

Minutes of the 51st meeting of the Management Board

Held in Vienna from 20 to 21 September 2018

I. Summary record of the proceedings

The first part of the meeting was chaired by Mr Henrik Søren LARSEN, the Deputy Chair.

The Deputy Chair opened the meeting by welcoming the participants¹ and, in particular, Ms Kristel BERNAERTS, appointed by the European Parliament. Furthermore, he announced the appointment of Ms Ingrid BORG, as the new Board member from Malta. The Deputy Chair also thanked Mr Paul KRAJNIK, the Austrian Board member and the Austrian Presidency of the Council of the European Union for hosting the meeting in Vienna.

The Deputy Chair then gave the floor to Dr Thomas JAKL, the Deputy Director-General of the Austrian Ministry for Sustainability and Tourism, to welcome Board members to Vienna on behalf of the Austrian Presidency. Mr JAKL highlighted the legislative priorities and events related to chemicals management under the Austrian Presidency.

1. Agenda

The Deputy Chair introduced the draft agenda² and the following room documents:

- The Commission request to develop and maintain a searchable database for Poison Centres;
- The corrected version of Annex VI for item A.2 (Implementing rules concerning the probationary period appraisal and managerial trial appraisal, annual appraisal and reclassification of the Executive Director and of the members of the Board of Appeal, implementing Articles 43, 44 and 46 of the Staff Regulations and Articles 14, 15(2) and 54 of the CEOS);
- Commission decision on the searchable database for Poison Centres (circulated by email on 14 September);
- Amendment to the MB-50 minutes (circulated on 13 September via S-CIRCABC); and
- New SEAC nomination for Sweden (circulated on 14 September via S-CIRCABC).

The Deputy Chair informed the members of the Management Board that the Working Group Board of Appeal met before the meeting and proposed to hear the report of the Working Group during an in camera session on 21 September, at 09:00. The Management Board agreed to this proposal.

As regards the Commission request to develop and maintain a searchable database for Poison Centres, the Management Board noted that the background document was

¹ Their names and the names of other participants attending the meeting and the proxy votes of which the Chair was notified are listed in Section IV of these minutes.

² See MB/A/03/2018.

submitted two weeks before the meeting while the actual Commission request arrived only shortly before the meeting. It was agreed to maintain the item on the agenda.

The agenda of the meeting was then adopted on this basis.

2. Declaration of specific interests

The Deputy Chair informed the members of the Management Board that, together with the Secretariat, he had reviewed the members' declared conflicts of interests, according to ECHA's policy on conflicts of interest. No conflicts relating to the agenda of the 51st Management Board meeting were identified.

Upon request from a Commission representative appointed to represent interest parties, the Deputy Chair clarified that there is no conflict of interest if Member States have taken a position in the context of a comitology process on the establishment of a searchable database for EU Poison Centres, and may have an invested interest in the issue.

The Chair pointed out that a distinction needs to be made between their role as Management Board members and their role as government officials, otherwise the Management Board could not operate if any decision affecting Member States would be excluded from the scope of its work.

The Deputy Chair invited 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 items on the agenda. No further specific interests were declared in response to this.

The Deputy Chair reminded the members of the importance of keeping their declarations up to date and invited them to regularly check their declarations for completeness, in particular with regard to present employment.

3. Minutes of the 50th Management Board meeting

The draft minutes of the 50th Management Board meeting³, held from 20 to 21 June 2018 in Helsinki, were adopted, subject to one modification⁴ proposed by the Commission (DG GROW).

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

The Secretariat will closely involve Board members in the drafting of the revision of ECHA's Conflicts of Interest policy.	ON-GOING (agenda item B.5)
The Secretariat will provide more information on the level of activity of members up for reappointment and the overall composition of expertise in the committees.	ON-GOING (agenda item B.9)
Written procedures will be launched with regard to the delegation agreement for EUCLEF, updates to the Programming Document and an update to the ECHA Procurement Plan.	DONE (agenda item C.2)

³ See MB/M/02/2018.

⁴ See the modification in Annex V to these minutes.

A. Points for automatic adoption

A.1 Technical adoption of the ECHA work programme for 2019⁵

The Management Board technically adopted the work programme of the Agency for 2019, as required by REACH⁶. This version of the work programme is identical to the draft approved in December 2017⁷.

