ECHA basic regulation.

#### B.5 ECHA coordination and foresight on new and revised tasks

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The Management Board took note of information concerning the secretariat's methodology for coordination and foresight for preparing for new and revised tasks<sup>13</sup>. It was noted that this work is undertaken with a view to organisational preparedness and its content is subject to the evolution of ECHA's mandate.

### C. Points for information

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<sup>11</sup> Special Report 22/2020: Future of EU agencies – Potential for more flexibility and cooperation, as presented in MB/69/2020 final.

<sup>12</sup> MB/10/2022.

<sup>13</sup> MB/11/2022.

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

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The Management Board took note of the transfers within the budget since the last Management Board meeting.<sup>14</sup>

## C.2 Update on new ways of working and conducting meetings

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The Management Board took note of an update from the secretariat with respect to new ways of working and conducting meetings, in light of the relaxation of the COVID-19 pandemic-related measures in Helsinki.<sup>15</sup>

## C.3 Update on Management Board rolling plan 2022-2024

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The Management Board took note of the update of the Management Board rolling plan for 2022-2024, as well as of a recap of the standard Management Board agenda points per quarter.<sup>16</sup>

## 4. Any other business

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### a. Annual performance appraisals of the Executive Director and Board of Appeal members

The Management Board took note of information provided by the Chair on the conclusion of the performance appraisal process of the Executive Director and of the Chair and Technically Qualified Member of the Board of Appeal for 2021. It was noted that there are no issues of concern to be brought to the Board's attention.

In this context, it was noted as well that the objectives of the Acting Executive Director for the interim period commencing on 1 April 2022 were defined by the reporting officers, and that the mid-term probationary dialogue of the Legally Qualified Member took place.

## Confirmation of decisions taken

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The Management Board confirmed all the decisions taken during the 65<sup>th</sup> meeting, using an electronic tool (EU Survey). The tool is operated by the European Commission and conforms to all data protection requirements. 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.

## B.6 The future of EU Agencies, and their role in EU policy implementation and development (extraordinary MB session open to institutional partners and stakeholders)

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The Management Board took note of a presentation by Alex BRENNINKMEIJER, member of the European Court of Auditors, concerning broader institutional developments around EU agencies, and the conditions put in place by the EU to support all EU agencies in the delivery of policy for the benefit of citizens. Board members held an exchange of views on this basis, addressing, among other elements, the statutory role of Management Boards

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<sup>14</sup> MB/12/2022.

<sup>15</sup> MB/13/2022.

<sup>16</sup> MB/14/2021.

therein, and comparing it with the broader role and interest of the Member States and other stakeholders in EU policy development.

The extraordinary session marked the closure of the last Board meeting with the participation of ECHA's 2<sup>nd</sup> Executive Director and was open to a limited number of representatives from institutional partners and interested parties, who were able to follow the discussion.

## Next meeting and closure

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The Management Board warmly thanked and bid farewell to outgoing Executive Director Bjorn HANSEN and Deputy Executive Director Jukka MALM, who attended their last Management Board meeting.

The Chair then thanked participants and reminded members that the next ordinary Board meeting will take place in June 2022 (exact days to be confirmed). In this context, a Board member representing the Commission confirmed that the selection procedure of the future Executive Director is progressing as planned, and the list of most qualified candidates will be submitted to the Management Board in due course.

## II. Documents submitted to the Management Board

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Draft Agenda	MB/A/02/2022
Draft minutes of the extraordinary Management Board meeting (public and restricted parts)	MB/M/01/2022
Proposal to discontinue the chemical similarity check service performed in the context of BPR	MB/04/2022
Annual Report 2021	MB/05/2022
Draft Management Board Analysis and Assessment of the Consolidated Annual Activity Report 2021	MB/06/2022
Quarterly report on ECHA's activities	MB/07/2022
Appointment of Committee members	MB/08/2022
Annual Report from the Committees 2021	MB/09/2022
RAC organisation and future of ECHA committee tasks	MB/10/2022
ECHA coordination and foresight on new and revised tasks	MB/11/2022
Transfers within the budget since last notification	MB/12/2022
Update on new ways of working and conducting meetings	MB/13/2022
Update of the Management Board Rolling Plan 2022-2024	MB/14/2022
The future of EU Agencies, and their role in EU policy implementation and development	MB/15/2022
ECHA Litigation report 2021 (room document)	



