

Minutes of the 58th meeting of the Management Board

Held from 17 to 18 June 2020 via remote connection

I. Summary record of the proceedings

The Chair opened the meeting by welcoming participants to the third remote meeting of the Management Board.

The Chair then provided a recap of the practical aspects of running the meeting remotely and reminded Board members that all the conclusions reached in the meeting (and referenced in these minutes) are subject to being formally confirmed in written procedures.

This was followed by a *tour de table*, where all members present or represented by a *person of trust*¹ took the floor and confirmed that their connection allows them to participate in the meeting. On this basis, the Chair confirmed that the quorum necessary to hold a meeting² was achieved.

The Secretariat then screened an informal video introducing the new ECHA building, to allow Board members to see the premises in a remote setting.

1. Agenda

The Chair introduced the revised draft agenda³ and proposed to add two points under 'Any other business': ECHA's pledge for climate-neutrality and a brief report from a Board member on the 'Tackling pollution and green recovery' webinar held on 16 June 2020. The agenda of the meeting was adopted on this basis.

During the course of the meeting, it was agreed to move agenda item B.3 to the end of the first meeting day, to move B.4.B to the start of the second session on the first meeting day and to move B.4.E to the second meeting day. The order of these minutes follows that of the agenda.

The Chair further noted the following documents distributed before the meeting in addition to the ordinary meeting documentation:

- Draft Management Board opinion on the final accounts 2019.
- A new annex to the Update on budget implementation 2020.
- ECHA's MFF preparedness.
- Revised version of the Committee appointments.
- ECHA's 2030 climate neutrality pledge.

2. Declaration of specific interests

The Chair informed Management Board members that she has reviewed, together with the Secretariat, the members', observers', persons of trust's and the Executive Director's

¹ The full list of participants is available under Section IV of these minutes.

² As defined in Article 6 of the Management Board Rules of Procedure.

³ MB/A/03/2020.

declarations of interest in accordance with ECHA's procedure for the Prevention and Management of potential Conflicts of Interest (CoIs)⁴.

She concluded, based on the declarations, that there is no need for specific restrictions with respect to the agenda of this 58th Management 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 thanked members for their cooperation in providing regular updates to their declarations.

3. Minutes of the Extraordinary Management Board meeting

The highly restricted draft minutes of the Extraordinary Management Board meeting⁵, held remotely on 24 April 2020, were adopted.

The Chair pointed out the status of agreed follow-up actions as follows:

Action	Status
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.	ON-GOING
The Secretariat will incorporate the final analysis and assessment of the Consolidated Annual Activity Report 2019 in the Annual Report 2019 and send it to the Court of Auditors, the European Parliament, and the Commission by 1 July 2020.	DONE
The Secretariat will submit the final Annual Report 2019 to the Member States, the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors and have it published.	DONE
The Secretariat will invite comments on the substitution strategy and submit it for written Management Board endorsement in due course.	DONE
The Management Board Chair will formally inform the Executive Director of the conclusions reached in the meeting and instruct him, as the contract concluding authority, to implement the relevant Management Board decisions.	DONE
The Management Board Chair will inform the Chair of the BoA of the conclusions reached in the extraordinary meeting.	DONE
The MB/WP/12-14/2020 written procedures will be launched to confirm the conclusions/decisions reached in the extraordinary Management Board meeting.	DONE

⁴ ECHA's Policy on the Prevention and Management of potential Conflicts of Interest (PRO-0067.04).

⁵ MB/M/02/2020.

A. Points for automatic adoption⁶

A.1 Composition of the Conflicts of Interest Advisory Committee (CoIAC)

The Management Board renewed the membership of Judite DIPANE, as the person appointed from its members, and of Julio BACIO TERRACINO, as an external member of the Conflict of Interest Advisory Committee⁷. The renewals are for a term of two years, renewable. The Chair thanked the members for their commitment and work to date and wished them success for the upcoming period.

B. Points for discussion/decision⁸

B.1. Report from the Subgroups Finance, Audit & Risks and Strategy Planning & Implementation

a) Report from the Subgroup Finance, Audit & Risk (FAR)

The Management Board took note of an oral report from its Subgroup FAR, which met on 11 June 2020. The Subgroup had prepared the Management Board discussion and decisions with regards to the Opinion on the final accounts 2019 (point B.2), status of budget implementation (point B.4.A) and procurement plan adoption (point B.4.B). In addition, the Subgroup had heard the annual report of the Internal Audit Capability and received information on on-going audits and evaluations as well as an update on the Agency risks.

