

Minutes of the 31st meeting of the Management Board

Held in Helsinki from 26 to 27 September 2013

I. Summary record of the proceedings

The Chair opened the meeting by welcoming the participants and in particular Ms Ana PEREZ from Portugal, who was officially appointed by the Council on 16 July as a Management Board member and already participated in the June Board meeting and Mr Bojan VIDOVIC from Croatia, attending the meeting as an observer pending his formal appointment by the Council.

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

1. Agenda (MB/A/03/2013)

The Chair mentioned that additional items were foreseen under "Any other business" and that the following room documents were made available:

1. Overview tables with "replies to comments" related to:
 - the public consultation on the Multi-annual Work Programme 2014-18 (agenda point 6);
 - the Work Programme 2014 consultation amongst Management Board members (agenda point 7);
2. A revised version of the eligibility criteria and guidelines for membership in ECHA bodies, incorporating suggestions from Board members which were sent in advance of the meeting;
3. The draft agenda and a survey which were submitted in advance of the participants of the annual Member State Competent Authorities Directors' planning meeting, scheduled for 20 November 2013;
4. Updated lists with the contact details of the REACH and CLP Competent Authorities and Mandated National Institutions' Directors and contact points of the Biocides Competent Authorities.

On this basis, the agenda of the meeting was adopted.

2. Declaration of specific interests

The Chair informed the members of the Management Board that she reviewed the members' declared conflicts of interests, together with the Secretariat, in accordance with the ECHA policy on conflicts of interest. No conflicts relating to the agenda of the 31st Management Board meeting were identified.

The Chair invited the members to further declare any specific interests that could not be drawn from their declarations of interests and which could be considered to be prejudicial to their independence with respect to the items on the agenda. No conflicts of interest were declared.

3. Minutes of the 30th Management Board meeting (MB/M/02/2013)

The Chair referred to the proposed amendments to the draft minutes of the previous meeting. Subject to some modifications (see corrigendum in the Annex V), the draft minutes of the 30th Management Board meeting held from 19 to 20 June 2013 in Helsinki, were approved.

4. Report from the Executive Director (MB/36/2013)

The Management Board received the quarterly update on important developments related to the Agency's activities including the results on the ECHA Work Programme indicators. The Executive Director also shortly reported on the entry into operation of the Biocidal Products Regulation (BPR)¹.

While Board members raised some questions to which the Executive Director responded, they also welcomed the opportunity to address specific issues and requests for clarification to the Secretariat before the meeting. The Chair concluded that this practice can continue, allowing the meeting to focus on the developments related to the Agency's reported operations.

Jointly, the Board members congratulated the Agency for successfully ensuring the transition from the Biocidal Products Directive to the Biocidal Products Regulation. One Board member highlighted the road still ahead and the need for a strong collaboration and communication between ECHA and Member States, in particular in further developing R4BP 3, the IT tool needed to implement the BPR, similarly cooperation with Member States is needed for the new EDEXIM system, the tool supporting the PIC Regulation.

A general discussion followed which touched on several issues of interest. One member referred to the low number of official data sharing disputes brought to ECHA, which could be seen as an indication that industry is handling data sharing well. Related to this, the meeting was informed that in order to offer an opportunity for SMEs to discuss essential issues related to the 2018 REACH registration deadline, including data sharing aspects, the Commission will host a 'REACH SMEs Workshop' in Brussels from 10 to 11 December. The workshop aims to shed more light on the difficulties SME companies experience in Substance Identity Exchange For a (SIEF).

Another member pointed out the high proportion of inquiries which lack accurate substance identification (SID), an important issue to be further looked at, particularly well in advance of the next registration deadline. One Board member argued that potential registrants should not receive registration numbers for substances with unclear SID. The member also took note of the Executive Director's observation on continuing the Agency's intention to verify non-registered substances 'missing' from the 2013 REACH registration deadline.

There was also a suggestion for the Commission and Member States to decide on the length of authorisation review periods, without recommendation from the ECHA Committees and some questioning of standardising the criteria for deciding/setting the review periods.

Further comments referred to the progress made towards the 5% compliance checks (CCH) target, to be achieved by the end of the year, and the high proportion of cases in which draft decisions had been issued².

Regarding the REACH review, published by the European Commission in 2013, the Executive

¹ A more detailed report was given under agenda item 8

² A separate briefing session was organised for interested Board members on this topic on the evening of the first meeting day. This session was also opened to members of the parallel Member State Committee and stakeholder observers.

