

Minutes of the 47th meeting of the Management Board Held in Helsinki from 28 to 29 September 2017

I. Summary record of the proceedings

The meeting was chaired by the Deputy-Chairman.

The names of participants attending the meeting and the proxy votes of which the Chair was notified are listed in Annex IV to these minutes.

1. Agenda

The Chair introduced the draft agenda¹ and proposed the following additions under 'Any other business':

- Preparation of a written procedure for the appointment of the Accounting Officer.
- Competent authorities' directors meeting 2017 (11-12 October).

The order of the agenda items for the second day was changed to allow the EU poison centres to be discussed before the adoption of the Programming Document 2018-2020. To this end, agenda items 12 and 17 were moved before item 11.

The Chair also pointed out a number of room documents, namely:

- Feasibility study for a centralised poison centre submission and dispatch system at EU level and comments from DE / COM.
- Cost of co-opted members in RAC/SEAC (follow-up of the June MB meeting).
- Draft agenda of the MSCA Directors' meeting.

The agenda of the meeting was then adopted on this basis. The order of these minutes reflects the order in which the points were taken.

2. Declaration of specific interests

The Chair informed the members of the Management Board that he reviewed the members' declared interests, together with the Secretariat, in accordance with ECHA's policy on conflicts of interest and identified no issues of concern.

The Chair asked members to further declare any specific interests that could not be drawn from their declarations of interests and that could be considered to be prejudicial to their independence with respect to any item on the agenda. No potential further conflicts were identified.

With a view to the appointment of the Executive Director, the Chair emphasised the critical importance of performing the assessment of the candidates with the utmost impartiality and independence so as to ensure fairness and equality of treatment of all candidates.

¹ MB/A/03/2017

The Management Board took note of an exchange of letters with a Permanent Representation of a Member State on the issue of alternates for Board members and agreed to schedule a discussion on alternates at a future meeting.

3. Minutes of the 46th Management Board meeting

The draft minutes² of the 46th Management Board meeting, held from 21 to 22 June 2017 in Helsinki, were adopted.

The Chair explained the status of agreed follow-up actions as follows.

ECHA-SEC will facilitate a discussion with MSs on the new EU poison centres task. This will take place on the basis of the feasibility study and aim to clarify the legal, IT and financial aspects of the Commission proposal.	Planned for 11 October (MSCA Directors' meeting) and December MB
ECHA-SEC will provide information on the costs incurred by the work of co-opted members.	Room document MB-47
The Committee Chairs will annually report on workload, expertise needs, as well as on the level of engagement	First report in March 2018
ECHA-SEC will provide numerical information on known SVHCs.	ONGOING (next annual report)
ECHA-SEC will circulate the draft report on the applicability of alternative and non-animal approaches before publication	ONGOING
The MB will invite the Forum Chair to give an update on the work and current projects of the Forum.	Scheduled for 2018
ECHA-SEC will regularly update on the preparations for the operational implications of the UK's withdrawal from the EU.	Scheduled

4. Appointment of the Executive Director – report from the Preparatory Group

The Management Board took note of a report from the Preparatory Group for the appointment of the Executive Director, adopted the interview questions, as well as the choreography of the interviews³. The main interview questions prepared by the Preparatory Group were to be asked by the Chair, and three Board members asked one commonly agreed additional question each.

5. Appointment of Reporting Officers for the Executive Director

The Management Board appointed Henrik LARSEN (DK), Antti PELTOMÄKI (COM) and Alojz GRABNER (SI) as Reporting Officers for the new Executive Director.

It was agreed that the Reporting Officers will receive the relevant parts of the hand-over documentation from the current to the next Executive Director.

6. Selection of the Executive Director

The meeting was held in camera. Only Board members, in case of absence their persons of trust, the Executive Director, the Head of Legal Affairs and the Secretary of the Management Board remained in the room.

In line with the rules a Board member who participated as an applicant in the procedure had in advance declared a conflict of interest, provided no proxy vote and attended the appointment session only for the interview.

The Chair reminded all participants to keep the content of the interviews, deliberations and voting confidential. ECHA staff present were reminded of their observer role.

² MB/M/02/2017

³ MB/31/2017

The minutes of this part of the meeting are restricted.

Following the interviews of candidates on a list provided by the European Commission in accordance with Article 84 of the REACH Regulation (EC) No 1907/2006, the Management Board selected Mr Bjorn Gaarn HANSEN as Executive Director-designate.

The decision was taken by secret ballots with the required majority of two-thirds of the members with the right to vote.

