



MB/M/01/2010 final

**MINUTES OF THE 16TH MEETING OF THE MANAGEMENT BOARD
04/05 March 2010**

I. Documents submitted to the Management Board

Draft agenda	<i>(MB/A/01/2010)</i>
Draft minutes	<i>(MB/M/05/2009)</i>
Preliminary draft budget 2011 and establishment plan (accompanied by a preliminary work programme 2011)	<i>(MB/01/2010)</i>
Multi-annual staff policy plan 2011-2013	<i>(MB/02/2010 rev.01)</i>
Public consultation on the ECHA multi-annual work programme 2011-2013	<i>(MB/03/2010 rev.01)</i>
Revision of the rules of procedure of the Committees	<i>(MB/04-06/2010)</i> <i>(MB/04-06/2010 ADD)</i>
Appointment of Committee Member(s)	<i>(MB/07/2010)</i>
Status of the preparedness for the 1 st registration deadline	<i>(MB/08/2010 rev.01)</i>
Report from the Executive Director	<i>(MB/09/2010)</i>
ECHA work plan with regard to testing methods	<i>(MB/83/2009)</i>
Update on Guidance activities	<i>(MB/10/2010)</i>
Transfers within budget	<i>(MB/11/2010)</i>

II. Summary Record of the Proceedings

Introductory remarks

The Chair opened the meeting by welcoming the other Board members.

He confirmed that, by Council Decision of 22 January 2010, Helmut DE VOS (BE) and Arwyn DAVIES (UK) have been formally appointed as members in place of Marc LEEMANS and John ROBERTS, respectively. Their mandates end on 31 May 2011.

Furthermore, the President of the European Parliament has notified the Agency that Guido SACCONI and Hartmut NASSAUER are appointed as independent persons to the Management Board as from 1 March 2010, for a period of four years. The Chair noted that the appointment letter received from the European Parliament lists alternates for the new Board members. In this context, he referred to the discussions at the first meeting of the Management Board at which it was decided that the Board would work without alternates, taking account of the fact that alternates for Management Board members are not foreseen in the REACH Regulation.

The Chair introduced the other observers attending the meeting and provided information on the proxy votes of which he had been notified (details are listed in section IV of these minutes).

1. Agenda (*MB/A/01/2010*)

The Chair indicated that several room documents had been made available for the meeting. These included a revised document for agenda item 5; an overview of comments received by Board members on the first draft of the multi-annual work programme (agenda item 6); a revised meeting document and the mandate of the Directors' Contact Group for the first registration deadline (agenda item 10); as well as the latest notification of budget transfers carried out under the responsibility of the Executive Director (MB/11/2010); and a final version¹ of the framework agreement with Member States on the transfer of fees.

On this basis, the agenda was adopted.

2. Declaration of specific interests

None of the Board Members present declared a conflict of interest with regard to the agenda items.

¹ Distributed on the second meeting day

3. Minutes
(*MB/M/05/2009*)

The minutes of the meeting on 17/18 December 2009 were approved with some modifications (see corrigendum in the annex).

4. Preliminary draft budget proposal and establishment plan for 2011, accompanied by a preliminary work programme 2011
MB/01/2010

The Executive Director presented the proposal for the Agency's budget for the financial year 2011, together with the establishment plan and a draft work programme.

He explained that the preliminary draft budget foresees fee income only to the extent needed for balancing the expected expenditure. The remainder of the fee income from the first registration deadline of the REACH Regulation will be used by the Agency for reimbursing the temporary EU subsidy received in 2010, and otherwise managed in accordance with the guidelines approved by the Management Board in June 2009 (*MB/42/2009*), and used for financing ECHA in 2012 and 2013.

The total budget proposal amounts to € 107.800.000, which represents an increase of 25% compared to 2010.

For REACH and CLP activities, thirty new temporary agents are foreseen in the establishment plan. Twenty of these posts are needed for evaluation related tasks, seven posts for handling authorisation and restriction dossiers, and three posts for scientific advice.