Director iterated that the Working Plan 2014 will take follow-ups into account and future quarterly reports will reflect them accordingly.

Several Board members reported on their experience with a new online-cooperation platform that was in a test-phase with the Management Board with a view to replace CIRCABC for the meeting preparations. The Secretariat confirmed that a systematic survey will be performed at the end of the year to gather all input.

The Board took note of the progress report.

5. Budget 2014 and MFF 2014-20 update (MB/37/2013)

The Executive Director presented the report on developments regarding the mid- and long-term resourcing of ECHA, further to the information presented in the previous meetings in 2013.

The report included information on the European Commission's recent communication on programming of human and financial resources for decentralised agencies 2014-2020³.

Since the cuts proposed for ECHA went beyond what was proposed for other 'cruising speed' agencies and because ECHA's staff for biocides - as a 'start-up' agency - was proposed to be significantly reduced from 2017 onwards compared to the former Commission planning, the Executive Director informed that he had written to the Commission services stating that cuts going beyond the 5% already foreseen in the Multi-annual Work Programme would mean that ECHA would potentially be unable to deliver as foreseen.

Considering the uncertainties, some Board members recommended ECHA to reflect on realistic and reasonable objectives for the coming years, focusing on core obligations and managing the business in the framework of the budgetary constraints. The Management Board however acknowledged that staff cuts above 5% over the next five years for ECHA would require the exploration of all possible options available within the legal and budgetary framework to ensure that sufficient manpower is available for implementing the planned Multi-annual Work Programme. Some Board members also stressed that setting of negative priorities and the possibilities for efficiency gains would also have to be considered.

Regarding the financing of the European School in Helsinki, the Board noted that the developments, in particular that the European Parliament's competent committee had taken the position that the contributions for ECHA staff should be financed from the EU general budget, as is the case for all other agencies concerned. However, since the budgetary process was still not concluded for 2014, there remained the possibility that the contributions will have to be financed by fees, a prospect which was considered as inappropriate by a Board member representing interested parties.

Since the discussion with the European Commission in relation to the establishment of a reserve fund for ECHA in 2014 was still under their consideration, the Board mandated the Executive Director to continue seeking possible solutions for creating a limited ring-fenced reserve fund, if necessary as derogation for ECHA of the upcoming revision of its Financial Regulation. Finally, it was discussed what other measures, apart from a reserve fund mechanism, may be needed to address resource uncertainties and income fluctuations in the short- and mid-term. Here it was noted that separate bilateral discussions between the Secretariat and the European Commission services are needed to clarify the actual biocides income estimates of ECHA and the possibilities for temporarily reallocating Biocides staff to the REACH section if there are lower than expected fee revenues.

³ COM(2013)519 final of 10 July 2013

6. Multi-annual Work Programme 2014-18 (MB/38/2013)

The Executive Director presented the draft Multi-annual Work Programme (MAWP), setting out how ECHA will contribute to the objectives of the REACH, CLP, Biocidal Products and PIC Regulations.

A public consultation was organised in 23 EU languages before the final adoption by the Management Board. The consultation took place between 28 May and 15 July 2013, and resulted in 13 contributions. The Management Board's Working Group on Planning and Reporting met in Helsinki on 5 September 2013 to discuss these comments and to provide its opinion on necessary amendments to the text. The final draft, taking into account the comments received and other identified needs for updating, was submitted for the Management Board's adoption.

The MAWP is now fixed for five years, instead of three on a rolling basis, and is based around the four strategic objectives further broken down into a few action areas. The milestones will be reviewed annually and proposals for amendments, if necessary, will be submitted to the Management Board for its June meeting.

Several Board members and industry representative found the MAWP 2014-2018 to be an ambitious document and favoured the adoption without reservation. Other members proposed either to postpone the adoption until the resource outlook for ECHA becomes clearer or to reserve the possibility to revisit it at a later date, if needed.

After a discussion, the Board eventually agreed that if ECHA needs to reduce staff to a significantly higher degree than currently anticipated in the MAWP, the Management Board will revisit the document.

Subject to the above and with minor technical modifications, the Board adopted the Multi-annual Work Programme for 2014-2018.

7. Work Programme 2014 (MB/39/2013)

The Executive Director presented the Work Programme of the Agency for the coming year. The members of the Management Board had received a draft of the programme on 24 June 2013 for written comments. Based on the received comments, a new version was prepared with the support of the Working Group on Planning and Reporting and submitted to the Management Board for adoption. The Management Board Working Group on Planning and Reporting met on 5 September.

