

# Minutes of the 48<sup>th</sup> meeting of the Management Board

## Held in Brussels from 14 to 15 December 2017

### I. Summary record of the proceedings

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The Chair opened the meeting by welcoming the participants<sup>1</sup> and by thanking the host country, Belgium, and the Federal Public Service (FPS) Health, Food Chain Safety and Environment for the warm welcome extended to Board members.

The Chair welcomed in particular two new members appointed by the European Parliament from 1 December 2017 until 30 November 2021:

- Dr Olwenn Viviane MARTIN, Research Fellow in Environmental Health, Brunel University, Institute for the Environment; and
- Prof Peter VAN PUYVELDE, KU Leuven, Department of Chemical Engineering, Soft Matter: Applied Rheology and Technology.

The Board also congratulated the Austrian Board member Mr Paul KRAJNIK, for receiving the 2017 UNEP Ozone Award in the area of political leadership.

#### 1. Agenda

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The Chair introduced the draft agenda<sup>2</sup> and a room document:

- An update to the Programming Document 2019-2021 and in particular to the annual (2019) part thereof.

The Chair then also pointed to three additional documents related to ECHA tasks under EU poison centres, which were submitted through S-CIRCABC before the meeting: (1) comments from the German authorities, (2) a document from the Commission services and (3) a textual proposal from the Chair based on the proposal from the German authorities. It was noted that the poison centre activities will be handled under agenda item 6.1, as part of the programming document 2018-2020.

The Board agreed to take agenda point 11, "Post-employment activities of the Executive Director", prior to agenda point 7, "Audit matters". During the meeting it was furthermore agreed to change the order of two agenda points, namely point 17, "Report on the implementation of the roadmap on authorisation applications under REACH", and point 18, "Potential ECHA tasks under the EU POP Regulation".

The agenda of the meeting was then adopted on this basis. The order of these minutes reflects the order in which the points were taken.

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<sup>1</sup> The names of all participants attending the meeting and the proxy votes of which the Chair was notified are listed in Section IV of these minutes.

<sup>2</sup> MB/A/04/2017.

## 2. Declaration of specific interests

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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 ECHA's policy on conflicts of interests. No conflicts relating to the agenda of the 48<sup>th</sup> 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 interest and which could be considered to be prejudicial to their independence with respect to any item on the agenda. No further specific interests were declared in response to this.

## 3. Minutes of the 47<sup>th</sup> Management Board meeting

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The draft minutes<sup>3</sup> of the 47<sup>th</sup> Management Board meeting, held from 28 to 29 September 2017 in Helsinki, were adopted, subject to one modification<sup>4</sup> proposed by a representative of a Member State during the meeting<sup>5</sup>.

The Chair explained the status of agreed follow-up actions as follows.

The Secretariat to inform the Management Board of relevant developments with regards to the European Parliament hearing of the Executive Director-designate.	Done.
The Secretariat to launch a Written Procedure to select the new Accounting Officer for ECHA.	Not done (unsuccessful selection, new selection upcoming).
The Secretariat to finalise the questionnaire to be attached to the proposal on ECHA's future building and submit it to the budgetary authority.	Done, approval gained from budgetary authority.
The Secretariat to submit the draft decision on the arrangements and scale of fee transfers to Member States 2018-2020 for the agreement of the European Commission.	Done. The Commission will inform the Management Board of the status of this agreement under AOB.
The Secretariat to include the revision of the Management Board working methods in the 2018 Rolling Plan, in particular, addressing the question of alternates for Board members.	Done. The item is preliminarily scheduled for MB 51, September 2018.
The Reporting Officers for the Executive Director will receive the relevant parts of the hand-over documentation from the current to the next Executive Director.	Done.
Secretariat to provide numerical information on known SVHCs	Ongoing.
Secretariat to circulate the draft report on the applicability of alternative and non-animal approaches prior to its publication	Done.

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<sup>3</sup> MB/M/03/2017.

<sup>4</sup> See corrigendum in Annex V to these minutes.

<sup>5</sup> A clarification that the forum referred to on page 5 is the REACH Committee.

## 4. Appointment of the Executive Director – Contract signature

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The Management Board concluded the appointment of Mr Bjorn Gaarn HANSEN as ECHA's next Executive Director<sup>6</sup> and empowered the Chair to sign his employment contract with ECHA. Mr HANSEN and Ms Sharon MCGUINNESS, the Chair of the Management Board, signed his employment contract during this 48<sup>th</sup> meeting of the Management Board.

The Management Board selected Mr HANSEN for this position on 29 September 2017. He was afterwards invited to make a statement before the European Parliament Committee for Environment, Public Health and Food Safety on 12 October 2017, and to answer questions from Members of the Parliament. The President of the European Parliament subsequently informed the Board that the Parliament supports the appointment.

The Board warmly thanked ECHA's retiring Executive Director, Mr Geert DANCET for his services and members expressed their appreciation for his achievements. They highlighted in particular Mr DANCET's merits, as ECHA's first Executive Director, in setting up the Agency, successfully managing the registration deadlines under REACH so far, and for laying the foundations of an efficient and transparent Agency. They also thanked him for thirty years of European public service and wished him well for future challenges.