The Management Board also took note of information concerning the upcoming revision of the Transfer of Fees decision⁹. The Subgroup had supported the proposed principles for the revision during its meeting and agreed that no major changes are necessary, while the revised decision will need to take ECHA's future resourcing outlook into account. The Secretariat will table, on this basis, a revised decision for the Management Board's adoption in September 2020.

B.1.A Revised Audit Charters of the Internal Audit Service and the Internal Audit Capability

Further to the Subgroup FAR's recommendation, the Management Board approved the revised Charter of the Commission's Internal Audit Service (IAS) and the corresponding changes to the Charter of ECHA's Internal Audit Capability (IAC)¹⁰. The revisions align the mission charters with the legal basis in force, namely the 2019 Framework Financial Regulation for decentralised agencies¹¹ and the Financial Regulation of ECHA¹².

A person of trust representing a Board member from the Commission proposed an amendment to the IAC Charter¹³ during the meeting. The amendment was supported by

⁶ All points for adoption or decision on which consensus was reached in the remote meeting are subject to being formally confirmed in written procedures, to be run in accordance with the Management Board's Rules of Procedure (Article 7). It was agreed in the meeting that the deadline for casting votes in the written procedures will be exceptionally shortened to six days and the written procedures would run from 18-26 June 2020.

⁷ MB/19/2020.

⁸ All points for adoption or decision on which consensus was reached in the remote meeting are subject to being formally confirmed in written procedures, to be run in accordance with the Management Board's Rules of Procedure (Article 7). It was agreed in the meeting that the deadline for casting votes in the written procedures will be exceptionally shortened to six days and the written procedures would run from 18-26 June 2020.

⁹ Management Board Decision 46/2017.

¹⁰ MB/20/2020.

¹¹ Commission Delegated Regulation (EU) 2019/715 of 18 December 2018.

¹² MB/29/2019 final.

¹³ The amendment concerns including the **following text** on page 1 of the Charter: 'The nature and scope of advice and insight are **included in the annual work programme** or agreed with the Executive Director and are intended to add value and improve the Agency's governance, risk

the Chair of the Subgroup FAR and it was agreed to include the corresponding text in the final revised IAC Charter.

b) Report from the Subgroup Strategy, Planning & Implementation (SPI)

The Management Board took note of an oral report from its Subgroup SPI which had met on 12 June 2020. The Subgroup had taken note of the status update by the Secretariat in implementing the Work Programme 2020 and had noted that the consequences of large-scale extended remote working arrangements require monitoring regarding efficiency and effectiveness.

The Subgroup had prepared the Management Board discussion and decisions with regards to ECHA MFF 2021-2027 preparedness (point B.4.C), REACH Review actions' implementation (point B.4.D) and Resources and implementation of new tasks (in particular SCIP resources, point B.4.E).

B.2 Opinion on the final accounts 2019

The Management Board took note of ECHA's Final Annual Accounts for the financial year 2019, the preliminary observations of the European Court of Auditors thereon¹⁴, as well as ECHA's preliminary replies. The Management Board adopted its opinion on the Final Annual Accounts 2019, on the basis of the draft opinion prepared by the Subgroup FAR.

A Board member representing the Commission reiterated the Commission's request for an Internal Audit Service (IAS) audit on ICT procurement, a high-risk process, which the member views as important in light of the Court's preliminary observations in 2018 and 2019, as well as of the European Parliament's resolution on ECHA's discharge. The Secretariat clarified that while the Court of Auditors has consistently referred to IT procurement as a risk-prone area in all Agencies, the comment in the report on ECHA's 2019 accounts relates to a cleaning services contract. The Court's comment refers to the cancellation and relaunch of this procurement, which resulted in a delay of one week, which had no impact on the actual starting date of the contract. The Secretariat further recalled that the IAS decides themselves which risk areas to audit in each agency and organisation and the IAS did not select ICT procurement in ECHA as an audit area. Finally, the Secretariat took note of a question from a Board member regarding the term 'subsidy' to describe EU contributions to ECHA's budget, and explained that the denomination may not be changed due to the applicable legislations.

