

Revision of the Decision on the Transfer of Fees to Member States

45th Meeting of the Management Board 30-31 March 2017

Key messages

- The Decision on the transfer of fees to Member States foresees a review in 2017, with a view to adopt a revised decision, applicable as of 1 January 2018.
- The Working Group on the Transfer of Fees shall prepare a proposal for the September 2017 Management Board meeting. The European Commission will afterwards be requested to provide an opinion.
- Key aspects of the revision will include: workload assumptions, the maximum proportion of fees to be transferred to Member States and the coefficient applied to Member States.

Background

The REACH Regulation and the REACH Fee Regulation foresee that the Management Board (MB) decides, after having obtained a favourable opinion of the Commission, the terms on which a proportion of the fees collected by ECHA shall be transferred to Member States, in particular to compensate for the rapporteur work in the area of restrictions, substance evaluation and authorisation.

The current MB Decision of December 2014 foresees a review in 2017, with a view to adopt a revised Decision, applicable as of 1 January 2018.

The MB established a Working Group on the Transfer of Fees to Member States, in order to assist the preparation of such decisions. The Working Group is chaired by Parvoleta Luleva, and submitted an intermediate report on the implementation of the Decision in June 2016¹.

It should be noted that the correction coefficients laid down in the Annex to the Decision may be updated annually by a decision of the Executive Director when new statistical information is available at Eurostat. The Secretariat reviewed the Eurostat data in January/February 2017 and concluded that there is no new data available which would allow to update the annex.

Rationale

The elements for review include:

- The assumption for man days (for substance evaluation by MSCAs and for RAC/SEAC rapporteurs work).
- The calculation reference of an "ECHA man day".
- The calculation of the coefficient applied to Member States.
- The maximum proportion of the fees and charges which can be transferred to Member States for the next period 2018-20.
- The next review of the Decision.

It should be noted that during the last revision of the Decision², the Management Board

¹ See document MB/28/2016.

The Working Group may be reinforced in June 2017 with a new member.

² See MB/34/2014

applied following principles:

- (1) Encouraging efficiency;
- (2) Fee transfers contribute to the activities at Member State level;
- (3) Limitations in the EU budget require the setting of an absolute ceiling, on top of the maximum proportion;
- (4) An annual reduction of fee transfer to Member States for substance evaluations to take account of efficiency gains and capacity build-up;
- (5) The implementation needs to be monitored and the modalities reviewed if the ceiling is faster triggered or work undertaken by Member States overly affected.

As a next step, the Secretariat will update the data collected during the preparation of the intermediate report in 2016 and propose revised arrangements to the Working Group for review in June and in early September 2017. The Working Group will on this basis prepare a proposal for the Management Board for its meeting later September.

Attachment:

- Link to the currently applicable Decision:
http://echa.europa.eu/documents/10162/13608/decision_ms_fee_transfers_en.pdf

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