

Minutes of the 60th meeting of the Management Board

Held from 16 to 17 December 2020 via remote connection

I. Summary record of the proceedings

The Chair opened the meeting by welcoming participants to this remote meeting of the Management Board. He welcomed in particular Ms Dubravka Marija KREKOVIC, the new Board member from Croatia and Ms Steinunn Fjóra SIGURDARDOTTIR, the new observer from Iceland.

A recap of the practical aspects of running the meeting remotely was provided and the Chair confirmed that the quorum necessary to hold a meeting¹ was achieved, as all Members and registered persons of trust and advisors had established their meeting connection.

Address of Ms Florika Fink-Hooijer, Director-General (DG Environment)

Ms Florika FINK-HOOIJER, the Director-General of the European Commission's DG Environment, addressed the Management Board and introduced the Commission's Chemicals Strategy for Sustainability² (CSS), as published in October 2020.

Board Members welcomed the presentation and pointed out the important role ECHA's expertise and experience can play in the implementation of the CSS, if and as requested by the Commission. It was noted that new future tasks to be entrusted to ECHA in the legislative proposals to be initiated in the context of the CSS will come with the respective Legislative Financial Statements providing for the necessary resources. A question and answer session followed, where Members and the Director-General reflected on the overall ambition level and objectives of the CSS, as well as on areas where ECHA's input may be sought in the future and how this may impact the priority-setting of ECHA's activities.

1. Agenda

The Chair introduced the draft agenda³. A Member representing interested parties requested that the point for information C.5 (European Commission's request to revise AfA SEAC opinions) be discussed and this was agreed.

The agenda of the meeting was adopted on this basis.

With reference to the confirmation of decisions taken in remote meetings, the Chair recalled that subsequent written procedures⁴ have been used since March 2020 and proposed the alternative of using an online tool in this meeting. He explained that the same online tool could be used as the one for the election and appointment decisions⁵ and that the use of this tool would replace the subsequent written procedures. No objection was expressed to this proposal and the Chair concluded that the online confirmation of decisions would take place on the second meeting day.

¹ As defined in Article 6 of the Management Board Rules of Procedure.

² COM(2020) 667 final.

³ MB/A/05/2020.

⁴ Article 7(2) RoP.

⁵ Articles 2(4) and 5(3) RoP.

The Secretariat presented the following documents distributed before the meeting, in addition to the ordinary meeting documentation:

- AP 3 Minutes of the 59th Management Board meeting: amendment proposed by DG GROW
- AP B.2.A Programming Document (PD): revised Annex 1 (PD) and Annex 6 (Output from the Integrated Regulatory Strategy)
- AP B.2.C 2nd amended procurement plan 2020 and transfers within the budget 2020 - revised versions of the procurement plan
- AP B.6 Appointment of a Technically Qualified Member of the Board of Appeal: CoIAC opinion (Annex 6)

2. Declaration of specific interests

The Chair informed Management Board members that he had reviewed, together with the Secretariat, the members', observers', persons of trust's and the Executive Director's declarations of interest and commitment in accordance with ECHA's procedure for the Prevention and Management of potential Conflicts of Interest (CoIs)⁶.

He concluded, based on the declarations, that there was no need for specific restrictions with respect to the agenda of this 60th Management Board meeting.

The Chair then invited members to further declare any specific interests that could not be drawn from their declarations of interest and commitment and which could be considered to be prejudicial to their independence with respect to any items on the agenda. A person of trust representing a Member from the Commission declared a risk of a perception of a conflict of interest with respect to point B.6 Appointment of a Technically Qualified Member of the Board of Appeal and announced that he would not attend the relevant part of the meeting.

The Secretariat introduced the new way of collecting updated Declarations of interest and commitment from 2021, whereby it will be sufficient for Members to confirm, via return email, if there were no changes needed in the form, with the date of the confirmation to be reflected on ECHA's website. The update procedure remains unchanged in case of changes needed (new declaration to be submitted). Further to a question from a Member, the Secretariat confirmed that the feasibility of an online tool to collect and update declarations is being analysed.

The Chair reminded members of the importance of keeping their declarations up to date and thanked members for their cooperation in providing regular updates to their declarations.

3. Minutes of the 59th Management Board meeting

The Chair presented the amendments to the draft minutes of the 59th Management Board from DG GROW concerning AP B.2.A⁷.

The minutes of the 59th Management Board meeting⁸, held remotely on 24-25 September 2020, were then adopted as amended.

The Chair pointed out the status of agreed follow-up actions as follows:

⁶ ECHA's Policy on the Prevention and Management of potential Conflicts of Interest (PRO-0067).

⁷ See amendments under Section V of these minutes.

⁸ MB/M/04/2020.