The Chair congratulated Mr HANSEN and announced that the contract signature is planned for the next meeting on 14-15 December 2017. As a next step in the appointment process, the nominee will make a statement in the European Parliament and answer questions from Members of the Parliament.

Bjorn HANSEN's forthcoming appointment follows that of Geert DANCET who was appointed as ECHA's first Executive Director and started his mandate in January 2008.

7. Side-activity request of the Executive Director and information on post-employment activity plans

The Management Board authorised Geert DANCET, current ECHA Executive Director, to perform an outside activity for the Community Plant Variety Office between 4 October 2017 and 31 December 2017⁴.

Board members also took note of the general handling of post-employment activities of senior managers, as well as the intentions of Geert DANCET on new occupational opportunities after retirement, related in particular to the Helsinki Chemicals Forum.

8. Proposal on ECHA's future building

The Management Board approved the submission of the notification of the project for ECHA's future building⁵ to the budgetary authority (European Parliament and Council) for their approval.

The approval was granted with the understanding that the questionnaire attached to the proposal will still be improved in line with comments received during informal consultations with Commission services and the Management Board Advisory Group.

Board members noted that the future building fulfils all the criteria as adopted by the Management Board in March 2016 and has been selected as a result of a negotiated procurement procedure, involving several candidates.

9. First Amending Budget 2017, amendment to the Procurement plan and transfer within the budget

The Management Board adopted the first amendment to ECHA's 2017 budget⁶, including the corresponding amendment of the procurement plan and an amendment to the establishment plan of the Agency. Board members also took note of the budget transfers carried out under the responsibility of the Executive Director.

In the area of REACH, revenues from fees and charges were increased by € 5.2 million to € 31.7 million, reflecting ECHA's latest best estimate. The total expenditure is reduced by € 0.1 million to € 97.6 million, which includes additional spending of € 1.25 million for the Poison Centre portal. The required EU subsidy was reduced by € 5.2 million to € 64.3 million, and the EFTA contribution was reduced by c. € 0.1 million to € 1.6 million, that is € 5.3 million in total.

For biocides, revenues from fees and charges were increased by € 1.7 million, to € 7.5 million, reflecting ECHA's latest best estimate. The total expenditure and income was

⁴ MB/32/2017

⁵ MB/33/2017

⁶ MB/34/2017

increased by c. € 1.1 million, to € 11.4 million. These additional funds, together with the identified releases in other budget lines (€ 0.1 million), will be allocated to finance further development of IT tools (R4BP 3, biocides dissemination and maintenance improvements of EUSES). As a result of the increased fee income, the required EU subsidy for 2017 was reduced by € 0.6 million, to € 0.9 million, and the EFTA contribution reduced accordingly.

As regards the establishment plan, the Management Board approved the conversion of three AST posts (AST7, AST8 and AST9) into AD posts (AD7, AD8 and AD9). The change has no impact on the overall level of the Establishment Plan or the budget.

Further to questions from a Board Member, the Secretariat clarified that the additional spending of € 1.25 million for the Poison Centre portal will cover the work on IT tools to provide a first phase of the portal, which will serve as a multilingual interface, a database to store information and dispatch notifications to appointed bodies in the Member States.

10. Revised decision on the transfer of fees to Member States

The Management Board adopted the revised draft decision on the arrangements and scale of fee transfers to Member States for the period 2018-2020⁷, as proposed by its Working Group on Transfer of Fees.

In a number of areas, such as the man day assumptions and the approach for transfers in the area of REACH authorisation applications, the arrangements remain the same as in the current decision. The new features of the proposal include a new overall ceiling for the transfer to Member States for the period 2018-20 (€ 6.5 million), and a revised approach, based on the use of the European Commission cost of living coefficients (so-called coefficient corrections, further adapted to differences in salaries between ECHA and the Competent Authorities in Finland), for defining the scale of payments for the different Member States. This new approach aims to ensure that the transfer of fees is linked to the real costs incurred by the MSCAs (one of the overall principles of the transfer of fees system).

The Management Board instructed the Secretariat to submit the draft decision for the agreement of the European Commission. Pending the Commission's agreement, the revised decision will enter into force on 1 January 2018.

11. Poison centres

The Management Board took note of and exchanged views on the status of discussions on the poison centres related activities of ECHA and the Member States and the options to properly resource these potential future tasks for ECHA⁸.

Some Member State representatives expressed concerns about the legal basis for the roles of ECHA explored by the draft feasibility study presented by the Secretariat and the tasks foreseen for ECHA in the recently revised Annex VIII of the CLP Regulation (Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures). Having regard to Article 45 of the CLP Regulation, Board members stressed that the responsibility for receiving information relating to emergency health response lies solely within the Member States.