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

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The Management Board:

- Adopted the agenda for its 65<sup>th</sup> meeting (Decision 04/2022).
- Approved the minutes of the extraordinary meeting held on 19 January 2022 (Decision 05/2022).
- Agreed to the proposal to discontinue the chemical similarity check service performed in the context of the BPR. This includes the revocation of the Management Board decision 31/2013 on the service charge for this service. (Decision 06/2022).
- Took note of a report from its Subgroup on Strategy, Planning and Implementation.
- Adopted the ECHA Annual Report 2021 (Decision 07/2022).
- Took note of the Executive Director's Consolidated Annual Activity Report (CAAR) for 2021, as part of the Annual Report.
- Adopted its analysis and assessment of the Executive Director's Consolidated Annual Activity Report (CAAR) 2021 (Decision 08/2022).
- Took note of the quarterly report on ECHA's activities.
- Appointed one new member to the Committee for Risk Assessment (RAC) and four new members for the Committee for Socio-Economic Analysis (SEAC) (Decision 09/2022)

SEAC new members	Nikoletta SOFIKITI, Ignacio GRACIA FERNÁNDEZ, Priscilla REALE, Oona FREUDENTHAL
RAC new member	Loreta STRUMYLAITÉ

- Took note of the Annual Report from the ECHA Committees (RAC, SEAC, the BPC and the MSC) for 2021.
- Took note of the secretariat's analysis of the capacity and organisation of the RAC and its preliminary reflection on the organisation of ECHA committee work in view of new tasks.
- Took note of the secretariat's methodology for coordination and foresight for preparing for new and revised tasks.
- Took note of the update of the Management Board rolling plan for 2022-2024.
- Took note of transfers within the budget since last notification.
- Took note of an update on new ways of working and conducting meetings.
- Took note of information provided by the Chair on the conclusion of the performance appraisal process of the Executive Director and the Board of Appeal members for 2021.

Agreed follow-up actions:

- The Secretariat will incorporate the Management Board's analysis and assessment of the Consolidated Annual Activity Report 2021 in the Annual Report 2021 and send it to the Court of Auditors, the European Parliament, and the Commission no later than 1 July 2022.
- The Secretariat will submit the Annual Report 2021 to the Member States, the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors and have it published.
- The secretariat will provide the Management Board with an update on its approach to address public and institutional concerns regarding animal testing. This could include an overview on ECHA's role, the regulatory framework and stakeholders' views and criticism. This information may be provided as an MB information session or as part of one of the next regular Board meetings.
- The secretariat will regularly update the MB about scientific-technical considerations related to the ECHA committees' structure and functioning, including the necessary additional competences, once further information is available on potential new tasks.

#### IV. List of attendees<sup>17</sup>

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##### Representatives of the Member States

Paul KRAJNIK	(AT)	
Teodora VALKOVA	(BG)	
Dubravka Marija KREKOVIC	(HR)	
Tatjana KOLESNIKOVA	(CZ)	
Tasoula KYPRIANIDOU- LEONTIDOU	(CY)	(Also acting as proxy to Sofia ZISI on 30 March)
Magnus LØFSTEDT	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONEN	(FI)	(Also acting as proxy to Enda VESKIMÄE on 29 March)
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)	
Oscar GONZALEZ SANCHEZ	(ES)	
Per ÄNGQUIST	(SE)	

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<sup>17</sup> 31 members with three partial proxies given (as detailed above and below), two interested parties representatives, two persons of trust and one EEA/EFTA observer joined the hybrid meeting.