A.2 Implementing Rules to the Staff Regulations⁸

The Management Board endorsed the application by analogy of a Commission decision on outside activities and assignments and on occupational activities after leaving the Service⁹ and adopted Implementing rules on guidelines on whistleblowing.

The Management Board also approved the ECHA Secretariat's proposal to request the Commission's agreement on the revised Implementing rules concerning the probationary period appraisal and managerial trial appraisal, annual appraisal and reclassification of the Executive Director and of the members of the Board of Appeal. The Working Group on the Board of Appeal and the Reporting Officers for the Executive Director had contributed to the preparation of the draft in June/July 2018¹⁰.

B. Points for discussion/decision

B.1 Election of the Chair of the Management Board (in camera)

The Management Board unanimously elected Dr Sharon MCGUINNESS (IE) as Chair for a second term of office starting from 1 October 2018. The first term of office of Ms MCGUINNESS expired on 30 September 2018¹¹.

Ms Sharon MCGUINNESS stood for re-election as Chair. The Management Board appointed Mr Peter SMITH (Cefic) and Mr Stefan SCHEUER (European Environment Bureau) as tellers. After hearing the candidate, Board members cast their votes by secret ballot.

Ms Sharon MCGUINNESS was unanimously selected as the Chair on the first voting round (32 eligible votes / 32 casts in favour of Ms MCGUINNESS). She accepted the position and thanked the Board for the confidence they had expressed.

⁵ See MB/34/2018.

⁶ Article 78 of REACH requires the Management Board to adopt the work programme of the Agency for the coming year by 31 October.

⁷ See MB/M/04/2017.

⁸ See MB/35/2018.

⁹ Commission Decision C(2018)4048.

¹⁰ Note: A room document was distributed with the corrected version of Article 3 of the Implementing rule, to reflect that the appeal assessor must be the Chair of the Management Board (as opposed to the Vice Chair, which the document distributed via S-CIRCABC contained due to a clerical error). The Management Board agreed to this.

¹¹ See MB/36/2018.

B.2 Confirmation of functions of the Executive Director (in camera)

The meeting was chaired by the Chair, Ms Sharon MCGUINNESS from this point onwards.

After hearing a report from the Reporting Officers, the Chair noted, after having invited the other Board members for interventions, that there were no further requests for clarification or comments.

The Management Board then confirmed Mr Bjorn HANSEN, ECHA's Executive Director in his functions, at the end of a nine-month contractual probationary period¹². Mr Bjorn HANSEN was appointed as Executive Director in September 2017 for a first term of five-years and his contract started on 1 January 2018.

The Management Board also confirmed that Mr HANSEN has successfully completed his nine-month managerial trial period.

B.3 Chair report on the self-evaluation of the Management Board (in camera)

The Management Board held an exchange of views on the outcome of the interviews¹³ conducted by the Chair in Q2, as part of the self-evaluation of the Management Board. The self-evaluation of the Management Board takes place in 2018, steered by the Chair. The exercise aims to give an opportunity to review the current working arrangements and to reflect on the findings of the Commission's REACH review concerning the Management Board.

As a first step, the Chair conducted interviews with all Board members and at this time presented her findings to the Management Board. The Management Board expressed its appreciation about the self-evaluation. There were no outstanding issues/deficiencies to address but a number of improvement proposals were agreed, in particular pertaining to cover competence and participation, as well as access to the right knowledge for Members. The Management Board Secretariat will support the Chair and the Deputy Chair to draw up an action plan to implement the improvement proposals.

The Management Board was not in favour of implementing a two-tier Management Board¹⁴. However, the Commission's recommendation on this can be addressed in the future by reviewing the Management Board's Rules of Procedure, as well as the number and format and terms for its Working Groups.

B.4 Report from the Working Groups on Audit and Planning & Reporting

The Management Board took note of the reports¹⁵ from its Working Groups on Audit and Planning & Reporting. Both Working Groups met on 20 September, in a joint format and the Chairs (Ms Cassandra DIMITRIOU for the Working Group on Audit and Mr Henrik Søren LARSEN for the Working Group on Planning & Reporting) reported to the Management Board.

