

**PRELIMINARY CONCLUSIONS
OF THE 22ND MANAGEMENT BOARD MEETING
ON 21-22 JUNE 2011**

1. New Board members

The Chair welcomed five new Members to the Board: Aive TELLING (EE), Kassandra DIMITRIOU (EL), Marija TERIOSINA (LT), Edyta MIĘGOĆ (PL) and Ionut GEORGESCU (RO).

The mandates of ten Board members were renewed: Helmut DE VOS (BE), Boyko MALINOV (BG), Eskil THUESEN (DK), Alexander NIES (DE), Leandros NICOLAIDES (CY), Armands PLĀTE (LT), Francis E. FARRUGIA (MT), Mário GRÁCIO (PT), Edita NOVÁKOVÁ (SK) and Arwyn DAVIES (UK).

The appointments were done by the Council on 17 May and were needed because the first regular four years term of office of many Board members ended on 31 May 2011.

2. Exchange of views with the European Commission Vice President Antonio TAJANI

Vice-President TAJANI addressed the Board about the implementation of REACH and CLP and its importance for European citizens. He thanked the Executive Director and the Secretariat for managing the regulatory operations efficiently and providing translations in the EU languages. Furthermore, he emphasised the importance of cooperation with the Member States and industry to improve the chemical safety in Europe, especially with regard to the upcoming registration deadline in 2013.

The Vice President also introduced a new Graduate Scheme for cooperation with European universities to make the regulatory handling of REACH and CLP better known for science students and researchers. Traineeships at the Agency, for example, would offer students unique opportunities to work with REACH in practice before entering the job market.

3. Election of a Deputy Chairman of the Management Board

Mr Martin LYNCH, the Irish Board member, was unanimously elected as the new Deputy-Chair of the Board. The 2nd and last term of office of the current Deputy-Chair, Mr Antonello LAPALORCIA, ends on 27 June 2011.

In accordance with Article 80(2) of the REACH Regulation, the term of office of the Deputy-Chair is two years and it shall be renewable once.

4. Information on the budgetary procedure 2012

The Board received an update from the Executive Director on recent developments regarding the budgetary procedure in 2012. He presented indicative activities of the Work Programme 2012 which could be affected if

ECHA would not receive the 20 posts requested from the Budgetary Authority by the Board in March.

The Council reading of the 2012 budget is currently ongoing, and the discussion in European Parliament plenary session is foreseen for October followed possibly by conciliation in November. The adoption of the final budget is foreseen latest for 1 December 2011.

The Board confirmed the mandate to the Executive Director and the Chair to undertake all necessary steps towards the Budgetary Authority to ensure adequate resources for 2012.

5. Amending budget 2011

The Board adopted a first amendment to ECHA's 2011 budget.

The amendment concerns the inclusion of the remaining surplus from the 2010 fees after the reimbursement of the 2010 temporary subsidy of € 36 million and the incorporation of the Commission funding for preparatory activities for Biocides in 2011.

6. Opinion of the MB on the Agency's accounts for 2010

The Board took note of the Agency's final accounts and the preliminary observations of the Court of Auditor's thereon. Based on a recommendation of the working group on audit, the Board then adopted its opinion on the accounts.

The Board welcomed the quality of the accounts and the very positive feedback from the Court of Auditors.

The Executive Director was instructed to forward the opinion and the final accounts by 1 July 2011 latest to the European Parliament, the Council, the Commission and the Court of Auditors.

7. Multi-annual Work Programme 2012-2014 (MAWP), including a multi-annual Establishment Plan

The Management Board adopted the Agency's Multi-annual Work Programme 2012-2014.

The programme was endorsed by the Board in March 2011 and then submitted to public consultation (March-May 2011) before its final adoption. The final draft takes into account the comments received from the public. ECHA will provide individual replies to all contributors in the public consultation.

The Board instructed the Executive Director to forward the document to the Member States, the European Parliament, the Council and the Commission and to have it published on the ECHA web site.

8. Draft report in accordance with Article 117(2) of the REACH Regulation

The Board received a presentation of the draft report according to Article 117(2) of REACH regulation, which will contribute to the Commission's 2012 general report on the operation of REACH. Members agreed to send their suggestions later in the week.

ECHA will finalise this report as well as the Article 117(3) report, submit it to the Commission and publish it on ECHA website on 30 June.

Board members appreciated the clear and concise style of the draft report. It was agreed that further contributions can be made to the Secretariat until 26 June.

9. Annual reports from the Internal Audit Service and the Internal Audit Capability

The Board took note of the annual audit reports of the Commission's Internal Audit Service and the ECHA Internal Audit Capability. It was also informed of the findings and appreciation by the audit working group of the audit work undertaken so far this year.

As the mandate of one member of the Working Group was not renewed, Ms Dimitriou was nominated as the new member.

10. Appointment of Committees members

The following new members were appointed for the Committee for Risk Assessment: Mr Peter Hammer SØRENSEN and Dr Betty HAKKERT.

The following persons were appointed as members of the Committee for Socio-economic Analysis: Mr Georgios BOUSTRAS, Mr Magnus Utne GULBRANDSEN and Mr Georg KNOFLACH.