Apart from that, the proposal foresees a limited EU subsidy (ca. € 1m) and four temporary agent posts for preparatory activities for a new EU biocides legislation that is currently in preparation by the legislator (COM (2009)267 final). In this regard, the Board took note of an exchange of letters between the Executive Director and the Director General of DG Environment – the Commission service responsible for biocides legislation. The Executive Director and Commission representatives emphasised that, in the absence of a legal base for a subsidy, any support for the subsidy request made in the preliminary draft budget remains uncertain.

The preliminary draft estimate and expenditure were accompanied by a draft work programme which explains and substantiates the estimates. The final work programme 2011 will be adopted by the Management Board in September 2010 and will probably need adjustment at the December meeting (which for this reason may possibly be slightly postponed), once the number of registrations received by 30 November is known. The Secretariat will enhance the document with information on risk assessment before submitting it for decision by the Board.

The Board held an exchange of views on the draft budget and work programme during which members considered the preparatory activities for biocides; the need to include risk management activities in the work programme; the role of the Board's working group for

planning and reporting in the preparation of the budget; and ECHA's forecast for Member State proposals for the identification of SVHCs².

A member appointed by the Commission to represent interested parties referred to the expenditure foreseen for IT development and pointed out that fee income should not be used for the rebuilding of the REACH-IT system.

Representatives from the European Commission highlighted that budgetary issues are part of the core business of the Management Board and would thus require appropriate attention. They congratulated the ECHA management for the good work accomplished thus far, despite the uncertainties. The Commission representatives also observed that the Agency has been applying due diligence in handling the complicated 2010 budget since January.

Several Board members referred to the difficulties experienced by ECHA in the budgetary procedure for 2010 in order to secure sufficient funding and staff, and asked if any special communication activities would be required within the Member States.

The Executive Director responded to the comments made by members. He explained that ECHA expects a decreasing rate of Member State proposals for SVHC identification after 2011 once the resource-intensive substance evaluation activities have commenced in the Member States. In this context, he appealed to Board members to communicate to ECHA as soon as possible the current status of the preparations and the future planning in their Member States with regard to Annex XV dossier submissions and substance evaluation, especially in terms of staffing. With regard to expenditure for the IT system, he clarified that REACH-IT will not be rebuilt, but further developed. In addition, many other scientific IT project in support of the REACH and CLP operations would be financed from the 2011 budget.

With reference to the upcoming negotiations in the European Council and Parliament on the EU budget for 2011, the Executive Director stressed that it is crucial to understand that ECHA will be self financed in 2011 and thus in a different situation in comparison to other Agencies. To this end, it would be important to communicate the atypical financing structure to the Budgetary Authority, especially the Council. The Executive Director explained that ECHA will, despite being self financed, depend on the authorisation of sufficient establishment posts by the Budgetary Authority. The requested amount for 2011 has been foreseen in the planning for the REACH Regulation (thirty new posts in 2011, mainly for evaluation tasks and authorisation and restriction purposes). Differently from other agencies, these new posts would be neutral for the 2011 budget, i.e. they would not require any expenditure by the European Union. However, the Budgetary Authority still needs to decide on these establishment posts.

A representative of the European Commission underlined this appeal to undertake necessary steps within Member States, in order to avoid the Agency being affected by possible horizontal cuts in staffing to agencies - without any benefit for the EU budget as such.

Overall, the Board noted, in relation to the resource planning for 2011, that ECHA is operating with high levels of uncertainty, and that the developments related to the first registration deadline will have a great influence on the need and availability of financial resources. The Secretariat committed itself to informing the Management Board promptly of any revisions that become necessary this year before the final budget for 2011 is concluded.

² Substances of Very High Concern

In relation to future tasks under the revised EU biocides legislation, the Chair concluded that the Board shares the view that there is already a principal need for resources in 2011 in order to prepare adequately. At the same time it was noted that there are different approaches with regard to the precise needs, and constructive discussions on this matter are ongoing between ECHA and the Commission services.