According to Annex VIII to the CLP Regulation as amended by Commission Regulation (EU) 2017/542⁹, "the Agency shall provide technical and scientific guidance, technical support and tools facilitating the submission of information". Certain Board members were of the view that the portal/database as explored by ECHA goes beyond the task specifically given to the Agency.

⁷ MB/36/2017

⁸ MB/41/2017

⁹ Commission Regulation (EU) 2017/542 of 22 March 2017 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures by adding an annex on harmonised information relating to emergency health response, OJ L 78/1, 23.3.2017.

A representative of the Commission emphasised the need to find an agreement among the Member States. He offered to ask the Commission's Legal Service to scrutinise the legality of the proposal and to find an appropriate forum to further discuss and clarify the issue (CARACAL or REACH Committee meeting) before the next Board meeting in December 2017. A Member State representative underlined that this forum, i.e. the REACH Committee, should be appropriate for Member States to express their positions as Member States.

As regards the resourcing of the poison centres possibly managed by ECHA, certain Board members pointed out the subsequent need to increase the human resources along with the financial resources and to avoid mixing the different funding sources of the Agency. The issue of resourcing would need to be resolved both for the establishment of and for the long-term operation of the portal.

Some Board members welcomed ECHA's proposal insofar as a coordination portal would be beneficial for Member States having limited capacity with regards to poison centres. However, concerns related to data protection were raised.

From a practical perspective, some Board members identified the possible difficulty stemming from a harmonised format and centralised database as well as from the requirement to have a centre functioning 24 hours / 7 days.

The Management Board will revisit the issue pending legal clarification from the Commission services, further information on the resourcing as well as pending agreement between Member States.

12. Appointment of Committee members

The Management Board appointed Ms Julie SÉBA, Ms Laure GEOFFROY, Ms Irina KARADJOVA and Mr Daniel BORG as members of the Committee for Risk Assessment (RAC)¹⁰.

13. Final programming document years 2018-2020

The Management Board adopted ECHA's programming document for 2018-2020¹¹. The document combines the multiannual objectives and resource outlook with the activity planning and was prepared with the help of the Working Group on Planning and Reporting. It incorporates in particular the 2018 Work Programme.

The document is based on the preliminary draft budget which was included in the first draft, adopted by the Management Board in December 2016 and subsequently sent to the European Commission in January 2017.

Board members noted ongoing discussions between Commission Services on new tasks, which are at present not covered by the Commission Budget Proposal for ECHA. These tasks are only partially listed in the programming document and include poison centres under CLP, occupational exposure limits (OELs) under Occupational Health legislation, endocrine disruptors criteria under BPR, and the implementation of the legislation finder for which the feasibility study is financed by the 2016 delegation. Depending on the outcome of these discussions, the corresponding passages in the programming document and the resource allocation for these tasks may be altered.

In line with the discussion under point 11, a number of Board members expressed again their concerns about the legal basis of the proposed ECHA tasks for the poison centres. It was agreed that the programming document would make clear that the inclusion of these tasks is pending clarification of the legal base, as well as the availability of sufficient resources as well as sufficient interest and demand from the Member States¹².

¹⁰ MB/38/2017

¹¹ MB/35/2017

¹² It was agreed to insert the following sentence to 3.3. Human Resources / New tasks: "Depending on the demand and interest by Member States, the work on poison centres will require further clarification of the legal base and the resource implications."

It was noted that the Human and Financial Resources planning of the programming document will be reviewed in December 2017, following the adoption of the EU general budget and the subsequent adoption of the final ECHA budget and establishment plan. The procurement plan will also be submitted to the Management Board for approval in December, as well as the IT master plan for information.

14. IAS Strategic Internal Audit Plan 2018-2020

The Management Board endorsed the Internal Audit Services' Strategic Audit Plan¹³, including the short list of prospective audit topics for the next three years. The potential audit topics during the period 2018-2020 will include conflicts of interest and ethics (confirmed for 2018); integrated regulatory strategy: screening, evaluation and RMOAs; procurement; integrated regulatory strategy: harmonised classification and labelling; business continuity (including IT) and IT service management.

15. Amendment to the rules of procedures of ECHA bodies

The Management Board adopted a technical amendment to the rules of procedures of the Management Board, the ECHA Committees and the Forum¹⁴. The technical amendment aims to move towards an electronic handling of the related declarations signed by Committee members. It concerns the removal of the declaration templates from the annexes to the rules of procedure text and replacing such text with hyperlink references to normalised, common declaration templates (with an electronic signature system).