The Working Group on Audit informed the Management Board about the status of the preliminary observations in the Court of Auditor's Final report on ECHA's 2017 accounts. The preliminary report was discussed by the Management Board at its June meeting. The Working Group suggested a number of proposals for further strengthening the ECHA rules for avoiding potential conflicts of interest, following up on the European Commission Internal Audit Service's (IAS) audit on Conflict of Interest and ethics. The Working Group's report provided input to the Management Board's discussion under item B.5. ECHA accepted all the recommendations stemming from the IAS audit and drew up an action plan to address them. The Working Group on Audit took note of the on-going audits and

¹² See MB/37/2018.

¹³ See MB/38/2018.

¹⁴ Commission Staff Working Document accompanying the Commission General Report on the operation of REACH and review of certain elements, Annex VI: Review of ECHA.

¹⁵ See MB/39/2018.

evaluations and will be invited to provide input for the 2019 work plan for audits and evaluations. The Working Group also took note of the ECHA Secretariat's report on the follow-up to the 2016 budgetary discharge, as submitted to the Discharge Authority. The Working Group further reported to the Management Board that the revised version of the Framework Financial Regulation for decentralised agencies is to be adopted soon by the Commission. The Management Board will be informed in due course of the key changes and will be asked to adopt a revised ECHA Financial Regulation in the December meeting.

The Working Group on Planning & Reporting communicated its recommendation to the Management Board on a number of items on the agenda, including the Budget 2018 (item B.8) and the Programming Document (item B.6). The Working Group also informed the Management Board of the status of the 2019 budget negotiations, as well as that of the Multiannual Financial Framework. With regards the Programming Document, the majority of Working Group members could support the Commission's request to develop a searchable poison centre database. However, the Working Group regretted the decision-making process at Commission level prior to the submission of the request, the length of time taken to get to the present proposal as well as the lack of clear and sustainable resources to carry out this new task.

The Chair of the Working Group pointed out that more clarity is needed on the process for assigning future new tasks, as well as clear indications at the outset regarding the resources. The Working Group stressed that, in the case of the current Commission request on the poison centre database, the Management Board can only rely on the Commission's analysis on the legal and resource-related aspects. The Working Group also prepared the Management Board's orientation debate in preparation of the Programming Document(s) 2019-2022 and took note of the revised approach for performance measurement in the future Programming Documents, focused on showing impact.

B.5 Review of the Policy for avoiding potential conflicts of interest

The Management Board held an exchange of views on the proposal for the revision of the ECHA Procedure for Prevention and Management of potential conflicts of interest, and of the proposal for ECHA guidelines for ensuring the independence of Member State services to be provided to ECHA¹⁶.

The review of the Policy for avoiding potential conflicts of interest was initiated to make best use of the learnings stemming from the application of the Policy since its last update in 2014 and also to address the findings of the Commission's Internal Audit Service's (IAS) audit on conflicts of interest and ethics. The discussion was also informed by the Management Board's first discussion on the topic in its June meeting¹⁷.

The main changes proposed by the ECHA Secretariat concern:

- Giving more clarity to Member States on the importance of preventing conflicts of interest and how it can best be implemented in Member States. The ECHA Secretariat proposes a guidance document outlining the relevant principles, which can be adopted as guidelines or included in Framework Contracts between Member States and ECHA (used to transfer a proportion of fees collected by ECHA to Member States for work done in the context of a substance evaluation procedure or for rapporteur work done in RAC or SEAC in the context of restrictions proposals or of applications for authorisation).
- Including clearer assessment criteria and risk levels to conflict of interest situations, to make the consequence of such a situation more explicit, by having pre-defined outcomes for certain situations.
- Enhancing eligibility criteria to make sure that there are no key collaborators that would have a conflict of interest. The scope of the enhanced eligibility criteria would cover all ECHA managers, Committee members and Chairs, as well as the Accounting Officer. For these groups, current investments above 10 000 EUR, as

¹⁶ See MB/40/2018.

¹⁷ See MB/M/02/2018.

opposed to 100 000 EUR previously (or giving right to 5 % or more of voting rights), are excluding factors.

- Updating the templates to clarify what is a public statement, what needs to be declared, etc.
- Introducing limited ex-post controls, via e.g. sampling.