The Management Board approved the draft estimate for expenditure and revenue for the financial year 2011, together with an establishment plan. For the preparation of the budget for the financial year 2012, it was agreed that the working group on planning and reporting will have a more explicit role.

5. Multi-annual staff policy plan 2011 - 2013
(*MB/02/2010 rev.01*)

The Director for Resources presented the draft multi-annual staff policy plan of ECHA for 2011-2013 which represents a rolling multi-annual planning for the recruitment of staff and is based upon a common template used by all EU agencies. As stipulated in the Financial Regulation, the Commission services had been consulted on the draft, prior to its submission to the Management Board. The document will be updated in 2011.

A total of 50 new establishment posts are foreseen for 2011-2013, of which 30 for 2011 and 20 for 2012.

The Management Board noted that the caveat regarding the ongoing discussions between ECHA and the Commission services on the precise number of staff needed in 2011 to prepare the Agency for future biocides tasks would equally apply to the multi-annual staff policy plan and the draft budget for 2011. It was also noted that the realisation of the tasks and the exact staffing needs will be updated once the legislation has been adopted.

One Board member suggested that an external analysis should be carried out after 2012, when the Agency has reached a more or less stable amount of staff, in order to establish if the resources correspond to the needs. This was supported by the Executive Director who indicated that this could be part of the review of REACH and the Agency in 2012.

The Management Board adopted the multi-annual staff policy plan 2011-2013 and agreed that - for the next update - the plan should be submitted as a draft to the Board before being sent for consultation to the Commission.

6. Public consultation of the multi-annual work programme 2011-2013
(*MB/03/2010 rev.01*)

The Executive Director introduced the draft multi-annual work programme 2011-2013 to the Management Board. He explained that the Board was not asked to adopt the document at this point in time but to endorse the submission of the draft for public consultation as part of ECHA's transparency policy. The final adoption was foreseen at the June meeting of the Management Board.

Following this, Mr LYNCH, Chair of the Working Group on Planning and Reporting, informed the other Board members of the involvement of the working group in the preparation of the draft. The group had met in Helsinki in February 2010 to analyse the comments received from Board members during an initial consultation round on a first draft of the programme in December/ January 2010. Based on this, the Secretariat had revised the draft before presenting it to the Board. Mr LYNCH thanked all Board members who had submitted contributions during the internal consultation, and concluded that the programme could be endorsed for public consultation.

Many other members welcomed the draft programme and expressed their appreciation for the transparent approach in preparing this strategic document. Some representatives suggested minor amendments to the text, mainly on the mission, vision and values statements of ECHA; the planning for SVHCs proposals; and translation and guidance issues. A Board member appointed by the European Commission to represent interested parties proposed that explicit reference be made to the importance of creating synergies with other Community legislations when implementing REACH.

A representative of the European Commission emphasised the importance of ECHA establishing an ambitious target for achieving the 5% minimum compliance check for the total of registration dossiers submitted to the Agency.

The Executive Director thanked the Board for the constructive contributions. With regard to the 5% target for compliance checks he agreed that an ambitious goal should be set, but stressed at the same time that a realistic target could only be established once the number of registration dossiers received by the first registration deadline was known – including the number of testing proposals contained therein which have to be dealt with by strict legal deadlines.

Subject to several agreed amendments, the Management Board endorsed the submission of a draft multi-annual work programme 2011-2013 for public consultation. It was also agreed that the Board would receive an internal document indicating all changes made to the draft document between the first internal consultation and the final version.

7. Revision of the Rules of Procedures of the Committees (MB/04-06/2010)

The Management Board heard from the Director for Cooperation who presented changes to the Rules of Procedures of the Committees. These changes had been agreed by the Committees beforehand and were submitted to the Board for approval.