The Management Board instructed the Executive Director to forward the documents to the relevant European institutions by 1 July 2020 and to send the Court of Auditors a reply to the observations made in its annual report by 30 September 2020, according to the Financial Regulation. The Final Annual Accounts 2019, consolidated with those of the Commission and together with the Agency's replies, will be published in the Official Journal of the EU by 15 November 2020.

B.3 Quarterly report on ECHA's activities / UK withdrawal preparedness

The Management Board took note of the Quarterly report on ECHA's activities¹⁵ area since the last Board meeting and of an update on the status of preparedness actions for the UK's withdrawal.

Board members thanked the Secretariat for the work done and the Secretariat responded to a number of questions from Board members, related to:

- Technical aspects of the UK's withdrawal and in particular the use of REACH data;
- The reasons for postponing the manual verification of chemical safety reports at completeness check to October 2020;

management and control processes, without the internal auditor assuming management responsibility'.

¹⁴ MB/21/2020.

¹⁵ MB/22/2020.

- The continuing work to implement changes to the application for authorisation process resulting from recent Court cases, including the updates of the application format;
- The evolution of the expected and actual number of updates for nanoform registrations; and
- The reasons behind the evolution of substance evaluation numbers.

B.4 Budgetary and strategic matters

B.4.A Status of budget implementation 2020 and notification transfers

The Management Board took note of the status of budget implementation 2020, including the status of fee income and the budget transfers made under the responsibility of the Executive Director since the last notification¹⁶. The information also included a high-level overview of the 2021 budget outlook, as well as of the financial perspective under the future Multiannual Financial Framework (MFF 2021-2027).

Board members noted with concern the continuing low level of fee income under REACH and the BPR and thanked the Secretariat for identifying and implementing economies of scale. It was noted, though, that these economies may not be sufficient to compensate for the low level of fee income and the Secretariat is in touch with the Commission to find solutions, which may include an increase in the EU subsidy. The Secretariat will table the corresponding amending budget for the Management Board's adoption in the September 2020 meeting. Board members pointed out that if the savings are only due to the COVID-related public health measures and corresponding decisions taken by ECHA about remote meetings, a more thorough review of the financial planning will be necessary.

Board members also noted that ECHA's 2021 subsidy and human resources request, as adopted by the Management Board in December 2019, was not met by the Commission in the draft budget 2021 proposal. With regards to the MFF 2021-2027, Board members noted that the revised Commission proposal includes, from 2022 onwards, an overall increase in ECHA's subsidy levels, compared to the previous MFF proposal.

Board members representing the Commission underlined that the Commission's budget and MFF proposal are subject to agreement within the budgetary authority (that is, the Member States and the European Parliament) and invited Board members to proactively get in touch with their colleagues in the Member States dealing with budgetary and financial matters, to express any concern about ECHA's resources. A person of trust representing a member from the Commission further explained that the EU subsidy level proposed by the Commission in the 2021 draft budget is at the level of the 2020 subsidy and represents the highest level ever for REACH/CLP. When drawing up the proposal, the Commission had recognised the difficulty in predicting fee income, had taken into account the fee income trend and confirmed that any possible deviation will be taken into consideration for adjustments in the annual budgetary procedures during the MFF 2021-2027.

B.4.B Procurement plan amendment 2020

The Management Board adopted the first amendment¹⁷ to the procurement plan 2020. The main change concerns the establishment of a Framework Contract for IT services to support the development and maintenance of ECHA's regulatory scientific IT solutions.

B.4.C ECHA's Preparedness for the MFF 2021-2027

The Management Board took note of the general principles proposed by the Secretariat¹⁸ to prepare for a possible scenario under the MFF 2021-2027 where ECHA would not have the additional human and financial resources requested to implement its vision and

¹⁶ MB/23/2020 REV1.

¹⁷ MB/24/2020.

¹⁸ MB/25/2020.

Strategic Plan. The Subgroup SPI had discussed the proposal in its meeting of 12 June 2020 and supported the principles as presented.

The Secretariat explained that the preparation of the general principles is to be seen as a preparatory exercise, to allow ECHA to react quickly and with a strategic mindset to future resource constraints. The general considerations are constantly evolving in light of further analysis and an implementation roadmap will only be drawn up once more clarity is available on the evolution of ECHA's resources, on the basis of this scenario-planning.

