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Public

RULES OF PROCEDURE

(Document adopted by the Management Board)

THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY

Having regard to Regulation (EC) N° 1907/2006 of the European Parliament and the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing the European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) N° 793/93 and Commission Regulation (EC) N° 1488/94 as well as Council Directive 76/769/EEC and Commission Directive 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC; and in particular Article 78 thereof,

Having regard to the EEA/EFTA Joint Committee Decision 25/2008 of May 2008 on REACH and the establishment of a European Chemicals Agency

HAS ADOPTED THESE RULES OF PROCEDURE

*Article 1
Composition*

1. The Management Board consists of one voting member from each Member State appointed by the Council, two voting members appointed by the European Parliament as well as three voting members and three non-voting members from interested parties appointed by the Commission.
2. The duration of the term of office shall be four years. The term of office may be renewed once. However, for the first mandate, the Commission identified half of its appointees, and the Council identified 12 of its appointees, for which this period will be six years.
3. The Management Board may also include one observer of each EEA-EFTA Member State appointed by the corresponding authorities for a maximum term of four years which may be renewed once. The Management Board *may* also include observers from accession countries to the European Union during the period preceding the accession and after signature of a Treaty of Accession.

*Article 2
Chair and Deputy-Chair*

1. The Management Board shall elect a Chair and a Deputy-Chair from among the members with voting rights. The Deputy-Chair shall automatically take the place of the Chair if he/she is prevented from attending his duties.
2. The term of office of the Chair and the Deputy-Chair shall be two years and shall expire when they cease to be members of the Management Board. The term of office shall be renewable once.
3. Nominations for Chair and Deputy-Chair shall be submitted in writing either by the candidate themselves or by other members of the Management Board. Candidates shall submit a document in support of their candidature at the time of the nomination.
4. The election shall be by secret ballot.
5. Two tellers shall be designated amongst the members to assist in the counting of the vote.
6. At each round, the candidate with the lowest number of votes shall withdraw. Rounds will run until one candidate receives two-thirds majority of favourable votes of the Management Board members.

3 (6)

7. If both the Chair and the Deputy-Chair are unable to attend a meeting, the meeting shall be chaired by the longest serving member of the Board or, in the event of equal length of service, by the oldest of the longest serving members.
8. If the office of Chair or Deputy-Chair falls vacant before the end of the term of office, the Deputy-Chair or Chair as the case may be shall convene a meeting to elect a successor, to be held within three month. The member then elected shall serve as Chair or Deputy-Chair for a full term of office or until the end of his membership of the Management Board whichever is earlier.

*Article 3
Meetings of the Management Board*

1. Meetings are held at least twice per year. The meetings of the Management Board shall be convened by invitation of its Chair in consultation with the Executive Director or, alternatively, at the request of at least one third of the Board members.
2. Meetings may be held virtually with members participating to the meeting through a remote connection.
3. Between any two meetings of the Board, urgent business may be submitted to the Board by convening an extraordinary Management Board meeting following the procedure set out in paragraph 1. In case of an extraordinary meeting the timelines related to the provision of documents and minutes to the members of the Management Board set by these Rules may be shortened.
4. The Executive Director shall take part in the meetings of the Management Board, without voting rights.
5. The Chairpersons of the Committees and the Chair of the Forum are entitled to attend the meetings of the Management Board without voting rights. Other staff of the Agency shall take part in the meetings at the discretion of the Executive Director.
6. When a member is prevented from attending a meeting, he/she may inform the secretariat of the Management Board at least five days before the meeting of a person of trust attending the meeting on his or her behalf without voting rights (*personne de confiance*).
7. Any other person may attend the meeting on invitation by the Chair in consultation with the Executive Director.
8. The Board may restrict at any time the attendance at a meeting for specific points on the agenda to members and persons of trust.

*Article 4
Agenda*

1. A provisional agenda shall be drawn up by the Chair in consultation with the Executive Director. It shall be forwarded to the members and observers at least two weeks prior to each meeting. The relevant material for agenda points subject to decision-making shall be forwarded at least fifteen calendar days before the meeting and at least twenty-one calendar days in case of items foreseen for automatic adoption. The agenda shall be adopted at the beginning of each meeting.
2. If the Board so decides, urgent questions may be added to the agenda at any time prior to the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.

