

Minutes of the 54th meeting of the Management Board Held in Helsinki from 19 to 20 June 2019

I. Summary record of the proceedings

The Chair opened the meeting by welcoming members and in particular, the new Board members joining for the first time:

- Teodora VALKOVA (Bulgaria)
- Tasoula KYPRIANIDOU-LEONTIDOU (Cyprus)
- Magnus LØFSTEDT (Denmark)
- Sofia ZISSI (Greece)
- Donata PIPIRAITĖ-VALIŠKIENĖ (Lithuania)
- Anna GRACZYK (Poland)
- Claudia-Sorina DUMITRU (Romania)
- Helena POLAKOVIČOVÁ (Slovakia)

The Chair also welcomed Timo PESONEN, representing DG GROW, and pointed out that the mandate of the new Management Board Deputy Chair, Paul KRAJNİK¹ started on 1 June 2019.

The Chair further thanked Board members for their active participation in the Management Board workshop, which took place on 19 June 2019.

1. Agenda

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

- AP B.2 Draft opinion on the 2018 ECHA accounts, as prepared by the Working Group Audit on 18 June 2019.
- AP B.4 Revised Terms of Reference of the Conflict of Interest Advisory Committee (CoIAC), as prepared during the annual meeting of the CoIAC on 12 June 2019.
- AP B.5.b Report from the ad hoc group on the European Parliament Resolution on sodium dichromate AfA, as submitted on 12 June 2019 via S-CIRCABC.
- AP B.8.a An updated version of the document MB/36/2018 Implementation of audit recommendations will follow as a room document on 20 June 2019, after the next meeting of the Working Group on Board of Appeal.

The Chair explained that the Secretariat will provide an update on the upcoming peak in Applications for Authorisations under point B.5. The agenda of the meeting was then adopted on this basis.

During the course of the first meeting day, the Management Board decided to take agenda point B.6 Status and action plan on SME verification on the second meeting day, after point

¹ Elected during the 53rd meeting, see MB/M/01/2019.

² MB/A/03/2019.

B.8 Board of Appeal. The order of these [draft] minutes reflect that in which the points were taken.

2. Declaration of specific interests

The Chair informed Management Board members that she has reviewed, together with the Secretariat, the members', observers', persons of trusts' and the Executive Director's declarations of interest in accordance with the ECHA procedure for the Prevention and Management of potential Conflicts of Interest (CoI)³.

She concluded, based on the declarations, that there is no need for specific restrictions with respect to the agenda of this 54th Management Board meeting. She furthermore thanked all new Board members for having submitted their declarations on time before joining the Board meeting.

The Chair then 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 Chair reminded members of the importance of keeping their declarations up to date and invited them to regularly check their declarations for completeness.

3. Minutes of the 53rd Management Board meeting

The public draft minutes of the 53rd Management Board meeting⁴, held from 28 to 29 March 2019 in Helsinki, were adopted.

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

The Executive Director will submit the General Report 2018 to the Member States and European Institutions, as required, by 30 April 2019.	Done
The Executive Director will forward the Consolidated Annual Activity Report 2018, together with its assessment, to the Court of Auditors, to the Commission, to the European Parliament and to the Council no later than 1 July 2019.	Done
The Secretariat will submit the adapted draft estimate of revenue and expenditure / budget request 2020 to the Commission.	Done
The Secretariat will submit the technical version of the Programming Document 2020-2022 to the Commission, for officially seeking its opinion thereon.	Done
The Chair will call for an extraordinary meeting of the Management Board to appoint the new Chairman of the Board of Appeal.	Done, 15 April 2019
The Secretariat will schedule a further meeting for the ad hoc Working Group on the EP Resolution on sodium dichromate.	Done, see B.5.b
The Secretariat will support the Chair in proposing improvements for the work of the Management Board sub-groups.	Done, see B.9

³ ECHA Policy on the Prevention and Management of potential Conflicts of Interest PRO-0067.04.

⁴ MB/M/01/2019.

The Secretariat will support the Chair, Deputy Chair and interested Board members in implementing the four groups of actions arising from the Management Board's self-evaluation and, together with the Chair, report back regularly to Board meetings.

Done,
see B.9

4. Minutes of the Extraordinary Management Board meeting

The highly restricted draft minutes of the Extraordinary Management Board meeting⁵, held on 15 April 2019 in Brussels, were adopted.

