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**DECISION ON THE FINANCIAL ARRANGEMENTS FOR  
TRANSFER OF A PROPORTION OF FEES TO THE MEMBER STATES**

(Decision of the Management Board)

## **DECISION ON THE FINANCIAL ARRANGEMENTS FOR TRANSFER OF A PROPORTION OF FEES TO THE MEMBER STATES**

### **THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY**

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, and in particular Article 74(4) thereof,

Having regard to Commission Regulation (EC) No 340/2008 of 16 April 2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), and in particular Article 14(2) thereof,

Having regard to the revised Financial Statement of 12 July 2006, SEC(2006)924,

#### **Whereas**

1. A proportion of the fees collected by the European Chemicals Agency (hereinafter referred to as "the Agency") should be transferred to the relevant Member State Competent Authority for work done in the context of a substance evaluation procedure or for rapporteur work done in the Risk Assessment Committee and the Committee for Socio-economic Analysis (hereinafter referred to as "the Committees") in the context of restrictions proposals and authorisations pursuant to Regulation (EC) No 1907/2006.
2. It is for the Management Board, following a favourable opinion from the Commission, to establish financial arrangements for such transfers, including the amounts to be transferred.
3. The amounts to be transferred should be fixed in compliance with the principle of economy, efficiency and effectiveness and at a level that ensures that the Agency continues to have available sufficient financial resources to undertake its tasks as defined in Regulation (EC) No 1907/2006, having regard to its existing budgetary appropriations and pluriannual estimates of income, including the planned Community subsidy as reflected in the revised financial statement.
4. In fixing the amounts to be transferred account should be taken of the workload and related costs of the Competent Authorities of the Member States. The amounts to be transferred envisaged in this Decision have been calculated on the basis of best available estimates of the workload involved; these estimations should be reviewed on the basis of experience gained and reports on time spent received from the Member State Competent Authorities.

5. Differences in earnings and cost of living of the different Member States as well as differences in currencies for Member State Competent Authorities located outside the Euro-zone should also be taken into account.
6. Where the Committees decide to appoint a co-rapporteur, the transfer should be divided between the rapporteur and the co-rapporteur.
7. The provision of services by Committee members should be governed by a written contract between the Agency and the employer of the person concerned.
8. As foreseen by Regulation (EC) No 340/2008, a maximum proportion of the fees and charges to be transferred to the Competent Authorities should be set on a pluriannual basis.
9. As authorisation applications are scheduled to occur at the earliest by the end of 2011, a scale of payments for authorisation work should be included at a later stage.
10. Following the Decision of 9 February 2010 of the European Commission giving a favourable opinion on the draft decision on the financial arrangements for transfer of a proportion of fees to the Member States,

HAS ADOPTED THIS DECISION:

*Article 1*  
*Scope of transfer*

1. A transfer of a proportion of fees received by the Agency shall apply to
  - the conclusion of a substance evaluation procedure pursuant to Regulation (EC) No 1907/2006 by a Member State Competent Authority;
  - rapporteur work done in the Risk Assessment Committee and the Committee for Socio-economic Analysis in the context of a restrictions proposal pursuant to Regulation (EC) No 1907/2006.
2. Transfers shall not be paid for such work emanating from tasks related to transitional measures defined in Articles 135-137 of Regulation (EC) No 1907/2006.

*Article 2*  
*Scale of payments*

1. The scale of payments is set in an Annex to this Decision. The payments are calculated on the basis of the workload of
  - 75 days for substance evaluation
  - 20 days for RAC rapporteur work
  - 25 days for SEAC rapporteur work,

multiplied by the Agency's daily rate, representing the average cost for similar work at the Agency and including overhead cost, and adjusted with a correction coefficient and, where applicable in accordance with Article 5 (2), with a currency exchange rate.

2. The correction coefficient comprises 25% of the Price Level Index<sup>1</sup> and 75% of the Index of average earnings<sup>2</sup> published by Eurostat.
3. The currency exchange rate for non-euro currencies is the average of the monthly exchange rates for the year of the Indices referred to in paragraph 4, available at the European Central Bank.
4. The scale of payments may be updated annually by a decision of the Executive Director of the Agency when new statistical information is available at Eurostat for at least fifteen Member States and at the latest by 31 March. The index of the preceding reference year shall be used for Member States for which new information is not available.
5. At the time of the update, also the applicable exchange rate for non-euro currencies will be updated to be the average of the monthly exchange rates for the new reference year of the Indices referred to in paragraph 4, available at the European Central Bank.
6. Any update shall be without prejudice to the principles of economy, efficiency, and effectiveness, and the need to ensure that the Agency has sufficient resources available to undertake its tasks as defined in Regulation (EC) No 1907/2006, having regard to its existing budgetary appropriations and pluriannual estimates of income, including a Community subsidy.

### *Article 3*

#### *Collecting data on actual workload and salary cost*

1. In carrying out tasks referred to in Article 1(1), the respective rapporteur or the Member State Competent Authority shall fill in time sheets provided by the Agency to establish the actual time spent. These shall be forwarded to the Agency.
2. In order to prepare the review referred to in Article 7, the Agency shall invite the Member State Competent Authorities to fill in a table provided by the Agency to collect data on the salary costs of their scientific staff during the year 2010 and forward it to the Agency at its request.

