Dublin, 22.03.2013

ANALYSIS AND ASSESSMENT OF THE ANNUAL ACTIVITY REPORT OF THE AUTHORISING OFFICER FOR THE YEAR 2012

THE MANAGEMENT BOARD,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006,

Having regard to the Financial Regulation of the European Chemicals Agency (MB/53/2008) and in particular Article 40 thereof,

Having regard to the Work Programme of the European Chemicals Agency for the year 2012 adopted by the Management Board at its meeting of 30 September 2011 and updated on 15 December 2011,

Having regard to the Annual Activity Report of the Authorising Officer of the European Chemicals Agency for the year 2012 as submitted to the Board on 11 March 2013,

1. Welcomes the results presented in the Annual Activity Report of the Authorising Officer as well as the high performance level achieved with regard to discharging the tasks under the REACH Regulation (EC) 1907/2006 and the CLP Regulation (EC) No 1272/2008. This is reflected in the fact that 59 out of the 66 ambitious performance targets set in the Work Programme 2012 were met.

2. Congratulates ECHA for the operational work performed in 2012 and, in particular, for the achievements in:

(a) Raising awareness for the 2013 registration deadline, particularly with its "REACH 2013 – Act Now!" campaign targeting SMEs. The planned guidance updates and new versions of REACH-IT, IUCLID 5 and Chesar for industry were released in time prior to the moratorium on 30 November 2012.

(b) Continuing to make the information on the chemicals registered or notified publicly available. By the end of the year a massive and unique volume of information from about 30 000 registration dossiers covering nearly 8000 substances was freely available on the ECHA website.

(c) Making progress in processing inquiries and in processing confidentiality claims thus meeting ECHA's annual targets as a result of the measures put in place in 2011.

(d) Making progress both with the evaluation of the testing proposals, thereby meeting the legal deadline of 1 December 2012, and with the compliance checks of registration dossiers.

(e) Publishing as planned, the first Community rolling action plan (CoRAP) for substance evaluation, including 90 substances for 2012-2014 and supporting Member States in the evaluations of 36 substances.

(f) Adding 67 Substances of Very High Concern (SVHCs) to the Candidate List, including 43 substances for which ECHA had prepared the Annex XV dossier, bringing the total number of substances on the Candidate List to 138 by the end of the year.

(g) Preparing the fourth recommendation for inclusion of priority substances in the authorisation list; raising the level of preparation to receive applications for authorisation.

(h) Adopting 2 RAC and 1 SEAC opinions on restriction proposals and adopting 31 opinions in RAC on CLH proposals.

(i) Considerably increasing the output of the three committees, while maintaining quality and respecting the legal deadlines.

(j) Publishing a well functioning C&L inventory in February 2012 following the notification deadline of January 2011 and orocessing a further 1.4 million C&L notifications in 2012 thus bringing the total number of processed notifications since 2010 to 5.7 million and the total number of different substances on the inventory to 121,000.

(k) Supporting industry in building up capacity, particularly for registration and authorisation, via various communication tools in the form of webinars and targeted materials in 22 EU languages.

(l) Providing direct support to registrants via the ECHA Helpdesk and in producing updated and new guidance documents for industry and making a substantial number of these available in 22 EU languages well ahead of the registration deadline; engaging national helpdesks via the Helpnet in this effort.

3. Notes the high quality of the scientific advice provided by the Agency, in particular in relation to the development of test methods, including alternatives of animal testing, chemical safety assessment, nanomaterials, PBT substances and endocrine disruptors.

4. Welcomes that the Agency continues to work transparently, that the Committees involve stakeholders and case owners as appropriate and that a workshop with those organisations was held in Brussels to facilitate their input in ECHA's work programmes.

5. Welcomes that in December 2012, the Agency took an important step towards increased transparency by publishing non-confidential versions of ECHA's final evaluation decisions as well as additional information stemming from the registrations such as supplier's names, registration numbers, tonnage bands and results of the PBT assessment.

6. Welcomes the Agency's efforts to improve dossier quality, including with regard to intermediates, through the development of a compliance check strategy and encouraging registrants to proactively update their dossiers.

7. Notes that the MSC did not to reach unanimous agreement on any of the proposals for testing reproductive toxicity and that over 40 dossiers have been referred to the Commission.

8. Supports the annual meeting with heads of MSCAs, which delivers elements of effective planning and use of authorities' resources across the EU.

9. Welcomes the work of the Forum in harmonising the approach to enforcement and in particular in concluding the interlinks project, which provides a basis for the enforcement of regulatory decisions.

10. Acknowledges the work of the Board of Appeal and its Registry in processing 9 appeals and that the first oral hearing open to the public took place in December 2012.

11. Welcomes the progress in implementing Quality and Internal control standards, an integrated quality management system as well as the continuing analysis and management of risks.

12. Appreciates the Agency's substantial efforts, recruiting 54 staff members and filling 96% of the posts in the establishment plan.

13. Appreciates the Agency's continuing efforts in verifying the SME status of registrants.

14. Congratulates the Agency for exceeding its targets with a rate of execution of commitment appropriations of 98% and payment execution of 85%.

15. Congratulates the Agency on reducing its carry-over rate to 13% and encourages the Agency to continue its efforts to reduce carry over in as far as possible.

16. Notes the Agency's continuing work to support the access of Member State authorities to the REACH-IT and IUCLID systems, as well as the secure use of the information in that system.

17. Notes that in 2012 ECHA upgraded its ICT infrastructure and set up outsourced services to secure an IT Business Continuity Plan for the IT systems necessary to support the registration deadline.

18. Notes the intensifying preparations for the developing role of the Agency for the biocides and PIC regulations, after their entry into force.

19. Notes the report of the Court of Auditors on conflicts of interest and the response of the Agency in developing its procedures to address the recommendations of the Court.

Dublin, 22 March 2013

signed
For the Management Board
Nina Cromnier