The Chair also explained that the follow-up actions of that meeting have been concluded.

A. Points for automatic adoption

A.1 Implementing Rules to the Staff Regulations

The Management Board adopted two sets of ECHA Implementing Rules⁶ :

1. Governing the conditions of employment of contract staff employed under the terms of Article 3a of the Conditions of Employment of Other Servants of the European Union and
2. On types of post and post titles.

In this context, the Management Board took note of the Commission's agreement to the adoption of the ECHA Implementing Rules concerning the probationary period appraisal, managerial trial appraisal and annual performance appraisal of the Executive Director and the members of the Board of Appeal. These rules⁷ thus entered into force on 17 April 2019 and will be applied to the newly-appointed Chair of the Board of Appeal when he enters the service at ECHA on 16 August 2019.

A.2 Internal rules on restriction of data protection rights

The Management Board adopted internal rules⁸ concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Chemicals Agency.

In response to questions from Board members, the Secretariat provided information on cases where such temporary restrictions may be necessary. These concern certain sensitive procedures of internal administration of ECHA, e.g. inquiries, investigations, whistleblowing procedures, complaints, harassment-related procedures. The adopted internal rules follow a common template of all EU agencies and have been agreed with the European Data Protection Supervisor (EDPS).

B. Points for discussion/decision

B.1 Reports from the Working Groups

a) Report from the Working Group Planning and Reporting

The Management Board took note of an oral report from its Working Group on Planning and Reporting, which met on 28 May 2019, for the first time under the chairmanship of Paul KRAJNIK. The Working Group prepared the Management Board discussion on the

⁵ MB/M/02/2019.

⁶ MB/26/2019.

⁷ MB/36/2018, adopted in December 2018.

⁸ MB/27/2019.

revised ECHA Financial Regulation (see under point B.3), on the REACH Review implementation (see under point B.5) and the Management Board workshop (19 June 2019).

The Working Group also reviewed the proposed Performance Management Model for Strategic Priority 1, the reputation management of the Agency and received an update on potential new tasks for ECHA. The Management Board noted that pre-on-boarding discussions are on-going with the Commission concerning the Drinking Water Directive⁹ and the Water Framework Directive¹⁰ and with the European Food Safety Authority (EFSA) concerning the use of IUCLID for plant protection products.

With regards new tasks, Board members emphasised the importance of securing appropriate financial and human resources already during the legislative process, in order to avoid difficulties in implementation. A representative of the Commission confirmed that this will be duly taken into account for potential new tasks and for the tasks under the Waste Framework Directive, for which sufficient resources will be proposed under the new MFF, to the extent possible.

b) Report from the Working Group Audit

The Management Board took note of an oral report from its Working Group Audit, which met on 18 June 2019 and selected its new Chair, Krisztina BIRO. The Working Group prepared the Management Board discussion and decisions with regards the Opinion on the final accounts 2018 (see point B.2) and the Status and action plan on SME verification (see point B.6). In addition, the Working Group heard the annual report of the Internal Audit Capability and received information on on-going audits and follow-up processes.

B.2 Opinion on the final accounts 2018

The Management Board took note of ECHA's final accounts for 2018 and adopted its opinion thereon¹¹, taking into account the recommendation made by its Working Group Audit.

With regards the final accounts 2018, the Secretariat answered Board members' questions regarding the decreased budget outturn, which is mainly due to more accurate fee income forecasting; increased staff costs, which are due to the increased pension contribution coefficient; and the use of a single bank, which is standard practice for EU agencies maintaining no excess cash balances, and used for internal control purposes.

The Management Board also took note of the comments in the Court of Auditors' preliminary observations and ECHA's draft replies thereto. These preliminary observations do not call into question the Court's opinion that the accounts of the Agency are legal and regular in all aspects. The Management Board nevertheless pointed out that the comments require further dialogue between the Court and ECHA and asked the Secretariat to circulate the final report, when it becomes available. The Management Board also noted the fact that its opinion may only be based on the preliminary observations and not the final report of the Court.

The first comment in the Court of Auditors' preliminary observations referred to the lack of a sensitive posts policy, which is a horizontal issue for a number of EU agencies and ECHA will consider introducing such a policy, if and when appropriate.