Action	Status
Restricted	DONE
The Secretariat will circulate the final report of the Court of Auditors on the annual accounts of ECHA for 2019 when it becomes available.	DONE
The Executive Director will formalise the administrative arrangements regarding BoA AAMs by signing the appropriate Service Level Agreements.	ON-GOING
The MB/WP/27-37/2020 written procedures will be launched to confirm the conclusions/decisions reached in the 59 th Management Board meeting.	DONE
The Secretariat will reflect in the draft Programming Document 2021-2024 the steer received in the orientation debate and submit it for written consultation of the Management Board in October 2020.	DONE
The Secretariat will provide data and background to the Commission to start a reflection on ECHA's funding model.	ON-GOING
The Secretariat will present an in-depth review of the status of implementation of the REACH Review actions for the next Board meeting in December 2020, including an overview of the actions that may be considered closed.	ON-GOING
The Executive Director will notify the 1 st amending budget, once adopted, to the Budgetary Authority, the Court of Auditors and the Commission. The amended budget is also published on ECHA's web page.	DONE
The amended budget is published in the Official Journal of the European Union within three months from the adoption.	ON-GOING
The Chair will forward the revised draft decision on the transfer of a proportion of fees to the Member States to the European Commission for its opinion pursuant to Article 14(2) of the Fee Regulation.	DONE
The Secretariat will circulate a call for candidatures for a Deputy Chair of the Management Board.	DONE

A. Points for automatic adoption

A.1. Composition of Management Board Subgroups

The Management Board adopted the revised composition⁹ of its Subgroups¹⁰. The changes in the composition are as follows: Paul KRAJNIK joins the Subgroup on Finance, Audit and Risks (FAR) and leaves the Subgroup on Strategy Planning and Implementation (SPI) and Sharon MCGUINNESS joins the SPI Subgroup. The new Deputy Chair (to be elected under AP B.5) will take over the position of the Chair of this Subgroup ex officio; Marie-Laure METAYER left the Subgroup on Board of Appeal (BoA) and Sharon MCGUINNESS joins this Subgroup; Paul KRAJNIK leaves the Subgroup on Reporting Officers for the Executive Director and the new Deputy Chair will take on this membership ex officio.

The Secretariat will publish the revised composition of the Subgroups on ECHA's website. The Chair reminded Members of the importance of the work of the Subgroups and pointed out that applications to join the Subgroup BoA are particularly welcome.

⁹ MB/53/2020.

¹⁰ Management Board Rules of Procedure Art.10.

A.2. Implementing Rules to the EU Staff Regulations¹¹

The Management Board adopted amended Implementing Rules (IRs) on the reclassification of Temporary Agents¹² (General provisions for implementing Article 54 of the Conditions of Employment of Other Servants of the European Union). The amended rules had been prepared in close cooperation with the Commission and they specifically cater for the needs of the Members of the Board of Appeal (BoA), for whom a specific process applies in order to ensure their independence.

The Management Board also endorsed that two implementing rules apply by early analogy at ECHA. These are:

- Commission Decision C(2020) 1559 of 16 March 2020, amending Decision C(2013) 9051 of 16 December 2013 on leave.
- Commission Decision C(2020) 4818 of 20 July 2020, amending the Commission Decision C(2011)1278 of 3 March 2011 on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights.

ECHA's management and Staff Committee agreed with the proposals, while the MB Subgroup Board of Appeal discussed the IR on the reclassification of Temporary Agents during its meeting of 11 November 2020 and recommended its adoption.

B. Points for discussion/decision

B.1. Report from Subgroup Finance, Audit and Risks

The Management Board took note of an oral report from its Subgroup on Finance, Audit and Risk (FAR) which met on 9 December 2020.

The Subgroup had received information on the audits undertaken in 2020 and reviewed those planned for 2021, including the evaluation. The Subgroup had further taken note of the 2020 agencies' peer review exercise and discussed ECHA's Draft Risk Register 2021. The Subgroup had also discussed the ECHA-specific observations put forward by the Court of Auditors in its special report on the future of EU agencies (provided for information to the MB under AP C.3).

B.1.A Annual audit plan of the Internal Audit Capability 2021

The Management Board approved the annual work plan of the Internal Audit Capability¹³ (IAC) for 2021, based on the positive recommendation of its Subgroup FAR.

The audit topics for 2021 will cover the practical use of Planning, reporting and monitoring tools, the environmental aspects at ECHA and the Biocidal Active substances approval process. An ex-post evaluation of the European Union Chemical Legislation Finder (EUCLEF) is also foreseen.

B.2 ECHA programming and finances

B.2.A Programming document for 2021-2024, including preliminary draft budget 2022¹⁴

The Management Board adopted ECHA's Programming Document (PD) 2021-2024, as well as its reply to the Commission's opinion on the draft Programming Document 2021-2023. The adopted Programming Document includes the final Programming Document 2021-

¹¹ MB/54/2020.

¹² The MB had adopted the original Implementing Rules in 2016 (MB Decision 5/2016.)

¹³ MB/55/2020.

¹⁴ MB/56/2020.

2023 and the draft Programming Document 2022-2024, including the draft Work Programme for 2022, which is adopted according to Article 78(b) of REACH.

The Secretariat continued its practice of merging the programming documents of two parallel planning cycles into a single document as it has resulted in efficiency gains. The Management Board instructed the Secretariat to provide the relevant extract of the draft Programming Document 2022-2024 to the Commission for its opinion under Article 32(7) of the Financial Regulation.

The Management Board Subgroup (SG) on Strategy, Planning and Implementation (SPI) had met on 24 November 2020, discussed the draft Programming Document and provided steer for the further development of the draft PD, which was reflected in the draft submitted to the Management Board for adoption, as was the steer previously received from the MB in the orientation debate¹⁵.