## 5. ECHA's budget

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### 5.1 Transfers within the Budget 2017 and approval of a specific financing decision<sup>7</sup>

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

The Management Board also adopted a specific financing decision for the development of the International Uniform Chemical Information Database (IUCLID) tool. This concerns EUR 360 000, which will be used to align the user interface of the traditional IUCLID tool with the web interface of IUCLID online, developed as part of ECHA Cloud Services. This development was necessary because this project was not originally included in ECHA's initial work programme.

### 5.2 Final budget and establishment plan for 2018

The Management Board adopted ECHA's final budget and the establishment plan for 2018<sup>8</sup>.

ECHA's expenditure budget for 2018 amounts to EUR 115 m (2017: EUR 110.1 m). ECHA's REACH and CLP activities will be funded with fees and charges totalling ca. EUR 70.9 m and a balancing EU subsidy amounting to EUR 30.5 m. ECHA's BPR activities will be funded with fees and charges totalling ca. EUR 9.6 m and a balancing EU subsidy amounting to EUR 2.3 m.

A high degree of uncertainty remains with respect to the budgeted income, as for the first time, there is no prudency margin applied. Management Board members expressed concern for the uncertainty and received clarification on coping strategies that the ECHA Secretariat can put in place, should the income not materialise. A representative of the Commission also confirmed that the Commission is ready to take the necessary steps in such event, provided that the ECHA Secretariat informs them in due course.

ECHA's PIC activities will be financed solely from the EU subsidy of EUR 1.1 m. Management Board members expressed concern for the decrease in the PIC budget, in particular in light of the increasing workload under this legislation.

The establishment plan foresees a total of 458 posts for all four ECHA regulations (REACH/CLP/BIOCIDES/PIC), which in total is two posts less than last year. The REACH and CLP posts on the establishment plan will decline by six posts.

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<sup>6</sup> MB/43/2017

<sup>7</sup> MB/44/2017

<sup>8</sup> MB/45/2017

The Working Group on Planning and Reporting reviewed the proposal during its meeting of 23 November 2017 and gave a positive recommendation to the Management Board. The Chair of the Working Group noted that the allocation of costs for interim staff may need to be reviewed for future budget presentations. The Executive Director highlighted that for the PIC budget in particular ECHA may have to come back to the Management Board in 2018, and that the IT tools deployed to Member States authorities in this area need significant re-tooling due to the withdrawal of the UK from the EU.

The budget for 2018 will be duly notified to the budgetary authority, the Court of Auditors and the Commission and will be published.

## 6. ECHA Work Programming

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### 6.1 Programming document 2018-2020 – update

The Management Board adopted the updated ECHA Programming Document 2018-2020<sup>9</sup>. The decision had been prepared by the Board's Working Group on Planning and Reporting during its meeting of 23 November 2017.

The Chair of the Working Group thanked the Executive Director for the document, highlighting that most of the comments made by the Commission services in their opinion of September 2017 were taken into account. He noted the need for ECHA to prepare for the UK's withdrawal from the EU, which will also have an impact in IT expenditure, to be addressed in 2018. In this context the IT Master Plan was considered particularly useful as it gives a good overview on IT systems and the resource investment. It was reported that the Working Group considered for future revision to distinguish which IT is directly linked to implementing ECHA's legal mandate (i.e. is required by law) and which is discretionary. Overall, the Working Group recommended to adopt the document, subject to the proposal from the Chair of the Management Board on the issue of EU poison centres.

This updated version of the Programming Document includes the annexes on resources per activity, budget, the establishment plan and the procurement plan, stemming from ECHA's final budget for 2018.

The Programming Document has also been updated according to the development of the negotiations regarding potential additional tasks for ECHA, as discussed in the Management Board in September 2017.

In regard to EU poison centres, the Management Board agreed to the proposal made by its Chair and amended the Programming Document to reflect that in 2018, ECHA will develop – with the resources allocated to ECHA's 2017/18 budget for this purpose – an EU portal enabling notification from companies, dispatching of notifications to the relevant appointed bodies and poison centres, and central storage of the notifications for auditing purposes and possible retrieval by submitters. Moreover, ECHA will also be ready to develop an option for Member States who wish to get searchable access to the notification database. This is dependent on the longer-term financing and clarifications on other aspects of the activity, which are still under discussion between the Agency and the Commission services. The Board noted that sufficient resources have to be made available to ECHA should the Commission decide to allocate new tasks to the Agency. The Commission would also have to carefully consider the legal framework before deciding to request ECHA to undertake the additional tasks in the area of poison centre notifications. The Management Board invited the Commission to clarify the legal framework and resource-related aspects of these potential additional tasks as soon as possible.

The delegation agreement for the EU Chemicals Legislation Finder was signed on 8 December 2017, allowing the Commission to issue the payment for a tranche of EUR 300 000 in 2017. This will make it possible for ECHA to start in Q1 2018 the first phase of the project and develop the appropriate conceptual and architectural models for the portal. Board members strongly welcomed this development. The Management Board noted that

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<sup>9</sup> MB/46/2017

no additional posts have been allocated to ECHA for this task, therefore the Secretariat will procure the necessary data from an outside contractor.