The second comment referred to the long-term financing of ECHA and the need for a new, viable financing model in light of the risk that the stable expenditure, and much less predictable revenue, may pose on ECHA's operations and budget implementation. In its opinion on the accounts, the Management Board decided to call on the Secretariat and the Commission to assess such a financing model, in line with the REACH Review.

⁹ Proposal for a Directive of the European Parliament and the Council on the quality of water intended for human consumption (recast) COM/2017/0753 final - 2017/0332 (COD).

¹⁰ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

¹¹ MB/28/2019.

The third comment referred to an IT procurement and the comment is under revision by the Court of Auditors, after having accepted factual corrections from ECHA. A representative of the Commission pointed out that this is the second time that the Court makes reference to procurement contracts and suggested to ask the Commission's Internal Audit Service (IAS) to advance its planned audit on procurement.

The Executive Director will submit the final accounts, together with the Management Board's opinion, to the Commission's Accounting Officer, the Court of Auditors and the budgetary authority by 1 July 2019.

B.3 ECHA's Financial Regulation

The Management Board adopted ECHA's new Financial Regulation¹², which enters into force on the day following its adoption but shall apply from 1 January 2019, except for Articles 32 and 48, which apply from 1 January 2020. This new Financial Regulation repeals the previous ECHA Financial Regulation¹³ with effect from 1 July 2019, except for its Articles 32 and 47, which will continue to apply until 31 December 2019.

The budgetary authority adopted the new General Financial Regulation applicable to the general budget of the European Union in July 2018¹⁴ and the Commission adopted the new Framework Financial Regulation for EU Agencies in December 2018¹⁵. ECHA's new Financial Regulation follows this model, with the exception of two issues, where ECHA requested derogations from the Commission. These are the requirement to divide the budget and implementing transactions across the regulations for the administrative titles of the budget, and a proposal to transfer ECHA's fee income, as collected by ECHA, to the Commission, wherein the Commission would finance ECHA's expenditure budget with a fixed annual subsidy.

The Management Board took note of ECHA's derogation requests and the Secretariat explained the rationale behind them: decreasing the administrative burden and addressing the issue of uncertain fee income. It was further explained that the requested derogations would not impact transparency negatively and rigid reporting requirements would remain. The Chair concluded that in the event that the Commission consents to the proposed derogations and amendment(s) to the Financial Regulation become necessary, the adoption takes place in a Management Board meeting and not via a written procedure.

B.4 Conflict of Interest Advisory Committee (CoIAC) Terms of Reference

The Management Board adopted the revised Terms of Reference for the Conflict of Interest Advisory Committee (CoIAC)¹⁶.

The CoIAC held its annual meeting on 12 June 2019 and agreed on the revised Terms of Reference. The changes made are to reflect ECHA's new Conflict of Interest Policy¹⁷, as well as the review of CoIAC's working and reporting methods. The revised Terms of Reference are published on ECHA's website¹⁸.

¹² MB/29/2019.

¹³ Ref. MB/WP/03/2014, Decision 03/2014.

¹⁴ Official Journal, OJ L 193, 30.7.2018, p.1.

¹⁵ Official Journal, OJ L 122, 10.5.2019, p. 1-38.

¹⁶ MB/30/2019.

¹⁷ ECHA Policy on the Prevention and Management of potential Conflicts of Interest PRO-0067.04.

¹⁸ See under

https://echa.europa.eu/documents/10162/13608/echa_conflicts_terms_of_reference_en.pdf/c522d430-edb2-4afd-8651-c9d2e0676d7b.

B.5 REACH Review implementation

The Management Board took note of the status of implementation of the REACH Review actions¹⁹. Two key actions for 2019 concern evaluation (action 2) and authorisation (actions 7 and 10).

a) REACH Evaluation Action Plan

The Management Board welcomed the Commission-ECHA REACH Evaluation Joint Action Plan²⁰ – Ensuring compliance of REACH Registrations.

The Secretariat explained that ECHA aims to screen all registration dossiers submitted by the 2018 deadline: by 2023 for substances registered over 100 tonnes per year and by 2027 for substances in the tonnage band 1-100 tonnes per year. For high tonnage substances, ECHA will conclude by the end of 2020 whether they are a priority for risk management, for data generation or currently of low priority for further action. ECHA will start to evaluate 20 % of registration dossiers in each tonnage band, which means that approximately 30 % of all registered chemicals will be checked.

