

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

57th Meeting of the Management Board 19-20 March 2020

Key messages

- The Decision on the transfer of fees to Member States foresees a review in 2020, with a view to adopt a revised decision, applicable as of 1 January 2021.
- The Subgroup Finance, Audit and Risks (FAR) shall prepare a proposal for the September 2020 Management Board meeting. A favourable opinion from the European Commission will be required before the decision can enter into force.
- Key aspects of the revision will include: workload assumptions, the maximum proportion of fees to be transferred to Member States and the coefficients applied to Member States.

Background

The REACH Regulation¹ and the REACH Fee Regulation² foresee that the Management Board (MB) decides, after having obtained a favourable opinion of the Commission, the terms on which a proportion of the fees collected by ECHA shall be transferred to Member States, in particular to compensate for the rapporteur work in the area of restrictions, substance evaluation and authorisation.

The current MB Decision of December 2017³ foresees a review in 2020, with a view to adopt a revised Decision, applicable as of 1 January 2021. It is to be noted that the correction coefficients used currently reflect the latest country correction coefficients made available by the European Commission.

The Management Board subgroup Finance, Audit and Risks prepares the Management Board's decision on modalities and amount of the transfer of fees to Competent Authorities of the Member States⁴.

Rationale

For past Decisions, the Management Board considered that the amounts to be transferred should be fixed in compliance with the principle of economy, efficiency and effectiveness and at a level that ensures that the Agency continues to have available sufficient financial resources to undertake its tasks, having regard to budgetary appropriations and multiannual estimates of income, including the planned European Union subsidy. In fixing the amounts to be transferred account should be taken of the workload and related costs of the Competent Authorities of the Member States.

It is to be noted that, at present, the level of financial resources available for ECHA, as for all decentralised agencies, is not yet known for the period of the next Multiannual Financial Framework (MFF) 2021-2027. The evolution of this programming shall be taken into account for the revision, to the extent possible.

¹ Regulation (EC) N° 1907/2006

² Regulation (EC) N° 340/2008

³ Management Board Decision 46/2017 (ref. to document MB/36/2017)

⁴ See Terms of Reference of the subgroup, Management Board decision 62/2019

As a next step, the Secretariat will collect the relevant data and propose revised arrangements to the subgroup for review. The subgroup will, on this basis, prepare a proposal for the Management Board for its meeting in September 2020.

Attachment:

- Link to the currently applicable Decision:
https://echa.europa.eu/documents/10162/2792271/FINAL_MB_36_2017_Transfer_of_Fees_revised_decision_signed_at_MB48_en.pdf/235fdafe-6652-6c44-dc60-2412e504903c

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