The Work Programme included estimates for the 2014 resources and expenditure. The final budget will be adopted in December 2013 by the Management Board, following the final adoption of the general budget of the European Union by the Budgetary Authority (European Council and Parliament). As done in the previous years, the annex of the Work Programme will be adapted in December to the outcome of the budget process and will then also include a procurement plan.

The Executive Director highlighted that the Work Programme 2014 will be the first one seeking to implement the Agency's four strategic objectives as defined in the new Multi-annual Work Programme. He explained that measurements will also be developed to monitor the four strategic objectives.

The Chair of the Working Group on Planning and Reporting presented the findings of the Working Group.

Some discussion took place on translation of guidance close to the third registration deadline and migration of Biocides legacy data. With reference to the involvement of MSCAs in the development of IT tools for biocides in 2014, it was noted that consultations are indeed planned for all IT developments related to MSCA activities in 2014.

By way of general remark, a Board member participating in the Working Group on Planning and Reporting introduced some ideas to redesign the planning and reporting instruments in order to seek more efficiency. This proposal will be discussed by the Working Group.

The Management Board adopted the Agency's Work Programme 2014, noting that it already contained a similar caveat regarding resource uncertainties as introduced in the Multi-annual Work Programme 2014-2018 (see above).

8. Biocides issues

8.1 Report on the entry into operation of the BPR (MB/40/2013)

The Director for Regulatory Affairs presented the status of the operation of ECHA's tasks under the Biocidal Products Regulation (BPR) following the application date (entry into operation) of the regulation, on 1 September 2013.

ECHA's preparations for the biocides tasks have been intensive over the summer and all priority items that were delivered in line with what was previously communicated to the Management Board. This brought the Agency to a reasonable but successful start at the application date of the BPR, but further work remained to be done on items that were postponed due to time and resource limitations.

The preparations also included the first Biocides Stakeholders' Day which took place on 25 June and was the largest event ever hosted by ECHA. The event was intended to ascertain that companies are aware of their roles and the support given by the Agency before and following the entry into operation of the BPR on 1 September.

Members of the Board had questions related to the access to the Biocides IT tools for national authorities, the on-going legislative amendment of the BPR Regulation in Council and Parliament, and lacking nominations to the Biocidal Product Committee. The Secretariat responded to these questions.

The Management Board took note of the report on the state of play for the biocides tasks and the on-going support available to Member State competent authorities (MSCAs) through a dedicated web form, training sessions and upcoming webinars.

8.2 Establishment of a service charge for chemical similarity checks (MB/41/2013)

Following a written procedure in July/August 2013, the Board received a revised proposal for a decision establishing a service charge for chemical similarity. This is a charge for processing industry applications for performing a "chemical similarity check".

It would allow ECHA to provide a service to companies similar to the technical equivalence assessment foreseen in the Biocidal Products Regulation (BPR). Different from the service foreseen in the BPR, it would apply for substances that have not yet been included in the list of approved active substances. The establishment of charges by the Management Board are foreseen in the Biocides Fee Regulation but require a favourable opinion of the Commission.

Therefore, the Commission's opinion is still to be obtained before the service can be provided to interested companies.

The revised proposal foresees a range of charges instead of a fixed single charge, allowing the workload involved on a more case-specific basis to be taken into account. The service charge has been estimated based on the total time required by ECHA staff to perform the service and the development costs incurred to establish the process.

This was followed by a debate which focused in particular on the possibility of introducing SME rebates for the chemical similarity charges. The Secretariat explained that this option was considered but not identified as feasible since the Biocides Fee Regulation does not feature such reductions for the fee to be paid for technical equivalence neither. More in general the Biocides Fee Regulation foresees no reductions for charges, only for fees, linking the level of charges directly to the workload involved at Agency level.

Since no conclusions on this issue could be reached by consensus, the Chair assessed the opinion of the Board by means of a vote. The vote showed a qualified majority in favour of the proposal by the Secretariat (25 votes in favour out of 30 present or represented by proxy). In order to still find consensus on this important issue, in particular since an SME-friendly approach is a key policy orientation for ECHA, the Chair invited interested members to further discuss a solution after the first meeting day.

The result of these discussions was a revised proposal which was presented at the beginning of the second meeting day and adopted by consensus.