The main change concerned the provision of alternates for the Member State Committee which was felt necessary by the Committee in view of the increasing number of dossiers requiring unanimous agreement (draft evaluation decisions, identification of SVHCs) and the very short timeframe for this agreement specified by REACH. The proposal was also supported by the fact that dossiers containing confidential information can be made available only to members, and that written procedures for finding agreement may be necessary during holiday periods.

Further specifications to the Rules of Procedure reflected needs arising from the practical work, such as provisions regarding the term of office; replacing and adding members; the establishment of joint working groups; or clarifications for quorum and references to majority/ minority opinions/decisions of the Committees.

The presentation of the Director for Cooperation was followed by an exchange of views in which Board members addressed the legality of appointing alternates for Committee members; the Board's competence to revoke Committee appointments; the question of co-opted members for the Member State Committee; and the indication of minority views in formal opinions.

The Head of the Legal Affairs Unit clarified that the decision of the Member State Committee to include alternate members would have received a favourable legal opinion. She further noted that the Board could, as appointing body, indeed revoke previously made appointments. Furthermore, she agreed that minority opinions should not be part of the formal opinion but made publicly available with the minutes of the meetings.

A discussion took place on the need for resources in the Member States to support Committee work, as it is foreseen in the REACH Regulation. The Executive Director expressed commitment to provide a note to one of the next Board meetings on this matter.

The Management Board approved the rules of procedure of the Member State Committee, the Committee for Risk Assessment and the Committee for Socio-economic Analysis, with the exception of the indication of minority position(s) in the Committee opinions (minority opinions are published and included in the minutes). Based on the legal advice received by the Secretariat, the Board noted that the appointment of alternates for the Member State Committee would be lawful. Furthermore it invited the Member State Committee to consider whether the provisions of co-opted members needed to be revisited, in particular with regard to the right to nominate replacements and to act as rapporteur.

8. Appointment of Committee members
(*MB/07/2010*)

The Management Board appointed Dr Jiří BENDL as a member of the Committee for Socio-economic Analysis.

9. Report from the working group on audit

The Management Board heard a report from Marta CIRAJ on the 1st meeting of the working group on audit matters, held on 3 March 2010.

The Board established the working group in December 2009 to receive consultation on critical aspects of the action plans drawn up by ECHA in relation to audit recommendations.

For audit reports the group monitors whether the management accepted or rejected recommendations made; whether they provided an action plan with clear deadlines; and if the auditors approved the implementation of the action plan in a follow-up report. In addition the

group will, in agreement with the working group on planning and reporting, take over the preparation of the Management Board's opinion on ECHA's final accounts³.

At its first meeting, the working group received an insight into the status of the latest audits performed in ECHA and a general overview on the different audit functions of the ECHA Internal Audit Capability, the Commission's Internal Audit Service and the European Court of Auditors.

Members were informed that the selection of a Chair has been postponed until the next meeting, which is scheduled for 21 June 2010. The group will prepare rules of procedure to clarify its tasks.

The Board thanked Ms CIRAJ for the informative report and took note of the information provided.

10. Status of preparedness for the first registration deadline
(*MB/08/2010 rev.01*)

The Executive Director reported on the status of preparedness for the first registration deadline within industry and within ECHA.

He informed the Board that no measures under the contingency plan presented in December 2009 had yet had to be triggered. Experience with the new version of REACH-IT had been good, and ECHA was observing a growing number of registration submissions. A Contingency Task Force had been set up which functions in working groups focusing on specific measures e.g. monitoring, IT production support, staff issues, facilities and communication. Moreover, the Task Force continues the implementation of the mitigating measures identified in 2009 and will coordinate the actual contingency measures.

The Executive Director continued by providing information on the activities of the Directors' Contact Group on meeting the first REACH registration deadline. This was complemented by a report from the Chair of the Group, Mr BORCHARDT. The initiative to establish the Contact Group had been announced to the Management Board at its 15th meeting and had received broad support. The Group is composed of high level representatives from the Commission, ECHA and industry associations. Its objectives are to monitor the overall preparedness of companies in meeting the 2010 registration deadline and to identify and resolve relevant priority issues of concern. Members were informed that the Directors Contact Group is operating in a good atmosphere and making progress to find solutions for imminent problems faced with regard to the preparations in SIEFs for the first registration deadline.