No updates have been made to the document concerning tasks related to occupational exposure limits or endocrine disruptor criteria, as discussions on these tasks have not been finalised in the Commission yet. A representative of the Commission emphasised that additional tasks to ECHA in this area aim to make best use of ECHA's and in particular RAC's scientific knowledge, results and transparent way of working. Board members acknowledged this point and welcomed the potential attribution to RAC of tasks related to occupational exposure limits; at the same time they called for careful estimation of the resulting workload and the best way to accommodate it not just for ECHA but also the experts in the committee. The Commission also committed to inform ECHA as soon as possible about the estimates for the resource needs in the area of the criteria for endocrine disruptors. Furthermore it was noted that ECHA may receive new tasks from the legislator in the area of substance tracking for promoting a circular economy, i.e. for improving information flows for recycling purposes.

The Management Board also approved the Agency's reply to the European Commission's opinion on this Programming Document of 1 September 2017. In relation to this Programming Document, Board members took note of the ECHA IT Master Plan.

The Board instructed the Executive Director to submit the final document to the institutions and Member States and have it published.

## 6.2 Draft Programming Document 2019-2021

The Management Board adopted ECHA's Draft Programming Document for the years 2019 to 2021<sup>10</sup>, upon recommendation of its Working Group on Planning and Reporting, and including final suggestions distributed as room document based on discussions between the Secretariat and Working Group members.

ECHA estimates a EUR 116.6 m overall income for 2019 with a total EU subsidy of EUR 74.2 m, noting that contrary to the Agency's request, no EU contribution is currently foreseen for BPR activities in 2019. Also the requested EU contribution for PIC exceeds the Commission's planning. Furthermore, the impact of the UK's withdrawal from the EU is not considered in financial terms for 2019. The overall staffing for 2019 will be at ca. 600 employees, of which 464 are temporary agents, in line with the Commission planning.

The adopted draft Programming Document comprises the draft multi-annual and annual work programmes, the draft establishment plan and ECHA's budget estimates for 2019.

The draft multi-annual work programme is based on elements of ECHA's draft strategic plan 2019-2023, providing guidance and direction on a time horizon beyond the three-year planning cycle. The draft has been elaborated with the participation of the Management Board and stakeholders. It will continue to serve as a basis for further drafting and will be discussed in 2018 with the Working Group on Planning and Reporting, taking into account also the outcome of the REACH Review/REFIT evaluation expected for early 2018. Further agreed changes will be reflected in the future versions of the Programming Document 2019-2021. It is planned to submit a five-year strategic plan for public consultation after the March 2018 Board meeting.

The 2019 annual work programme contains an updated structure for activities in line with the new priorities of the draft strategic plan.

The draft Programming Document will require technical adaptations to take account of the final budget implementation for 2017. It will be submitted to the Commission, the European Parliament and the Council by 31 January 2018, as ECHA's input into the 2019 budget process. The Programming Document foresees a number of new tasks for ECHA that are under discussion with the Commission services. They will require additional financial and human resources in the period 2019-2021. The Management Board invited the Commission to clarify as soon as possible the extent of the foreseen new tasks, so that the appropriate extra resources can be added to the Programming Document.

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<sup>10</sup> MB/47/2017

During the discussions it was highlighted that the contributions of Member States are essential for delivering on the foreseen outcomes. It was suggested that this should be appropriately communicated. Upon request the Secretariat also clarified that a separation of accounts between different legislation or tasks managed by the Agency is burdensome and that the Agency would prefer a single EU contribution to cover all elements. In response to comments from members it was also highlighted that the Agency is continuously improving the key performance indicators and welcomes any suggestions in this area from Board members.

As regards longer-term financing, the Management Board noted that the increase in staff after 2020 is to take account of new tasks managed by ECHA and to regularise the continuous use of interim staff.

The document will be further developed following the opinion from the Commission services. In this regard, the Management Board welcomed the commitment from the Commission to use the next version of the draft strategic plan, scheduled for adoption in March 2018, as reference for their opinion on the multi-annual part. The final Programming Document will be adopted in September 2018.

## 7. Post-employment activities of the Executive Director

This agenda point was discussed *in camera*.

The Management Board adopted an opinion on the request of Mr Geert DANCET, current ECHA Executive Director, to perform certain occupational activities after retirement from the Commission and from his mandate at ECHA<sup>11</sup>. In line with the provisions of the EU Staff Regulations, the Board recommended to authorise all the activities, but recommended a number of conditions for one of the requested activities. The assessment of the Board will be forwarded to the Commission. It was noted that the former Executive Director will in terms of post-employment activities fully comply with the provisions of the EU Staff Regulations<sup>12</sup>, which include also the duty to refrain from any unauthorised disclosure of information received in the line of duty after leaving the service.

Since Mr DANCET is a Commission official under secondment in personal interest to ECHA, the Commission will take the final decision on the requested professional activities. Once the Commission adopts a decision, ECHA will publish, under the "Independence" section of the ECHA website, an overview of the post-employment decisions taken with regard to senior managers, including name and date of departure, position, foreseen new occupational activity and outcome of the assessment by ECHA or the Commission.

## 8. Audit matters

### 8.1 Report from the Working Group on audit matters

The Management Board took note of an oral report from its Working Group on Audit.

The report included audit reports from ECHA's Internal Audit Capability (IAC) on capacity building of ECHA's scientific and regulatory staff and from the Information Security Manager on ECHA Cloud Services for SMEs.