The Secretariat pointed out that these targets are highly challenging and require efforts from all parties. ECHA will organise its work by groups of substances and increase the decision drafting speed by using clearer and standardised texts. The decision-making time will need to be reduced and it is proposed that the MSC focusses its discussions on policy lines and differences of views rather than on case-by-case proposals for amendments. Referrals to Member States will be gradually done continuously, e.g. on a monthly basis (as opposed to in batches). Enforcement is also key for success and its efficiency needs to be communicated to all stakeholders in a transparent manner. Industry's cooperation is indispensable as well, as the data needs to be provided (and generated) by duty-holders.

Board members thanked ECHA and the Commission for the joint efforts. A Commission representative confirmed that it is planned to make swift progress on the implementing acts referred to in the action plan (including the one on the 20% compliance check target). A Board member representing interested parties informed that industry is ready to take its responsibility and called for increased efforts in enforcement in order to ensure a level playing field for the European chemicals industry with its global competitors.

Board members exchanged views on the challenges of enforcement and recognised that it will be a key factor in the success of the action plan. They called for transparency in the implementation of the action plan and pointed out that it is important to provide incentives for compliance and have appropriate consequences in place for non-compliance. In this context, the Secretariat explained that they are looking into the legal feasibility of revoking registration numbers at the request of, and to support the actions taken by, Member States' enforcement authorities, and will inform the Management Board when further details are available.

Board members expressed concern regarding the action plan's effect on ECHA's resources and asked which activities will be reduced or stopped and which objectives will not be met due to re-allocating human resources to this activity. The Secretariat explained that the internal reprioritisation process is on-going and the Management Board's input will be sought in September and December 2019, as part of establishing the work programme of ECHA. The Management Board will be further informed of the progress of the implementation of the action plan under the updates on REACH Review implementation.

¹⁹ MB/31/2019.

²⁰ MB/32/2019.

b) Report from the ad hoc group on the European Parliament Resolution on sodium dichromate AfA

The Management Board took note of the Secretariat's summary²¹ of the work of the ad hoc group on the European Parliament Resolution on sodium dichromate AfA since its last report in March 2019²² and of the improvement actions proposed by the Secretariat. In this context, the Management Board also took note of an update and overview of recent Court cases in relation to applications for authorisation.

The Secretariat outlined its proposal to improve the authorisation process. The new formats for applications for authorisation will require applicants to provide a substitution plan in their application if there are suitable alternatives available in general, but they are not yet feasible for the applicant. The RAC and SEAC opinion formats will be revised, which will help to clarify the boundaries between scientific opinion-making by ECHA's committees and the decisions by the Commission. The opinion texts will be standardised to help rapporteurs build up more consistent and concise opinions.

The ad hoc group discussed these proposals during its meeting of 28 May 2019 and considered that they go in the right direction and will contribute to aligning ECHA's scientific opinions to the Court judgements. Remaining open issues are being discussed either within the Commission or between ECHA and the Commission. These concern the division of responsibilities between ECHA's committees and the Commission (in terms of assessing and comparing risks and benefits), the assessment of the suitability of alternatives and the necessity of a substitution plan. Board members asked for regular updates on these open questions and called on the Commission and ECHA to make swift progress, and at the same time, they recognised that the proposed improvements need to be implemented fast, particularly in light of the upcoming peak in applications for authorisations.

Board members also asked the Secretariat and the Commission to communicate clearly and extensively to all stakeholders on the way forward and changes in requirements. This should include the update of the guidance on authorisation, in due course.

In conclusion, Board members thanked the ad hoc group for its work, and acknowledged that they have received sufficient assurance that the proposed actions go in the right direction and will contribute to aligning ECHA's operations with the Court judgments. The Management Board will be informed about the progress of the implementation of these actions via the regular item on REACH Review implementation, which is to be foreseen in the agenda of every Board meeting in the future.

c) Coping with the peak of applications

The Management Board took note of an oral update from the Secretariat on the upcoming peak in applications for authorisations and its consequences on ECHA's scientific committees, whereby more than one hundred opinions will need to be delivered by RAC and SEAC in 2019-2020. This carries an operational and reputational risk for ECHA and the Secretariat outlined its coping approach, which includes grouping similar applications to the same rapporteurs and Secretariat authorisation teams to gain efficiency, using standardised model opinions to reduce drafting time, adding additional meetings and allocating extra staff to the activity (which is challenging due to the simultaneous peak and therefore limited resources in restrictions).