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<sup>1</sup> Comparative price levels of final consumption by private households including indirect taxes (EU-27=100)  
<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=0&language=en&pcode=tsier010>

<sup>2</sup> Average gross annual earnings in industry and services  
<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=0&language=en&pcode=tps00175>

*Article 4*  
*Contractual arrangements*

1. Each Member State shall nominate entities, including a Member State Competent Authority, which shall be parties to a Framework Contract with the Agency for the payment of the amounts to be transferred under this Decision.
2. The Executive Director shall put in place the necessary contractual and administrative arrangements in conformity with the financial rules applicable to the Agency.

*Article 5*  
*Payments*

1. A transfer is only payable where a contract for the work to be executed has been signed between the Agency and the parties to the Framework Contract referred to in Article 4(1), and the tasks have been carried out according to the contract.
2. Payments shall be made in the currencies of the Member States within 45 days of the date when the delivery of work was accepted either by the Committee concerned, or in the case of substance evaluation, by the Agency.
3. Payments shall be made against an invoice according to the Framework Contract.
4. Where a Committee appoints a co-rapporteur, the transfer shall be divided according to the agreement on the division that the rapporteurs have communicated to the Agency and which has been included in the contract.

*Article 6*  
*The maximum proportion*

1. For the period 2009-2012, the maximum proportion of the fees and charges which can be transferred to Member States is fixed as 2.3% of the Agency's fee income for that period.
2. To this effect, the Agency shall keep the level of payments under continual review with a view to adjust the level of payments if there are indications that the 2.3% limit may be exceeded.

*Article 7*  
*Review*

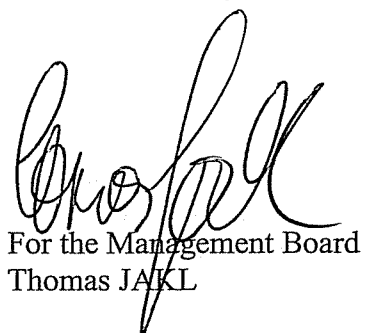
The Management Board shall review the scale of payments provided in the Annex to this Decision by 31 December 2011, taking into account the data collected pursuant to Article 3

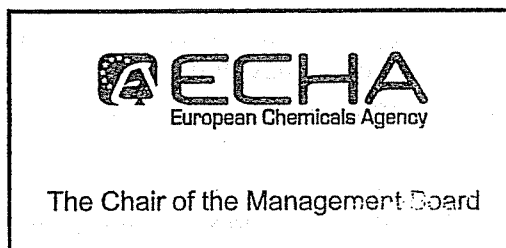
and setting a scale of payments for rapporteur work on authorisation pursuant to Regulation (EC) No 1907/2006.

*Article 8*  
*Entry into force*

This Decision shall enter into force on the day of its adoption.

Done at Helsinki, 5 March 2010.

  
For the Management Board  
Thomas JAKL



## Scale of payments

	Price level index (A) 2006	Index of average earnings (B) 2006	Weighted average: 0.25A+0.75B	Substance evaluation (EUR) 75 days	RAC rapporteur (EUR) 20 days	SEAC rapporteur (EUR) 25 days	Exchange rate avg.2006
Austria	102	117	113,3	60 325	16 087	20 108	n/a
Belgium	107	120	116,8	62 189	16 584	20 730	n/a
Bulgaria	45	7	16,5	8 789	2 344	2 930	1,9558
Cyprus	91	68	73,8	39 284	10 476	13 095	n/a
Czech Republic	61	26	34,8	18 510	4 936	6 170	28,3383
Denmark	138	154	150,0	79 900	21 307	26 633	7,4591
Estonia	67	21	32,5	17 312	4 616	5 771	15,6466
Finland	123	109	112,5	59 925	15 980	19 975	n/a
France	109	100	102,3	54 465	14 524	18 155	n/a
Germany	103	135	127,0	67 649	18 040	22 550	n/a
Greece	89	53	62,0	33 025	8 807	11 008	n/a
Hungary	60	25	33,8	17 978	4 794	5 993	264,1325
Ireland	124	129	127,8	68 048	18 146	22 683	n/a
Italy	104	75	82,3	43 812	11 683	14 604	n/a
Latvia	61	17	28,0	14 915	3 977	4 972	0,6963
Lithuania	57	18	27,8	14 782	3 942	4 927	3,4528
Luxembourg	112	139	132,3	70 445	18 785	23 482	n/a
Malta	75	37	46,5	24 769	6 605	8 256	n/a
Netherlands	104	124	119,0	63 387	16 903	21 129	n/a
Poland	62	26	35,0	18 643	4 972	6 214	3,8951
Portugal	85	51	59,5	31 694	8 452	10 565	n/a
Romania	57	12	23,3	12 385	3 303	4 128	3,5244
Slovakia	57	22	30,8	16 380	4 368	5 460	n/a
Slovenia	77	43	51,5	27 432	7 315	9 144	n/a
Spain	92	68	74,0	39 417	10 511	13 139	n/a
Sweden	119	112	113,8	60 591	16 158	20 197	9,2533
United Kingdom	110	142	134,0	71 377	19 034	23 792	0,68182
Norway	140	151	148,3	78 968	21 058	26 323	8,0463
Liechtenstein	*	*	*	*	*	*	*
Iceland	144	117	123,8	65 918	17 578	21 973	87,8158

\*) Data not available from Eurostat. The National Statistical Office of Liechtenstein will be contacted for data if required.

Data on average earnings older than 2006 for the following countries: Estonia (2005), Greece (2003), Ireland (2005), the Netherlands (2005) and Iceland (2002).

The payment amounts are calculated on the basis of a daily rate of EUR 799 (7.5 hours) applicable to Finland. As the weighted index for Finland is 112,5, a daily rate of € 710,22 is used for applying the country-specific index for obtaining the payment amounts for other countries.