The report also outlined the results of an ex post evaluation conducted in 2017. The Board welcomed in particular that the ex post evaluation addressed the Efficiency Programme, given the importance of this programme in light of the reduced staffing levels.

### 8.2 Annual audit plan of the Internal Audit Capability

The Management Board approved the annual audit plan of the Internal Audit Capability (IAC) for 2018<sup>13</sup>, upon recommendation from its Working Group on Audit.

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<sup>11</sup> MB/53/2017

<sup>12</sup> In particular Article 16 of the Staff Regulations

<sup>13</sup> MB/48/2017

The main audit topics for 2018 will be external communications and media management, reporting and monitoring of the budget execution, and union authorisations under BPR.

### 8.3 Revised Audit Charters of the Internal Audit Service and the Internal Audit Capability

The Management Board approved the revised Charter of the Commission's Internal Audit Service (IAS) in relation to EU agencies and corresponding changes to the Charter of ECHA's Internal Audit Capability (IAC)<sup>14</sup>, upon recommendation from its Working Group on Audit.

The Management Board took note of the audits and evaluations planned for 2018-2019, as well as of the planned 2018 activities of the IAS. A representative of a Member State invited the IAS to consider, if appropriate, a risk assessment of the UK withdrawal for internal audit purposes.

The Management Board decided to ask the ECHA Secretariat to inform them of audit matters regularly in the quarterly report on ECHA's activities, similarly to the practice applied for matters pertaining to the preparation for the UK withdrawal.

## 9. Report from the Quality Manager

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The Management Board took note of the Quality Manager's annual report<sup>15</sup> outlining the progress made in 2017.

Board members appreciated in particular that ECHA passed in October 2017 the re-certification audits for the ISO 9001:2015 (Quality Management Systems) and ISO 14001:2015 (Environmental Management Systems) of ECHA's Integrated Management System.

The Management Board expressed its strong support for the Agency to aim for an Eco-Management and Audit Scheme (EMAS) certification as soon as possible. Board members also underlined the need to have in place a well-functioning quality support structure with the necessary resources, which can help in adapting the Agency's management system to further needs.

## 10. Cooperation with Switzerland

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The Management Board approved a limited technical/scientific cooperation between ECHA and the Swiss Notification Authority for Chemicals in the areas of REACH and CLP<sup>16</sup>.

During the discussion a Board member appointed by the Commission to represent interested parties emphasised that data protection aspects should be duly considered during the generally welcomed cooperation between ECHA and the Swiss authorities.

This cooperation will not amount to participation in the REACH and CLP work of ECHA and involves no "burden sharing" in ECHA's regulatory work on REACH or CLP or other benefits limited to cooperation with countries that have aligned with REACH, i.e. EEA countries. As a consequence, Swiss authorities may, for example, not participate as observers or take part in closed meetings where Member States prepare regulatory decisions. This cooperation will be formalised via an exchange of letters.

## 11. Appointment of Committee members

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The Management Board re-appointed Ms Sonja KAPELARI, Mr Marian RUCKI, Ms Lea Stine TOBIASSEN and Ms Stine HUSA to the Committee for Risk Assessment (RAC), and re-

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<sup>14</sup> MB/49/2017.

<sup>15</sup> MB/50/2017.

<sup>16</sup> MB/51/2017.

appointed Mr Joao ALEXANDRE, Mr Richard LUIT, Mr Andreas LÜDEKE and Mr Gary DOUGHERTY to the Committee for Socio-Economic Analysis (SEAC)<sup>17</sup>.

It was agreed that further pending renewals will be considered in the 49<sup>th</sup> Management Board meeting in March, 2018 when the Committee Chairs will present a report on the functioning of the Committees. This will allow the Board to consider the general criteria to be applied for renewal of mandates.

## 12. Quarterly report on ECHA's activities

The Management Board took note of the quarterly report on ECHA's progress in reaching the 2017 Work Programme targets<sup>18</sup>. The report included as a standing item an update on the implications of the withdrawal of the UK from the EU.

Board members expressed their appreciation for ECHA's achievements in the last quarter and asked a number of follow-up questions, to which the ECHA Secretariat provided answers. The topics of this exchange included:

- the RAC-SCOEL Joint Task Force report on scientific aspects and methodologies related to the exposure to chemicals at the workplace and the setting of carcinogenic thresholds;
- the status of the collaborative approach, where five pilot projects are ongoing and a stock-taking conference is foreseen for March 2018, as well as a report to the Management Board in June 2018;
- substances identified as endocrine disruptors by the PBT and ED expert groups;
- the coordination of work between ECHA's expert groups and Committees;
- a closed court case on CLH;
- the preparation for the 2018 REACH registration deadline and the composition of registrants;
- manual verification of registration dossiers and in particular the check for the justification in case of missing CSR reports;
- data sharing disputes and the expected workload in this area during and after the 2018 REACH registration deadline;
- the usefulness of ECHA Cloud Services for SMEs;
- the Public Activity Coordination Tool (PACT) and the potential to consider making it available to a wider audience.

As part of the report, the Management Board also noted that Serbia's status as Forum observer is pending until further progress is made in the country's EU accession negotiations.

## 13. Preparations for the 2018 REACH registration deadline

The Management Board took note of an update<sup>19</sup> on the preparations for the 2018 REACH registration deadline.