Board members welcomed the work and progress of the Directors Contact Group. Several Member State representatives wished however to be more closely involved. With regard to these requests, it was clarified that immediate reports will be sent on any outcome from the work of the Group to the CARACAL, the REACH HelpNet and the Management Board. Between meetings any relevant information would be passed on immediately, in particular, if Member State involvement were to be required.

³ Article 96.6 of the REACH Regulation (EC) No 1907/2006

A Board member appointed by the Commission to represent interested parties referred to a recent press release from the European roof organisation of National Trade Union Confederations and recommended that trade unions be used to channel important messages to the management of companies.

With regard to the report on the implementation of the contingency plan, members expressed their satisfaction with the situation. It was agreed that ECHA will provide short monthly reports which shall include information on staff re-deployments or the engagement of interims, as well as an indication of whether fee income was posing a risk for reimbursement of the 2010 EU subsidy.

The Management Board took note of the information provided.

11. Report of the Executive Director
(MB/09/2010)

The Management Board received the regular report of the Executive Director on the activities of ECHA since the last Board meeting. The report was welcomed as a very comprehensive and informative overview.

The subsequent discussion centred on the authorisation process, namely the need for guidance for industry applications for authorisations once a first authorisation list has been established, and the future planning in Member States and the Commission with regard to the identification of SVHCs.

With regard to the translation of guidance documents, it was agreed that the Secretariat would provide the Board with information on the status and planning.

The Board also concluded that the Secretariat should present information on the planning for fulfilling the reporting obligations under Article 117 of the REACH regulation at the next meeting and the link to the first Member State reports due by 1 June 2010.

The Management Board took note of the information provided.

12. ECHA work plan with regard to testing methods
(MB/83/2009)

The Director for Assessment presented ECHA's planning with regard to testing methods.

With the help of the work plan, the Secretariat aimed *inter alia* at providing clarity on ECHA's responsibilities and the possibilities and background for communication on testing methods. To this end, neutral descriptions were provided on the information requirements under the REACH and CLP regulations, the provisions related to animal welfare, and the duties of registrants. A prominent place was given to clarifications on ECHA's role in promoting alternative methods to animal testing for the purpose of generating information requirements under REACH.

The report was welcomed by Board members, who agreed that capacity building in the area of testing methods is important in order to allow ECHA staff to discharge the Agency's regulatory tasks. It was emphasised that the Agency should analyse means for sharing the knowledge gained over time with Member State authorities. It was also mentioned that ECHA staff should be trained to duly recognise if a test result is not appropriate for specific substances.

The special focus on the promotion of alternatives to animal testing was explicitly welcomed as a demonstration of the Agency's proactive attitude towards an economically and politically sensitive matter. A representative of the Commission called on the Secretariat to explore means to efficiently disseminate relevant information in time before the first REACH registration deadline. He further asked the Secretariat to provide information on cases where ECHA has refused proposals from registrants to use alternative methods.

Several Board members referred to the significance of ensuring coherence with activities at the OECD level while at the same time avoiding confusion with the functions of ECVAM⁴ and the JRC⁵.

On the request of a Board member, a summary from the UK MSCA was distributed, informing registrants of the opportunities that are available to registrants to minimise animal testing.

A Board member appointed by the European Commission to represent interested parties emphasised the good work of the European Partnership for Alternative Approaches to Animal Testing, a joint initiative of the Commission, animal welfare organisations and industry. The Board member suggested that ECHA participate in this.

