

PRELIMINARY CONCLUSIONS

**29TH MANAGEMENT BOARD MEETING
21-22 MARCH 2013, DUBLIN, EUROFOUND**

1. Welcome speech by Mr Richard Bruton T.D., Minister for Jobs, Enterprise and Innovation

Mr Richard Bruton T.D. welcomed the Management Board members in Ireland. The 29th meeting of the Management Board has been preceded by the REACH Conference on 20 March, one of the events organised under the Irish presidency. The Minister emphasized the important role of both ECHA and the national authorities in working close to industry, developing a culture of compliance and foster innovation. The Minister gratified ECHA for the great work done and wished success as regards to the new obligations that have been given to the Agency.

2. Welcome addressed by Juan Menéndez-Valdés Director of the European Foundation for the Improvement of Living and Working Conditions (Eurofound)

Director Juan Menéndez-Valdés also welcomed the Management Board members in Ireland and to Eurofound. He mentioned that Eurofound was established in May 1975 as 2nd EU agency to contribute to the planning and design of better living and working conditions in Europe, and highlighted the similarities and differences between Eurofound and the sister agency ECHA. He also welcomed the opportunity to strengthen inter-agencies collaboration to the benefit of all parties.

3. Report from the Executive Director

The Management Board took note of the report of the Executive Director on the progress made in achieving the annual work programme, including the results on work programme indicators.

Exchange of views took place on issues mainly related to nanomaterials, risk management, enforcement and Biocides. Other topics included the need to establish efficient interfaces with other EU legislation and authorities, ECHA's input into the implementation of the Commission's SVHC Roadmap or the need for the Agency to "brand" its policies and approaches in the area of nanomaterials, authorisation or dossier quality.

Discussion focussed on the preparation of the Biocides Fee Regulation. The ECHA Secretariat emphasized the intense cooperation with national authorities but also the tight timetable and scarce resources on all levels. It was acknowledged that ECHA needs to increase the efforts in communicating its work and vision within the adopted legislative framework. In order to facilitate good the progress in the upcoming May Biocides CA meeting it was agreed that a preparatory meeting with key Member States in April would be beneficial.

The Board expressed its general high satisfaction with the work done and achievements since the last Management Board meeting.

4. REACH/CLP resources in the period 2014-2020 and the impact of the revised REACH Fee Regulation

The Management Board took note of information provided on ECHA's situation under the next multi-annual financial framework of the European Union (2014-2020). It demonstrated that ECHA's financial and staff resources may be too tight to implement an ambitious multi-annual work programme.

Board Members were of the view that ECHA cannot afford to disagree with the Commission on too many fronts at the same time and confirmed that there is a need to convey the message to national ministries represented in the Council Budget Committee that ECHA will need the full amount of originally planned EUR 385 million EU subsidy between 2014-20 and would strongly benefit from a single ECHA level reserve fund to compensate possible significant shortfalls in REACH and Biocides fee income.

5. Preliminary Draft Budget 2014, including outline of the work programme and draft establishment plan

The Management Board approved the draft estimates for expenditure and revenue for the year 2014, together with the establishment plan and a work programme outline, and instructed the Executive Director to forward the estimate with the establishment plan to the Commission by 31 March 2012¹.

The establishment plan request was adopted with the understanding that the final number of posts will be aligned at the year's end to the decision of the budgetary authority². The request foresees a reduction of staff of 1% in 2014 in line with the common view of all agencies.

The budget estimate foresees the payment of the employer's part of pension contributions for REACH/CLP staff. The obligation for the Agency to cover these contributions from its own budget (instead of the Commission from the EU budget) remained an issue where ECHA and the Commission had come to different interpretations of the applicable rules and regulations. In order to solve the issue in an amicable way, the Board agreed to follow the Commission's interpretation.

In the context of the 2014 budget estimate the Management Board discussed also the implications of the segregation of accounts and budgets between REACH/CLP and Biocides as it is presently imposed upon the Agency by the Biocides Regulation (Art. 78.2). The Board noted the consequences of the strict separation which risks hampering additional synergies between the different mandates and has negative implications for the Agency's long term financing. It was concluded that the Chair should communicate this concern as appropriate, also with view to a planned technical amendment to the Biocides Regulation in 2013.

6. Amendment(s) to the budget 2013

The Management Board adopted a first amending budget for 2013. The decision concerned two amendments, one related to the payment of pension contributions for REACH/CLP staff in 2012 and 2013, and one to allow the temporary funding of Biocides preparations from the REACH fee reserve (1 mio EUR).

¹ Secretary note: The Commission representatives objected the proposal, asking for a higher staff reduction of 2% in 2014

² By way of clarification a footnote will be added to the establishment plan.

The Commission had before confirmed that the funds will be reimbursed to ECHA (and subsequently to the REACH reserve) from the EU general budget if the fees to be collected under the Biocides from September 2013 will, as anticipated, be lower than 1.15 mio EUR.

7. Multi-annual Staff Policy Plan 2014-16

The Management Board adopted a Multi-Annual Staff Policy Plan 2014-2016. It was agreed that the final document should feature the same clarification as mentioned above under point 4 regarding the eventual decision of the EU budgetary authority in relation to the annual staffing levels of the Agency. On request by the Commission representatives another minor modification was concluded.