The hypothetical '-25%' scenario is within the framework of ECHA's role as an EU decentralised agency and starts from an overview of the Agency's strictly interpreted legally required tasks. It further takes into account the growing EU ambitions in chemicals policy, contrasted with the foreseeable cuts in ECHA's resourcing. Under this set of circumstances, ECHA would focus on its unique role of harnessing Member States' scientific expertise, in a consistent and efficient manner, into scientific expertise for the EU institutions and policies. While maintaining the legally required minimum level of its central coordination role towards Member States, ECHA would significantly reduce its contributions to Member State activities and services to stakeholders, to the legally required minimum level.

Board members welcomed the preparedness exercise undertaken by the Secretariat. While acknowledging that the final budget 2021, as well as the MFF 2021-2027 are subject to political-level agreement of the budgetary authority, Board members expressed concern in general about ECHA's resource outlook and agreed to initiate steps towards national governments to call for appropriate resources for the Agency, in particular in light of current EU priorities, such as Green Deal and chemicals strategy, which require the appropriate balance between the responsibilities of Member States and decentralised agencies.

B.4.D REACH Review actions' implementation

The Management Board took note of the status of implementation of the REACH Review actions¹⁹ and in particular of an oral update on the progress made in the grouping approach.

The Secretariat provided a detailed presentation on the progress in the implementation of grouping approaches within the integrated regulatory strategy and reported that the first results are positive: the mapping of the chemical universe has sped up, it has been worthwhile to identify groups of substances for regulatory action, as well as low priority substances. The Secretariat projected that, if progress remains on track, above 80 % of the higher volume substances will be mapped by the end of 2021 and ca. 90 % by the end of 2022. Additional substances will be clarified through testing proposals and voluntary approaches, while the remaining pool is not likely to contain a significant number of substances of concern. In parallel, the Secretariat expects to also have mapped a significant part of the lower volume substances. It was noted that compliance check work continues in line with the 2023 target, agreed in the Joint Evaluation Action Plan.

Board members welcomed the progress made and the efficiencies gained with this approach, as well as the potential it offers for an increased overall effectiveness of the risk management process. At the same time, they invited the Secretariat to clearly communicate the linkages between dossier compliance and grouping, to clarify how the grouping approach and the precautionary principle relate and to provide the appropriate level of transparency for the composition and work of the Group Management Teams (GMTs).

Board members furthermore asked the Secretariat to provide further reflections on the level of involvement of Member States in the grouping work, on how the approach will be able to respond to scientific progress, on how grouping is related to the One-Substance-One-Assessment principle and on how the functions of groups are also taken into consideration to avoid regrettable substitution.

¹⁹ MB/26/2020.

B.4.E Resources and implementation of new tasks

The Management Board took note of an oral presentation from the Secretariat on the interim analysis of the implementation and resourcing of ECHA's tasks under the Drinking Water Directive.

It was noted that while political agreement was reached on the Directive in March 2020, its entry in force is currently foreseen for December 2020. ECHA will provide technical and scientific support in the implementation of Article 11 of the Directive, on "Minimum requirements for materials that come into contact with water intended for human consumption". The Secretariat is undertaking limited preparatory activities in 2020. During the preparatory phase (2021-2024), ECHA will support the Commission in establishing the first EU positive list with expiry dates and will develop information requirements, risk assessment methodologies, IT formats and systems, and guidance. The operational phase will start in 2025, when ECHA will assess industry applications and Member State dossiers, continue providing technical and scientific support to the Commission and its Committee for Risk Assessment (RAC) will develop opinions. The necessary resources are foreseen in the Commission's planning, starting from 2021.

Board members thanked the Secretariat for the presentation and a member representing the Commission thanked the Secretariat for the exemplary cooperation to date. Board members asked the Secretariat for further insights with regards to possible challenges in the RAC's expected workload from 2025 onwards, in light of the very high number of substances on the positive list, and with regards to the Member States' involvement in the work. The Secretariat clarified that RAC's foreseen workload had been taken into account in the calculation of the necessary resources but would be reviewed in the coming years when further details on the assessment process will become available.