The Director for Assessment responded to the various comments made. He clarified that ECHA's role in dossier evaluation is to check the compliance of the information requirements but not to take over the role and responsibility of the registrant in deciding on the use of specific testing methods. He referred to the vast amount of guidance that ECHA is already disseminating. This includes detailed guidance on the use of (Q)SAR's, read-across or weight of evidence approaches but normally in the overall context of the information requirements under REACH. He also confirmed that ECHA would work on methods that will facilitate future registrants to use the data collected within the first registration deadline (data mining).

It was clarified that the information on the Agency's role in relation to animal testing will be used for communication purposes. The Chair concluded that the report of ECHA on animal testing in accordance with Article 117 of the REACH Regulation should take due account of the ratio of acceptance of alternative methods and the overall use of these methods.

The Management Board took note of the information provided.

⁴ European Centre for the Validation of Alternative Methods

⁵ Joint Research Centre of the European Commission

13. Update on Guidance activities
(MB/10/2010)

The Board heard from the Director for Cooperation who informed them about current activities related to Guidance development. He highlighted that the Secretariat is working to a strict calendar when updating and developing Guidance in accordance with the Consultation Procedure endorsed by the Management Board in February 2008 (MB/30/2007 final). Relevant dependencies exist with legal interpretations or policy lines established by the European Commission and/or discussed with the CARACAL, court cases and partially with the forthcoming launch of IT tools to which the Guidance refers. The Director also referred to the valuable experiences with the Partner Expert Group consultations.

The report was welcomed and it was acknowledged that ECHA does its utmost to deliver and translate Guidance. At the same time it was stressed that Guidance is not binding for registrants, who have to comply with the legal text of REACH in the first instance - interpretation of which is ultimately the competence of the EU General Court.

An exchange of views took place on the status of the review of the Guidance on substances in articles, in particular as regard to the 0.1 % limit. The Board noted that the situation is still unchanged as some Member States maintain their dissenting views.

With regard to the failure to find consensus within CARACAL on the Guidance on Annex V of REACH, members noted that the Executive Director may consult the Board in line with the consultation procedure on Guidance adopted by the Management Board, before deciding on publication.

The Management Board took note of the information provided.

14. Report from the advisory group on the dissemination of public information on chemical substances

The Board heard a report from Ethel FORSBERG, Chair of the advisory group on the dissemination of public information on chemical substances, on the last meeting of the group that took place on 10 February 2010.

The meeting had held an exchange of views on the criteria for assessing confidentiality claims and on communication activities related to the dissemination project. The criteria for confidentiality claims assessment will be further discussed at the next meeting. It was also agreed that a dedicated section on dissemination, with the participation of working group members, will be included into the next ECHA Stakeholders' Day on 19 May 2010.

The Management Board took note of the information provided.

15. Any other business

Visit of European Commission Vice President Tajani and Commissioner Potočnik

The Board was informed of a visit to ECHA by European Commission Vice President Tajani and Commissioner Potočnik on 25 March, and of a visit by a delegation from the EP ENVI Committee on 8 and 9 April 2010.

Report from the 1st meeting of the Chairs of the Management Boards

The Deputy Chair Antonello LAPALORCIA gave a report from the 1st meeting of the Chairs of Management Boards of agencies which took place on 2nd March with representatives from 11 agencies. The meeting was felt to be very useful by participants. Topics covered included the progress of the inter-institutional working group on agencies, the evaluation study on agencies and the long term financial planning of the EU. A next meeting is scheduled for the end of May.

Calendar for future Board of Appeal selections

A Commission representative informed the Board about the calendar for Board of Appeal selection procedures in 2010. New vacancies for alternate chairs and a technically qualified member will be published on 6 March with a view to submitting a shortlist to the Board by mid-June.

Transfer of funds to Member States

The Commission's agreement on the Board's decision on the transfer of fees to Member States has been received by ECHA and the Executive Director presented the final framework agreement with Member State authorities that was previously discussed, in its draft form, at CARACAL. He announced that he will send a letter to the Permanent Representations that have not yet nominated a competent authority and a contact person for signing the agreement.