16. Quarterly Report on ECHA's activities

The Management Board took note of the quarterly report¹⁵ on ECHA's progress in reaching the 2017 Work Programme targets.

The exchange of views touched upon a number of items of interest, in particular:

- The high number of comments received by the experts on the second draft of the ED identification guidance.
- The successful escalation procedure within the Security Officers' Network to address non-compliance with standard security requirements for accessing the Agency's information systems.
- Inquiries (adequacy of substance ID).
- ECHA Cloud services for SMEs.
- The number and cost of REACH registrations, in particular for SMEs.
- The outcome of concluded completeness checks and possible follow-up actions.

17. Operating framework of the Management Board

The Management Board took note of the technical revision of its own operating framework¹⁶. The Secretariat technically updated the document in the light of relevant factual developments. The Chair noted that the Management Board may wish to review its operating framework on a future occasion.

¹³ MB/37/2017

¹⁴ MB/39/2017

¹⁵ MB/40/2017

¹⁶ MB/42/2017

18. Any other business

Preparation of a written procedure for the appointment of the Accounting Officer

The Management Board took note of the update on the selection process for the appointment of a new Accounting Officer for ECHA. The Management Board will decide by written procedure, so that the new Accounting Officer can hopefully take over the duties before year's end.

MSCA Directors' meeting 2017 (11-12 October)

The Management Board took note of the announcement of the seventh meeting of Member State competent authorities' directors, scheduled to take place on 11-12 October in Helsinki.

Next meeting and closure

The Management Board bid farewell to Anne Laperrouze who participated for the last time at a Board meeting. Her mandate as member appointed by the European Parliament will end on 1 December 2017. The same applied for the mandate of Christina Ruden.

The Chair noted that the next meeting of the Board is scheduled to take place on 14 and 15 December 2017, in Brussels, Belgium, at the invitation of the Belgian authorities.

II. Documents submitted to the Management Board

Draft agenda	MB/A/03/2017
Draft minutes of the 46 th meeting	MB/M/02/2017
Appointment of the Executive Director	MB/31/2017
Side-activity request of the Executive Director and information on post-employment activity plans	MB/32/2017
Proposal on ECHA's future building	MB/33/2017
First Amending Budget 2017, amendment to the Procurement plan and transfers within the budget	MB/34/2017
Final programming document years 2018-2020	MB/35/2017
Revised decision on the transfer of fees to Member States	MB/36/2017
IAS Strategic Internal Audit Plan 2018-2020	MB/37/2017
Appointment of Committee members	MB/38/2017
Amendment to the rules of procedure of ECHA bodies	MB/39/2017
Quarterly report on ECHA's Activities	MB/40/2017
Poison centres	MB/41/2017
Operating framework of the Management Board	MB/42/2017

III. Decisions taken/Conclusions reached by the Management Board

The Management Board:

- Adopted the draft agenda of the 47th Management Board meeting 28-29 September 2017.
- Approved the draft minutes of the meeting of 21-22 June 2017.
- Selected Bjorn Gaarn HANSEN as Executive Director-designate and instructed the Chair to inform the European Parliament accordingly, with a view to organising as soon as possible the exchange of views foreseen in Article 84 of the REACH Regulation.

The decision was taken by secret ballot with the required two-thirds majority of members with voting rights.

The signature of the employment contract was scheduled for the next meeting of the Management Board on 14-15 December 2017.

- Appointed Henrik LARSEN (DK), Alojz GRABNER (SI) and Antti PELTOMÄKI (COM) as Reporting Officers for the Executive Director.
- Authorised the ECHA Executive Director to perform an outside activity for the Community Plant Variety Office between 4 October 2017 and 31 December 2017.

Took note of preliminary discussions of the Executive Director about occupational opportunities after retirement, in particular related to the Helsinki Chemicals Forum.

- Approved the submission of the notification of ECHA's building project to the budgetary authority (European Parliament and Council) for their approval.
- Adopted a first amending budget 2017 and an amended procurement plan.
- Took note of the annotated budget transfers executed by the Executive Director under his responsibility since the last notification.
- Adopted the final ECHA programming document 2018-2020, with the understanding that the document will be updated in December 2017 in the light of the final EU budget¹⁷.

Authorised the Executive Director to notify the European institutions and Member States accordingly."