The Secretariat will propose a plan on how to spread the peak to the 55th Management Board meeting in September 2019. In addition, the Secretariat underlined that more RAC and SEAC members will need to take up roles as rapporteurs.

²¹ MB/33/2019.

²² See MB/M/02/2019, point B.8.

B.7 Appointment of Committee members

The Management Board appointed²³ one new member (PEĆZKOWSKA Beata) for the Committee of Risk Assessment (RAC) and four new members (NIKOVA Julieta, THIERRY-MIEG Morgane, ANTONIADOU Sofia, MÅGE Marit) for the Committee for Socio-economic Analysis (SEAC).

In addition, the Management Board renewed the membership of 13 RAC members (SOGORB Miguel A., LEINONEN Riitta, PRINTEMPS Nathalie, VARNAI Veda, BIRO Anna, PARIS Pietro, KADIKIS Normunds, UŽOMECKAS Žilvinas, DUNAUSKIENE Lina, BJØRGE Christine, LUND Bert-Ove, MENARD SRPČIĆ Anja, SCHULTE Agnes), as well as that of 11 SEAC members (FANKHAUSER Simone, COGEN Simon, URBAN Klaus, FOCK Lars, KIISKI Johanna, BRIGNON Jean-Marc, CAVALIERI Luisa, SCHUCHTAR Endre, JANSSEN Martien, ZAMFIR Stefan, KRAJNC Karmen).

Following these (re-)appointments, RAC will have 57 members (including 5 co-opted members) and SEAC will have 41 members (including 5 co-opted members).

B.8 Board of Appeal [*in camera*]

Separate, highly restricted draft minutes²⁴ have been prepared for this part of the Management Board meeting.

a) Follow-up of audit recommendations

The Management Board held an exchange of views and took a decision with regards to certain follow-up actions to audit recommendations.

b) Annual report from the Working Group on the Board of Appeal

The Management Board took note of the annual report from its Working Group on the Board of Appeal²⁵.

The Management Board appointed the members of its selection group for the appointment of technically qualified alternate/ additional members of the Board of Appeal²⁶. The selection group will be composed of Kestutis SADAUSKAS (European Commission), Marie-Laure METAYER and Oscar GONZALEZ SANCHEZ.

The Management Board noted that it will be necessary to appoint a new Reporting Officer for BoA members. The new composition of the BoA Reporting Officers group will be confirmed in the September 2019 meeting.

B.6 Status and action plan on SME verification

The Management Board took note of ECHA's SME verification state-of-play to date, and endorsed the approach proposed by the Secretariat for the future SME size verification²⁷.

The Secretariat will maintain the current verification rate and gradually reduce the time gap between dossier submission and start of SME verification from the current 5, to 3 years on average. The verifications of the 2018 deadline related SME registrants will be completed by end of 2023. The Secretariat will perform the verification of 60 % of all SME registrants with registrations above 10 tonnes. SME registrants will be verified in batches to maximise efficiency. The effectiveness of the activity will be increased due to the targeted selection of registrants for the SME verification: the size of the declarant will be considered along with prioritisation and financial significance criteria, where priority is

²³ MB/35/2019.

²⁴ MB/M/03/2019 highly restricted, uploaded to S-CIRCABC on 16 July 2019.

²⁵ MB/37/2019.

²⁶ Call for expression of interest in the appointment as technically qualified alternate/additional members of the Board of Appeal of the European Chemicals Agency (2019/C 104/05) OJ C 104, 19.3.2019, p. 5–9.

²⁷ MB/34/2019.

given to SMEs with several dossiers submitted for higher tonnage and which, consequently, generated higher income.

A Board member invited the Secretariat to consider targeted communication to SME registrants on their obligations and the verification activity. The Management Board also noted that its Working Group on Audit will be informed later in 2019 about the outcome of the on-going pilot project on the outsourcing and further analyses of the verification activity and will, in this context, consider the added value of a potential audit of the verification activity.

B.9 Management Board Code of Governance and subgroups

The Management Board decided to postpone this agenda item to its 55th meeting, to be held on 26-27 September 2019. The Chair invited Board members to submit written comments on the documentation to the Secretariat before the next meeting.