Involvement of stakeholder observers in Committees meetings

The Board took note that it will be consulted at its next meeting on the conditions for involvement of stakeholder observers in Committee meetings, especially those of the Member State Committee, when confidential dossiers are discussed.

Revision of the biocides legislation

A Commission representative reported on the status of the legislative procedure for the revision of the biocides legislation. Amongst the main topics discussed would be the scope of the centralised authorisation procedure and the exclusion criteria for the use of active biocidal substances.

Connectivity to REACH-IT in Member States

The Executive Director reported on the status of connectivity to REACH-IT in Member States.

Budget transfers

The Board was notified of the latest budget transfers carried out under the responsibility of the Executive Director (MB/11/2010).

Memorandum of Understanding with EU-OSHA

The Executive Director informed the Board that a technical Memorandum of Understanding with EU-OSHA is in finalisation.

16. Next meeting and closure

The Chair reminded members that the next meeting of the Management Board would be held in Helsinki on 22/23 April 2010.

III. Decisions taken/ Conclusions reached by the Management Board

The Management Board

- approved the minutes of its 15th meeting contained in document MB/M/04/2009, subject to the amendments indicated in the corrigendum attached to the present minutes.
- adopted the agenda for the 16th meeting as contained in MB/A/01/2010, subject to the modifications indicated in these minutes.
- approved the draft estimates for expenditure and revenue for the year 2011, together with the establishment plan, as contained in document MB/01/2010, and instructed the Executive Director to forward the estimate with the establishment plan to the Commission by 31 March 2010.
- adopted the draft Multi-Annual Staff Policy Plan 2011-2013 as contained in the annex to document MB/02/2010 and instructed the Executive Director to forward the estimate with the establishment plan to the Commission by 31 March 2010.
- endorsed the submission of the draft multi-annual work programme 2011-2013 to public consultation on the Agency's webpage (MB/03/2010 with some amendments made at the Board meeting).
- approved the rules of procedure of the Member State Committee, the Committee for Risk Assessment and the Committee for Socio-economic Analysis as laid down in the documents MB/04/2010, MB/05/2010 and MB/06/2010 under the condition that the sentence "These minority position(s) shall also be indicated in the opinion" will be deleted in Article 19(6) of the rules of procedure of the Member State Committee and Article 19(5) of the rules of procedure of the Committee for Risk Assessment and the Committee for Socio-economic Analysis respectively.
- appointed Dr Jiří BENDL as a member of the Committee for Socio-economic Analysis

List of agreed follow-up actions

- Any interpretations of the REACH-IT Security Declaration which may result from bilateral discussions with Member States will be shared with the entire Board.
- The Secretariat will continue to report regularly on the progress of IT system development.
- The Secretariat will regularly inform the Board about the progress achieved in the various fora dealing with nano-materials at the EU level.
- The Secretariat will provide information on the status and planning of Guidance translations.

IV. List of Attendees

Representatives of the Member States

Zoltán ADAMIS (HU)
Maria ALAJÖE (EE)
Aurelija BAJORAITIENĖ (LT)
Marta CIRAJ (SI)
Arwyn DAVIES (UK)
Helmut DE VOS (BE)
Francis E. FARRUGIA (MT)
Ethel FORSBERG (SE)
Ana FRESNO RUIZ (ES)
Claude GEIMER (LU)
Thomas JAKL (AT) also acting as proxy of Guido SACCONI (EP)
Katarzyna KITAJEWSKA (PL)
Pirkko KIVELA (FI)
Antonello LAPALORCIA (IT)
Martin LYNCH (IE) also acting as proxy of Jan Karel KWISTHOUT (NL)
Catherine MIR (FR)
Leandros NICOLAIDES (CY)
Alexander NIES (DE) also acting as proxy of Per NYLYKKE (DK)
Edita NOVÁKOVÁ (SK)
Teodor OGNEAN (RO)
Armands PLATE (LV)
Fernanda SANTIAGO (PT)
Maria-Miranda XEPAPADAKI-TOMARA (EL)

