

## PRELIMINARY CONCLUSIONS

**45<sup>TH</sup> MANAGEMENT BOARD MEETING  
30-31 MARCH 2017, HELSINKI**

### 1. Election of the Management Board Deputy Chairman

Mr Henrik LARSEN, the Danish representative, was elected Deputy Chairman of the Management Board, starting from 1 June 2017 until 31 May 2019.

He will succeed Mr Kárel BLAHA, the Czech representative, whose mandate as a Management Board member comes to an end on 31 May 2017.

### 2. General Report 2016

The Management Board adopted the Agency's General Report 2016 and gave its appreciation for the results accomplished in the previous year.

The Working Group on Planning and Reporting had given input in November 2016, and reviewed the previous draft of the report in early March of this year. The Working Group recommended the adoption of the General Report 2016, noting that the Secretariat had taken into account the comments provided. Some editorial changes were agreed in the meeting, which the Secretariat will reflect in the final version of the report.

The final General Report will be submitted to the Member States, the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors, and be published.

### 3. Assessment of the Consolidated Annual Activity Report 2016

The Management Board took note of the Executive Director's Consolidated Annual Activity Report drawn up in his capacity as ECHA's authorising officer under the Financial Regulation, and adopted its assessment of this report.

The Working Group on Planning and Reporting also reviewed this report in March and prepared the draft assessment for the Management Board. The assessment included nine recommendations for 2017, which is the same number of recommendations provided for the previous year. The Management Board agreed to this proposal.

The report and the assessment will be sent to the Court of Auditors, the European Parliament, and the Commission by 1 July 2017.

### 4. Update of the ECHA Transparency Approach

The Management Board heard the Secretariat's report on activities undertaken in the three areas of improvement, which were included in ECHA's Approach to Transparency, as adopted by the Management Board in December 2014<sup>1</sup>.

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<sup>1</sup> MB/61/2014

Board members welcomed the progress in:

- developing ECHA's work to improve the dissemination of information on chemicals and extending it to cover decisions taken by the Agency;
- improving its communication by reviewing the website structure and making communication overall clearer; and
- improving the transparency of Committee meetings.

They underlined the high degree of public expectation (in particular from civil society NGOs) for ECHA to be a transparent organisation and pointed out the evolution of the ECJ's jurisprudence in this matter.

Board members further proposed some areas of improvement for ECHA, including its internal proceedings and emphasised the need to have sufficient human resources available to fulfil ECHA's obligations regarding dissemination, access to information and transparency.

The Management Board agreed with the Secretariat's proposal not to amend the Approach to Transparency at this time, as its principles remain unchanged. The improvement targets for 2017-2018 were agreed, with the clarification that the committees can also hold closed sessions for other reasons than protecting confidential business information.

ECHA will continue explaining its activities and processes in an understandable way, practicing open decision making, as well as making information available in a timely manner.

## 5. Implementing Rules to the EU Staff Regulations

The Management Board decided to request the Commission's approval to opt-out from the Implementing Rules on the implementation of the learning strategy, training on the own initiative of staff, middle management and the function of advisers.

Board members also endorsed the approach that the Implementing Rule repealing the Commission rules on learning and development applies by analogy at ECHA (as it does *de facto* not apply to agencies).

The Board took note of the status of the discussions with the Commission about specific implementing rules for the engagement of Board of Appeal members as ECHA staff, which may be approved by written procedure should the Commission signal its readiness to approve these rules.

## 6. Appointment of Committee Members

The Management Board appointed two members for the Committee for Risk Assessment (RAC): Mr Agapios AGAPIOU (Cyprus) and Ms Maristella RUBBIANI (Italy). Board members also appointed a new nominee for the Committee for Socio-Economic Analysis (SEAC): Mr Christos ANASTASIOU (Cyprus).

The names of the committee members will be published on ECHA's website together with their annual declarations of interest.

## 7. Quarterly report on ECHA's activities

The Management Board heard the quarterly report on ECHA's progress in reaching the 2017 Work Programme targets.

Board members congratulated the Secretariat on the progress since the previous quarter. They exchanged views on different topics with the ECHA Secretariat and welcomed in particular the process of and communication on the Glyphosate RAC opinion.

The Management Board underlined in particular the crucial development of the Commission's request to ECHA/RAC to evaluate the scientific relevance of occupational exposure limits for five substances. The request was welcomed as a good opportunity for

ECHA to further strengthen its reputation as an efficient and effective agency, provided that sufficient resources are at its disposal to do the work.

## 8. Procedure and practical arrangements for the appointment of the Executive Director

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The Management Board adopted [*in camera*] the procedure for the appointment process of the new Executive Director. These arrangements include the preparation and organisation of the interviews, the vote(s) and the subsequent appointment process which involves a statement in the European Parliament.