8. Draft Multi-annual Work Programme 2014-18

With minor modifications, the Management Board endorsed a proposal to submit the draft Multi-annual Work Programme 2014-2018 for public consultation. The draft covers 5 years and it is designed around ECHA's four strategic aims. It was concluded that the draft will be separately consulted with the Competent Authorities under the Biocides Regulation and the Forum for enforcement.

The draft document will be available on ECHA's webpage with the possibility for the general public to provide comments. The final adoption by the Board is foreseen for September 2013 and will take into account the outcome of the consultations.

9. Structure of the Board of Appeal and mandates of some of its members

The Management Board decided that the present structure of the Board of Appeal should be maintained and reviewed in 2015.

In a closed session, the Management Board deliberated the question of the prolongation of mandates of the Board of Appeal members which expire in 2013 and early 2014.

10. ECHA IT Security Declaration³

The meeting approved - with 21 members with voting rights present or represented by proxy vote - that a unified Declarations⁴ of Commitment and connected Standard Security Requirements can be the basis for Competent Authorities (CA) to obtain access to ECHA's IT systems. This will allow those CA that can comply with the Security Requirements as presently defined to get connected with ECHA, in particular for preparing the entry into operation of the Biocides Regulation. There was one abstention. The conclusion will be confirmed by written procedure.

ECHA had re-analysed the necessary security levels and concluded that there is no justification to apply a lower level for Biocides than for REACH. With regard to persisting difficulties of some Biocides CAs to subscribe to the requirements, the Board required the Security Officer's Network to present for the next Board meeting a proposal how to integrate tele-working in the framework. The Management Board will

³ The order of agenda items here follows the draft agenda and not the actual sequence in the meeting. The item was dealt with at the end of the 2nd meeting day.

⁴ The declarations for the Commission and national authorities have to be technically slightly different but feature identical security requirements.

then be in a position to modify the Security Requirements in order to prepare the grounds for all remaining CA's to commit to the Security Declaration.

11. ECHA General Report 2012

With small modifications the Management Board adopted the General Report 2012 and instructed the Executive Director to submit the document to the Member States, the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors, and to have it published.

12. Analysis and Assessment of the Authorising Officer's Annual Activity Report

The Management Board took note of the Annual Activity Report for 2012 of the Executive Director as ECHA's authorising officer and adopted its analysis and assessment thereof on the basis of a proposal from its specialised working group on planning and reporting.

Some small changes were agreed to the Board's analysis and assessment as prepared by the working group. Furthermore, it was noted that the Authorising Officer's report will require minor corrections, in particular to take into account the number of authorised posts in 2012. The Executive Director was instructed to send the analysis and assessment of the annual activity report and forward it to the Budgetary Authority and the Court of Auditors by 15 June 2013.

13. Exchange of views with the Irish Authorities (Sharon McGuinness and John Harrison)

Sharon McGuinness from the Health and Safety Authority (HSA) introduced the authorities responsible for implementing, inspection and enforcing REACH, CLP and PIC Regulations in Ireland. Ms McGuinness mentioned that the core activities of HSA are dedicated to the Committees of ECHA (MSC, RAC, SEAC) and the Forum inspection and enforcement projects, even under staff constraints.

Mr John Harrison gave an overview on the challenges faced by national Biocides authorities in implementing the new Biocides Regulation. He highlighted that good cooperation between the national level and ECHA would be essential for making the new regime start successfully in September.

A broad exchange of views with the presenters took place.

14. REACH Review [addition by the Secretariat]

The ECHA Secretariat presented its view on the impact of the Commission's review of REACH on the Agency. There was general support for the assessment and the Commission's communication was welcomed. Further discussion is needed to decide on the appropriate follow-up. The Commission announced to prepare a work programme for this in cooperation with national authorities and ECHA. The Secretariat confirmed that it will reflect the activities resulting from the REACH review in the final multi-annual work, taking into account ECHA's resource constraints.

15. Update of the IAS multi-annual strategic audit plan

The Board took note of the information provided in the update of the IAS multi-annual strategic audit plan.

16. Amendments to the Rules of Procedures of the MSC

Management Board approved the revised Member State Committee (MSC) Rules of procedure (RoPs) as previously endorsed by the Committee at its 28th meeting.

17. QSAR toolbox – update of the 2013 procurement plan

Management Board approved the procurement action related to the OECD QSAR toolbox, and to thereby amend the Procurement Plan of ECHA for 2013.

18. Items for information / Any other business

Budget transfers and written procedures

The Board took note of the information provided in relation to budget transfers carried out by the Executive Director and the outcome of a written procedure in January.

Commission Roadmap 'Implementation of the Common Approach on decentralised agencies'

A European Commission representative presented the Roadmap for implementing the Common Approach on decentralised agencies. This followed information provided to the Board in December 2012.

Commission agreements to MB decisions

Commission agreements have arrived earlier this year to the Management Board decisions taken in 2012 in relation to transfer of fees to Member States and administrative charges for false SME declarations. Both decisions have afterwards been put into force.

Day Care

An update was given on the envisaged solution for supporting day-care for ECHA staff children between 5 and 10 months. An external provider has been identified and ways to financially support ECHA staff with children in this age group are in analysis.

Helsinki Chemicals Forum

The annual Helsinki Chemicals Forum is scheduled for 19 June, the day before the next Board meeting. Since this conference will deal with important aspects of international regulatory chemicals management, the Secretariat considers it useful for Board members to participate as capacity building measure. It was announced that Board members will be asked to confirm their interest in participating.

The next meeting of the Management Board will take place on 19-20 June 2013 in Helsinki.