

The future of EU Agencies, and their role in EU policy implementation and development (*extraordinary MB session open to institutional partners and stakeholders*)

65th Meeting of the Management Board 29-30 March 2022

Proposal

Members of the Management Board (MB) are invited to follow a presentation from Mr Alex Brenninkmeijer, Member of the European Court of Auditors, and to hold an exchange of views.

Mr Brenninkmeijer is responsible for EU agencies within the Court of Auditors and has done extensive work researching and auditing EU decentralised agencies, including a special report on the future of EU agencies in 2020 (Annex 2).

The session will also be an opportunity to reflect on ECHA's contribution to policy implementation and development, and specifically the MB's statutory role therein, and compare it with the broader role and interest of the Member States and other stakeholders in EU policy development.

The extraordinary session will mark the closure of the last MB meeting with the participation of ECHA's 2nd Executive Director. Similarly to the last meeting with the 1st Executive Director in 2017, the occasion will be marked by opening this part of the meeting to a limited number of representatives from institutional partners and interested parties, who will be able to follow the discussion. As all MB meetings, the session will also be open to ECHA staff.

Background

Having focused in the past on the performance of individual agencies, the European Court of Auditors undertook in 2020 the first overall assessment of the conditions put in place by the EU to support all EU agencies in the delivery of policy for the benefit of citizens. The responsible member of the Court, Mr Alex Brenninkmeijer, will introduce the report with a specific focus on the role of the Management Boards and the stakeholders represented in the Boards.

The ECHA MB' role and responsibility are defined in legislation (REACH Article 78, see Annex 4) and further detailed in its own internal rules (Code of Governance, Rules of Procedure, Operating Framework). It is the governing body of ECHA. It has a supervisory role with general responsibility for budgetary and planning matters; the appointment of the Executive Director, the members and the Chair of the Board of Appeal and the reporting of ECHA's activities to EU institutions.

During recent MB discussions, several members expressed the wish to better understand the role of the MB in providing contribution to policy implementation, especially with respect to the boundaries between the MB's statutory role and its representative function. The presentation of Mr Brenninkmeijer and the session will allow to reflect on this issue and to gain a better understanding, which may help the MB in the future to focus its work.

For fostering dialogue with ECHA's stakeholder community, the Chair has decided to open the session to institutional partners and representatives of interested parties' organisations which are represented in the MB (industry, environmental and consumer NGOs and worker protection organisations).

A similar session was organised on the occasion of the last MB meeting with the participation of ECHA's 1st Executive Director in December 2017. In the same way as ECHA staff members, who can follow all MB meetings per internal web-stream, the non/MB participants in the extraordinary session will attend in an observing capacity. The session will have an informative character, no conclusions will be drawn.

Attachments:

- Annex 1: The unknown agents of European cooperation, and their future
- Annex 2: Future of EU agencies – Potential for more flexibility and cooperation
- Annex 3: Curriculum vitae of Alex Brenninkmeijer, Member of the European Court of Auditors
- Annex 4: Excerpt from REACH

For questions: mb-secretariat@echa.europa.eu

Annex 4: Excerpt from REACH

Regulation (EC) No 1907/2006 - Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) – excerpt

Article 78: Powers of the Management Board

The Management Board shall appoint the Executive Director pursuant to Article 84 and an accounting officer in accordance with Article 43 of Regulation (EC, Euratom) No 2343/2002. It shall adopt:

- (a)
by 30 April each year, the general report of the Agency for the previous year;
- (b)
by 31 October each year the work programme of the Agency for the coming year;
- (c)
the final budget of the Agency pursuant to Article 96 before the beginning of the financial year, adjusting it, where necessary, according to the Community contribution and any other revenue of the Agency;
- (d)
a multiannual work programme, which shall be regularly revised.

It shall adopt the internal rules and procedures of the Agency. These rules shall be made public.

It shall perform its duties in relation to the Agency's budget pursuant to Articles 96, 97 and 103.

It shall exercise disciplinary authority over the Executive Director.

It shall adopt its rules of procedure.

It shall appoint the Chairman, the members and alternates of the Board of Appeal in accordance with Article 89.

It shall appoint the members of the Agency committees as set out in Article 85.

It shall forward annually any information relevant to the outcome of the evaluation procedures in accordance with Article 96(6).