The report included information about ECHA's Cloud Services for SMEs and the ongoing work of the Directors' Contact Group (DCG), and highlighted the uncertainties ECHA is facing with regard to the expected number of registration dossier submissions. The Management Board welcomed the report and noted that a number of issues are assessed by the Commission services, which require clarification in due course, e.g. the future of the substance information exchange forums (SIEFs) and the status of phase-in substances after the last registration deadline.

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<sup>17</sup> MB/52/2017

<sup>18</sup> MB/54/2017

<sup>19</sup> MB/55/2017



## OPEN SESSION OF THE MANAGEMENT BOARD

The Management Board held an open session, where interested staff from Commission services, Permanent Representations of the Member States, the Council Secretariat, the European Parliament Secretariat, as well as representatives of ECHA accredited stakeholder organisations had the opportunity to join the discussion on three items on the agenda (agenda points 14 to 16).

The open discussion allowed the participants to comment and contribute to ECHA's work in these areas of mutual interest and will serve as a basis for continued exchanges on these topics. The Chair thanked all participants for the robust and rich discussions.

The ECHA Secretariat will share the presentations shown in the meeting with the invited guests and invite further comments.

### 14. Value of chemicals data

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The Management Board took note of a report<sup>20</sup> and held an exchange of views on the value of chemicals data held by ECHA and on the opportunities related to the harmonisation of tools and formats. In presenting this report, ECHA aims also to contribute to Union initiatives in the area of the Digital Single Market and Data Union, including those related to the free flow of non-personal data or building the European data economy.

The Management Board welcomed the report, highlighting that the focus of activities in this area should be firstly on the implementation of its regulatory mandate. The ECHA Cloud Services were highlighted as a good example for IT services in support of industry, which could be extended also to other legislation, e.g. the BPR. A representative of the Commission confirmed that ECHA's report and corresponding activities are in line with the Commission's strategic plans on managing datasets and offered to host a workshop in early 2018, with concerned Commission services, to discuss opportunities, challenges and restrictions of using ECHA's data capabilities in more detail.

Comments from stakeholders touched upon potential further use of ECHA's data in light of relevant European and international developments related to the free flow of data, as well as on ways to disseminate these data in a structured manner, to a wider audience. A representative of the Commission DG CONNECT invited ECHA to exchange views on areas of mutual interest and in particular to explore a potential ECHA use-case for a pilot project under the planned EU Blockchain Observatory / Forum.

### 15. ECHA strategy on substances in nanoforms

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The Management Board took note of a report<sup>21</sup> presenting progress made by the ECHA Secretariat in implementing the 2016-2018 work plan on nanomaterials. This included in particular a reflection on the challenges of using dossier and substance evaluation under the current legal text of REACH to verify safe use of nanomaterials on the EU market following recent rulings of the Board of Appeal<sup>22</sup>. The lack of information on hazardous properties of nanomaterials hampers not only the identification of specific concerns but also the assessment of whether additional risk management measures are needed. It was noted in this regard that the revision of REACH Annexes is therefore even more urgent than before. These developments, however, do not eliminate the responsibility of industry in ensuring the safe use of substances, in whatever form.

The Management Board welcomed the progress made by ECHA and invited the Commission to conclude as a matter of urgency the revision of the annexes to REACH on the information requirements of nanomaterials.

Comments from stakeholders focused on the urgent need to conclude a good quality and forward-looking revision of the annexes, as well as on the Observatory for Nanomaterials,

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<sup>20</sup> MB/56/2017

<sup>21</sup> MB/57/2017

<sup>22</sup> A-004-2016 and A-015-2015

which, in the view of some members, doesn't currently improve the reliability and transparency of data in a manner that a compulsory register would have achieved. They shared ECHA's assessment that the safe use of substances, even in nanoform, is the responsibility of industry and they called on ECHA to find ways in its regulatory processes to focus on the safety of chemicals instead of on substance identity.

## 16. ECHA strategy on substitution with safer alternatives

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The Management Board took note of ECHA's strategy to promote substitution to safer chemicals through innovation<sup>23</sup>. The purpose of the strategy is to accelerate substitution, supporting and complementing the stimulus provided by the EU chemicals acquis. The four action areas of this strategy are incorporated in ECHA's draft Programming Document 2019-21. The substitution strategy will be incorporated in ECHA's annual work programmes and will be continuously refined according to the lessons learnt over time.

The Management Board welcomed the strategy and ECHA's efforts to promote safer substitution. At the same time, it underlined the need to clarify the context of the strategy, i.e. that the focus of ECHA's efforts should remain on regulatory intervention.

Comments from stakeholders echoed that the focus of ECHA's efforts should remain on regulatory intervention and in particular on improving the functioning and transparency of the authorisation process, especially with a view to the analysis of alternatives, thereby promoting and rewarding substitution. A call was also made to integrate the sustainable use of chemicals into the discussion.

## 17. Potential ECHA tasks under the EU POP Regulation

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The Management Board took note of an update<sup>24</sup> on potential tasks for ECHA under the regulation on persistent organic pollutants (POPs).

Under the recast POP Regulation, ECHA is expected to receive new tasks with regard to the administrative, technical and scientific aspects of the implementation of this regulation and the exchange of information.