- Adopted a revised draft decision on the transfer of fees to the competent authorities of Member States, and instructed the Executive Director to submit the document to the European Commission for its opinion.
- Endorsed the 2018 - 2020 Strategic Internal Audit Plan issued by the European Commission's Internal Audit Service (IAS).
- Appointed new members for the Committee for Risk Assessment (RAC):

New RAC members:

Belgium	SÉBA Julie
France	GEOFFROY Laure
Bulgaria	KARADJOVA Irina
Sweden	BORG Daniel

- Adopted a technical amendment to the rules of procedure of the Management Board, the ECHA Committees and the Forum. The amendment removes the

¹⁷ The following reference was added on p 32, lines 41-42: "Depending on the demand and interest by Member States, the work on poison centres will require further clarification of the legal base and the resource implications."

declaration templates from the annexes to rules of procedure text and replaces such text with hyperlink references to the normalised, common declaration templates.

- Took note of the status of discussions on the Poison centres related activities of ECHA and the Member States and the potential future tasks for ECHA.
- Took note of the quarterly report on ECHA's activities.
- Took note of the updated document describing the operating framework of the Management Board.
- Took note of the update on the selection process for the appointment of a new Accounting Officer for ECHA.
- Took note of the announcement of the seventh meeting of Member State competent authorities' directors, scheduled to take place on 11-12 October in Helsinki.

Agreed follow-up actions:

- The Secretariat will inform the Management Board of relevant developments with regards to the European Parliament hearing of the Executive Director-designate.
- The Secretariat will launch a Written Procedure to select the new Accounting Officer for ECHA.
- The Secretariat will finalise the questionnaire to be attached to the proposal on ECHA's future building and submit it to the budgetary authority.
- The Secretariat will submit the draft decision on the arrangements and scale of fee transfers to Member States 2018-2020 for the agreement of the European Commission.
- The Secretariat will include the Revision of the Management Board working methods in the 2018 Rolling Plan, in particular, addressing the question of alternates for Board members.
- The Reporting Officers for the Executive Director will receive the relevant parts of the hand-over documentation from the current to the next Executive Director.

IV. List of attendees

Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-France RIHOUX	(BE)	
Parvoleta LULEVA	(BG)	
Bojan VIDOVIC	(HR)	
Tatjana KOLESNIKOVA	(CZ)	
Henrik Soren LARSEN	(DK)	
Aive TELLING	(EE)	
Hanna KORHONEN	(FI)	
Marie-Laure METAYER	(FR)	
Jörg LEBSANFT	(DE)	(also acting as proxy of Christina RUDEN)
Kassandra DIMITRIOU	(EL)	(also acting as proxy of Anastassios YIANNAKI)
Krisztina BIRÓ	(HU)	
Sharon McGUINNESS	(IE)	18
Francesca GIANNOTTI	(IT)	
Judīte DIPĀNE	(LV)	
Marija TERIOŠINA	(LT)	
Paul RASQUE	(LU)	
Edward XUEREB	(MT)	
Hans MEIJER	(NL)	
Lidia WAŚOWICZ	(PL)	
Ana Lilia MARTINS	(PT)	
Luminita TIRCHILA	(RO)	
Miroslava BAJANIKOVA	(SK)	
Alojz GRABNER	(SI)	
Oscar GONZALEZ SANCHEZ	(ES)	
Lisa ANFÄLT	(SE)	
Keith BAILEY	(UK)	

Representatives of the European Commission

Kestutis SADAUSKAS
Antti PELTOMÄKI
Sabine JÜLICHER

Independent persons appointed by the European Parliament

Anne LAPERROUZE

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER EEB-BEUC - European Environmental
Bureau/European Consumer Organisation
Peter SMITH CEFIC –European Chemical Industry Council

Persons participating on behalf of Board members/observers

Heidi MORKA (on behalf of Thomas JAHRE)

¹⁸ participated on 29 September

Other observers

Abdel EL-AMELI
Bjorn HANSEN¹⁹

European Commission
European Commission

ECHA staff

Geert DANCET	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Andreas HERDINA	(Director of Cooperation)
Jack DE BRUIJN	(Director of Risk Management)
Christel MUSSET	(Director of Registration)
Leena YLÄ-MONONEN	(Director of Evaluation)
Luisa CONSOLINI	(Director of Information Systems)
Shay O'MALLEY	(Director of Resources)
Minna HEIKKILÄ	(Head of Legal Unit)
Wim DE COEN	(Head of Unit, Executive Office)
Frank BÜCHLER	(Executive Office)
Gabriella CSEH	(Executive Office)

(Staff attending specific agenda items)

Tuula HAKALA	(Head of Unit Finance)
Henri ALATALO	(Finance Unit)
Timo RÖCKE	(Strategic Planning Officer, Executive Office)
Minna STRÖMBERG	(Internal Audit Capability)
John WICKHAM	(Head of Unit Corporate Services)
Anita RYNKÄNEN	(Staff Committee representative)

¹⁹ participated on 29 September