

Helsinki, 3 October 2012
PUBLIC

**PRELIMINARY CONCLUSIONS
OF THE 27TH MANAGEMENT BOARD MEETING
ON 27-28 SEPTEMBER 2012**

The Board welcomed new members: Mr Jean-Roger DREZE (BE), Ms Krisztina CSENGÖDY (HU) and Ms Christina RUDEN (EP).

Appointment of a new Chair

1.

The Management Board elected Ms Nina CROMNIER (SE) as its new Chair starting from 1 October 2012. In accordance with the REACH Regulation, the term of office of the Chair is two years. It is renewable once. The 2nd term in office of the previous Chair, Thomas JAKL, ended on 30 September.

2. Report of the Executive Director

The Board took note of the report of the Executive Director on the activities of ECHA since the last meeting.

An exchange of views afterwards focused on the developments related to the SVHC candidate list under REACH and the authorisation procedure as such, including the choice of best risk management options and the division of work between ECHA and the Member States. Other issues discussed were the number and status of confidentiality claims; the quality of chemical safety reports; the status of intermediates under REACH; new test methods and stakeholder participation in workshops.

3. Work Programme 2013

The Management Board adopted the Agency's Work Programme 2013. A small addition was agreed to the draft as submitted to the meeting which had been prepared with the support of the Board's working group on planning and reporting. The final programme will be published and translated in the EU languages.

It was noted that, as usual, the final ECHA budget and the establishment plan 2013 will be adopted in December 2012, following the final adoption of the general budget of the European Union. Should the total revenue or authorised staff figures differ significantly from the current estimates, the Work Programme will be adjusted accordingly.

2013 will be a peak year for ECHA, including i.a. the second registration deadline, a peak in the field of compliance checks decisions, an increasing work in the area of substance evaluation, the processing of the first authorisation applications and a high workload related to proposals for harmonised classification and labelling. In addition, the Biocidal Products Regulation will become operational on 1 September 2013. In order to manage all challenges with the available resources, increased efficiency will be required in all areas.

4. 2nd amending budget 2012

The Management Board adopted a second amending budget for 2012.

A Commission representative made a reservation as regards the employer's part of the pension contribution. The modalities for the payment of the pension contribution are currently discussed since ECHA is receiving again an EU subsidy. The Management Board agreed to return to the issue of pension contributions in its December meeting, after having clarified with the support of the Commission, how to ensure a consistent implementation across all EU agencies.

The Executive Director was instructed to notify this decision to the Budgetary Authority, the Court of Auditors and the Commission, and have the amended budget published on the Agency's web page and in the Official Journal of the European Union.

5. Preparation of the multi-annual work programme

The Board endorsed a new strategic approach to the multi-annual work programme (MAWP), which will in future cover a five years cycle instead of three. Moreover, the MAWP will be structured around ECHA's four strategic objectives. The new approach is expected to provide steer to the Agency in terms of prioritisation and reduced resources allocation. In case of significant new developments, the Board will have the possibility to revisit the programme outside the regular intervals. The draft of the MAWP for next period, 2014-18, will be submitted to the Board in the new format for written consultation in December 2012. A public consultation in all EU languages will be organised before the final adoption by the Management Board in September 2013.

By way of follow up of its June 2012 meeting, the Board took also note of a first draft for the chapter on strategic objective number 1, concerning the quality of data, as well as of the Secretariat's future planning and strategy for compliance checks under dossier evaluation. Board members highlighted the importance of dossier quality for the REACH system, and pointed on the need for effective completeness and compliance checks. It was agreed that members will have the opportunity to submit further written comments to the background documentation by 15 October.

In order to further address the issue, the mandate of the working group on planning and reporting was extended on an ad-hoc basis to address the actions needed with respect to the quality of registration dossiers. It was also agreed that two new members, Ms RUDEN and Mr DREZE will join the working group, and that Mr JAKL will replace of Ms CROMNIER.

6. Session with Romanian representatives

Mr POPA, Secretary General at the Romanian Ministry for Environment, warmly welcomed the Board to Romania on behalf of Minister PLUMB. He explained the efforts Romania has made in establishing and implementing chemicals legislation in the last ten years and thanked ECHA for the good cooperation.

The Deputy Head of the Environment Protection Agency, Mr. IRIMIA explained the structure of Romanian competent authorities for REACH, CLP, Biocides and PIC implementation and enforcement. The responsibilities are shared between four different Ministries and several implementing Agencies, so a good cooperation between the organisations plays a crucial role.