Board Members welcomed the review and underlined that this topic is very important and, at the same time, sensitive and subject to considerable public interest. As such, it is important that the adopted policy is clear, comprehensive and can be implemented. They requested further clarification on the practical application of the financial threshold for eligibility criteria and about when interests declared in the public sector can constitute a conflict of interest. They expressed their support for the ECHA Secretariat's approach whereby all interests are asked to be declared, not only the ones that may cause conflict upon judgement of the person submitting the declaration.

The ECHA Secretariat will reflect the input received during the exchange of views and the Chair invited further written input from Board members by 15 October. The Management Board will be invited to adopt the revised Policy and the Guidelines in December 2018.

B.6 ECHA Programming Document

A. Amendment to the Programming Document 2018-2020 (poison centres searchable database)

The Management Board adopted an amendment to the ECHA Programming Document 2018-2020¹⁸, Section 1.2.4 'Classification and Labelling – Main actions and outputs of 2018' (page 59, 8th bullet point), on the basis of a European Commission request, to develop a database containing information relating to emergency health response arising from exposure to hazardous mixtures. The Management Board took this decision relying on the Commission's assessment regarding the legal basis of its request, as well as regarding the workload estimation and related financial and human resource needs.

The ECHA Secretariat proposed to reply favourably to the Commission's request and amend the Programming Document because the database would provide considerable help for a number of Member States and ECHA is in a position to provide a good quality service, which fits in its portfolio. The necessary additional resources are not made available at this stage, but ECHA can absorb this task by gaining efficiencies and re-allocating staff and funds, at least until 2020. ECHA's resources under the new Multiannual Financial Framework (MFF) are not yet known but there is commitment from the ECHA Secretariat to ensure the long-term resourcing of this task, unless drastic reductions in income take place. The ECHA Secretariat nevertheless pointed out that there are many lessons to be drawn from the process of allocating this new task to ECHA, for all actors concerned (the Commission, Member States and the Agency). In the future, a better process has to be found to on-board new tasks, bringing significantly more clarity in terms of resources and the scope of tasks.

A number of Board Members acknowledged that this new task fits within ECHA's portfolio and ECHA can provide a good quality service for Member States and registrants. On the other hand, one Member State representative underlined that the Commission's request brings no practical benefit for Member States and its legal base can be questioned. A high number of Board Members pointed out that the lack of additional resources is regrettable and causes a risk for the long-term functioning of the database, as well as for ECHA's achievement of its Work Programme objectives, due to the necessary resource re-allocations. They agreed with the ECHA Secretariat's assessment that the process of allocating this new task to the Agency has not been clear, transparent, nor efficient and expressed their strong wish/demand to have a better process in place for future new tasks.

A representative of the Commission pointed out that in July, the COM Decision to request ECHA to set up the searchable database was presented and discussed at the REACH Committee. A *tour de table* of Member State positions revealed that there was a qualified

¹⁸ See MB/41/2018.

majority in favour of the setup of the searchable database. The Commission Decision was adopted on 12 September 2018 and the official request was sent to ECHA for the development of the searchable database. The Commission representative also pointed out that several questions were sent to the Management Board by a Member State representative in August 2018. The Commission and the ECHA Secretariat have looked at these and provided an answer as well as some clarifications in advance of the meeting.

Upon conclusion of the exchange of views, the majority of Management Board Members supported the adoption of the amendment, while underlining their strong concerns related to the lack of certainty about the long-term financing of this new task and noting the lack of clarity that accompanied the Commission's decision-making process. One Member State representative did not support the adoption of the amendment.

B. Status of the follow-up of the REACH Review actions

The Management Board took note of a status report¹⁹ from the ECHA Secretariat on the actions related to the REACH Refit Evaluation (REACH Review) and to the evaluation of ECHA. The ECHA Secretariat also informed the Management Board that the REACH Review actions will be reflected in the Programming Document in December 2018.

C. Orientation debate in preparation of the Programming Document(s) 2019-2022

The Management Board held an orientation debate in preparation of the Programming Document(s) 2019-2021 and 2020-2022²⁰. The orientation debate focused on the 2020 work programme and aimed to provide a steer to the ECHA Secretariat along a number of questions, related to the intensity of REACH activities after the 2018 registration deadline, the resource allocation along the new strategic priorities in 2019 and 2020, the implementation of ECHA's new tasks under uncertain resourcing and the optimal balancing between various tasks under the new Multiannual Financial Framework.