It was agreed to reduce the costs paid by applicants, including SMEs, by retiring the IT development, planned for managing the receipt and processing applications and, estimated at around 150 000 euros. This would reduce the charge by 1 000 euros per application. The basic charges would accordingly range from €4 200 to €11 500. In addition, a review clause was agreed requesting the Secretariat to revisit the charge after dealing with 50 applications and then report back to the Management Board, including aspects on SMEs.

The proposed decision on charges for chemical similarity checks was adopted subject to the favourable opinion of the European Commission.

9. Integrated Quality Management System (MB/42/2013)

The Executive Director presented the annual Integrated Quality Management System (IQMS) progress report, informing about the status and the next steps of the ISO 9001 Roadmap implementation, which strives for quality certification in 2014. The ECHA Secretariat noted that introducing ISO 9001 standards in ECHA would reduce workload as the standard creates efficiencies.

The Executive Director informed on the recommendations made by the Management Board representative to the Quality Steering Committee, Mr Farrugia, during a meeting of the Committee on 26 August 2013.

The scope of the ISO 9001 certification was discussed by the Quality Steering Committee. Though it was considered possible to limit the scope to certain operational processes for the Agency's initial certification and subsequently extend it, it was recommended to aim at the certification of the processes related to the Agency's tasks under the REACH and CLP regulations.

The Board took note of the annual Integrated Quality Management System progress report, the

upcoming 2014 main activities and the Roadmap leading towards ISO 9001 certification by the end of 2015.

10. Implementing Rules to the Staff Regulations (MB/43/2013)

The Director of Resources presented a proposal for revised rules for the appraisal and reclassification of the Agency's staff. The revision would be necessary for aligning the ECHA rules with the revised system of the European Commission. In addition, a corrigendum to the Implementing Rules on the conduct of administrative inquiries and disciplinary proceedings was proposed.

It was mentioned that detailed modalities for implementing the new appraisal and reclassification system in agencies were still discussed between the network of agencies and the European Commission; the proposal was reflecting the existing state of negotiations while anticipating further changes that would require confirmation by the Management Board. The ECHA management proposed this approach to speed up the adoption process and, hopefully, allow the rules to be applied from 1 January 2014, so that contracts agents working in ECHA can also be considered for a promotion.

The Management Board adopted the Implementing Rules on performance appraisal and reclassification of ECHA staff and instructed the Executive Director to submit the documents as required to the European Commission for agreement.

The Management Board also adopted a corrigendum to the Implementing Rules on the conduct of administrative inquiries and disciplinary proceedings in order to correct a clerical error that occurred when finalising the document.

11. Update of the consultation procedure on Guidance (MB/44/2013)

The Director of Cooperation informed of a number of reasons why the current consultation procedure for developing and updating technical guidance issued by ECHA requires updating. This included specific needs with respect to guidance on the Biocidal Products Regulation (BPR) and on the Prior Informed Consent (PIC) Regulation. He proposed that the detailed procedure itself should not be endorsed at Management Board level in future. Instead, the Board could define a number of principles and leave the further implementation in the hands of the Secretariat. This would also allow the full integration of the document into the IQMS structure.

The Guidance consultation procedure was first developed in 2007 and endorsed by the Management Board in February 2008. A revised procedure was endorsed in 2011.

After a short debate, the Management Board agreed that an update of the procedure is desirable. However, the Board preferred to keep its role in the implementation of changes and any future updates instead of delegating this task to the Executive Director. The ECHA Secretariat was requested to present a revised proposal for the procedure, whenever deemed necessary.

12. Eligibility criteria for membership in ECHA bodies (MB/45/2013)

The Executive Director introduced the eligibility criteria and guidelines for membership in ECHA's bodies, i.e. Management Board, Committees and the Forum as well as for the Executive Director, the Accounting Officer and members of the Board of Appeal.

A provisional version of these criteria was adopted in September 2012⁴ and the experience with the application led to the conclusion that the criteria can be largely confirmed as final. Some modifications were made, based on the recommendations made by the Agency's Conflict of Interest Advisory Committee (CoIAC), as well as some minor modifications, for example to accommodate the different terminology of the Biocidal Product Regulation. On the latter, one Board member had sent suggestions in advance of the meeting⁵ so that a new document was tabled for Board members.

Amongst some concerns expressed by Board members, the discussion touched upon the risk of losing valuable scientific expertise due to higher eligibility criteria applied for membership in ECHA's scientific committees and discrimination against experts due to their affiliation.