First the Executive Director (ED) presented the Secretariat's proposal for resource allocation and priority setting, as reflected in the draft PD 2021-2024. He explained that the proposal builds on ECHA's Strategic Plan, adopted by the MB, and takes into account the Agency's resource outlook, as well as the evolution of its workload. He recalled that ECHA's financial resources will remain lower than the MB's request of 2019, resulting in an inability to maintain the use of external service providers at the previous level. ECHA's establishment plan remains stable, with the majority of resources (re)allocated to the following activities: screening and prioritisation, evaluation, authorisation, restrictions and classification and labelling. While efficiencies gained in the past made it possible to consistently implement the work programme of the past years until this point, these opportunities have been exhausted and negative priorities need to be set for the forthcoming programming period. In proposing negative priorities, the Executive Director followed the steer received from the MB and aimed in particular to ensure that ECHA's legally required tasks can be fulfilled. The proposal put forward to the MB was to pause the support for communication in the supply chain and reduce the support for the work of the Forum for enforcement, the Helpdesk and Helpnet, and a limited number of communication activities.

Board Members thanked the Secretariat and the ED for the proposal and the supporting material provided. It was considered that the information presented, together with additional assurances from audits, evaluations and the SG together with the orientation debate provide the appropriate basis for the MB to set strategic priorities. At the same time, it was acknowledged that setting negative priorities is very difficult, as well as a novel experience for the MB.

Board Members considered the wider policy context of ECHA's work and in particular the high level of EU ambition for the safe and sustainable use of chemicals, as exemplified by the European Green Deal and the CSS, which is not consistently met with providing the resources for ECHA's work. It was pointed out that ECHA's past achievements, its regulatory outputs and the data it holds are well recognised and they put ECHA in a central place in the future implementation of the CSS. In this context, the Secretariat explained that the current proposal does not include additional tasks to be allocated to ECHA, within or outside the CSS. Should ECHA's involvement be requested, the PD will need to be amended and further negative priorities identified, if no additional resources are made available.

With respect to ECHA's resourcing, the Secretariat thanked the Commission for securing a stable level of EU subsidy for the MFF 2021-2027, at the same time, the volatility of and difficulty in predicting the level of ECHA's fee income was reiterated. Board Members welcomed past efficiency gains and acknowledged that further ones of large scale are not possible to identify at this stage. Nevertheless, they invited the Secretariat to continue to continuously streamline its operations and look for possible efficiencies to the extent possible. It was also acknowledged that savings gained from an increased reliance on remote interaction are necessary to pursue. A person of trust representing a Commission Member furthermore welcomed the reduction in the number of external service providers

¹⁵ MB/M/04/2020.

and reminded the Secretariat that the 8 FTEs that have been redeployed on a temporary basis from REACH to SCIP will need to be redirected to REACH.

With respect to priority-setting in REACH/CLP and BPR, a number of Board Members expressed their support for the ED's proposal, while recognising that it is very difficult to set negative priorities and the consequences of doing so may be difficult to predict, or even detrimental, in the short- or longer-term. Two Board Members suggested to reduce evaluation activities. Doing so would however be counter to ECHA's legislative obligations under the Commission Regulation amending REACH as regards the percentage of dossiers to be checked for compliance¹⁶. Therefore, no negative priorities were supported in addition to the ones proposed by the ED. At the same time, Board members reflected on the proposed ones as follows:

- While underlining the long-term importance of the Helpdesk and Helpnet activities, particularly during the period of the UK withdrawal, Board members recognised the proposed negative priority-setting as necessary and appropriate.
- It was pointed out that the impact of ECHA's work also depends on its communication efforts and therefore the proposed reduction in resourcing is regrettable, while at the same time necessary.
- A number of Board Members pointed out the usefulness of ECHA's work in supporting communication in the supply chain and they identified it as an area where the data ECHA holds brings considerable added value. At the same time, it was acknowledged that it requires clarification whether this work is in ECHA's remit and what should be the exact scope of ECHA's activities. It was equally pointed out that the results of ECHA's work in this area depend on various factors outside of the Agency's control and may take a very long time to materialise. On this basis, the MB supported pausing the activity, until additional resources are made available for it, once the remit and scope of ECHA's work is clarified.
- A number of Board Members emphasised the importance of the Secretariat's support to the Forum's activities and overall underlined the importance of efficient enforcement of the EU's chemicals legislation in general and in particular in light of the high ambition level expressed in the CSS. Board members considered that reductions in this area have the potential to send the wrong message, be counter-productive and that many Member States, in particular ones with less resources available, may struggle to make up for the reduced support on the side of ECHA. The Chair of the Forum attended this part of the MB meeting and explained the consequences of the proposed reductions on the Forum's outputs. Board Members in particular regretted that the *Train the Trainers* event may not take place to the same extent as previously.

Board Members emphasised that ECHA's work is dependent on its cooperation with regulatory partners (Member States, Commission and duty-holders) and this requires careful communication and engagement when implementing negative priorities. They furthermore considered that the Secretariat should report to the MB on a regular basis on the implementation of the negative priorities, to allow the Board to be aware of any issues and adjust the priorities as needed. It was pointed out that ECHA's Strategic Plan requires a review and possibly a revision, to make sure that the three strategic priorities are still the right ones to pursue and are achievable, in light of the evolving regulatory context, policy priorities and ECHA's resource outlook.

