

Mid-term Review of the Decision on the Transfer of a Proportion of Fees to Member States

41st Meeting of the Management Board 17-18 March 2016

Item	13.3
Action	For information
Status	Final - Public

Key messages

The Management Board is invited to take note of the planning for the mid-term review of its Decision on the Transfer of Fees to Member States.

The Management Board Working Group on the Transfer of Fees will be involved in the review which will take place between March and June 2016. The Group is also invited to select a Chair.

Background

In 2014, the Management Board adopted a revised Decision on the Transfer of Fees to Member States and received the required agreement from the European Commission¹.

The new Decision entered into force in January 2015. It contains a review clause which foresees a mid-term review in 2016 and a full review in 2017². To this end, a report shall be presented to the Management Board Working Group on the Transfer of Fees in March 2016. The Working Group can then report back to the Management Board in June.

The following Management Board members participate in the Working Group on the Transfer of Fees.

1. Mr Antonello LAPALORCIA
2. Ms Luminița TÎRCHILĂ
3. Mr Antti PELTOMÄKI
4. Mr Keith BAILEY
5. Ms Parvoleta LULEVA
6. Ms Anne-France RIHOUX

Rationale

The mid-term review aims at assessing the following³:

- (1) Is the ceiling of fees transferable to Member States approaching too quickly?

¹ http://echa.europa.eu/documents/10162/13608/decision_ms_fee_transfers_en.pdf

² See Article 7 of the Decision

³ See document MB/34/2014 for the rationale of the revised Decision

The maximum proportions of fees to be transferred to Member States 2015-17 are:

25% of the base fees for authorisation applications and reviews	for Rapporteur work done in RAC and SEAC in the context of an authorisation application
5% of the Agency's REACH registration fee income for that period, and the remaining fee reserve at 31.12.2014	for substance evaluation tasks by a Member State Competent Authority or rapporteur work done in RAC and SEAC in the context of a restrictions proposal.

With an absolute ceiling for the transfers to Member States of EUR 12.5M.

(2) Is the work of Member States overly affected by the requirements of the revised Decision?

The Secretariat is collecting the necessary data for the review. Since substance evaluation contracts under the revised Decision started only in 2015, the first invoices from Member States are expected by mid-March 2016. For this reason the Secretariat proposes to present a report to the Working Group by the end of March. The Working Group can then meet or convene by video-conference before the June Management Board meeting in order to prepare their report to the full Board.

The annex to the Decision containing the scale of fees for the transfer of fees to individual Member States remained unchanged in 2016. There is no new data available from Eurostat for the reference year 2014. The Executive Director may update the annex in 2017, if sufficient new data is available.

A short ad-hoc meeting of the Working Group will be organised in the margins of the Management Board meeting on 17 March. This will allow the Working Group to address the question of Chairmanship and clarify any questions regarding the process.

Alternative options

N/A

Drawbacks

N/A

Attachment:

N/A

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