Representatives of the Commission

Elke ANKLAM
Gustaaf BORCHARDT
Heinz ZOUREK

Individuals from interested parties (appointed by the Commission)

Martin FUEHR
Tony MUSU
Alain PERROY

Other Observers

Dick SIJM on behalf of Jan Karel KWISTHOUT (NL)
Eskil THUESEN on behalf of Per NYLYKKE (DK)
Henrik ERIKSEN on behalf of Ms Anne Beate TANGEN (NOR)

Astrid SCHOMAKER (European Commission)
Astrid BARTELS (European Commission)
Sabina PICCHIONI expert accompanying Mr LAPALORCIA (IT)

ECHA staff

Geert DANCET (Executive Director)

Andreas HERDINA (Director of Cooperation)
Jef MAES (Director of Resources)
Jukka MALM (Director of Assessment)
Christel MUSSET (Director of Registration and IT Tools)
Minna HEIKKILÄ (Head of Unit, Legal Affairs)
Anna-Liisa SUNDQUIST (Chair of the Member State Committee)
Jose TARAZONA (Chair of the Committee for Risk Assessment)
Ann THUVANDER (Chair of the Committee for Socio-economic Analysis)
Lindsay JACKSON (Head of Unit, Communications)
Bo BALDUYCK (Junior Legal Officer)

Sari HAUUKKA (Registrar of the Board of Appeal) for agenda items 5 and 6
Leena YLÄ-MONONEN (Head of Unit, Committees and International Relations) for agenda item 7

Pilar RODRIGUEZ IGLESIAS (Head of Unit, Guidance and Helpdesk) for agenda item 13
Catherine CORNU (Scientific Officer) for agenda item 14

Alain LEFEBVRE (Head of Unit, Executive Office)
Frank BÜCHLER (Legal Officer, Executive Office)
Mervi MUSTAKALLIO (Planning and Monitoring Officer, Executive Office)

Annex

Corrigendum to Document: MB/M/05/2009

(Agreed at the Management Board meeting on 04 March 2010)

**Minutes of the Meeting of ECHA's Management Board
held on
17/18 December 2009**

- ‘14. Contractual arrangements related to the reimbursement of REACH tasks executed by Member States
(MB/79/2009)

[...]

In addition to the six guiding principles presented by the Secretariat, the Board agreed that a clear reference to the requirements of the EU Financial Regulations and any recommendations of the European Court of Auditors on such matters, which Agencies must compulsorily follow, should be added. It was further agreed that the CARACAL meeting would to be informed about the developments.

With reference to the procedure applied, two Board members voiced the opinion that the contractual arrangements should eventually be put in place by decision of the Management Board. This was agreed in principle. At the same time it was pointed out that the Board had, for the purpose of the transfer of fee revenue to Member States, delegated this authority to the Executive Director by mandating him to put in place the necessary contractual and administrative arrangements in conformity with the financial rules applicable to the Agency (Art. 4(2) of draft decision MB/20/2009).

On this basis, the Management Board gave positive feedback to the guiding principles for the finalisation of the framework agreement. At the same time it was concluded that the CARACAL meeting should be formally informed of the issue.’

[...]

III. Decisions taken/ Conclusions reached by the Management Board

[...]

List of agreed follow-up actions

- The Secretariat will in 2010 report on a monthly basis to the Management Board on the extent to which the measures set out in the contingency plan for 2010 needed to be implemented. The reporting will start from the data of February 2010.
- ECHA will inform the CARACAL meeting of the progress made towards establishing a framework agreement on the transfer of fees to Member States for executing REACH tasks.
- *Any interpretations of the REACH-IT Security Declaration which may result from bilateral discussions with Member States will be shared with the entire Board.*
- The Secretariat will continue to report regularly on the progress of IT system development.
- *The Secretariat will regularly inform about the progress achieved in the various fora dealing with the nano-materials at the EU level.*