

PRELIMINARY CONCLUSIONS

57TH MANAGEMENT BOARD MEETING 19-20 MARCH 2020, VIA REMOTE CONNECTION

Due to the outbreak of the coronavirus pandemic, ECHA, as part of its actions to avoid spreading the virus and following the relevant authorities' recommendations, held its 57th Management Board meeting via remote connection. All the conclusions reached in the meeting and referenced in these preliminary conclusions are subject to being formally confirmed in written procedures.

1. ECHA's support to address the COVID-19 crisis

The Management Board took note of ECHA's response to the coronavirus pandemic to protect staff, meeting participants and to contribute to public health measures aimed at reducing the spread of the virus. The Management Board also took note of the support the Agency plans to provide to the European Commission, Member States and industry in addressing disinfectant shortages due to COVID-19, as well as of its commitment to help industry meet its regulatory obligations by extending deadlines, if appropriate. Board members furthermore welcomed that the Secretariat reached out to MSCAs to provide support to avail of the teleworking option in the current secure remote access policy to ECHA's IT systems.

2. Annual Report 2019

The Management Board adopted ECHA's Annual Report for 2019¹. The report, for the first time, merges two previously separate reports, i.e. the ECHA General Report and the Consolidated Annual Activity Report of the Executive Director. The report will be published on ECHA's website and submitted to the Institutions and Member States as required.

3. Assessment of the Consolidated Annual Activity Report 2019

The Management Board took note of the Executive Director's Consolidated Annual Activity Report for 2019, as part of the Annual Report, and discussed its assessment thereof. The final assessment will be adopted in a written procedure and will be sent to the Court of Auditors, the European Parliament, and the Commission by 1 July 2020.

4. 2020 budget implementation and mid-term financing

The Management Board took note of the continuing trend of lower than expected fee income (at present, the REACH/CLP fee income is 19% and the BPR fee income is 85% behind budget), which poses significant challenges to the 2020 budget and work programme implementation and which puts at risk the continued financing of staff costs related to the poison centre and waste database (SCIP) activities. The Management Board also took note of ECHA's mid-term financing outlook and in particular income and expenditure projections.

¹ Technically, Section 1 of the Annual Report 2019 was adopted by the Management Board as a REACH requirement (Article 78). The Board took note of Sections 2-4 of the Annual Report as the consolidated annual activity report of the Authorising Officer under the Financial Regulation (Article 48).

5. Implementing Rules to the Staff Regulations

The Management Board agreed to request the Commission's approval to opt-out from the Implementing Rules on Administrative inquiries and disciplinary proceedings and to opt-out from the Implementing Rules on the maximum duration for the recourse to non-permanent staff. The Management Board also endorsed that two implementing rules apply by analogy to ECHA.

6. Composition of Management Board Subgroups

The Management Board adopted the composition of its standing Subgroups on Strategy, Planning and Implementation; Finance, Audit and Risks and Board of Appeal. The list of Subgroup members will be published on ECHA's website.

7. Committee appointment

The Management Board appointed one new member for the Committee for Risk Assessment (RAC): Anca Oana DOCEA (RO). With this appointment, the RAC will have 53 members (including 5 co-opted members).

8. Board of Appeal

The Management Board took note of the annual report of its Subgroup Board of Appeal and took decisions on staff matters. The Management Board also agreed to delegate the responsibility of approving upcoming profiles and vacancy notices for BoA members to its Subgroup Board of Appeal.

9. Other topics

- The Management Board decided to hold an extraordinary meeting on 24 April 2020.
- The Chair of the Management Board informed Board members that she had received the closed annual appraisal report of the Executive Director for 2019 and that there are no matters of concern to be brought to the attention of the Management Board.
- The Management Board took note of the draft Substitution Strategy. The Strategy will be discussed in a written round of comments, in view of future endorsement in written procedure.
- The Management Board decided to include the annual report and exchange of views with ECHA Committees in the agenda of its 58th meeting in June 2020.
- The Management Board took note of:
 - o The quarterly report on ECHA's activities
 - o The status of implementation of the REACH Review actions, as part of ECHA's Work Programme
 - o The upcoming review of the Decision on the Transfer of Fees to Member States, which the Subgroup Finance, Audit and Risks will prepare
 - o ECHA's chairing role of the EU Agencies Network in 2020-2021
 - o The update of the Management Board Rolling Plan 2020-2022
 - o The outcome of the Written Procedure MB/WP/01/2020
 - o A presentation on the report of the French Economic, Social and Environmental Council (*Gestion des risques: quel bilan tirer de REACH au regard des ambitions initiales*)
 - o The Secretariat's Litigation report 2019