The Management Board also took note of resource planning concerning ECHA's tasks under the Waste Framework Directive²⁰ (SCIP Database, Substances of Concern In articles as such or in complex objects (Products)) for 2020 and 2021 and expressed its support to the Secretariat's proposal to continue using 3 FTEs in 2020 from REACH/CLP on SCIP work²¹. It was noted that this will have consequences on the implementation of REACH/CLP tasks, in particular the work on the CSA for article service life and waste, as well as the identification of priority materials for risk management.

In this context, Board members noted that the Commission's 2021 budget proposal includes redeploying 8 Contract Agents from REACH/CLP to the implementation of the SCIP database. While this is a welcome development for the SCIP database work, it also implies decreasing the REACH/CLP staffing plan from 2021, with first effects already tangible in 2020. The Secretariat explained in particular that this, combined with a lack of financial resources available for interim replacement, will lead to a decrease in outputs in dossier evaluation, a reduction in ECHA's grouping work, decreased activity in ECHA's poison centre work and reduced administrative support. The Secretariat will present an analysis of the longer-term impacts in the context of the 2021 Work Programme.

B.5 ECHA Committees

B.5.A Annual report from the Committees.

The Management Board took note of the third annual report²² from the Chairs²³ of ECHA's committees: Committee for Risk Assessment (RAC), Committee for Socio-Economic Analysis (SEAC), Member State Committee (MSC) and Biocidal Products Committee (BPC). The report included information on the committees' membership (appointments, qualifications, turnovers, rapporteurships, performance), workload management and prognosis, as well as challenges and main achievements. The Chairs also reported on the

²⁰ MB/27/2020.

²¹ The Subgroup SPI had discussed this item during its meeting of 12 June 2020 and recommended to the Management Board to support the Secretariat's proposal.

²² MB/28/2020.

²³ The Chair of the BPC was replaced by the Head of the Biocidal Products Unit, due to parallel commitments in the BPC meeting.

efficiency measures introduced in the committees and on their recent experiences with remote meetings.

Board members thanked the Chairs for the comprehensive reports. The exchange of views covered the efficiency gains (AfA working group, A-listing of opinions), the potential impact of the low level of commenting on restrictions in RAC and the opinion-making process regarding the microplastics restriction. Board members further welcomed the Chairs' positive experience with regards to remote meetings, and at the same time pointed out the need to reflect on how best to use this setup after the COVID-related public health measures are lifted, in particular, with regards to on-boarding new members and observers' remote participation.

A Board member representing the Commission expressed concerns with regards to the composition and work of the BPC and invited the Secretariat to reflect on possible measures. In particular, she regretted the lack of membership of two Member States in the BPC, as well as the limited involvement of members at various stages of the work, including rapporteurships. In this respect, Board members were invited to initiate a dialogue in their Member State with BPC members. The concerns expressed also referred to the difficulties in planning the work of the BPC and re-affirmed the commitment to conclude the Review Programme by 2024, despite the limited progress to date. The Secretariat shared the concerns expressed, and reiterated its commitment to provide support to and continue the dialogue with Member States.

Committee Chairs further invited Board members to re-emphasise to their Member State that a dialogue with ECHA and the Chairs as to the suitability of new and existing members is essential prior to their (re-)appointment.

The Management Board and the Secretariat warmly thanked and bid farewell to Tomas OBERG, the Chair of the SEAC, who is retiring from ECHA and participated in his last Management Board meeting.

B.5.B Member State Committee Rules of Procedure

The Management Board approved the amended Rules of Procedure of the Member State Committee (MSC)²⁴. The amendment concerns giving the possibility for alternate members to take on rapporteurships.

B.5.C Appointment of Committee members

The Management Board appointed²⁵ members for and renewed the mandate of existing members of the Committee for Risk Assessment (RAC) and Committee for Socio-Economic Analysis (SEAC) as follows: Appointed Theodoros XANTHOS (CY), Iftekhar Ali MOHAMMED (SE) and Malcolm DOAK (IE) as new RAC members and renewed the mandate of Peter Hammer SØRENSEN (DK), Laure GEOFFROY (FR), Ralf STAHLMANN (DE), Gabriele AQUILINA (IT) and Irina KARADJOVA (BG) as RAC members. Appointed Sandi MUNCRIEF (DK), Ida Svostrup PETERSEN (DK), Darko DOLENC (SI), Jernej ISKRA (SI) and Jurgita ŽIEMIENĖ (LT) as new SEAC members and renewed the mandate of João ALEXANDRE (PT) as a SEAC member.