Unrelated to the topic proposed for decision, one Board member voiced concerns about the ECHA Committees' approach in relation to the exclusion of Committee members from a vote when these members are employed by the public authority responsible for the dossier preparations that initiate ECHA proceedings. It was noted on this that ECHA has established an expert body (the Advisory Committee on Conflicts of Interest) for questions related to the implementation of the policy and that the procedures in place should be used by the Executive Director and the Committee Chairs to clarify the issue. It was, therefore, agreed, that the Secretariat would review the issue in cooperation with the Advisory Committee and report back to the Management Board, as appropriate, on the result of that review.

The Management Board adopted the final eligibility criteria and the guidelines for membership in ECHA's Management Board, Committees, Forum, Board of Appeal, the Accounting Officer and the Executive Director.

13. Committee issues

13.1 Functioning of the Committees (MB/46/2013)

The Director for Regulatory Affairs presented the assessment of the functioning of the REACH and CLP Committees, following its discussion in the June 2013 Management Board meeting. He focused the discussion on the most relevant aspects, namely the capacity of RAC and SEAC or how the pool of active Committee members and rapporteurs can be increased whilst ensuring adequate support from Member State competent authorities.

As agreed in the June Management Board meeting, the Working Group on Planning and Reporting had discussed the issue at its meeting on 5 September 2013. As follow-up of that meeting, Member States who had proposed new Committee members to be appointed had for the first time been asked for their formal commitment in supporting their RAC and SEAC candidates.

The Secretariat proposed to continue this practice together with a presented package of support measures. It was also suggested that the discussion on this issue should continue at the 2013 MSCA Directors' planning meeting on 20 November 2013 and the measures be evaluated within one year.

An important part of the discussion was devoted to the Agency's proposals to enhance the functioning of the Committees through three main initiatives: to increase the pool of active members, improve their opinion-shaping process, and measures concerning the re-nomination and nomination of members including the national support on which they need to depend. The

⁴ MB/38/2012 final

⁵ A room document was made available highlighting the changes made by the Secretariat in light of the remarks made by the mentioned Board member

Management Board members appreciated the proposals, but some raised concerns regarding the capacity of the MSCAs to commit ca. 50% of their nominees' time to working for ECHA which may in effect reduce the number of Committee members. However, other members firmly supported the higher demands in terms of commitment from Member States and their Committee members, noting that the actual members could also come from a different Member State.

Several Board members that expressed that there is a need for looking into streamlining and sharpening the expectations to the opinion forming process of the Committees, as the capacity problem is not the only problem to solve. Also the regulatory relevance of the opinion forming processes are important to look into in close cooperation between ECHA, the Commission and Member States.

The Management Board took note of the information provided and the Chair concluded that the work of the scientific Committees is essential to the success of the chemicals legislations. The issue deserves, therefore, close scrutiny by the Board as well as by the Directors of Member State Competent Authorities in their forthcoming meeting of 20 November.

13.2 Appointment of Committee members (MB/47/2013)

The Management Board appointed new nominees for RAC and SEAC, and renewed the three-year terms of a number of RAC and SEAC members (see Annex III). The Secretariat had brought back the decision for these appointments after the Management Board had postponed a decision in its meeting of June 2013. The Secretariat noted that the activity record of the members proposed for renewal was good and that – in return to the initiative to request commitment from Member States which has been agreed in the previous Board meeting – satisfactory reactions were received from Member States who had nominated new members

14. Report from the advisory group dissemination (MB/48/2013)

The Chair of the Working Group on dissemination, presented an update of the group since the last report given to Board members in March 2012. Together with the ECHA management, the working group on dissemination focused on the:

- Progress made on dissemination and other publication of information on chemical substances
- Dissemination of information generated in the context of new Agency activities
- Future development of the Agency's dissemination portal

The Board members took note of the information provided and appreciated the achievements of the advisory group since its creation. It was proposed that the meeting document would be made publicly available.

15. Data available for enforcement authorities through the RIPE IT tool (MB/49/2013)

The Director of Cooperation recalled the Management Board meeting in June 2009⁶, when Board members agreed to RIPE's existing data structure foreseeing the establishment of the "country division".

⁶ MB/40/2009 from the 13th meeting of the Management Board

After considering the benefits and potential risks, the ECHA Secretariat proposed the removal of the “country division” from RIPE for all submission types with the exception of PPORD notifications. Board members were also asked to mandate the Executive Director to decide on further technical development of the RIPE tool, in order to accommodate the evolving needs of national enforcement authorities (NEAs) without Management Board approval.