Members of the Management Board asked the ECHA Secretariat to provide clearer links between the future Strategy and the actions included in the Programming Document, in the wider context of ECHA's legislative tasks and the REACH Refit actions. They also pointed out the need to enhance the performance indicators in the Programming Document and strive for a better level of scientific ambition.

They agreed with the ECHA Secretariat's assessment that any further new tasks need to come with appropriate fresh resources, which serves as a basic planning assumption: if further new tasks are allocated to ECHA without resources, it will lead to significant amendments to the Programming Document. Members pointed out a number of key process areas that need to be enhanced or included. These included human biomonitoring, the integration of the IPCHEM portal (the Information Platform for Chemical Monitoring) in ECHA's database, a higher than foreseen workload for the tasks coming from the Recast POPs Directive and stronger support for registrants related to the upcoming amendment of the nanomaterial annexes.

The ECHA Secretariat will incorporate the comments received in the draft Programming Document, which will be submitted for the Management Board's written consultation by 26 September 2018, for a period of three weeks.

B.7 Report from the Working Group on Board of Appeal (in camera)

The Management Board took note of an oral report from its Working Group on Board of Appeal. The Working Group met on 20 September and discussed in depth the follow-up actions to the recommendation of the Commission's Internal Audit Service (IAS) related to the selection procedure of Board of Appeal members, as included in the Final Report of the audit on Conflict of Interest and ethics. The Management Board agreed on several follow-

¹⁹ See MB/42/2018.

²⁰ See MB/43/2018.

up actions to assess if further ongoing actions, in addition to the action plan agreed with the IAS, are warranted.

B.8 Budget 2018: 1st amending budget and notification of transfers

The Management Board adopted the first amending budget of ECHA for 2018²¹, including the updated procurement plan and the amended establishment plan.

The objective of the proposed amendments to the budget was to reflect updated income estimates for REACH/CLP and the BPR. The overall BPR expenditure is reduced due to lower fee income. The REACH/CLP expenditure is increased on staff costs and Scientific IT tools. The updates to the procurement plan include in a corresponding way new projects for IT development, including the Poison Centre portal development. The adopted changes to the establishment plan have no impact on the overall level of the establishment plan or the volume of staff appropriations corresponding to a full financial year.

The ECHA Secretariat pointed out that the financing model for the new Poison Centre work, agreed under agenda item B.6, will lead to a carry-over of budget appropriations from 2018. This may lead to remarks from the Court of Auditors and the discharge authority.

Further to questions from some Board Members, the ECHA Secretariat clarified that the higher than expected REACH/CLP fee income is due to the big number of high-volume registration dossiers. According to recent information, this trend is expected to continue throughout the year. The quality of these registration dossiers is low, which will induce a considerable amount of workload for the Agency in the years to come.

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

B.9 Appointment of Committee members

The Management Board appointed²² one new member (Mihaela PRIBU (RO)) for the Committee for Risk Assessment (RAC) and two new members (Eimear LEAHY (IE) and Jenny JANS (SE)) for the Committee for Socio-economic Analysis (SEAC).

Following these appointments and renewals, RAC will have 56 members (including five co-opted members) and SEAC will have 38 members (including four co-opted members). The names of the Committee members will be published on ECHA's website together with their annual declarations of interest.

By way of follow-up to the conclusion reached in the June Management Board meeting, the ECHA Secretariat provided information to the Management Board on the overall composition and expertise of the Committees and confirmed that the required competence areas pointed out by the Management Board during the March meeting are now covered. The Management Board also took note of information that the Committees are now in the process of recruiting co-opted members and RAC has recently co-opted two members, who have special expertise in occupational exposure limits.

B.10 Quarterly Report on ECHA's Activities

The Management Board took note of the quarterly report²³ on ECHA's progress in reaching the 2018 Work Programme targets. Board Members welcomed the new format of quarterly reporting, which is shorter and focuses on deviations from the Work Programme, on risks and challenges.

The exchange of views touched upon a number of elements, including:

- The workload and composition of RAC: RAC's workload will be exceptionally high in the coming period and the Committee is working on ways to gain efficiencies. RAC

²¹ See MB/44/2018.

²² See MB/45/2018.