With these appointments and renewals, the RAC will have 53 members (including five co-opted members)²⁶ and the SEAC will have 38 members (including three co-opted members).

²⁴ MB/29/2020.

²⁵ MB/30/2020 REV1.

²⁶ The document submitted to the Management Board (MB/30/2020 REV1) contained a clerical error, whereby the total number of RAC members was shown as 54. The Secretariat corrected this after the meeting and deleted a Lithuanian member from annex 1a who had been included by mistake. The correct and final number of RAC members, after the present appointments and renewals, is 53.

B.6 Board of Appeal

The Management Board discussed these items *in camera*.

B.6.A Report from the Subgroup Board of Appeal

The Management Board took note of an oral report on the recent activities of its Subgroup on the Board of Appeal (BoA), provided by its Chair. The Subgroup had held one meeting and prepared points B.6.B and B.6.C of the Management Board meeting. The Chair of the Subgroup also provided a report to the Management Board on the implementation of conclusions reached in the past and a status update on the progress in filling vacancies arising in the Board of Appeal.

In this context, the Management Board appointed the members of two selection groups for Board of Appeal vacancies as follows: 1) Technically Qualified Member: Kestutis SADAUSKAS, Hans MEIJER, Sofia ZISI 2) Legally Qualified permanent and alternate/additional Member(s): Kestutis SADAUSKAS, Oscar Gonzalez SANCHEZ, Marie-Laure METAYER.

B.6.B Administrative arrangements for alternate/additional members of the Board of Appeal

The Management Board endorsed the administrative arrangements²⁷ to be put in place with regards alternate/additional members (AAMs) of the Board of Appeal (BoA) who are employed with other EU bodies or institutions.

The administrative arrangements follow the advice received from the Commission services and are to provide clarity and transparency. They are designed to fully respect and preserve the AAMs' independence, in line with Article 90 of the REACH Regulation.

The Management Board instructed the Executive Director to formalise these administrative arrangements by concluding the appropriate Service Level Agreements with the respective EU institutions and bodies.

B.6.C Annual report from the Chair of the Board of Appeal and exchange of views

The Management Board took note of the first annual report²⁸ of Antoine BUCHET, the Chair of the Board of Appeal, who took office on 16 August 2019. The report contained information on the BoA's activities since August 2019, including personal remarks of the Chair after his first 10 months in the job. The report also provided a full overview of the work of the BoA during the period of 1 March 2019 to 31 May 2020, as well as information on the BoA members' terms of mandate and numerical and qualitative data related to appeals.

Board members and the Secretariat warmly thanked the Chair of the Board of Appeal for the report and congratulated him on a successful start in the new position. The exchange of views touched upon the capacity of the BoA to review the scientific content of ECHA's decisions, on the setup and functioning of the Registry, as well as on the challenges brought by COVID-19 and the related public health measures, in particular, the increased reliance on remote ways of interaction.

B.7 Management Board Rules of Procedure

The Management Board adopted its revised Rules of procedure²⁹, with a view to referencing remote meetings. The Management Board authorised the Secretariat to technically reflect the corresponding changes in the Operating Framework as well.

In this context, Board members discussed the feasibility and impact of 'mixed' Management Board meetings, whereby some participants would be present remotely, others in person. It was acknowledged that while this setup does not provide ideal circumstances for the

²⁷ MB/31/2020.

²⁸ MB/32/2020.

²⁹ MB/33/2020.

effectiveness of the meetings, practical considerations related to public health measures may make it necessary in the future. The amended Rules of Procedure allow for 'mixed' meetings, as well as purely remote and purely physical ones. The Secretariat will conduct a survey over summer 2020, where Board members will be given the opportunity to express their wishes for the organisation of future meetings.

B.8 Forum Rules of Procedure

The Management Board adopted the revised Rules of Procedure of the Forum³⁰. The changes are related to remote meetings.

C. Points for information

C.1 Outcome of the Written Procedures MB/WP/12-14/2020

The Management Board took note of the positive outcome of the Written Procedures MB/WP/12-14/2020 following its extraordinary meeting in April.

C.2 Discharge recommendations

The Management Board took note of the European Parliament decisions of 13 May 2020 on discharge in respect of the implementation of the budget of the European Chemicals Agency for the financial year 2018; on the closure of the accounts of the European Chemicals Agency for the financial year 2018 and of the European Parliament resolution of 14 May 2020 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 2018³¹.