Board members welcomed the proposal unanimously.

The Management Board endorsed the removal of the country division from RIPE (except for PPORDs). The Executive Director can decide on further technical development of the RIPE tool, taking due account of the resources, priorities and risks for ECHA, and regularly report back to the Management Board.

16. Items for information without (MB/WP/05/2013) (MB/50/2013)

The Management Board members took note of following documents:

1. Outcome of written procedures (MB/WP/05/2013)
2. Transfers within the budget (MB/50/2013)

17. Any other business

Revised Framework Financial Regulation for EU Agencies

The Board took note of the status of the adoption of the Commission’s new Framework Financial Regulation for EU agencies and the foreseen procedure for implementing the new rules in ECHA starting from January 2014, including derogations required by ECHA which will be negotiated between the Secretariat and the Commission. The Executive Director will negotiate a package of technical derogations required by ECHA with the Commission and present a final package for the Board’s adoption in December.

Update from the working group Board of Appeal

An update on pending issues was given by the working group on the Board of Appeal.

MSCA Directors’ planning meeting

The Board reviewed the proposed draft agenda for the 2013 planning meeting of the MSCA Directors, which will take place on 20 November. The agenda had been sent to the participants together with an electronic survey aiming to prepare various topics and collect updates on the dossier preparation plans at national level.

Several Board members were of the view that the agenda should focus more on the essential topical issues, such as support from the Member States to the work of the Committees and the work on implementing the SVHC Roadmap.

The Secretariat confirmed that a revised, more focused, agenda would be circulated to MSCA Directors.

Changes in membership

The Management Board bid farewell to three Management Board members, thanking them in particular for active contributions over the years:

Francis FARUGGIA, from Malta
Leandros NICOLAIDES, from Cyprus
Armands PLATE, from Latvia

The Board members also thanked departing staff members: Jef Maes, Director for Resources

since 2008, in view of his forthcoming retirement and Milena Stoyanova from the Management Board Secretariat.

Next meeting and closure

The Chair reminded members that the next meeting of the Management Board would take place on 17-18 December 2013, in Helsinki in the Agency's Conference Centre.

II. Documents submitted to the Management Board

Draft agenda	MB/A/03/2013
Draft minutes of the 30th Management Board meeting	MB/M/02/2013
Report from the Executive Director	MB/36/2013
Budget 2014 and MFF 2014-20- update	MB/37/2013
Multi-annual Work Programme 2014-18	MB/38/2013
Work Programme 2014	MB/39/2013
Biocides - Report on the entry into operation of the BPR	MB/40/2013
Biocides - Establishment of a service charge for chemical similarity checks	MB/41/2013
Integrated Quality Management System	MB/42/2013
Implementing Rules to the Staff Regulations	MB/43/2013
Update of the consultation procedure on Guidance	MB/44/2013
Eligibility criteria for membership in ECHA bodies	MB/45/2013
Committee issues - Functioning of the Committees	MB/46/2013
Committee issues - Appointment of Committee members	MB/47/2013
Report from the advisory group dissemination	MB/48/2013
Data available for enforcement authorities through the RIPE IT tool	MB/49/2013
Outcome of written procedures	MB/WP/05/2013
Transfers within the budget	MB/50/2013

III. Decision taken/Conclusions reached by Management Board

The Management Board:

- Adopted the agenda of its 31st meeting (MB/A/03/2013);
- Approved the minutes of its 30th meeting (MB/M/02/2013);
- Took note of the report on Budget 2014 and MFF 2014-2020 update (MB/37/2013) and mandated the Executive Director to seek an agreement on the reserve fund to be established for ECHA in 2014, with the European Commission, if necessary as derogation for ECHA of the upcoming revision of the Financial Regulation;
- Adopted the Multi-annual Work-Programme 2014-2018 (MB/38/2013) subject to changes indicated in these minutes; mandated the Executive Director to submit the document to the Member States, the European Parliament, the Council, the Commission, and have it published;
- Adopted the Agency's Work Programme 2014 (MB/39/2013); mandated the Executive Director to submit the document to the Member States, the European Parliament, the Council, the Commission, and have it published;
- Adopted the proposal for establishing a service charge for chemical similarity checks under the Biocides Fee Regulation (MB/41/2013) subject to the favourable opinion to be given by the European Commission;
- Adopted the Implementing Rules on performance appraisal and reclassification of ECHA staff and instructed the Executive Director to submit the documents as required to the European Commission for agreement (MB/43/2013);
- Adopted a corrigendum to the Implementing Rules on the conduct of administrative inquiries and disciplinary proceedings (Decision by the Management Board MB/12/2012D Final of 14 May 2012);
- Adopted the final criteria and the guidelines for membership in ECHA's bodies (MB/45/2013) subject to minor changes indicated in these minutes;
- Appointed new nominees for the Committee for Risk Assessment (RAC) and for the Committee for Socio-economic Analysis (SEAC). Renewed the three-year terms of a number of RAC and SEAC members (MB/47/2013) as follows:

Appointed: Anna BIRÓ, Mihaela ILIE, Miguel Angel SOGORB and Veda Marija VARNAI as new members of the Committee for Risk Assessment;

Appointed: Mirta POKRSCANSKI LANDEKA, Zoltan PALOTAI, Flaviano D'AMICO and Thea Marcellia SLETTEN as new members of the Committee for Socio-economic Analysis;

Renewed the membership in the Committee for Risk Assessment for:

Member State	RAC member	Expiry date of the current three-year term
Austria	Annemarie LOSERT	18 December 2013
Finland	Riitta LEINONEN	18 December 2013
France	Elodie PASQUIER	16 December 2013
Germany	Norbert RUPPRICH	18 December 2013
Hungary	Katalin GRUIZ	18 December 2013
Ireland	Yvonne MULLOOLY	18 December 2013
Italy	Pietro PARIS	16 December 2013
Latvia	Normunds KADIKIS	18 December 2013
Lithuania	Lina DUNAUSKIENE	18 December 2013
Luxembourg	Hans-Christian STOLZENBERG	18 December 2013
Netherlands	Marja PRONK	18 December 2013
Norway	Christine BJOERGE	01 October 2013
Slovenia	Agnes SCHULTE	18 December 2013
Sweden	Bert-Ove LUND	18 December 2013
United Kingdom	Stephen DUNGEY	18 December 2013
United Kingdom	Andrew SMITH	18 December 2013

Renewed the membership in the Committee for Socio-economic Analysis for:

Member State	SEAC member	Expiry date of the current 3-year term
France	Karine FIORE	16 December 2013
Finland	Johanna KIISKI	16 December 2013
Sweden	Åsa THORS	16 December 2013

- Endorsed the removal of the country division from the RIPE tool (except for PPORDs) and mandated the Executive Director to further develop the data requirements of the RIPE tool (MB/49/2013) and asked the Executive Director to regularly report back to the Management Board on the developments.

List of follow-up actions

- The Audit Working Group of the Management Board will be informed at its next meeting of the progress made with the implementation of an Enterprise Content Management System. Agendas of Working Group meetings will in future be distributed to all Board members for information.
- A meeting of the advisory Committee on Conflicts of Interest will be convened to discuss the involvement of public servants from Member States in the development of Committee opinions on proposals originating from the respective Member States.
- The Secretariat confirmed a positive attitude towards the suggestion that for workshops, seminars etc. organized by ECHA all invited public interest NGO participants should have equal travel reimbursement entitlements (as for ECHA Committees) and will assess whether this can be achieved by way of executive guidelines or if the General Guide for Reimbursement adopted by the Management Board requires a modification.

IV. List of Attendees

Representatives of the Member States

Thomas JAKL	(AT)	
Jean-Roger DREZE	(BE)	
Boyko MALINOV	(BG)	
Karel BLÁHA	(CZ)	
Alexander NIES	(DE)	
Peter OSTERGAARD HAVE	(DK)	
Aive TELLING	(EE)	
Kassandra DIMITRIOU	(EL)	also acting as proxy of Leandros NICOLAIDES
Ana FRESNO RUIZ	(ES)	
Catherine MIR	(FR)	
Krisztina BIRO	(HU)	
Martin LYNCH	(IE)	also acting as proxy of Francis FARRUGIA
Antonello LAPALORCIA	(IT)	
Paul RASQUE	(LU)	
Jan Karel KWISTHOUT	(NL)	
Edyta MIĘGOĆ	(PL)	also acting as proxy of Marija TERIOSINA
Ana PEREZ	(PT)	
Nina CROMNIER	(SE)	also acting as proxy of Pirkko KIVELA and Christina RUDEN (on the second day only)
Simona FAJFAR	(SI)	
Edita NOVÁKOVÁ	(SK)	
Arwyn DAVIES	(UK)	