B.10 Quarterly report on ECHA's activities

The Management Board took note of the report²⁸ on ECHA's progress in implementing the 2019 Work Programme.

A short exchange of views followed, where the Secretariat provided brief answers to Board members' questions regarding potential new tasks for ECHA under the Water Framework and Drinking Water Directives and the challenges in analysing the feasibility of revoking registration numbers. The Secretariat will provide further answers in writing.

A Board member furthermore proposed that the Management Board discusses ECHA's tasks in a global perspective. The Secretariat proposed that such a discussion takes place under that on ECHA's approach to international activities, which will be scheduled for the 55th Management Board meeting on 26-27 September 2019.

C. Points for information

C.1 Discharge 2017 recommendations

The Management Board took note of the European Parliament resolution of 26 March 2019²⁹ with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Chemicals Agency for the financial year 2017.

C.2 Report from the Advisory Group on ECHA's future building

The Management Board took note of an oral report from its Advisory Group on ECHA's future building. The Advisory Group visited the construction site of ECHA's new building on 20 June 2019 and confirmed that the future building project is progressing according to the plans. The Secretariat confirmed that the new building will respect the highest environmental standards.

C.3 Notification of budget transfers

The Management Board took note of the budget transfers³⁰ carried out under the responsibility of the Executive Director since the last notification in March 2019. The budget transfers will be published on ECHA's website.

²⁸ MB/18/2019.

²⁹ 2018/2198(DEC) available at https://www.europarl.europa.eu/doceo/document/TA-8-2019-0264_EN.html.

³⁰ MB/40/2019.

C.4 Publication of individual tonnage band of registrants

The Management Board took note of an update on ECHA's approach for the dissemination of tonnage bands. A Board member appointed by the Commission to represent interested parties pointed out that this topic was discussed, but not concluded, in the Advisory Group on Dissemination and he asked the Secretariat to not only describe the current state of play, but also address requests from certain stakeholders regarding increased transparency and the publication of the total tonnage band of each individual registrant. Another Board member representing interested parties did not support this request. The Secretariat took note of these comments and will report back to the Management Board at an appropriate time.

5. Any other business

Cefic Mid-Century Vision for the chemicals industry

The Management Board took note of information on the upcoming publication of Cefic's Mid-Century Vision for the chemicals industry, as provided by a member appointed by the Commission to represent interested parties.

Next meeting and closure

The Chair thanked participants and noted that the next meeting of the Management Board is scheduled to take place from 26 to 27 September 2019 in Helsinki. She also announced that the 59th meeting is scheduled to take place in Bonn, Germany, in September 2020 and the 63th meeting in Slovenia, in September 2021.

II. Documents submitted to the Management Board

Draft Agenda	MB/A/03/2019
Draft Minutes of the 53 rd Meeting (not highly restricted parts)	MB/M/01/2019
Draft Minutes of the Extraordinary Meeting (15 April 2019)	MB/M/02/2019
Implementing Rules to the Staff Regulations	MB/26/2019
Internal rules on restriction of data protection rights	MB/27/2019
Opinion on the final accounts 2018	MB/28/2019
ECHA's Financial Regulation	MB/29/2019
Conflict of Interest Advisory Committee (CoIAC) Terms of Reference	MB/30/2019
REACH Review implementation	MB/31/2019
REACH Evaluation Action Plan	MB/32/2019
Report from the ad hoc group on the European Parliament Resolution on sodium dichromate AfA	MB/33/2019
Status and action plan on SME verification	MB/34/2019
Appointment of Committee members	MB/35/2019
Follow-up of audit recommendations	MB/36/2019
Annual report from the Working Group on the board of Appeal	MB/37/2019
Management Board Code of Governance and subgroups	MB/38/2019
Quarterly report on ECHA's activities	MB/39/2019
European Parliament decision of 26 March 2019 on discharge in respect of the implementation of the budget of the European Chemicals Agency (ECHA) for the financial year 2017	P8_TA- PROV(2019)0264
Notification of budget transfers	MB/40/2019
Publication of individual tonnage band of registrants	MB/41/2019

III. Decisions taken/Conclusions reached by the Management Board

The Management Board:

- Adopted the agenda for its 54th meeting (Decision 23/2019), with one addition.
- Approved the minutes of its 53rd meeting (Decision 24/2019) and its extraordinary meeting held on 15 April 2019 (Decision 25/2019).
- Adopted Implementing Rules (IR) governing the conditions of employment of contract staff employed under the terms of Article 3a of the Conditions of Employment of Other Servants of the European Union (Decision 26/2019).
- Adopted Implementing Rules on types of post and post titles (Decision 27/2019).
- Took note of the Commission's agreement to the adoption of the ECHA IR concerning the probationary period appraisal, managerial trial appraisal and annual performance appraisal of the Executive Director and the members of the Board of Appeal (MB/36/2018), which thus entered into force on 17 April 2019.
- Adopted internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Chemicals Agency (Decision 28/2019).
- Took note of a report from its Working Group Planning and Reporting.
- Took note of a report from its Working Group Audit and of the selection of its new Chair, Krisztina BIRO.
- Took note of ECHA's final annual accounts for the financial year 2018, the preliminary observations of the European Court of Auditors thereon and adopted its opinion on the final annual accounts for 2018 (Decision 29/2019).
- Adopted ECHA's new Financial Regulation, which applies from 1 January 2019, except for articles 32 and 48 (Decision 30/2019).
- Adopted revised Terms of Reference for the Conflict of Interest Advisory Committee (CoIAC) (Decision 31/2019).
- Took note of the status of implementation of the REACH Review actions.
- Welcomed the ECHA-Commission Joint REACH Evaluation Action Plan.
- Took note of the outcome of the work of the ad hoc group on the European Parliament Resolution on sodium dichromate AfA and acknowledged that the proposed actions to improve the authorisation process go in the right direction and will contribute to aligning ECHA's operations with the Court judgments.
- Took note of an update from the Secretariat on the upcoming peak in Applications for Authorisations and its consequences on ECHA's scientific committees
- Appointed new members to the Committee of Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) and renewed the mandates of a number of their members (Decision 33/2019).

RAC new member	PĘCZKOWSKA Beata (PL)
RAC renewals	SOGORB Miguel A. (ES) LEINONEN Riitta (FI) PRINTEMPS Nathalie (FR) VARNAI Veda (HR) BIRO Anna (HU) PARIS Pietro (IR)

	KADIKIS Normunds (LV) UŽOMECKAS Žilvinas (LT) DUNAUSKIENE Lina (LT) BJØRGE Christine (NO) LUND Bert-Ove (SE) MENARD SRPČIČ Anja (SI) SCHULTE Agnes (SI)
SEAC new members	NIKOVA Julieta (BG) THIERRY-MIEG Morgane (FR) ANTONIADOU Sofia (GR) MÅGE Marit (NO)
SEAC renewals	FANKHAUSER Simone (AT) COGEN Simon (BE) URBAN Klaus (DE) FOCK Lars (DK) KIISKI Johanna (FI) BRIGNON Jean-Marc (FR) CAVALIERI Luisa (IT) SCHUCHTAR Endre (HU) JANSSEN Martien (NL) ZAMFIR Stefan (RO) KRAJNC Karmen (SI)

- Took a decision in connection to the follow-up of certain audit recommendations (Decision 35/2019).
- Took note of the annual report from its Working Group on the Board of Appeal.
- Appointed the selection group for the appointment of the Alternate/Additional Technically Qualified Member(s) of the Board of Appeal: Kestutis SADAUSKAS, Oscar GONZALEZ SANCHEZ and Marie-Laure METAYER (Decision 34/2019).
- Decided to postpone agenda point B.9 Management Board Code of Governance and subgroups to its 55th meeting, to be held on 26-27 September 2019.
- Took note of the current status of ECHA's SME verification activity and endorsed the proposed approach for the future size verification (Decision 32/2019).
- Took note of the quarterly report on ECHA's activities.
- Took note of the European Parliament decision of 26 March 2019 on discharge in respect of the implementation of the budget of the European Chemicals Agency (ECHA) for the financial year 2017.
- Took note of a report from its Advisory Group on ECHA's building project.
- Took note of the budget transfers carried out under the responsibility of the Executive Director since the last notification in March 2019.
- Took note of information from the Secretariat on ECHA's dissemination practice of tonnage bands.

- Took note of the information on the “Cefic Mid-Century Vision for the chemicals” industry from the person participating on behalf of its member appointed by the Commission to represent interest parties.