#### Representatives of the European Commission

Kristin SCHREIBER	DG GROW (Also acting as proxy to Kestutis SADAUSKAS for part of the meeting on 29 March)
Kestutis SADAUSKAS	DG ENV
Klaus BEREND	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
Marco MENSINK	Cefic

#### Not participating, no substitutes

Anne-France RIHOUX (BE)

#### Observers from EEA/EFTA countries

Steinunn Fjóra SIGURDARDOTTIR Iceland

#### Persons participating on behalf of Board members / observers:

Alexander ROESKE on behalf of Gertraud LAUBER (IGBCE)  
Heidi MORKA on behalf of Sverre Thomas JAHRE (Norway)

#### Other observers

Abdel EL-AMELI (DG GROW/COM)  
Cristina DE AVILA (DG ENV/COM)

#### ECHA's liaison Member in the European Parliament (29 March)

Martin HOJSÍK (Member of the European Parliament)  
Markéta KREJČÍ (Assistant to Mr HOJSIK, European Parliament)  
Monika KRASNECOVÁ (Assistant to Mr HOJSIK, European Parliament)

#### Extraordinary MB session open to institutional partners and stakeholders (30 March)

Alex BRENNINKMEIJER (Member of the European Court of Auditors)  
Luka RAAIJMAKERS (Secretariat of Mr BRENNINKMEIJER, European Court of Auditors)  
Di HAI (Secretariat of Mr BRENNINKMEIJER, European Court of Auditors)  
Martin HOJSÍK (Member of the European Parliament)  
Markéta KREJČÍ (Assistant to Mr HOJSIK, European Parliament)  
Monika KRASNECOVÁ (Assistant to Mr HOJSIK, European Parliament)

Anne-Sofie BÄCKAR (Chemsec)  
Tatiana SANTOS (European Environmental Bureau)  
Helene LOONEN (European Environmental Bureau)  
Axel SINGHOFEN (Advisor on Health and Environment Policy, The Greens – European Free Alliance, European Parliament)  
Monica TÖRNLUND (Secretariat of the Committee on the Environment, Public Health and Food Safety, European Parliament)  
Anu AHOPELTO (Policy advisor, Renew Europe, European Parliament)  
Anette SCHNEIDER NIELSEN (Secretariat of the Committee on the Environment, Public Health and Food Safety, European Parliament)  
Constantin HEITZER (Secretariat of the Committee on the Environment, Public Health and Food Safety, European Parliament)  
Guy THIRAN (Eurometaux)

#### ECHA staff

Bjorn HANSEN	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Shay O'MALLEY	(Director of Resources)
Ofelia BERCARU	(Director of Prioritisation and Integration)
Mike RASENBERG	(Director of Hazard Assessment)
Peter VAN DER ZANDT	(Director of Risk Management)
Kai TAKA-AHO	(Director of Information Systems)
Mercedes VINAS	(Head of Communications Unit)
Minna HEIKKILÄ	(Head of Legal Unit)
Tuula HAKALA	(Head of Finance Unit)
Eric RIEGER	(Head of Human Resources Unit)
Frank BÜCHLER	(Head of Governance, Strategy and Relations Unit)
Tim BOWMER	(Chair of the Committee for Risk Assessment)
Maria OTTATI	(Chair of the Committee for Socio-economic Analysis)
Erik VAN DE PLASSCHE	(Chair of the Biocidal Products Committee)
Katinka VAN DER JAGT	(Chair of the Member State Committee)
Charmaine AJAO	(Deputy Chair of the Member State Committee)
Paul TROUTH	(Communications Assistant, Communications Unit)
Hristina RANGELOVA	(Budget Officer, Finance Unit)
Timo RÖCKE	(Scientific Officer, Biocidal Active Substances Unit)
Gabriella CSEH	(Management Board Secretary, Governance, Strategy and Relations Unit)
Jenni HOLSTI	(Management Board Assistant, Governance, Strategy and Relations Unit)