

Helsinki, 5 October 2016  
PUBLIC

## PRELIMINARY CONCLUSIONS

**43<sup>RD</sup> MANAGEMENT BOARD MEETING  
28-29 SEPTEMBER 2016, BRATISLAVA**

### Address of State Secretary of the Ministry of Economy of the Slovak Republic

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Mr Rastislav CHOVANEC, State Secretary of the Ministry of Economy welcomed the Management Board members in Bratislava, on behalf of the Slovakian Presidency of the Council of the EU.

#### 1. Election of a Chair and a Deputy Chair of the Management Board

Ms Sharon MCGUINNESS, the Irish Board member was elected as the new Chair of the Board, for her first term of office of two years, starting from 1 October 2016.

Mr Karel BLAHA the Czech Board member was re-elected as the Deputy Chair of the Board, for his second term of office, which will run until the end of his mandate as a member of the Management Board, in May 2017.

#### 2. Quarterly report on ECHA's activities

The Management Board received the quarterly report on ECHA's progress in reaching the 2016 Work Programme targets and congratulated the Secretariat for the solid performance, noting at the same time concerns related to the progress in achieving the targets in the areas of dossier evaluation and the Read-Across Assessment Framework.

#### 3. Delegation agreement for setting up an EU-wide observatory for nanomaterials

The Management Board was consulted on the draft delegation agreement that the Executive Director intends to sign with the European Commission to set up an EU-wide observatory on nanomaterials, and to undertake a feasibility study for an EU Chemicals Legislation Finder. The Commission foresees tasking ECHA with setting up the observatory as a complement to the changes in the REACH annexes which are expected to be adopted in the near future. The observatory is intended to collect and disseminate available information for various audiences on the nanomaterials, and their safety aspects.

Board members discussed the advantages and drawbacks of accepting the tasks, emphasising that this should not hinder the execution of ECHA's core mandate and that an in-depth review process needs to be put in place to appropriately monitor the operation of the observatory, in particular the adequacy of resources.

Concerns were also raised related to the quality of information that can be obtained and to not meeting the expectations in relation to transparency, labour safety and consumer products. An additional concern is that there might be legal impediments to using information from other data bases which the Commission anticipates to be a major source of information.

A number of members were supportive of ECHA taking on the tasks, discussing the potential synergies this task could create and on its impact on ECHA's long-term plans and visibility. Nevertheless, Members analysed and strongly highlighted the challenge for ECHA to build the observatory with limited resources, while potentially facing a wide range of expectations from stakeholders. It was welcomed that the ECHA Secretariat is analysing the challenges in order to manage expectations with clear communication and to avoid resources being taken from primary ECHA tasks. The Board concluded that, even recognising the risks, ECHA is the most appropriate body to host the observatory.

#### 4. ECHA Programming Document 2017-2019

The Management Board adopted ECHA's Programming Document for 2017-2019. The document combines the multiannual objectives and resource outlook with the activity planning and was prepared with the help of the Working Group on Planning and Reporting.

The document is based on the preliminary draft budget which was included in the first draft, adopted by the Management Board in December 2015 and subsequently sent to the European Commission in January 2016.

It was noted that the Human and Financial Resources planning will be reviewed in December 2016, following the adoption of the EU general budget and the subsequent adoption of the final ECHA budget and establishment plan. The procurement plan will also be submitted to the Management Board for approval in December.

The planned activities for 2017 focus, among others, on support to duty holders; the successful execution of ECHA's Integrated Regulatory Strategy; the approval of the first Biocidal Products Regulation (BPR) Union applications; and the continuation of the Biocidal Products Review Programme.

#### 5. Second amending budget 2016, amendment to the procurement plan and notification of budget transfers

The Management Board adopted the second amendment to ECHA's 2016 budget, including the corresponding amendment of the procurement plan and took note of the budget transfers carried out under the responsibility of the Executive Director.

With the amendment, the EU subsidy for 2016 was reduced by € 2.4 million and € 2.8 million for REACH and the BPR respectively. The EEA-EFTA contribution was reduced accordingly. The amended increased income from fees and charges reflects ECHA's latest best estimates (€ 31.1 million for REACH and € 7.4 million for the BPR). The total expenditure for REACH is reduced to € 100.5 million and increased to € 8.4 million for the BPR focused on further IT development.

#### 6. Pre-selection process for the post of the Executive Director – nomination of a Management Board observer

The Management Board appointed Mr Thomas JAKL (Austria) to act as an observer in the forthcoming pre-selection process for ECHA's next Executive Director.

#### 7. Participation of international organisations in ECHA's work

The Management Board approved the participation of UN sub-organisations, such as the International Agency for Research on Cancer, as observers in the work of ECHA, subject to agreement of the relevant committee and for specific cases as appropriate.

## 8. Appointment of Committee members

The Management Board renewed the mandates of Mr Norbert RUPRICH (Germany) and Mr Slawomir CZERCZAK (Poland) for the Committee on Risk Assessment and appointed Ms Luisa CAVALIERI (Italy) as a member of the Committee for Socio-Economic Analysis.

## 9. Implementing Rules for the EU Staff Regulations

The Management Board agreed to opt out from the Commission rules on the duration for recourse to non-permanent staff in the Commission services and to request the Commission's approval to opt-out from the Implementing Rules on teleworking to develop the new rules in the best interest of the staff.

## 10. Composition of Management Board Working Groups

The Management Board renewed the mandates of Ms Kassandra DIMITRIOU (Greece) and Mr Thomas JAKL (Austria) as members of the Working Group (WG) on audit matters and appointed Ms Nina CROMNIER (Sweden) as a member of the WG on Planning and Reporting and Audit. The Board also noted that the new Chair, Ms Sharon MCGUINNESS (Ireland), will discontinue her participation in the WG on Planning and Reporting, and will join the WG on audit matters, ex officio in her new function as Chair.

## 11. Other topics

The Management Board:

- received an update from its WG on the Board of Appeal.
- took note of a report on the review of the Rules of Procedure for co-operation with other EU bodies on matters related to food safety and worker protection, agreeing that no modifications to these rules are needed. At the same time, members expressed strong concerns on the current lack of co-operation between the Union bodies, especially with those in the area of worker protection, and emphasised the importance of efficient co-operation. ECHA recognized these concerns but noted they need to be addressed outside the Rules of Procedure.
- heard a refresher on ethics and integrity rules as set out in ECHA's policy for managing potential conflicts of interest and related documents.
- received the latest update on ECHA's building project from the Advisory Group established to follow the project.
- received information on the planning for the sixth Member State competent authorities' directors meeting, which will take place on 16-17 November 2016, in Helsinki. One day will be dedicated to the co-operation between Member States and ECHA in the field of the BPR. On the other day, directors will be invited to discuss strategic challenges in achieving the EU's international commitments related to chemicals safety and ECHA's future strategy.

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