On this basis, and taking into account the resource constraints, the MB concluded to adopt the proposed Programming Document, as one reflecting a reasonable compromise. The Secretariat was requested to deliver all efforts to maintain the level of support provided to enforcement and to show flexibility so that the *Train the Trainers* programme could be implemented. The Secretariat was also requested to regularly report to the MB about the implementation of the PD, in particular regarding unforeseen issues arising. The MB

¹⁶ Commission Regulation (EU) 2020/507.

furthermore agreed to review ECHA's Strategic Plan in the course of 2021, as foreseen in the PD.

In connection to this Programming Document, the Management Board also took note of the 2021 IT Masterplan and a Report on the output from the Integrated Regulatory Strategy.

The Management Board instructed the Secretariat to submit the final Programming Document to the Institutions and Member States and publish it on ECHA's website. The draft Programming Document 2022-2024 will be submitted to the Commission, as the basis of ECHA's 2022 budget request.

B.2.B Status of second 'REACH Review' actions

The Management Board took note of an update¹⁷ from the Secretariat on the status of the implementation of the 'REACH Review' actions. It was noted in particular that from 12 explicit actions for ECHA, the Secretariat considers eight to be closed and four open. For the open items, the Secretariat proposed an outline on how to progress in the implementation of the action. The Management Board supported the classification, as proposed, taking into account the conclusion reached under AP B.2.A concerning REACH Review Action 3 on supply chain work. At the same time, a Board member appointed by the Commission to represent interested parties pointed out that further work is necessary concerning REACH Review Action 10 and the Secretariat confirmed that it will continue to work along the principles agreed with Member States in CARACAL.

The Management Board also endorsed the proposal of the Secretariat to integrate the reporting to the Management Board on the implementation of the REACH Review actions in the regular planning, monitoring and reporting cycle and discontinue the separate reporting.

The Management Board Subgroup on Strategy, Planning and Implementation (SPI) had discussed the proposal in its meeting of 24 November 2020 and concluded to support it.

In the context of this discussion, the Management Board noted that the Secretariat started working on the Agency's next five-year report under Article 117(2) of REACH and the Management Board, and its Subgroup SPI, will be duly informed and consulted in 2021.

B.2.C 2nd amended procurement plan 2020 and transfers within the budget 2020

The Management Board adopted the second amendment of the 2020 procurement plan and took note of the budget transfers carried out under the responsibility of the Executive Director since the last notification.

The Management Board's decision on the amended procurement plan¹⁸ had been prepared by the Subgroup Finance, Audit and Risks (FAR) in its meeting of 9 December 2020. The proposal reflected a requirement to modify the procurement plan concerning the further development of QSAR toolbox and the Subgroup FAR recommended its adoption.

B.2.D Final budget, establishment and procurement plan 2021

The Management Board adopted ECHA's final budget for 2021, including the establishment plan and the procurement plan¹⁹, subject to the formal adoption of the EU budget 2021 by the budgetary authority. The Management Board Subgroup on Strategy, Planning and Implementation had discussed the proposal for the final budget 2021 in its meeting of 24 November 2020 and recommended its adoption to the Management Board.

ECHA's total expenditure budget for 2021 amounts to €112.3 million, without the delegated tasks. The subsidy requests and appropriations are aligned with the draft EU Budget 2021 ceilings and so are the foreseen staffing levels. The Secretariat pointed out that

¹⁷ MB/57/2020

¹⁸ MB/58/2020.

¹⁹ MB/59/2020.

uncertainties regarding the fee income remain in 2021 and beyond with respect to ECHA's overall income.

A person of trust representing a Member from the Commission welcomed the proposed draft budget and recalled that 8 FTEs have been redeployed on a temporary basis from REACH to SCIP to allow the Agency to meet its legal obligations under the Waste Framework Directive. These staff members should be gradually redeployed back to REACH as the work progresses on the SCIP database.

B.3 Appointment of Committee members²⁰

The Management Board appointed Manuel FACCHIN (AT) to the Committee for Risk Assessment (RAC) and Stéphane JOMINI (FR) and Silke GABBERT (NL) to the Committee for Socio-Economic Analysis (SEAC).

The Management Board also renewed the appointment of the following RAC members: Stine HUSA (NO), Lea Stine TOBIASSEN (DK), Raili MOLDOV (EE) and the following SEAC member: Andreas LÜDEKE (EE).

With these appointments, RAC will have 51 members (including five co-opted members) and SEAC will have 33 members (including three co-opted members).

B.4 Access to ECHA's Information Systems

B.4.A Persistent Organic Pollutants security model

The Management Board endorsed the approach to provide access to the Member State Competent Authorities (MSCAs) to data on Persistent Organic Pollutants (POPs)²¹. The Security Officers Network (SON) had agreed to the Secretariat's proposal for POPs security model in its 17th meeting on 21-22 October 2020.

The proposal provides for the re-use of the existing security infrastructure and service as applied in ECHA Information Systems and sets out the use of the Interact Portal for POP-MSCAs and POP Commission users. The ECHA Unified Security Declaration will not be applicable to POPs-MSCAs, nor the POP Commission.

B.4.B Biocides enforcement IT model

The Management Board endorsed the approach²² to provide access to the National Enforcement Authorities (NEAs) to the data submitted by companies related to Biocides. In relation to the endorsement of this approach, the Management Board also adopted the revised Security Recommendations for access to ECHA's Information Systems, as well as the revised Declaration of Compliance by National Enforcement Authorities.

The Security Officers Network (SON) had agreed to the ECHA proposal for biocides enforcement IT model in its 17th meeting on 21-22 October 2020. With this decision a harmonised approach for both REACH/CLP and BPR enforcement is established.

