

Helsinki, 20 August 2018  
Public

## NOTE TO THE MANAGEMENT BOARD OUTCOME OF WRITTEN PROCEDURES MB/WP/02-04/2018

[MB/WP/02/2018: New tasks under the revised Waste Framework Directive](#)

[MB/WP/03/2018: Continuation of the work to establish EUCLEF under the delegation agreement with the commission](#)

[MB/WP/04/2018: Amendment to the Procurement Plan 2018](#)

### Background

As announced in the June meeting<sup>1</sup>, the Management Board had been requested by written procedure to:

- Adopt an amendment to the ECHA Programming Document 2018-2020 to integrate tasks under the revised Directive 2008/98/EC on Waste ('Waste Framework Directive'). – MB/WP/02/2018;
- Advise the Executive Director on his intent to continue the work of ECHA under the delegation agreement with the European Commission on the establishment of an EU Chemicals Legislation Finder (EUCLEF), and to adopt a clarifying amendment to the Programming Document (for information purposes) – MB/WP/03/2018 and to
- Adopt amendments to the procurement plan 2018 to incorporate procurement procedures related to the above items and certain other procurement needs identified since the adoption of the initial procurement plan – MB/WP/04/2018.

The proposals were submitted on 18 July 2018 in line with Article 8 of the Rules of Procedure<sup>2</sup>. The deadline for casting votes by return email was set to 30 July 2018, which was then extended to 10 August 2018 and later on to 17 August 2018 (to take into account the holiday period absences of Board members). All votes were received by 14 August and the outcome was circulated to the Management Board by email from the Secretariat.

### Outcome of the votes

The required two third majority of members with voting rights agreed within the extended deadline with the two proposed decisions MB/WP/02/2018 and MB/WP/04/2018. Furthermore, a qualified majority expressed support in reaction to the consultation on the continuation of the EUCLEF development (MB/WP/03/2018).

- MB/WP/02/2018 –27 votes in favour / 4 abstentions;
- MB/WP/04/2018–26 votes in favour / 5 abstentions;
- MB/WP/05/2018–23 votes in favour /1 vote against / 7 abstentions.

A detailed overview of the votes received is attached.

### Comments

In line with the Management Board Rules of Procedure, a proposal for decision by written procedure is not subject to amendments and shall be approved or rejected in its entirety. As regards the consultation of the Management Board under MB/WP/03/2018, members were explicitly invited to provide comments to guide the Executive Director's decision-making on the continuation of EUCLEF.

<sup>1</sup> See point 6 of MB 51 Preliminary Conclusions  
[https://echa.europa.eu/documents/10162/24059990/mb50\\_preliminary\\_conclusions\\_june\\_2018\\_en.pdf/0bf2030d-4a8c-fd2f-c209-2f641ca6ccb5](https://echa.europa.eu/documents/10162/24059990/mb50_preliminary_conclusions_june_2018_en.pdf/0bf2030d-4a8c-fd2f-c209-2f641ca6ccb5)

<sup>2</sup> MB/51/2012 final

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| MB/WP/02/2018 | <p>Comments accompanying abstentions highlighted the need to confirm the availability of funds to execute the new tasks under the Waste Framework Directive.</p> <p>Representatives of the Commission abstained due to lack of confirmation on the legality to spend REACH/CLP funds on these tasks. The confirmation is expected to arrive soon from DG BUDG.</p> <p>Overall, representatives of the Commission pointed out that implementing the new tasks or some of them should be considered taking into account the pending confirmation from DG BUDG, the global resources that ECHA will be allocated in the framework of the post 2020 MFF and the outcome of the poison centres searchable database.</p> | <p>Representatives of the Commission will be invited to inform the Management Board in September about the status of the confirmation from DG BUDG, as well as about the global resources ECHA will be allocated under the MFF 2021-2027.</p>  |
| MB/WP/03/2018 | <p>Comments accompanying abstentions pointed out that phase 2 of the project should not be entirely dismissed and that a clear financing framework is necessary for the project for a long-term operation.</p> <p>Representatives of the Commission clarified that that deprioritising EUCLEF in case of not sufficient resources is about human resources (1 additional CA) and not the funds which are provided by the Commission in the framework of the delegation agreement.</p>  | <p>The Executive Director will inform the Management Board in the September 2018 meeting of his decision to continue the delegation agreement with the Commission or not. The Secretariat will keep on reporting to the Management Board on the progress of the project, including the relevant resource considerations.</p> |
| MB/WP04/2018  | <p>The vote against the proposal related to the lack of clarity of the financing of new tasks under the Waste Framework Directive.</p> <p>Abstentions related to the same point, as well as to the lack of overview on how the proposed changes in the procurement plan will reflect on ECHA's overall budget.</p>   | <p>The Secretariat will provide more detailed information in the future on proposed changes to the procurement plan. Such changes will be brought to the Management Board for discussion, unless time constraints make it impossible.</p>  |

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|  | <p>Representatives of the Commission underlined that their abstention is due to the fact that there is no clarity on ECHA's overall global resources under the future MFF.</p> <p>Some Board members asked for additional information on certain items of the revised procurement plan, which the Secretariat provided.</p> <p>Board members expressed their request to have more detailed information and discussion in the Management Board in the future on procurement plan changes of this magnitude.</p> |  |
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### **Final result**

The proposals were therefore adopted with the necessary two-third majority of all members with the right to vote. As regards the establishment of EUCLEF, a qualified majority of Board members expressed support for the Executive Director's intention to continue the delegation agreement with the Commission for the next phase of the project.

An outcome report will be provided to the Management Board meeting of 20-21 September 2018.

The Secretariat

### **Attachment:**

- Overview of the votes