Agreed follow-up actions:

- The Secretariat will submit ECHA’s final accounts 2018 and the Management Board’s opinion thereon to the Accounting Officer of the Commission, the Court of Auditors, the European Parliament and the Council.
- The Secretariat will circulate the final report of the Court of Auditors on the annual accounts of ECHA for 2018 when it becomes available.
- The Secretariat will regularly report to the Management Board on the status of implementation of the REACH Review actions.
- The Management Board Chair will, with the support of the Secretariat and in close cooperation with the Working Group Board of Appeal, implement the Management Board decision 35/2019.
- The Secretariat will inform the Working Group on Audit about the outcome of the on-going pilot project on outsourcing the SME verification activity, of the on-going analysis of the use of interims and of the benchmarking currently being performed with other agencies.
- The Secretariat will schedule for the 55th Management Board meeting a discussion on, and potential adoption of, the Management Board Code of Governance and the composition of its subgroups. Board members are invited to submit written comments in advance.

IV. List of attendees

Representatives of the Member States

Paul KRAJNIK	(AT)	(Also acting as proxy to F. Giannotti (IT))
Anne-France RIHOUX	(BE)	
Teodora VALKOVA	(BG)	
Bojan VIDOVIC	(HR)	
Tasoula KYPRIANIDOU- LEONTIDOU	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Magnus LØFSTEDT	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONEN	(FI)	
Marie-Laure METAYER	(FR)	(Also acting as proxy to A. Vorwerk (DE) and O. Martin (EP))
Sofia ZISI	(EL)	
Sharon McGUINNESS	(IE)	(Also acting as proxy to K. Bernaerts (EP) and 20/6 11:30 onwards to T. Valkova (BG))
Judīte DIPĀNE	(LV)	
Donata PIPIRAITE- VALISKIENE	(LT)	
Paul RASQUE	(LU)	
Ingrid BORG	(MT)	
Hans MEIJER	(NL)	(Also acting as proxy to K. Biro (HU) and L. Martins (PT))
Anna GRACZYK	(PL)	
Claudia-Sorina DUMITRU	(RO)	
Helena POLAKOVICOVA	(SK)	
Alojz GRABNER	(SI)	
Oscar GONZALEZ SANCHEZ	(ES)	
Lisa ANFÄLT	(SE)	
Keith BAILEY	(UK)	

Representatives of the European Commission

Kestutis SADAUSKAS	(Also acting as proxy to S. Jülicher (DG SANTE))
Timo PESONEN	

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER	EEB-BEUC – European Environmental Bureau/European Consumer Organisation
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Observers from EEA/EFTA countries

Sverre-Thomas JAHRE (NO)

Persons participating on behalf of Board members/observers:

Marco MENSINK (on behalf of Peter SMITH)
Gertraud LAUBER (on behalf of Esther LYNCH)
Eike KLAPPER accompanying Timo PESONEN
Klaus BEREND (on behalf of Sabine JULICHER (DG SANTE))

Other observers

Abdel EL-AMELI
Cristina DE AVILA

European Commission
European Commission

ECHA staff

Bjorn HANSEN	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Jack DE BRUIJN	(Director of Prioritisation and Integration)
Christel MUSSET	(Director of Hazard Assessment)
Luisa CONSOLINI	(Director of Information Systems)
Shay O'MALLEY	(Director of Resources)
Peter VAN DER ZANDT	(Director of Risk Management)
Minna HEIKKILÄ	(Head of Unit, Legal)
Wim DE COEN	(Head of Unit Hazard II – replacing C. MUSSET on 20/6)
Frank BÜCHLER	(Head of Unit, Governance, Strategy and Relations)
Gabriella CSEH	(Management Board Secretary, Governance, Strategy and Relations unit)
Timo RÖCKE	(Strategic Planning Officer, Governance, Strategy and Relations unit)

(Staff attending specific agenda items)

Tomas ÖBERG	(Chair, Committee for Socio-Economic Analysis)
Tiago PEDROSA	(Head of Unit Submission and Processing)
Tuula HAKALA	(Head of Finance Unit)
Simos BOURSALIAN	(Accounting Officer, Finance Unit)
Henri ALATALO	(Budget Officer, Finance Unit)
Bo BALDUYCK	(Data Protection Officer, Governance, Strategy and Relations unit)