In the context of the discussion on access to ECHA's Information Systems, Board members pointed out the challenges of providing easy-to-use and secure IT solutions for authorities and of on-boarding new institutions. It was also acknowledged that ECHA's experience with such IT tools, as well as the data ECHA holds, are to be considered important assets for the future of the Agency.

B.5 Election of the Deputy Chair of the Management Board [*in camera*]

The Management Board elected Ms Claudia DUMITRU (RO) as its Deputy Chair for a first term of office of two years starting from 17 December 2020²³. The mandate of the previous

²⁰ MB/60/2020.

²¹ MB/61/2020.

²² MB/62/2020.

²³ MB/63/2020.

Deputy Chair had ended on 1 October 2020 when Paul KRAJNIK started his mandate as the Chair of the Management Board.

Ms Claudia DUMITRU stood for election as Deputy Chair and she presented her motivation, which also included information on her qualifications and background.

The Chair explained that he and the Secretariat had screened the candidate's CV and declaration of interest and commitment, and no reasons for concern had been identified.

The election of the Deputy Chair took place using an electronic tool (Webropol), which was set up to guarantee anonymity and secrecy of the vote, the use of proxies and ensured that every member with voting rights was only able to submit one vote per round.

Ms Claudia DUMITRU was elected as Deputy Chair of the Management Board in the first voting round, with the required two-third majority of votes²⁴. She accepted the appointment and thanked the Management Board for the confidence members had expressed.

B.6 Appointment of a Technically Qualified Member of the Board of Appeal [*in camera*]

Separate, highly restricted draft minutes have been prepared for this part of the meeting.

The Management Board appointed the new Technically Qualified Member (TQM) of the Board of Appeal²⁵, subject to the appointee's acceptance of the appointment and to their ability to take up the role within a reasonable timeframe. The appointment would be for a first term of office of five years, which may be prolonged once. The Management Board also adopted a reserve list for the position, which will be valid for a period of five years from the date of the MB decision.

The appointment decision and the establishment of the reserve list take into account the proposal of the Management Board's selection group, the recommendation of the MB Subgroup Board of Appeal and the advice of the Conflict of Interest Advisory Committee (CoIAC).

The Management Board conducted the secret voting on the appointment decision and the establishment of the reserve list using an electronic tool (Webropol), which was set up to guarantee anonymity and secrecy of the vote, the use of proxies and ensured that every member with voting rights was only able to submit one vote per round. The decisions were concluded in the first voting round, with the required two-third majority of votes.

The Management Board asked the Chair to inform the candidates of the MB decision and seek the appointee's acceptance. The Management Board further instructed the Executive Director to implement the MB decision, in line with the contractual conditions set out in the call for expression of interest, including a probationary period²⁶.

B.7 ECHA's Transparency Approach – update on actions for 2021-2022

The Management Board took note of a report of the actions undertaken in 2019-2020 to improve transparency of the Agency's work and endorsed the foreseen actions for 2021-2022²⁷.

In light of the strategic importance of and high public expectation for transparency, Board members welcomed the progress made and stated that ECHA's website and communication are of high quality and that this should be maintained. Special areas of attention were indicated, e.g. targeted communication to the general public on nanomaterials. At the same time, a Board Member appointed by the Commission to represent interested parties underlined that further work needs to be done by ECHA to make all registration information available to the public, including access to information on tonnage band. In response to a request from a Board Member, the Secretariat committed to sharing the data availability

²⁴ The results of the vote were extracted from the online tool and are attached to these minutes.

²⁵ MB/64/2020REV1.

²⁶ 2020/C 116/06.

²⁷ MB/65/2020.

roadmap, when final, with the Board. The Secretariat also provided additional information on the analysis made of the update of information shared with citizens.

On a more general note, the MB requested the Secretariat to provide, in the future, resource needs (human and financial) estimations for proposals such as this item.

B.8 Quarterly report on ECHA's activities

The Management Board took note of the Quarterly Report of ECHA's activities.²⁸

Board members thanked the Secretariat for the work done and requested the Secretariat to provide further information related, inter alia, to:

- The progress in substance evaluation;
- The Poison Centre searchable database;
- Restrictions (PFAs) and
- Industry voluntary agreements.

Confirmation of decisions taken

The Management Board confirmed all the decisions taken during the 60th meeting²⁹, using an electronic tool (Webropol), which was set up to guarantee anonymity and secrecy of the vote, the use of proxies and ensured that every member with voting rights was only able to submit one vote. The decisions were confirmed with the required two-third majority of votes.

Consequently, no written procedures will be conducted after the meeting to confirm the decisions taken.

C. Points for information

C.1 End of the year industry and authorities support

The Management Board took note of the measures³⁰ to be put in place to support industry and authorities during the end of the year closure of the Agency (24 December 2020 – 3 January 2021).

²⁸ MB/66/2020.