The Management Board recognised that the tasks link to or are analogous to ECHA's current work in several areas and welcomed the potential tasks under the POP Regulation as a good match for ECHA, agreeing they fit well with the Agency's current and future strategic priorities. It nevertheless pointed out the need to carefully consider resource implications and warned ECHA and the Commission not to underestimate the needs of these new tasks. The Commission agreed that the resource estimations may be adjusted in the future, if need be.

## 18. Report on the implementation of the roadmap on authorisation applications under REACH

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The Management Board took note of the final report<sup>25</sup> from the Secretariat on the implementation of the roadmap on authorisation applications under REACH.

This final report follows the intermediate report that was presented to the Board in December 2016. This report also takes account of a number of Management Board discussions that addressed the follow-up to a European Parliament Resolution of November 2015 regarding the draft Commission decision on one of the first applications for which ECHA's Committees issued an opinion.

The final report builds on the outcomes of the recent stock-taking conference of November 2017<sup>26</sup>. Board members recognised the achievements so far; they nevertheless pointed

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<sup>23</sup> MB/58/2017

<sup>24</sup> MB/60/2017

<sup>25</sup> MB/59/2017

<sup>26</sup> <https://echa.europa.eu/-/stock-taking-conference-on-applications-for-authorisation>

out that a number of areas, including in particular upstream applications, need further efforts. They called on the Secretariat to take stock of the REACH Review findings and recommendations as well to further improve the authorisation system.

The Chair noted a number of comments from members and it was agreed that the report will remain open to further proposal for amendments by Board members until 22 December. The final report will be submitted to the European Parliament. The cover letter to the European Parliament, to be signed by the Chair, will emphasise that ECHA, in close collaboration with the Commission, is continuously improving the authorisation process. The report to the Parliament is one step, but not the end, of this process.

## 19. Report on 2015 discharge recommendations

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The Management Board took note of a report<sup>27</sup> from the Secretariat on the measures taken in light of the recommendations made with respect to the 2015 budgetary discharge.

## 20. Any other business

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### Commission REACH Review/REFIT

The Management Board took note of an oral update from the Commission on the status of the REACH Review/REFIT exercise. It was noted that the adoption of the communication is foreseen for early 2018 and the topics pertaining to ECHA have been discussed with the Agency.

### Commission agreements on Management Board draft decisions

The Management Board took note of an oral update from the Commission on two Management Board draft decisions that have been submitted to the Commission:

- With regard to the draft decision on the transfer of fees to Member States<sup>28</sup>, the Management Board noted that the Commission has given its agreement on 13 December 2017 and the Chair will sign the decision so that it can enter into force on 1 January 2018.
- With regard to the draft decision on the implementing rule for Board of Appeal members as temporary agents, category 2f, the Commission confirmed that the internal consultation has been concluded and its decision will be adopted shortly.

## Next meeting and closure

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The Management Board bid farewell to the Board member Ms Parvoleta LULEVA, the Chair of the Working Group on Transfer of Fees, from Bulgaria.

The Chair thanked Belgium, the host country, for the warm welcome and noted that the next meeting of the Board is scheduled to take place on 22 and 23 March 2018 in Helsinki, Finland. Board members took note of the 2018 meeting dates<sup>29</sup> and thanked the Austrian member for the invitation to hold the 51<sup>st</sup> meeting of the Management Board in Vienna in September 2018.

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<sup>27</sup> MB/61/2017

<sup>28</sup> MB/36/2017

<sup>29</sup> 2018 meeting dates: 22-23 March (Helsinki), 20-21 June (Helsinki), 27-28 September (Vienna), 13-14 December (Helsinki)

## II. Documents submitted to the Management Board

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Draft agenda	MB/A/04/2017
Draft minutes of the 47 <sup>th</sup> meeting	MB/M/03/2017
Appointment of the Executive Director – contract signature	MB/43/2017
Transfers within the Budget 2017 and approval of a specific financing decision	MB/44/2017
Final Budget and establishment plan 2018	MB/45/2017
Programming Document 2018-2020 - update	MB/46/2017
Draft Programming Document 2019-2021	MB/47/2017
Annual audit plan of the Internal Audit Capability	MB/48/2017
Revised Audit Charters of the Internal Audit Service and the Internal Audit Capability	MB/49/2017
Report from the Quality Manager	MB/50/2017
Cooperation with Switzerland (REACH/CLP)	MB/51/2017
Appointment of Committee members	MB/52/2017
Post-employment activities of the Executive Director	MB/53/2017
Quarterly Report on ECHA's activities	MB/54/2017
Preparations for the 2018 REACH Registration deadline	MB/55/2017
Value of chemicals data	MB/56/2017
ECHA strategy on substances in nanoforms	MB/57/2017
ECHA strategy on substitution with safer alternatives	MB/58/2017
Report on the implementation of the roadmap on authorisation applications under REACH	MB/59/2017
Potential ECHA tasks under the EU POP Regulation	MB/60/2017
Report on 2015 discharge recommendations	MB/61/2017

### III. Decisions taken/Conclusions reached by the Management Board

The Management Board took the following actions:

- Adopted the draft agenda of the 48<sup>th</sup> Management Board meeting 14-15 December 2017.
- Approved the draft minutes of the meeting of 28-29 September 2017, with one modification indicated in the present minutes.
- Concluded the appointment of the next Executive Director by approving the contract of Mr Bjorn Gaarn HANSEN, the future Executive Director of ECHA, and by empowering the Chair of the Management Board to sign the contract on behalf of ECHA.
- Took note of the annotated budget transfers executed by the Executive Director under his responsibility since the last notification in September 2017.
- Approved a specific financing decision for the development of IUCLID under ECHA's 2017 budget (EUR 360 000 to align the user interface of the traditional IUCLID tool with the web interface of IUCLID online developed as part of ECHA Cloud Services.)
- Adopted ECHA's budget for 2018, the staff establishment plan and the procurement plan.

