

Helsinki, 26 September 2018
PUBLIC

PRELIMINARY CONCLUSIONS

**51ST MANAGEMENT BOARD MEETING
20-21 SEPTEMBER 2018, VIENNA**

1. Election of the Chair of the Management Board

Ms Sharon MCGUINNESS, the Irish Board member and current Chair of the Management Board was unanimously re-elected as Chair, for her second and final term of office of two years, starting from 1 October 2018.

2. Confirmation of functions of the Executive Director

ECHA's Executive Director was confirmed in his functions at the end of a nine months probationary period. Mr Bjorn HANSEN was appointed as Executive Director in September 2017 for a first term of five-years and his contract started on 1 January 2018.

3. ECHA Programming Document

The Management Board adopted an amendment to the ECHA Programming Document 2018-2020 (section 1.2.4) on the basis of a European Commission request, to develop a database containing information relating to emergency health response arising from exposure to hazardous mixtures, relying on the Commission's assessment regarding the legal basis of its request, as well as regarding the workload estimation and related financial and human resource needs.

The Management Board supported the adoption of this amendment, while acknowledging the concerns of several members related to the lack of certainty about the long-term financing of this new task and noting the lack of clarity that accompanied the Commission's decision-making process. Certain questions connected with the modalities of implementation remain. One Member State representative could not support the adoption of the amendment.

The Management Board also

- technically adopted the ECHA work programme for 2019 to fulfil the legal requirement of adopting the work programme of the Agency for the coming year by 31 October. The work programme will be updated in December 2018 as part of the adoption of the final Programming Document 2019-2021
- took note of a status report on the actions related to the REACH Refit Evaluation (REACH Review) and to the evaluation of ECHA. The ECHA Secretariat informed the Management Board that the REACH Review actions will be reflected in the Programming Document in December 2018.
- held an orientation debate in preparation of the Programming Document(s) 2019-2021 and 2020-2022.

4. Appointment of Committee members

The Management Board appointed one new member (Mihaela PRIBU (RO)) for the Committee of Risk Assessment (RAC) and two new members (Eimear LEAHY (IE) and Jenny JANS (SE)) for the Committee for Socio-economic Analysis (SEAC).

Following these appointments and renewals, RAC will have 56 members (including five co-opted members) and SEAC will have 38 members (including four co-opted members). The names of the committee members will be published on ECHA's website together with their annual declarations of interest.

By way of follow-up to the conclusion reached in the June Management Board meeting, the ECHA Secretariat provided information on the overall composition and expertise of the Committees.

5. ECHA Budget

The Management Board adopted the first amending budget for 2018, including the amended establishment plan and procurement plan.

The objective of the proposed amendments were to reflect updated income estimates for REACH/CLP and BPR; the overall reduced BPR expenditure due to lower fee income; the increased REACH/CLP expenditure on staff costs and Scientific IT tools associated with the Poison Centre searchable database development.

Additionally, the ECHA procurement plan was updated and budgetary neutral changes to the establishment plan agreed. The Management Board took also note of budget transfers under the responsibility of the Executive Director.

6. Implementing Rules to the Staff Regulations

The Management Board endorsed the application by analogy of a Commission decision on outside activities and assignments and on occupational activities after leaving the Service¹ and adopted Implementing Rules on guidelines on whistleblowing.

The Board also approved that the revised draft Implementing Rules concerning the probationary period appraisal and managerial trial appraisal, annual appraisal and reclassification of the Executive Director and of the members of the Board of Appeal will be submitted to the Commission for agreement.

7. Review of the Policy for avoiding potential conflicts of interest

The Management Board held an exchange of views on the proposal for the revision of the ECHA Procedure for Prevention and Management of potential conflicts of interest and of the proposal for ECHA guidelines for ensuring the independence of Member State services to be provided to ECHA.

The review of the Policy for avoiding potential conflicts of interest was initiated to make best use of the learnings stemming from the application of the Policy since its last update in 2014 and also to address the weaknesses identified in the findings of the Commission's Internal Audit Service's (IAS) audit on conflicts of interest and ethics.

The ECHA Secretariat will reflect the input received during the exchange of views and further written input from Board members is invited by 15 October. The Management Board will be invited to adopt the revised Policy and Guidelines in December.

8. Self-evaluation of the Management Board

The self-evaluation of the Management Board takes place in 2018, steered by the Chair. The exercise aims at giving an opportunity to review the current working arrangements

¹ Commission Decision C(2018)4048

and to reflect on the findings of the Commission's REACH review concerning the Management Board.

As a first step, the Chair conducted interviews with all Board members and at this time presented her findings to the Management Board [in a closed session]. The Management Board discussed the outcome of the interviews and agreed on recommendations for follow-up actions. On the basis of the discussion, the Chair and the ECHA Secretariat will present an implementation plan for the follow-up actions in December 2018.

9. Report from Working Groups

The Management Board took note of a report from its Working Groups on Audit, on Planning and Reporting and on the Board of Appeal and agreed to a number of recommendations, including those related to the follow-up of the Commission's Internal Audit Service report on Conflict of Interest and Ethics. The Board took also note of the status of the Court of Auditors preliminary observations on ECHA's accounts for 2017.

10. Other topics

- The Management Board noted the appointment of two new members: Ms Ingrid BORG, Maltese representative, and Ms Kristel BERNAERTS, appointed by the European Parliament.
- The Management Board heard the quarterly report on ECHA's progress in reaching the 2018 Work Programme targets.
- The Management Board took note of the positive outcome of the Written Procedures MB/WP/02-04/2018 over the summer.
 - o The Management Board adopted an amendment to the ECHA Programming Document 2018-2020 to integrate tasks under the revised Directive 2008/98/EC on Waste ('Waste Framework Directive');
 - o A qualified majority of Board members expressed support for the Executive Director's intention to continue the delegation agreement with the Commission for the next phase of the EUCLEF project (on the establishment of an EU Chemicals Legislation Finder);
 - o The Management Board adopted an amendment to the procurement plan 2018 to the above items and certain other procurement needs identified since the adoption of the initial procurement plan.
- The Management Board took note of an update from the ECHA Secretariat regarding the Agency's preparedness for the UK withdrawal. The update was provided in light of the recent Commission Communication on Preparing for the withdrawal of the UK from the EU².
- The Management Board took note of information regarding the recruitment process of the Chair of the Board of Appeal: the vacancy notice for the Chair of the Board of Appeal was published on 21 August and the deadline for applications is 28 September.
- The Management Board noted that the update of the Programming Document 2020-2022 will be submitted for written consultation to the Management Board during the week of 24 September.
- The Management Board warmly thanked the Austrian Presidency of the Council of the European Union for hosting the meeting in Vienna.

² C(2018)556