

PRELIMINARY CONCLUSIONS

38TH MANAGEMENT BOARD MEETING
17-18 JUNE 2015, HELSINKI

1. Quarterly report on ECHA's activities

The Management Board received the quarterly report on ECHA's activities and welcomed the good performance and achievements. Various financial and operational issues from the areas of the Agency's work were discussed.

2. Opinion of the Final Annual Accounts 2014

The Board adopted its opinion on the Agency's Final Annual Accounts for the financial year 2014, taking into account the preliminary observations of the European Court of Auditors and the recommendation made by the Management Board Working Group on audit matters.

The Board instructed the Executive Director to forward the documents on behalf of the Management Board to the Commission's Accounting Officer, the European Court of Auditors, the European Parliament and the Council by 1 July 2015.

3. Consequences of the General Court Judgement in case T-177/12

The Management Board decided to revisit the issue in its next meeting on the basis of further consideration by the Secretariat and preparations by its Working Group on Planning and Reporting.

4. Budget

4.1 First amending budget 2015 and transfers within the budget since the last notification

The Management Board adopted a first amending budget 2015, including the consequent changes to the procurement plan, and took note of the budget transfers carried out under the responsibility of the Executive Director. It was noted that the Agency does no longer require any subsidy for its REACH and CLP activities in 2015 as the higher fee revenue and reserve can finance the reduced expenditure.

The Board instructed the Executive Director to notify the decision to the Budgetary Authority, the Court of Auditors and the Commission and to publish the amended budget on ECHA's web page and in the Official Journal of the European Union.

4.2 Update of budget 2016

The Management Board took note of the recent developments with respect to the 2016 budgetary procedure. A discussion took place on the implication of the foreseen reduction in Biocides posts. The Management Board reconfirmed its proposal for budget and staff in 2016 as approved in the March meeting and a communication thereof to the European Parliament and Council.

ECHA will contact the Commission over the summer to assess options for a 2015 budget amendment and higher budget and staff in 2016 to respond to the needs of the market and Member State Competent Authorities.

5. Committees

Appointment of Committee members

The Management Board appointed four new nominees for the Committees for Risk Assessment (RAC) and Socio-Economic Analysis (SEAC) and renewed the three-year terms of two RAC members. The names of the Committee members will be published on the ECHA website together with their annual declarations of interest.

Revised Rules of Procedures of the Committees for Risk Assessment and Socio-Economic Analysis (co-opted members)

The Board approved revised Rules of Procedures of RAC and SEAC. The amendments will allow the inclusion of co-opted members. At the recommendation of CoIAC¹ a provision was introduced on concurrent employment of a member in the preparation of a dossier and subsequent voting rights.

The Management Board was also informed of the outcome of the call for co-opted members. Member States will be able to nominate Committee members from this list.

6. Multi-annual Work Programme 2014-2018 (review of annexes)

The Management Board adopted revised annexes of the MAWP 2014-2018 on the annual milestones, the staff resources and the baseline numbers. The Board valued that the revision leaves the core text of the programme and its ambition unchanged, thereby putting more emphasis on efficiency to manage the planned staff cuts.

7. Board of Appeal

The Management Board dealt with a number of issues related to the Board of Appeal, including administrative decisions on staff matters.

Review of the structure of BoA

The Management Board decided on the continuation of the current structure of the Board of Appeal.

Prolongation of BoA mandates

The Management Board decided on the prolongation of the initial mandate of one full-time and three alternate and additional Board of Appeal members for a second term of office of five years, starting from the end of their respective mandates.

¹ CoIAC - ECHA's independent Conflicts of Interest Advisory Committee

Annual reports

BoA Chairman

The Management Board took note of the annual report on BoA issues for the period June 2014 - June 2015. The Chairman of BoA reported on the high number of appeal cases currently under examination, including the first ones on biocides and substance evaluation, requiring higher efficiency and effectiveness and stability of the operation of the BoA.

Working Group BoA

The Working Group on the Board of Appeal gave the annual report on activities undertaken in 2014 and received the Board's appreciation for the work done.

Report on the implementation of the BoA decisions

The Head of ECHA Legal Affairs presented the follow-up of appeal decisions, explaining the ways in which decisions have caused ECHA to change and improve administrative procedures, explaining instructions more clearly on the website, improving the decision drafting and templates and justifying Agency decisions more thoroughly.

8. Improved Substance Identity check as part of the Technical Completeness Check process

The Management Board endorsed the implementation of changes to the completeness check routine for incoming REACH registration dossiers. This will improve the automated check and involve manual checks, in particular of the substance identity information.

The Board took note of the Secretariat's assessment regarding costs and benefits in terms of staff and administration which are expected to be outweighed by the improvements on dossier quality and less work in compliance checks. The Commission confirmed that the planned checks are indeed within the scope of the completeness check and can apply to updates as long it is reasonable and necessary. ECHA may invalidate registration numbers in well justified cases. Many Board members welcomed this step as major way forward to improve the quality of registration dossiers.

9. Points for decision without discussion

Implementing Rules to the EU Staff Regulations, including whistleblowing guidelines

The Management Board members adopted the 5th cluster of Implementing Rules for further effect to the Staff Regulations and Conditions of Employment of Other Servants which contained the:

- Model rules for EU Agencies on performance appraisal of Temporary Agents and Contract Agents
- Model rules for EU Agencies on the engagement and use of Temporary Agents
- ECHA guidelines on whistleblowing.

Composition of Working Groups

The Board members agreed on the new composition of its working groups (subgroups), based on the interests in membership submitted by the new members. An updated list of the Working Groups will be made available to all members.

10. Points for information

Report from the Working Group on Audit matters

The Chair of the Working Group on Audit presented a comprehensive report from the Working Group meeting of 16 June 2015.

Authorisation outlook 2016-2018

The Board took note of the accomplishments and state of play of the authorisation process, noting that the process is functioning well and acknowledging the need for ECHA to maintain sufficient administrative and scientific capacity to fulfil its mandate under authorisation.

Discharge for the financial year 2013 (ECHA A(2015)3129)

The favourable discharge resolution for the Executive Director concerning the financial year 2013 was presented. The follow-up report to Parliaments discharge recommendations will be presented to the Management Board later this year.

11. Any other business

Written consultation on the draft Work Programme 2016

The written consultation on the draft Work Programme for 2016 will be launched shortly after the meeting. The Working Group on Planning and Reporting will review the comments from the members on early September and prepare a proposal for the Management Board's adoption in the September Management Board meeting.

Progress Report Implementation of the Common Approach on EU Decentralised Agencies

A Commission progress report on the issue was noted by the meeting.

Annual appraisal exercise for BoA members and the Executive Director

The conclusion of the annual appraisal exercises for the Executive Director and two members of the Board of Appeal were notified.

Next meeting of the Management Board

The Chair informed that the next Board meeting will be held from 24 to 25 September 2015, in Luxembourg, on invitation by the upcoming Luxembourgish European Union Presidency.