C.3 Update on the transparency approach

The Management Board took note of the Secretariat's intention to update ECHA's transparency approach with new activities by the end of 2020 and of the main changes and activities that are planned to be proposed³².

C.4 Election of the Management Board Chair

The Management Board took note of the end of the current Chair's mandate (30 September 2020) and the upcoming election of the future Chair in the September 2020 meeting³³. Board members were invited to reflect in advance on whether to stand as a candidate. The term of office of the new Chair will start on 1 October 2020, will be for two years, renewable once, and will expire when he/she ceases to be a member of the Management Board.

C.5 Report on substitution-supporting activities in 2018-19 and focus in 2020-21

The Management Board took note of the Secretariat's report³⁴ on substitution-supporting activities performed in 2018-19 under the substitution strategy and the focus areas for the continuing work in 2020-21.

³⁰ MB/34/2020.

³¹ (2019/2086(DEC)).

³² MB/35/2020.

³³ MB/36/2020.

³⁴ MB/37/2020.

4. Any other business

a. 59th Management Board meeting arrangements

The Management Board took note of information from its Chair regarding the September 2020 (59th) meeting. It was noted that the meeting will take place remotely, due to public health measures that could prevent members from travelling to Bonn, where the meeting had been scheduled to take place upon invitation of the German Presidency of the Council of the EU.

b. Conference on “Tackling pollution and green recovery”

The Management Board took note of information provided by a member appointed by the Commission to represent interested parties concerning a recent webinar on pollution and green recovery.

c. ECHA pledge for climate-neutrality by 2030

The Management Board took note of the Secretariat’s intention for ECHA to become climate-neutral by 2030. Board members strongly welcomed the initiative and expressed their support, while noting that the concrete objectives and measures to reach this ambition are still to be developed. The Management Board asked the Secretariat to provide regular updates on the progress.

It was noted that the proposal builds on recent experiences in remote ways of working, made necessary by public health measures in light of COVID-19, and has climate-related and environmental motivations. The Management Board asked the Secretariat to duly consider occupational safety and health, as well as the need to maintain the quality of meetings in a remote setting, when elaborating the objectives and measures for climate-neutrality.

Board members furthermore shared the experiences and ambition of their respective organisations towards climate-neutrality and invited the Secretariat to reach out for further information and exchanges of best practice and background material.

Next meeting and closure

The Management Board warmly thanked and bid farewell to Luisa CONSOLINI, ECHA’s Director of Information Systems, as this was her last Management Board meeting prior to leaving ECHA. Board members and the Executive Director expressed their appreciation for her contribution to ECHA’s work and her visionary approach, which enabled ECHA to become one of the first fully digital agencies.

The Chair finally thanked participants and the Secretariat. It was noted that the next Board meeting will take place remotely on 24-25 September 2020.

II. Documents submitted to the Management Board

Draft Agenda	MB/A/03/2020
Draft Minutes of the Extraordinary meeting (highly restricted)	MB/M/02/2020
Composition of the Conflicts of Interest Advisory Committee (CoIAC)	MB/19/2020
Revised Audit Charters of the Internal Audit Service and the Internal Audit Capability	MB/20/2020
Opinion on the final accounts 2019	MB/21/2020
Quarterly report on ECHA's activities - UK withdrawal preparedness	MB/22/2020
Status of budget implementation 2020 and notification of transfers	MB/23/2020 REV1
Procurement plan amendment 2020	MB/24/2020
ECHA's Preparedness for the MFF 2021-2027	MB/25/2020
Implementation of REACH Review actions - Progress in the grouping approach	MB/26/2020
Resources and implementation of new tasks	MB/27/2020
Annual report and exchange of views with Committee Chairs	MB/28/2020
Member State Committee Rules of Procedure	MB/29/2020
Appointment of Committee members	MB/30/2020 REV1
Administrative arrangements for alternate/additional members of the Board of Appeal	MB/31/2020
Annual report from the Chair of the Board of Appeal and exchange of views	MB/32/2020
Management Board Rules of Procedure	MB/33/2020
Forum Rules of Procedure	MB/34/2020
Outcome of the Written Procedures MB/WP/12-14/2020	MB/WP/12-14/2020
Discharge recommendations	P9_TA- PROV(2020)0111
Update on the transparency approach	MB/35/2020
Election of the Management Board Chair	MB/36/2020
Report on substitution-supporting activities in 2018-19 and focus in 2020-21	MB/37/2020
ECHA's 2030 climate neutrality pledge	