²³ See MB/29/2018.

will also need to work on occupational exposure limits and the relevant expertise of new co-opted members is welcome in this regard.

- The delays in substance evaluation: while the delays concern a relatively low number of cases and a limited number of Member States, this is still cause for concern. If the delays persist, it will lead to reducing the ambition-level.
- The organisational review of the ECHA Secretariat: the purpose of the review is to provide the best organisational set-up for the implementation of ECHA's new strategy, for working on groups of substances, for becoming more agile and flexible and able to take on new tasks and for increasing staff development and motivation. The needs and interests of outside stakeholders are taken into account. The organisational review will be concluded by the end of 2018.
- The new approach to dossier evaluation, which includes expanding evaluations to members of joint submissions and a tighter approach on dossier updates and informal interaction after a draft decision is issued. The ECHA Secretariat has been discussing the upcoming changes with all stakeholders and further information activities are foreseen.
- Increased transparency on ECHA's website on the life-cycle of evaluation processes.
- The exceptionally high number of inquiries for data sharing, its potential causes and impacts on ECHA's workload.
- ECHA's work in supporting Member States in substitution.
- The delay of the Biocides Review Programme and the increasing workload of the Endocrine Disruption Expert Group.

C. Points for information

C.1 Report from Written Procedures

The Management Board took note of the outcome of the Written Procedures MB/WP/02-04/2018²⁴, which were held between 17 July and 14 August 2018.

- o The Management Board adopted an amendment to the ECHA Programming Document 2018-2020 to integrate tasks under the revised Directive 2008/98/EC on Waste ('Waste Framework Directive').
- o 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 EUCLEF project (on the establishment of an EU Chemicals Legislation Finder).
- o The Management Board adopted an amendment to the procurement plan 2018 to reference the above items and certain other procurement needs identified since the adoption of the initial procurement plan.

C.2 Commission Communication: Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019

The Management Board took note of an oral update from the ECHA Secretariat regarding the Agency's preparedness for the UK withdrawal. The update was provided in light of the recent Commission Communication on Preparing for the withdrawal of the UK from the EU²⁵. Members of the Management Board noted that the preparations are well on track and include a wide range of aspects, such as staff matters, information for registrants, regulatory processes, procurement and the re-tooling of IT tools.

The representative of the United Kingdom informed Board Members that the UK Government would be issuing a further set of technical notices regarding the planning for

²⁴ See MB/47/2018.

²⁵ See COM(2018) 556 final

the UK's withdrawal from the EU in the event of a "No Deal" in March 2019. The latest set of these notices would include REACH and will be circulated to the Management Board.

4. Any other business

Selection procedure for the Chair of the Board of Appeal

The Management Board took note of information from the Commission regarding the on-going selection procedure for the Chair and alternate Chair of the Board of Appeal. The vacancy notice was published on 21 August and the deadline for applications is 28 September. As a next step, the Commission will invite candidates fulfilling all eligibility requirements and having the best profile for the specific requirements based on their merits for an interview. The Commission's selection panel will then draw up a list of the most suitable candidates and communicate this list to the Management Board, which will appoint the new Chair and the alternate.

New ECHA SME Ambassador

The Management Board bid farewell to Mr Andreas HERDINA, ECHA's Director of Co-operation who will retire at the end of October 2018, thanking him for his work for ECHA since 2008. The function as SME Ambassador is from 1 September – 31 December 2018 exercised by Ms Christel MUSSET, ECHA's Director for Registration. Mr HERDINA will continue to contribute to ECHA's work under an unpaid active senior scheme, until April 2019.

Next meeting and closure

The Chair once again thanked the Austrian Presidency for hosting the meeting and noted that the next meeting of the Management Board is scheduled to take place from 13 to 14 December 2018 in Helsinki.