The mandate of the following RAC members will be renewed after their current regular three years term expires, as indicated below:

- Mr Frank JENSEN 24 Sept 2011
- Ms Thomasina BARRON 17 Dec 2011
- Ms Marianne VAN DER HAGEN 24 Sept 2011

The mandate of the following SEAC members will be renewed after their current regular three years terms expire, as indicated below:

- Ms Karen THIELE 26 Sept 2011
- Mr Janez FURLAN 16 Dec 2011

11. Handling conflicts of interests at ECHA

The Board was informed of ECHA's system for identifying potential conflicts of interest. ECHA is now giving higher visibility to these efforts and revising its existing practices.

During the very interesting and active discussion, Board members highlighted the importance of this issue for the Agency and its credibility and reputation. Focus should not only be on prevention and early warning mechanisms but also on a mechanism to intervene in case of reported conflicts. ECHA will benchmark its handling of conflicts of interests with other similar Agencies, making use of best practices and experiences gained.

As scheduled in the rolling plan of the Management Board, an overall policy on handling conflicts of interest will be presented to the Board for endorsement in September.

12. Information from the Commission to the Management Board on the mandate of the Executive Director

A Commission representative informed the Board of the practicalities related to the mandate of the Executive Director which will expire on 1 January 2013. The Board was invited to inform the Commission at its September 2011 meeting whether it prefers to prolong the mandate of the current Executive Director or to require the Commission to initiate a new selection procedure in accordance with Article 84 of the REACH Regulation.

13. Report from the Executive Director

The Executive Director reported on the Agency's activities since the last meeting.

Board members thanked him for the detailed report and congratulated ECHA for the excellent achievements. The following discussions focussed on the possibilities how ECHA could support Member States better to identify SVHC and to evaluate substances; activities related to nanomaterials; international cooperation; the launch of the public C&L inventory; translation questions and the improvement of REACH IT search functionalities for Member States.

14. Report from the Chair of the Board of Appeal

The Chair of the Board of Appeal, Ms ORTUNO, gave the Board members a much appreciated update on recent developments.

An informative discussion took place during which many procedural questions regarding the Board of Appeal's work were clarified. The Management Board took also note of the limits of the Board of Appeal's involvement in Committee and Forum activities and discussed the Board of Appeals practice regarding conflict of interest prevention, in particular as regards alternate members.

15. Appointment of an interim Accounting Officer

Members were informed that the ECHA Accounting Officer, appointed by the Board in 2008, will leave the ECHA Secretariat. The Board appointed an interim Accounting Officer until it can appoint a new Accounting Officer. The selection procedure is launched, and the aim is to present a candidate to the Board for appointment at the September meeting.

The Deputy Chair, Martin LYNCH, was designated to participate in the selection panel for the Agency's new Accounting Officer.

16. Revised eligibility criteria for ECHA's Accredited Stakeholders

The revised eligibility criteria for stakeholder organisations were adopted by the Board. The criteria have been adjusted i.e. to include the requirement to register in the Commission's Register of Interest Representatives.

17. Forum Rules of Procedure and 2011-2013 Work Plan

Subject to the understanding that the same qualification requirements of Forum members also apply to alternate members, the Management Board adopted revised rules of Procedure of the Forum as agreed before by the Forum.

In the presence of the Forum's Vice Chair Mr ANWANDER, the Board took also note of the new multi-annual Forum work plan. The work plan will be

published on the ECHA web site.

18. Multi-annual planning for ECHA's information systems

The Board received an update on the multi-annual planning of ECHA's information systems which was much appreciated by the Board. Given that more resources would be needed for IT in the forthcoming update of the multi-annual work programme, the IT planning will also be on the agenda of the September 2011 meeting.

19. Transfers within the budget 2011

The Board took note of one budget transfer executed under the responsibility of the Executive Director.

20. Any other business

- *Update on biocides preparatory activities*
The Board received an update about the state of play with biocides preparatory activities.
- *Request from Croatia to participate in the work of ECHA*
Croatia has formally requested to participate in the work of ECHA. The Board will discuss the matter in its September meeting.
- *Final Annual Appraisal reports for the Executive Director and the members of the Board of Appeal*
The Chair has received three annual appraisal reports from the reporting officers.
- *Evaluation of ECHA according to Art. 75(2) REACH*
The Commission representative informed the Board of the ECHA review launched by the Commission with the help of an external contractor. He thanked the Executive Director and relevant staff for having actively contributed to interviews with ECHA in May and informed that Board members may be contacted for further interviews, provided they have agreed in the provision of their contacts to the contractor. The ECHA review will feed in to a package of reports due by 1 June 2012.
- *First MSCA planning meeting on 14 December 2011*
The first MSCA Directors' planning meeting will take place at ECHA on 14 December to discuss the future work load of ECHA and the MSCA's. Before that meeting ECHA will request MSCAs to inform the Agency of their updated 2012-2015 planning for the various REACH processes.
- *Updated Decision on the transfer of fees to Member States*
ECHA has received the Commission's agreement to the Management Board decision on the inclusion of the fee transfer in the context of the authorisation procedure in the existing decision on fee transfers. The Chair has signed the final decision.

The next meeting of the Management Board will take place on **29-30 September 2011** in Malta.