*Article 5
Voting of the Management Board*

1. All decisions of the Management Board shall be adopted by a two-thirds majority of all voting members.
2. In addition to his/her own vote, each voting member may cast a maximum of two votes that he/she has received by proxy. The proxy shall be notified to the Chair at the latest at the beginning of the meeting and shall be recorded in the minutes.
3. Unless a secret ballot is requested by at least one-third of the voting members present, votes shall be taken by show of hands or, in case a meeting is held virtually, by means of an appropriate functionality of the remote conferencing system used. When appointing members of the Board of Appeal or the Executive Director, a secret ballot is used, which may be provided by means of an appropriate online tool.
4. When a Management Board meeting is held virtually and members are connected remotely, decisions taken by the Management Board may be confirmed in a written procedure or by way of members casting their votes using appropriate online voting tools. Exceptionally, in case a member of the Management Board temporarily faces difficulties to connect remotely, his/her vote may be cast via email before the voting is closed.

*Article 6
Quorum*

The quorum necessary for the meeting to be valid shall be achieved when at least two thirds of all voting members are present, connected remotely or represented by a proxy.

*Article 7
Decisions by written procedures*

1. Between two meetings of the Board, or in case of an inability to convene meetings, urgent business may be submitted to the Board by written procedure when an agenda point with an imminent deadline could not be concluded at the previous meeting or if a decision cannot be postponed until the next meeting.
2. When a Management Board meeting is held virtually, written procedures may be launched to confirm the decisions taken by the Management Board.
3. A written procedure shall be initiated by the Chair in consultation with the Executive Director. Draft decisions shall be addressed to members and, for information, to observers, after approval of the Chair. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
4. Votes shall be cast by return email sent to the secretariat of the Management Board or by online voting, if available, within ten working days, which can be extended by the Chair. When written procedures are launched pursuant to Article 7(2) of these Rules, the timelines for casting votes and raising objections may be shortened. The vote of any Board member with voting right who does not express his or her position will not be taken into account for determining the outcome of the procedure (no tacit agreement applies). Articles 5 and 6 apply mutatis mutandis.

5 (6)

5. Written objections shall be raised within ten calendar days unless otherwise specified depending on the urgency of the matter. In case of serious objections, the Chair in consultation with the Executive Director decides whether the written procedure should be suspended and convene an extraordinary Board meeting or whether the draft decision, together with the serious objections, should be re-circulated to all Board members. In that case, the deadline for adoption shall be seven calendar days.
6. A full report on the outcome of the written procedure shall be made the latest at the following meeting.

*Article 8
Minutes*

1. Minutes of each meeting shall as a general rule indicate in respect of each item:
 - (a) documents submitted to the Management Board;
 - (b) a summary record of the proceedings;
 - (c) the decisions taken or the conclusions reached by the Management Board;
 - (d) the list of attendees and
 - (e) a list of agreed follow-up actions.
2. The draft minutes shall be forwarded to members no later than four weeks after that meeting and at least ten calendar days prior to the next meeting.
3. The final text of the minutes shall be forwarded to the members after its approval.

*Article 9
Preliminary Conclusions*

Preliminary Conclusions shall be drawn up by the Executive Director within two working days after each meeting. They shall be approved by the Chair and submitted to the members. If no objections are received from Board members within two working days, the Chair will authorise the publication of the preliminary conclusions to the website.

The Preliminary Conclusions shall not constitute official records of the meetings.

*Article 10
Subgroups of the Management Board*

The Management Board may establish subgroups in order to prepare its decision making in specific areas of responsibility or provide advice on strategic areas within the Management Board's remit. The mandate, duration and composition of these subgroups shall be adopted by the Management Board.

The subgroups shall select a Chairperson from among its members, if this is not decided by the Management Board.

Article 11

Secretariat of the Management Board

The Executive Director shall be responsible for providing the secretariat for the Management Board.

*Article 12
Review*

The Management Board shall review these Rules of Procedure at least every two years and adopt amendments as necessary.

*Article 13
General provisions*

These Rules of Procedure shall replace the previous versions as adopted by the Management Board in June 2007 and subsequently amended¹.

The document shall be published on the ECHA website.

Done at Kilkenny on 26 June 2020,

For the Management Board

signed

Sharon McGuinness
Chair of the Management Board

¹ MB/02/2007 adopted on 29 June 2007, amended on 19 June 2008 (MB/47/2008), further amended on 30 September 2011 (MB/45/2011), on 28 September 2012 (MB/51/2012, updated on 29 September 2017 by way of document MB/39/2017) and on 13 December 2019 (MB/52/2019 final).