²⁹ After each conclusion reached in the meeting, the Chair proposed to confirm the respective decision online. No objection was expressed to any of these proposals and on this basis, the online confirmation included all the decisions reached in the meeting, namely under the following points of the agenda:

3 Minutes of the 59th meeting – public and restricted parts,

A.1 Composition of Management Board Subgroups,

A.2 Implementing Rules to the EU Staff Regulations,

B.1.A Annual audit plan of the Internal Audit Capability for 2021,

B.2.A Programming Document 2021-2024, including preliminary draft budget 2022,

B.2.B Status of second 'REACH Review' actions,

B.2.C 2nd amended procurement plan 2020,

B.2.D Final budget 2021, establishment plan and procurement plan for 2021,

B.3 Appointment of Committee members,

B.4.A Persistent Organic Pollutants security model,

B.4.B Biocides enforcement IT model,

B.6 Composition of the MB selection group for the (full and alternate/additional) Legally Qualified Member(s) of the Board of Appeal,

B.7 ECHA's Transparency Approach – update on actions for 2021-2022

³⁰ MB/67/2020.

C.2 ECHA official partner of the "Roadmap on Carcinogens"

The Management took note of information from the Secretariat³¹ concerning ECHA signing up as Official Partner of the "Roadmap on Carcinogens" in November 2020, reflecting the Agency's various contributions to the work on cancer prevention.

C.3 ECA Special Report 22/2020: Future of EU agencies – Potential for more flexibility and cooperation

The Management Board took note of the recently-published Special Report 22/2020 of the European Court of Auditors (ECA) on the "*Future of EU agencies – Potential for more flexibility and cooperation*", including the observations pertaining specifically to ECHA³².

C.4 Outcome of the Written Procedures MB/WP/27-38/2020

The Management took note of the positive outcome of the Written Procedures MB/WP/27-38/2020, conducted after the 59th meeting.

C.5 European Commission's request to revise AfA SEAC opinions

The Management Board took note of the request of the European Commission³³ to modify the template used for scientific opinions of the Committee for Socio-economic Analysis (SEAC), to include an explicit conclusion on whether or not an applicant for authorisation has shown that socio-economic benefits outweigh the risk to human health or the environment arising from the use of the substance. In addition, the Commission requested that the opinions include an assessment of and a conclusion on whether safer alternatives are feasible and available in the EU.

Board members representing the Commission explained that the request originates in recent judgments of the General Court³⁴ and aims to improve the efficiency of the Commission's decision-making, while respecting the roles of different actors in the AfA process. Other Board members pointed out that it's crucial that ECHA and SEAC respect the division of responsibilities under REACH and in particular Article 60(4). It was recalled that an ad-hoc group of the MB analysed this question³⁵ and the opinion formats have been adjusted accordingly, to reflect the difference between the scientific nature of ECHA opinions versus the Commission's decision-making.

The Secretariat confirmed that it has started the process of analysing the Commission's request and will come back to the Management Board with a proposed way forward within the Agency's role and mandate, which takes into account all relevant factors, including the input previously provided by the MB ad-hoc group.

³¹ MB/68/2020.

³² MB/69/2020.

³³ MB/70/2020.

³⁴ Cases T-836/16 and T-108/17.

³⁵ MB/M/03/2019.

4. Any other business

a. Readiness for the UK withdrawal

The Management Board took note of information set to be distributed after the meeting³⁶ concerning ECHA's preparedness for the UK withdrawal after the end of the transitional period (31 December 2020). It was noted that the information will include an update on the status of transferring REACH registrations and other assets from UK-based companies to EU/EEA-based companies and the impact of the Protocol on Ireland and Northern Ireland.

b. Status of the European Commission opinion on the MB Decision on the transfer of a proportion of fees to Member States

The Management Board took note of information regarding the adoption of the Commission's positive opinion on the revised MB Decision on the transfer of a proportion of fees to Member States³⁷. The MB decision will enter into force on 1 January 2021.

c. Management Board meeting dates 2021-2022

The Management Board took note of the meeting dates for 2021 and the planned dates for 2022. The dates are published on ECHA's website and Board members were invited to communicate any concerns to the Secretariat.

Next meeting and closure

The Chair thanked participants and reminded Members that the next Board meeting will take place remotely on 25-26 March 2021.

³⁶ The item was not presented, nor discussed during the meeting, due to lack of time.

³⁷ MB Decision 32/2020.

II. Documents submitted to the Management Board

Draft Agenda	MB/A/05/2020
Draft Minutes of the 59 th meeting (public and restricted parts)	MB/M/04/2020
Composition of Management Board Subgroups	MB/53/2020
Implementing Rules to the EU Staff Regulations	MB/54/2020
Annual audit plan of the Internal Audit Capability 2021	MB/55/2020
Programming document for 2021-2024, including preliminary draft budget 2022	MB/56/2020
Status of second 'REACH Review' actions	MB/57/2020
2 nd amended procurement plan 2020 and transfers within the budget 2020	MB/58/2020 REV2
Final budget, establishment and procurement plan 2021	MB/59/2020
Appointment of Committee members	MB/60/2020
Persistent Organic Pollutants security model	MB/61/2020
Biocides enforcement IT model	MB/62/2020
Election of the Deputy Chair of the Management Board	MB/63/2020
Appointment of a Technically Qualified Member of the Board of Appeal	MB/64/2020 REV1
ECHA's Transparency Approach – update on actions for 2021-2022	MB/65/2020
Quarterly report on ECHA's activities	MB/66/2020
End of the year industry and authorities support	MB/67/2020
ECHA official partner of the "Roadmap on Carcinogens"	MB/68/2020
ECA Special Report 22/2020: Future of EU agencies – Potential for more flexibility and cooperation	MB/69/2020
Outcome of the Written Procedures MB/WP/27-38/2020	MB/WP/27-38/2020
European Commission's request to revise AfA SEAC opinions	MB/70/2020
Management Board meeting dates for 2021-2022	