The rules also aim to guarantee the integrity of the process, in line with the provisions of REACH and ECHA's policy on the Prevention of Potential Conflict of Interest<sup>2</sup>.

The Management Board also set up a Preparatory Group of six Board members for the interviews of candidates. The members of this Preparatory Group are Mr Antti PELTOMÄKI (Commission representative), Mr Stefan SCHEUER (Representative of Interested Parties), Mr Henrik LARSEN (Denmark), Mr Peter SMITH (Representative of Interested Parties), Ms Kassandra DIMITRIOU (Greece) and Ms Parvoleta LULEVA (Bulgaria).

Board members took note of a report from the Management Board observer in the Commission pre-selection process and received an update from the Commission on the status of the procedure.

The Commission finalised the pre-selection process in early March. Successful candidates will now undergo an assessment by the Commission's Committee for senior management appointments.

The remaining candidates will be interviewed by the responsible Commissioners who will decide on a final list of suitable candidates, and submit it to the Management Board.

## 9. Budget

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The Management Board took note of the budget transfers carried out under the responsibility of the Executive Director since the previous notification.

Board members also took note of an update on the 2018 budget request. The revision of ECHA's request for financial and human resources has been foreseen in relation to potential new tasks for the Agency, which are presently under consideration in the Commission (endocrine disruptors, poison centres, occupational exposure limits, EU chemicals legislation finder and persistent organic pollutants).

It was noted that DG GROW is working in close collaboration with the responsible Commission services to allow for an exception from the Financial Regulation, by which EUR 1.6 million, a part of the 2016 budget surplus, can be included as a prudency margin for the uncertain fee income deriving from the 2018 registration deadline.

## 10. Compliance with Standard Security Requirements for accessing the Agency's Information Systems

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The Management Board took note of a report on the degree of compliance of Member State competent authorities (MSCAs) with the security audit requirements related to their access to ECHA's databases.

Board members acknowledged that the timely completion of security audits is a way to provide assurance for the MSCAs' management that compliance is consistently maintained and a way for ECHA to supervise the proper functioning of the security framework. It also gives assurance to the owners of the data that confidentiality is properly protected.

The Secretariat will prepare a status update for the June Management Board meeting, including an analysis on the causes of identified cases of non-compliance.

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<sup>2</sup> MB/09/2014

## 11. Other topics

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- Board members agreed on the new composition of the Management Board Working groups (subgroups):
  - o Ms Miroslava BAJANIKOVA (Slovakia) and Mr Hans MEIJER (Netherlands) will act as reporting officers for the members of the Board of Appeal;
  - o Mr Anastassios YIANNAKI (Cyprus) will join the temporary Advisory Group on ECHA's future building; and
  - o Ms Krisztina BIRÓ (Hungary) will join the Working Group on Audit.

The new compositions will take effect on 1 June 2017, once the mandates of previously appointed Management Board members have ended. An updated list of the Working Groups will be made available to all members. It was also noted that the Advisory Group on Dissemination nominated Ms Judite DIPANE (Latvia) as the new Chair.

- The Management Board took note of a report from its Advisory group on ECHA's future premises. The report included the activities undertaken since the last Management Board meeting in relation to ECHA's future building project, as well as the indicative timetable for the next steps of the project. It was noted that the progress of the project is on track and the decision of the Management Board is foreseen to take place in Q3 2017.
- The Management Board took note of the 2016 report from its Advisory Committee on Conflict of Interests.
- The Management Board took note of the required review of the Decision on the transfer of fees to Member States. The decision foresees the review to take place in 2017. The Secretariat will propose revised arrangements to the Working Group on the Transfer of Fees in June and September. The Working Group will, on this basis, prepare a proposal for the Management Board for its meeting on 27/28 September.
- The Management Board took note of an update on the collaborative approach.
- The Management Board heard an update from the Commission on ECHA's external evaluation. More detailed information will follow during the June meeting.
- The Management Board exchanged views on the Commission proposal to align the comitology provisions of the REACH Regulation to the Lisbon Treaty.
- The Management Board took note of its rolling plan and indicative meeting dates for 2018:
  - o 22-23 March
  - o 20-21 June
  - o 27-28 September
  - o 13-14 December
- The Management Board thanked the representative of Belgium for the offer to host the December 2017 Management Board meeting in Brussels, and also the representative of Austria who offered to host the September 2018 meeting in Vienna.
- The Management Board bid farewell to a number of its members, whose second mandate will come to an end in May 2017. Board members warmly thanked the outgoing members for their contribution and support.

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