II. Documents submitted to the Management Board

Draft Agenda	MB/A/03/2018
Draft Minutes of the 50 th Meeting	MB/M/02/2018
Technical adoption of the ECHA work programme for 2019	MB/34/2018
Implementing Rules to the Staff Regulations	MB/35/2018
Election of the Chair of the Management Board	MB/36/2018
Confirmation of functions of the Executive Director	MB/37/2018
Chair report on the self-evaluation of the Management Board	MB/38/2018
Report from the Working Groups on Audit and Planning & Reporting	MB/39/2018
Review of the Policy for avoiding potential conflicts of interest	MB/40/2018
Amendment to the Programming Document 2018-2020 (poison centres searchable database)	MB/41/2018
Status of the follow-up of the REACH Review actions	MB/42/2018
Orientation debate in preparation of the Programming Document(s) 2019-22	MB/43/2018
Budget 2018: 1 st amending budget and notification of transfers	MB/44/2018
Appointment of Committee members	MB/45/2018
Quarterly Report on ECHA's Activities	MB/46/2018
Report from Written Procedures MB/WP/02-04/2018	MB/47/2018

III. Decisions taken/Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its 51st meeting (Decision 20/2018).
- Approved the minutes of its 50th meeting, with one amendment (Decision 21/2018).
- Technically adopted ECHA's work programme for 2019 (Decision 22/2018).
- Endorsed the application by analogy of a Commission decision on outside activities and assignments and on occupational activities after leaving the Service (Commission Decision C(2018)4048) (Decision 23/2018).
- Adopted Implementing Rules on Guidelines on whistleblowing (Decision 24/2018).
- Approved to request the Commission's agreement on revised Implementing Rules concerning the probationary period appraisal and managerial trial appraisal, annual appraisal and reclassification of the Executive Director and of the members of the Board of Appeal (ECHA/D/2018/4344).
- Elected Ms Sharon MCGUINNESS as the Chair for a second term of office, starting on 1 October 2018 (Decision 25/2018).
- Confirmed Mr Bjorn HANSEN in his functions as ECHA's Executive Director (Decision 26/2018).
- Confirmed that Mr Bjorn HANSEN has successfully completed the nine months management trial period (Decision 27/2018).
- Took note of the Chair's report on the outcome of her interviews with the Members of the Management Board and agreed on recommendations for follow-up actions.
- Took note of reports from its Working Groups Audit, Planning & Reporting and Board of Appeal.
- Provided input to the ECHA Secretariat's proposal for the revision of the ECHA Procedure for Prevention and Management of potential conflicts of interest and for ECHA guidelines for ensuring the independence of Member State services.
- Adopted an amendment to the ECHA Programming Document 2018-2020, section 1.2.4 'Classification and Labelling – Main actions and outputs of 2018' (page 59, 8th bullet point), on the basis of a European Commission request, to develop a database containing information relating to emergency health response arising from exposure to hazardous mixtures (Decision 28/2018).
- Took note of a status report from the ECHA Secretariat on the actions related to the REACH Refit Evaluation and to the evaluation of ECHA.
- Provided input to the preparation of the Programming Document(s) 2019-2021 and 2020-2022.
- Adopted the first amending budget for 2018, including the amended establishment plan and procurement plan and instructed the Executive Director to notify this decision to the Budgetary Authority, the Court of Auditors and the Commission and ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union (Decision 29/2018).
- Took note of the budget transfers carried out under the responsibility of the Executive Director since the last notification.
- Appointed one new member (Mihaela PRIBU (RO)) for the Committee for Risk Assessment (RAC) and two new members (Eimear LEAHY (IE) and Jenny JANS (SE)) for the Committee for Socio-economic Analysis (SEAC) (Decision 30/2018).
- Took note of the quarterly report on ECHA's activities in Q3/2018.
- Agreed on four follow-up actions to assess if further ongoing actions, in addition to the action plan agreed with the IAS, are warranted (Decision 31/2018).

- Took note of the positive outcome of the Written Procedures MB/WP/02-04/2018, held between 18 July 2018 and 14 August 2018.
 - o The Management Board adopted an amendment to the ECHA Programming Document 2018-2020 to integrate tasks under the revised Directive 2008/98/EC on Waste ('Waste Framework Directive').
 - o 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 EUCLEF project (on the establishment of an EU Chemicals Legislation Finder).
 - o The Management Board adopted an amendment to the procurement plan 2018 to include the above items and certain other procurement needs identified since the adoption of the initial procurement plan.
- Took note of an update from the ECHA Secretariat regarding the Agency's preparedness for the UK withdrawal.
- Took note of information regarding the recruitment process of the Chair of the Board of Appeal. Inform that the Commission published the vacancy notice in the Official Journal of the European Union on 21 August 2018 and the deadline for applications is 28 September 2018. The Commission will then establish a short list which will be transmitted to the Management Board which will appoint the Chair and alternate Chair.
- As recommended by the IAS in the audit report on CoI and before starting the interviews of the candidates by the Commission the procedures should be reviewed to further clarify the roles and responsibilities of the different actors. These should be agreed between ECHA secretariat, the Board of Appeal, the Management Board and the Commission.
- The Commission will inform the Management Board in the next meeting of the progress.