III. Decisions taken / Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its 60th meeting (Decision 44/2020).
- Took note of the revised update procedure of declarations of interest and commitment.
- Approved the minutes of the 59th meeting held on 24-25 September 2020 (public and restricted parts) (Decision 45/2020).
- Adopted the revised composition of the Management Board Subgroups (Decision 46/2020).
- Adopted General provisions for implementing Article 54 of the Conditions of Employment of Other Servants of the European Union (Decision 49/2020) and endorsed that ECHA applies two Commission decisions on leave and on transfer of pension rights by analogy (Decisions 47-48/2020).
- Took note of a report from its Subgroup on Finance, Audit and Risks.
- Approved the annual audit plan of the Internal Audit Capability for 2021 (Decision 50/2020).
- Adopted ECHA's Programming Document 2021-2024, comprising the final Programming Document 2021-2023 (Decision 51/2020) and the draft Programming Document 2022-2024 (Decision 52/2020), including the draft Work Programme for 2022.
- Approved the response to the Commission services on the draft Programming Document 2021-2023 (Decision 51/2020).
- Instructed the Secretariat to provide the extract of the Programming Document 2022-2024 to the Commission for its opinion by 31 January 2021.
- Took note of the 2021 IT Masterplan.
- Took note of the report on the output from the Integrated Regulatory Strategy.
- Took note of the updated status of implementation of the REACH Review actions and endorsed the updated REACH Review actions' reporting practice (Decision 53/2020).
- Adopted the second amended procurement plan 2020 (Decision 54/2020) and took note of the budget transfers carried out under the responsibility of the Executive Director since the last notification.
- Adopted the final budget 2021, including the establishment plan and the procurement plan (Decision 55/2020).
Instructed the Executive Director to transmit the final budget, including the establishment plan, for information, to the European Parliament and the Council, the Court of Auditors and the Commission, and publish them on the website of the Agency within four weeks (Decision 55/2020).
- Appointed new members to the Committee of Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) (Decision 56/2020).

RAC new member	Manuel FACCHIN (AT)
SEAC new members	Stéphane JOMINI (FR) Silke GABBERT (NL)

Renewed the appointment of the following RAC members: Stine HUSA (NO), Lea Stine TOBIASSEN (DK), Raili MOLDOV (EE), and of the following SEAC members: Andreas LÜDEKE (EE) (Decision 56/2020).

- Endorsed the approach to provide access to the Member State Competent Authorities (MSCAs) to data on Persistent Organic Pollutants (POPs) (Decision 57/2020).
- Endorsed the approach to provide access to the National Enforcement Authorities (NEAs) to the data submitted by the companies related to BPR (Decision 58/2020).
Adopted the revised Security Recommendations and revised Declaration of Compliance by NEAs (Decision 58/2020).
- Elected Ms Claudia DUMITRU (RO) as its new Deputy Chair for a first term of office of two years, starting from 17 December 2020 (Decision 59/2020).
- Appointed the future Technically Qualified Member of the Board of Appeal (TQM) (Decision 60/2020).
- Appointed the members of the selection group for the Legally Qualified Member and alternate/additional Legally Qualified Member(s) of the Board of Appeal as follows: Kestutis SADAUSKAS, Oscar GONZALEZ SANCHEZ, Sharon MCGUINNESS (Decision 61/2020).
- Took note of past actions undertaken to improve transparency of the Agency's work and endorsed the foreseen actions for 2021-2022 (Decision 62/2020).
- Took note of the Quarterly Report on ECHA's activities.
- Took note of plans for the end of the year industry and authorities support.
- Took note of information that ECHA has signed up to be an official partner of the "Roadmap on Carcinogens".
- Took note of the Court of Auditors Special Report 22/2020 on the Future of EU agencies.
- Took note of the outcome of the Written Procedures MB/WP/27-38/2020.
- Took note of the European Commission's request to revise Applications for Authorisation (AfA) SEAC opinions.
- Took note of information to be distributed concerning ECHA's preparedness for the UK withdrawal, after the end of the transitional period.
- Took note of the status of the Commission opinion on the ECHA Management Board Decision on the transfer of a proportion of fees to the Member States.
- Took note of the Management Board meeting dates for 2021-2022.

Agreed follow-up actions:

- The Secretariat will publish the revised composition of the MB Subgroups on ECHA's website.
- The Secretariat will send the Programming Document 2021-2024 to the Institutions and Member States and publish it on ECHA's website.
- The Secretariat will provide the extract of the Programming Document 2022-2024 to the Commission by 31 January 2021, as input to the 2022 budgetary process and the basis for the Commission's opinion under Article 32(7) of the Financial Regulation.
- The Secretariat will report to the Management Board on the implementation of the PD, in particular regarding unforeseen issues arising.
- The Management Board will review ECHA's Strategic Plan in 2021.
- The Secretariat will transmit the final budget 2021, including the establishment plan, for information, to the European Parliament and the Council, the Court of Auditors and the Commission, and publish them on the website of the Agency within four weeks from the adoption.
- The Chair will inform the appointed Technically Qualified member of the Board of Appeal of the appointment and seek the candidate's acceptance thereof.
- The Secretariat will share with the Management Board the data availability roadmap (under the ECHA's transparency approach) when it becomes available.
- The Secretariat will analyse the request of the Commission to revise AfA SEAC opinions and will report to the Management Board.