Instructed the Executive Director to submit the document to the European Union institutions and Member States and to have it published.

- Adopted the updated version of the Programming Document 2018-2020 and its Annexes 1, 2, 3 and 9 (resources per activity, budget, establishment plan and procurement plan), subject to the amendments indicated in these minutes.

Instructed the Executive Director to submit the document to the Institutions and Member States and have it published.

Approved ECHA's response to the Commission on its opinion on the draft Programming Document 2018-2020.

Took note of the ECHA IT Master Plan in relation to the updated Programming Document 2018-2020.

- Adopted the draft ECHA Programming Document 2019-2021.

Instructed the Executive Director to submit it, with the necessary technical adaptations to the budget figures, to the Commission by 31 January 2018.

- Took note of a report from its Working Group on audit matters.
- Took note of the update on the selection process for the appointment of a new Accounting Officer for ECHA. The recruitment process has proved unsuccessful and a new selection procedure will be launched.
- Approved the annual audit plan of the Internal Audit Capability for 2018.
- Approved the revised Charter of the Commission's Internal Audit Service (IAS) in relation to EU agencies and corresponding changes to the Charter of ECHA's Internal Audit Capability (IAC).
- Took note of a report from the ECHA Quality Manager.
- Approved technical/scientific cooperation between ECHA and the Swiss Notification Authority for Chemicals in the areas of REACH and CLP.  
Authorised the Executive Director to sign a letter to formalise this cooperation.
- Appointed members to their second mandate in the Committee for Risk Assessment (RAC) and Committee for Socio-economic Analysis (SEAC).

Re-appointed RAC members:

Austria	Sonja KAPELARI
Czech Republic	Marian RUCKI
Denmark	Lea Stine TOBIASSEN
Norway	Stine HUSA

Re-appointed SEAC members:

Portugal	Joao ALEXANDRE
Netherlands	Richard LUIT
Estonia	Andreas LÜDEKE
United Kingdom	Gary DOUGHERTY

Decided to consider further pending renewals the 49<sup>th</sup> Management Board meeting in March 2018, including the general criteria to be applied for renewal of mandates.

- Adopted an opinion on the request from Geert DANCET, retiring ECHA Executive Director, to perform certain occupational activities after retirement from the Commission and from his mandate at ECHA.

Instructed the Secretariat to forward this opinion to the Commission services (HR).

Took note of the fact that ECHA will publish, under the "Independence" section of the ECHA website, an overview of the post-employment decisions taken with regard to senior managers, including name and date of departure, position, foreseen new occupational activity and outcome of the assessment by ECHA or the Commission.

- Took note of the quarterly report on ECHA's activities.
- Took note of an update on the ECHA preparations for the 2018 REACH registration deadline.
- Took note of an overview provided by the Secretariat on the value of chemicals data that ECHA, as an IT-based organisation, holds.
- Took note of an update on the ECHA strategy on substances in nanoforms.
- Took note of the ECHA strategy to promote substitution to safer chemicals.
- Took note of the final report on the implementation of the roadmap on authorisation applications under REACH.
- Took note of an update on potential tasks for ECHA under the POP Regulation.
- Took note of the report on the 2015 discharge recommendations<sup>30</sup>.

Agreed follow-up actions:

- The Secretariat will include audit matters as a standing item in the quarterly report on ECHA's activities.
- The Secretariat will share the presentations shown in the open session with the invited guests and invite further comments.
- Comments from Board members on the final report on the implementation of the roadmap on authorisation applications under REACH can be submitted until 22 December.

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<sup>30</sup> MB/61/2017

#### IV. List of attendees

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##### Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-France RIHOUX	(BE)	
Parvoleta LULEVA	(BG)	
Bojan VIDOVIC	(HR)	
Anastassios YIANNAKI	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Henrik Soren LARSEN	(DK)	
Aive TELLING	(EE)	
Hanna KORHONEN	(FI)	
Marie-Laure METAYER	(FR)	
Jörg LEBSANFT	(DE)	
Kassandra DIMITRIOU	(EL)	
Krisztina BIRÓ	(HU)	
Sharon McGUINNESS	(IE)	
Francesca GIANNOTTI	(IT)	
Judīte DIPĀNE	(LV)	
Paul RASQUE	(LU)	
Edward XUEREB	(MT)	
Hans MEIJER	(NL)	
Lidia WAŚOWICZ	(PL)	also acting as proxy of Marija TERIOSINA
Ana Lilia MARTINS	(PT)	
Luminita TIRCHILA	(RO)	
Miroslava BAJANIKOVA	(SK)	
Alojz GRABNER	(SI)	
Oscar GONZALEZ SANCHEZ	(ES)	
Lisa ANFÄLT	(SE)	
Keith BAILEY	(UK)	