Agreed follow-up actions:

- The ECHA Secretariat will request the Commission's agreement on revised Implementing Rules concerning the probationary period appraisal and managerial trial appraisal, annual appraisal and reclassification of the Executive Director and of the members of the Board of Appeal.
- The ECHA Secretariat will support the Chair and the Deputy Chair of the Management Board to implement the recommendations for follow-up actions to the Management Board's self-evaluation.
- The ECHA Secretariat will take into account comments from the Management Board Members until 15 October 2018 concerning the review of the Policy for avoiding potential conflict of interest.
- The ECHA Secretariat will reply positively to the Commission's request to develop a database containing information relating to emergency health response arising from exposure to hazardous mixtures.
- The ECHA Secretariat will launch the Management Board written consultation of the Single Programming Document(s) 2019-2022. The written consultation will run for a period of three weeks, starting on week 39.
- The ECHA Secretariat will notify the first amending budget 2018 to the Budgetary Authority, the Court of Auditors and the Commission and ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union.

IV. List of attendees

Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-France RIHOUX	(BE)	
Bojan VIDOVIC	(HR)	
Anastassios YIANNAKI	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Henrik Søren LARSEN	(DK)	
Enda VESKIMÄE	(EE)	(also acting as a proxy of Hanna KORHONEN)
Marie-Laure METAYER	(FR)	
Jörg LEBSANFT	(DE)	
Kassandra DIMITRIOU	(EL)	(also acting as proxy of Krisztina BIRÓ)
Sharon McGUINNESS	(IE)	
Francesca GIANNOTTI	(IT)	
Judīte DIPĀNE	(LV)	
Paul RASQUE	(LU)	
Hans MEIJER	(NL)	(also acting as proxy of Ingrid BORG)
Lidia WAŚOWICZ	(PL)	(also acting as proxy of Marija TERIOSINA)
Ana Lilia MARTINS	(PT)	(also acting as proxy of Luminita TIRCHILA)
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
Kristel BERNAERTS

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER	EEB-BEUC – European Environmental Bureau/European Consumer Organisation
Peter SMITH	Cefic – European Chemical Industry Council

Observers from EEA/EFTA countries

Sigurbjörg SAEMUNSDOTTIR (IS)

Persons participating on behalf of Board members/observers

Aurelija BAJORAITIENE (on behalf of Marija TERIOSINA)

Other observers

Abdel EL-AMELI	European Commission
Cristina DE AVILA	European Commission

ECHA staff

Bjorn HANSEN	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Andreas HERDINA	(Director of Cooperation)
Jack DE BRUIJN	(Director of Risk Management)
Christel MUSSET	(Director of Registration)
Luisa CONSOLINI	(Director of Information Systems)
Shay O'MALLEY	(Director of Resources)
Wim DE COEN	(Head of Unit, Executive Office)
Frank BÜCHLER	(Management Board Secretary, Executive Office)
Gabriella CSEH	(Management Support Officer, Executive Office)
Timo RÖCKE	(Strategic Planning Officer, Executive Office)
Bo BALDUYCK	(Data Protection Officer, Executive Office)
Jenni HOLSTI	(Executive Office Board Assistant, Executive Office)

V. Amendment to the Draft Minutes of the 50th Management Board

Amendments to the draft minutes proposed by a representative of the Commission (DG GROW):

1. Agenda item B.2 Opinion on the final accounts 2017

~~Deletion~~ and **addition** of the following text:

A representative of the Commission emphasised that the observations on procurement and the organisational role of the accounting officer, if maintained in the final report, require due consideration and follow-up and ~~informed~~ **suggested that the IAC of the Agency Board members that the Commission will invite should ask** the Internal Audit Service **of the Commission** to bring forward in time its planned audit on procurement **foreseen in the IAS Strategic Internal Audit Plan 2018-2020 and offered the support of the Commission services if need be.**