Representatives of the European Commission

Antti PELTOMÄKI		
Björn HANSEN		also acting as proxy of Krzysztof MARUSZEWSKI (on the second day only)
Krzysztof MARUSZEWSKI		

Independent persons appointed by the European Parliament

Anne LAPERROUZE
Christina RUDEN

Representatives from interested parties appointed by the European Commission

Hubert MANDERY	(CEFIC)
Gertraud LAUBER	(EMCEF)
Martin FÜHR	(Environment, Health and Consumer NGOs)

Observers from EEA/EFTA countries and accession countries

Henrik ERIKSEN	(NO)
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Other Observers

Marilla LAHTINEN	on behalf of Pirkko KIVELA (FI)
Tristan CAMILLERI	on behalf Francis FARRUGIA (MT)
Anastassios YIANNAKI	on behalf Leandros NICOLAIDES (CY)

Bojan VIDOVIC (HR)
Elena PASQUAL-JIMENEZ European Commission
Christina DE-AVILA European Commission

ECHA staff

Geert DANCET (Executive Director)
Jukka MALM (Director of Regulatory Affairs)
Leena YLÄ-MONONEN (Director of Evaluation)
Jack DE BRUIJN (Director of Risk Management)
Christel MUSSET (Director of Registration)
Luisa CONSOLINI (Director of Information Systems)
Jef MAES (Director of Resources)
Andreas HERDINA (Director of Cooperation)

Frank BÜCHLER (Executive Office)
Mervi MUSTAKALLIO (Executive Office)
Viorica NAGHY (Executive Office)
Milena STOYANOVA (Executive Office)

Alain LEFEBVRE (Head of Unit, Executive Office)
Minna HEIKKILA (Head of Unit, Legal Affairs)

(staff attending specific agenda items)

Bo BALDUYCK (Data Protection Officer)
Maciej BARANSKI (Scientific Officer)
Tim BOWMER (Chair of Risk Assessment Committee)
Catherine CORNU (Scientific Officer)
Tuula HAKALA (Head of Unit, Finance)
Sari HAUKKA (Registrar, Board of Appeal)
Dimitrios KARGIANIOTIS (Budget Officer)
Gaida LAPITAJIS (Quality Manager)
Peter MEGAW (Senior Scientific Officer)
Johan NOUWEN (Head of Unit, Guidance and Forum Secretariat)
Shay O'MALLEY (Head of Unit, Human Resources)
Eric RIEGER (HR Officer)
Pilar RODRIGUEZ IGLESIAS (Head of Unit, Committees)

Tiago PEDROSA (Junior Regulatory Officer)
Suvi TAKALA (Junior Scientific Officer)

V. Corrigendum to the minutes of the 30th Management Board

Agenda item 5

The following sentence replaced the last sentence in the second paragraph as last sentence:

"The Secretariat confirmed a positive attitude towards this suggestion and informed that it will be assessed whether this can be achieved by way of executive guidelines or if the General Guide for Reimbursement adopted by the Management Board requires a modification"

After the fifth paragraph, a new paragraph with the following wording was inserted:

"One Board member expressed concern regarding the fulfilment of the 5% criterion with targeted, i.e. partial compliance checks. He recalled that Article 41 para 5 of the REACH regulation requires compliance checking of at least 5% of dossiers in each tonnage band to ensure that registration dossiers comply with the regulation. In his opinion, people expect from, and trust on ECHA checking fully, and not only partially, the compliance of at least 5% of industry's registration dossiers."

Agenda item 7, fifth paragraph:

The following sentence was added:

"One member noted that paragraph 7a of the Standard Security Requirements contains an editorial anomaly since it refers to the obligation to audit every calendar year beginning in 2010. For Biocides this should be adjusted or interpreted as starting in the first full calendar year following the year of applicability of these requirements for the respective authority, which was confirmed by the Director for Information Systems. The member also requested confirmation whether in paragraph 3 of Annex 2 of MB/23/2013 the term equipment may be interpreted as referring also to a virtual and secured IT environment. This was confirmed."

Agenda item 10, last paragraph

The following text was added to the last line after "5 September 2013": *"seek a commitment from the five Member States concerned that MSCAs will support the new nominees for RAC and SEAC,"*

Agenda item 15 - Composition of Management Board working groups

The last sentence was reformulated as follows:

"Furthermore, it was agreed that Board Members from both DG ENTR and DG ENV..."