The Board thanked the Romanian hosts for the interesting presentations as well as for their hospitality and help in hosting the meeting.

7. Implementation of the policy on managing (potential) conflicts of interest

After an update of the implementation of the ECHA policy on managing potential conflict of interests, the Board adopted provisional eligibility criteria and guidelines for the appointment of members of ECHA's bodies and key staff. The Board will revisit the item in due time to take account of developments and agree on necessary changes.

The Board also adopted Terms of Reference of the Conflicts of Interest Advisory Committee and agreed that this Committee will be involved in the further development of the above mentioned criteria and guidelines.

8. Rules of procedures pursuant to Article 110(2) of the REACH Regulation

The Board endorsed draft rules of procedure for cooperation with European Food Safety Authority and relevant European Union bodies in the area of worker protection.

It instructed the Executive Director to forward the draft rules to the European Commission for agreement.

9. Rules of procedures of the Committees for Risk Assessment and Socio-Economic Analysis

The Board approved revised rules of procedures of the Committees for Risk Assessment and Socio-Economic Analysis. The agreed changes included a provision that members are not allowed to participate in meetings unless they have provided a valid declaration of interest. A similar provision has already been adopted for the Member State Committee by written procedure.

10. Appointment of Committee members

The following new members were appointed to the Committee of Risk Assessment: Ms Safia KORATI and Mr João Paulo MOREIRA de CARVALHO.

11. Implementing Rules for the Staff Regulations

Subject to the agreement of the Commission, the Board approved three Staff Regulations implementing rules. These related to leaves, prevention of harassment and Joint Committee for Appraisal and Reclassification. Having received the Commission's agreement, the Board also adopted implementing rules on the Staff Committee.

12. Appointment of the Accounting Officer

The Board appointed a new Accounting Officer. An interim Accounting Officer was appointed until the new staff member will take up the office.

13. Integrated Quality Management System

The Board took note of the progress made in the Agency's integrated quality management system during the last twelve months.

14. Participation of Accredited Stakeholder Organisations and case-owners in the authorisation application procedure

Following a discussion in June 2012, the Board took note of a revised approach presented by the Secretariat in order to duly organise the participation of Accredited Organisations in the authorisation application procedure.

Board members took note of the approach and welcomed the Secretariat's efforts to address the issue raised by members in June. The Board stressed that the system should not become overly complex and difficult to manage, and, therefore, requires further development to reach a balance between transparency and the appropriate safeguards to confidential business information. It was noted that the Board will be kept informed about the practical implementation.

15. Participation of the Serbian Chemicals Agency in the work of the Forum

The Board considered a request from Serbian Chemicals Agency to become observer in the Forum for Exchange of Information on Enforcement. Taking account of new institutional developments in Serbia, the Board concluded that ECHA will request a confirmation from the Serbian authorities on the request. If the confirmation is provided, the Forum can be consulted before the Board returns to the request.

16. New responsibilities of ECHA under the Biocidal Products Regulation (EU) No 528/2012

The Board received an update on ECHA's responsibilities under the new EU Biocidal Products Regulation which entered in to force on 17 July 2012. The Board took note of the concerns expressed by ECHA's management in relation to the timing and resources for preparing the entry into operation. Board members also informed of concerns faced by national authorities.

17. Items for information without discussion and AOB

The Board took note of the following items:

- *Outcome on written procedure WP/03/2012*
- *Transfers within the budget*
- *Outcome of the IWG regulatory agencies*
- *Budget 2013*
- *Information by Commission on REACH review / Communication on nanomaterials*
- *EU multi-annual financial framework 2014-2020*
- *Annual appraisal of BoA members*
- *Establishment of a day care centre in the Agency*

18. Review of the working methods of the Management Board

In a working session, the Management Board reviewed its working methods. The outcome of this session was on the one hand a revision of the Board's Rules of Procedures, which will be published.

Furthermore, the Management Board agreed in general on a proposed description of its operating framework, subject to some addition or changes. On the basis of the conclusions, the Secretariat will prepare a revised version of the description of the operating framework and present it for approval at the next meeting. The document will afterwards be published.

The Board also acknowledged the recent adoption of the inter institutional joint statement on regulatory agencies which was submitted to the meeting for information. The issue will be considered in greater detail at a future meeting.

The next meeting of the Management Board will take place on **13-14 December 2012** in Helsinki.