IV. List of attendees³⁸

Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-France RIHOUX	(BE)	
Teodora VALKOVA	(BG)	
Dubravka Marija KREKOVIC	(HR)	
Tasoula KYPRIANIDOU- LEONTIDOU	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Magnus LØFSTEDT	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONEN	(FI)	
Axel VORWERK	(DE)	
Sofia ZISI	(EL)	
Krisztina BIRO	(HU)	
Sharon McGUINNESS	(IE)	
Francesca GIANNOTTI	(IT)	(Also acting as proxy of Krisztina BIRO on 17 December)
Judite DIPANE	(LV)	
Donata PIPIRAITE- VALISKIENE	(LT)	
Paul RASQUE	(LU)	
Ingrid BORG	(MT)	
Hans MEIJER	(NL)	
Anna LEWANDOWSKA	(PL)	
Lilia MARTINS	(PT)	
Claudia DUMITRU	(RO)	
Helena POLAKOVICOVA	(SK)	
Alojz GRABNER	(SI)	
Oscar GONZALEZ SANCHEZ	(ES)	
Lisa ANFÄLT	(SE)	

Representatives of the European Commission

Kestutis SADAUSKAS	DG ENV (Also acting as proxy of Maive RUTE and Sabine JÜLICHER)
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Independent persons appointed by the European Parliament

Kristel BERNAERTS
Olwenn MARTIN

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER	EEB-BEUC – European Environmental Bureau/European Consumer Organisation
Marco MENSINK	Cefic

Not participating, no substitutes

N/A

³⁸ 31 members with two full and one partial proxy given (as detailed above), four persons of trust and two EEA/EFTA observers joined the remote meeting.

Observers from EEA/EFTA countries

Sverre Thomas JAHRE Norway
Steinunn Fjóra SIGURDARDOTTIR Iceland

Persons participating on behalf of Board members / observers:

Ignacio DORESTE (ETUC) on behalf of Gertraud LAUBER (IGBCE)
Michael FLÜH on behalf of Maive RUTE (DG GROW)
Klaus BEREND on behalf of Sabine JÜLICHER (DG SANTE)
Karine BOQUET on behalf of Marie-Laure METAYER (FRANCE)

Other observers

Abdel EL-AMELI European Commission, DG GROW
Bernhard BERGER European Commission, DG ENV
Katja VOM HOFE ECHA Forum Chair (1st meeting day)

ECHA staff

Bjorn HANSEN (Executive Director)
Jukka MALM (Deputy Executive Director)
Mike RASENBERG (Acting Director of Information Systems)
Shay O'MALLEY (Director of Resources)
Peter VAN DER ZANDT (Director of Risk Management)
Christel MUSSET (Director of Hazard Assessment)
Elina KARHU (Head of Prioritisation Unit, substituting Director
Prioritisation and Integration)
Minna HEIKKILÄ (Head of Legal Unit)
Tuula HAKALA (Head of Finance Unit)
Eric RIEGER (Acting Head of Human Resources Unit)
Frank BÜCHLER (Head of Governance, Strategy and Relations Unit)
Tim BOWMER (Chair of the Committee for Risk Assessment)
Hristina RANGELOVA (Financial Assistant, Finance Unit)
Gabriella CSEH (Management Board Secretary, Governance, Strategy
and Relations Unit)
Timo RÖCKE (Strategic Planning Officer, Governance, Strategy,
and Relations Unit)
Jenni HOLSTI (Management Board Assistant, Governance, Strategy
and Relations Unit)

V. Amendments to the draft minutes of the 59th Management Board meeting

Amendments proposed by the Commission (DG GROW)

B.2.A 1st Amending budget 2020 and transfers within budget

Addition of the **following text** and deletion of the ~~following text~~:

The Management Board concluded to adopt the first amending budget for 2020 and took note of the budget transfers carried out under the responsibility of the Executive Director.

The Management Board's decision on the amending budget, as proposed by the Secretariat³⁹, was prepared by the Subgroup Finance, Audit and Risks. The proposal reflected the revised fee revenue estimate for REACH/CLP (decrease of € 7.7 million, to € 28.0 million **with 5% prudency margin**) and for BPR (decrease of € 2.4 million, to € 2.2 million), together with the corresponding decrease in expenditure levels and, in the case of the BPR, increase in the EU contribution. The proposed budget amendment was accompanied by an overview of savings identified by the Secretariat in the current budget, in order to achieve the decreased expenditure levels.

During the meeting, the Secretariat informed the Management Board that it had recently received information from the Commission services that it will not be possible to accommodate the additional subsidy request for € 0.7 million under the REACH/CLP budget in the event of a shortfall of fees. **The Commission drew attention that the increase of the subsidy requires involving the budgetary authority with a risk that ECHA ends up with a surplus by the end of the year based on the uncertainties related to the fact that three months remain where fee income will be collected.** On this basis, the Secretariat proposed to modify the budget amendment as tabled for the meeting⁴⁰, and proposed to submit, for the confirmatory written procedure after the meeting, a modified proposal for the 2020 first amending budget with no prudency margin, that is, with a REACH/CLP fee income estimate reduced by € 7.0 7 million.

³⁹ MB/40/2020.

⁴⁰ MB/40/2020.