##### Representatives of the European Commission

Kestutis SADAUSKAS  
Antti PELTOMÄKI  
Sabine JÜLICHER

##### Independent persons appointed by the European Parliament

Olwenn MARTIN  
Peter VAN PUYVELDE

##### Representatives from interested parties appointed by the European Commission

Esther LYNCH	ETUC – European Trade Union Confederation
Stefan SCHEUER	EEB-BEUC – European Environmental Bureau/European Consumer Organisation
Peter SMITH	CEFIC – European Chemical Industry Council

##### Observers from EEA/EFTA countries

Sverre-Thomas JAHRE (NO)  
Sigurbjörg SÆMUNDSDÓTTIR (IS)

Persons participating on behalf of Board members/observers

N/A

Other observers

Abdel EL-AMELI	European Commission
Bjorn HANSEN	European Commission
Otto LINHER	European Commission

ECHA staff

Geert DANCET	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Andreas HERDINA	(Director of Cooperation)
Jack DE BRUIJN	(Director of Risk Management)
Christel MUSSET	(Director of Registration)
Leena YLÄ-MONONEN	(Director of Evaluation)
Luisa CONSOLINI	(Director of Information Systems)
Shay O'MALLEY	(Director of Resources)
Minna HEIKKILÄ	(Head of Unit, Legal)
Wim DE COEN	(Head of Unit, Executive Office)
Frank BÜCHLER	(Executive Office)
Gabriella CSEH	(Executive Office)
Maurizio RONCACCIA	(Communications unit)
Timo RÖCKE	(Strategic Planning Officer, Executive Office)
Dobromir DOSKACHAROV	(Communications Unit)
Jenni HOLSTI	(Executive Office)

Participants registered to the Open session (15 December 2017)

ABELOOS Benoit	European Commission, Digital Single Market Directorate, DG CONNECT
ANNYS Erwin	CEFIC
ARGUTYAN Emma	ECEG
BERRINGER, Jack	European Parliament
BINTEIN Sylvain	European Commission, DG ENV
BLOKHUIS Daphne	Permanent Representation of the Netherlands to the EU
BLOKKER-ROWE Jonath	European Commission, DG ENV
BOIJE Urban	European Commission, DG ENV
BURGUET Isabelle	European Commission, Secretariat-General
DANTINNE Catheline	Federal Public Service (FPS) Health, Food Chain Safety and Environment of Belgium, DG Environment, Department of Product Policy and Chemical Substances
EDWERTZ Ida	Permanent Representation of Sweden to the EU
FEDRIGO-FAZIO Doreen	ECOS
FLÜH Michael	European Commission, DG GROW
HELBIG Juergen	European Commission, DG ENV
HERCZOG Edit	Vision and Values Sprl
HUALDE Patricia	European Commission, DG for Internal Market, Industry, Entrepreneurship and SMEs, Unit D.1, REACH
JANOSI Amaya	CEFIC



KOBE Andrej	European Commission, DG ENV
LAROCHE Charles	IFRA Europe
LINHER Otto	European Commission, DG GROW
LOBO Georges	European Commission, DG DIGIT
LYNCH Cathal	Permanent Representation of Ireland to the EU
MARRO Pierre	European Commission, Digital Single Market Directorate, DG CONNECT
MAZZONE Chiara	European Commission, Digital Single Market Directorate, DG CONNECT
PAZ CARBAJO GIMENEZ Maria	European Commission, DG GROW
PECKA Ales	European Parliament, ENVI Committee
PETROVA Nevyana	European Commission, DG ENV
PINEROS Juan	Department of Product Policy and Chemical Substances – Risk Management of Chemical Substances
PIRSELOVA Katarina	European Commission, DG ENV
RAGONNAUD, Guillaume	European Parliament ENVI Secretariat
ROMANO Antonello	Plastics Europe
SANTOS Tatiana	European Environmental Bureau
SCHNEEKLOTH Martin	Permanent Representation of Denmark to the EU
SCHUTTE Katrin	European Commission, DG ENV
SERGENT Jacques-Aurelien	CEFIC
SERRANO RAMON Blanca	CEFIC
SINGHOFEN, Axel	Greens/EFA in the European Parliament
SOTO RENOUEmma	European Parliament, ENVI Secretariat
VAN DER JAGT Katinka	European Commission, DG ENV
VEROUGSTRAETE Violaine	Eurometaux
VILELA Bruno	European Association for Chemical and Molecular Sciences (EuCheMS)
WATERSCHOOT Hugo	Eurometaux
WIGARD Susanne	European Commission, Informatics Directorate-General (DIGIT)
ZILGALVIS Peteris	European Commission, Digital Single Market Directorate, DG CONNECT

## V. Corrigendum to the Draft Minutes of the 47<sup>th</sup> Management Board

Amendments to the draft minutes proposed by a representative of a Member State:

### **1. Agenda item 11. Poison centres**

Addition of the following text:

“A representative of the Commission emphasised the need to find an agreement among the Member States. He offered to ask the Commission’s Legal Service to scrutinise the legality of the proposal and to find an appropriate forum to further discuss and clarify the issue (CARACAL or REACH Committee meeting) before the next Board meeting in December 2017. A Member State representative underlined that this forum, ***i.e. the REACH Committee***, should be appropriate for Member States to express their positions as Member States.”