III. Decisions taken / Conclusions reached by the Management Board³⁵

The Management Board:

- Adopted the agenda for its 58th meeting (Decision 17/2020).
- Approved the highly restricted draft minutes of the 24 April extraordinary meeting (MB/WP/15/2020) (Decision 18/2020).
- Renewed the membership of Judite DIPANE, as the person appointed among its members, and of Julio BACIO TERRACINO, as an external member, of the Conflict of Interest Advisory Committee (CoIAC) (MB/WP/16/2020) (Decision 19/2020).
- Took note of an oral report from the 11 June 2020 meeting of the Subgroup on Finance, Audit and Risk.
- Took note of an oral report from the 12 June 2020 meeting of the Subgroup on Strategy, Planning and Implementation.
- Approved the revised Charter of the Commission's Internal Audit Service (IAS) and corresponding changes to the Charter of ECHA's Internal Audit Capability (IAC), with one change proposed by DG SANTE (MB/WP/17/2020) (Decision 20/2020).
- Took note of ECHA's Final Annual Accounts for the financial year 2019, the preliminary observations of the European Court of Auditors thereon and of ECHA's preliminary replies.
- Adopted its opinion on ECHA's Final Annual Accounts for the financial year 2019 (MB/WP/18/2020) (Decision 21/2020).
Instructed the Executive Director to forward the documents to the relevant European institutions by 1 July 2020.
- Took note of the quarterly report on ECHA's activities and of the status of UK withdrawal preparedness actions.
- Took note of the status of budget implementation 2020 and of the budget transfers carried out under the responsibility of the Executive Director since the last notification.
- Adopted the first amendment of the 2020 procurement plan (MB/WP/19/2020) (Decision 22/2020).
- Took note of the general principles proposed by the Secretariat to prepare for a possible scenario under the next MFF 2021-2027 where ECHA would no longer have the human and financial resources needed to implement its vision and Strategic Plan.
- Agreed to take steps with a view of reaching out to national governments in support of adequate resourcing for the Agency under the MFF 2021-2027 to fulfil its tasks.
- Took note of the status of implementation of the REACH Review actions and the progress made in the grouping approach.
- Took note of the status of planning the resources and implementation of new tasks, in particular of the interim analysis of the implementation and resourcing of ECHA's tasks under the Drinking Water Directive.
- Endorsed the Secretariat's proposal to continue using 3 FTEs in 2020 from REACH/CLP on SCIP work (MB/WP/20/2020) (Decision 23/2020).
- Took note of the annual report from the ECHA Committees (RAC, SEAC, MSC, BPC).
- Approved the amended Rules of Procedure of the Member State Committee (MSC) (MB/WP/21/2020) (Decision 24/2020).

³⁵ The conclusions reached in the meeting are subject to formal confirmation in written procedures.

- 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 (MB/WP/22/2020) (Decision 25/2020).

RAC new members	Theodoros XANTHOS (CY) Ifthekhar Ali MOHAMMED (SE) Malcolm DOAK (IE)
RAC renewals	Peter Hammer SØRENSEN (DK) Laure GEOFFROY (FR) Ralf STAHLMANN (DE) Gabriele AQUILINA (IT) Irina KARADJOVA (BG)
SEAC new members	Sandi MUNCRIEF (DK) Ida Svostrup PETERSEN (DK) Darko DOLENC (SI) Jernej ISKRA (SI) Jurgita ŽIEMIENĖ (LT)
SEAC renewals	João ALEXANDRE (PT)

- Took note of an oral report on the recent activities of its Subgroup on the Board of Appeal.
- Appointed the members of two selection groups for Board of Appeal vacancies as follows: 1) Technically Qualified Member: Kestutis Sadauskas, Hans Meijer, Sofia Zisi 2) Legally Qualified permanent and alternate/additional Member(s): Kestutis Sadauskas, Oscar Gonzalez Sanchez, Marie-Laure Metayer (MB/WP/23/2020) (Decision 26/2020).
- Endorsed the administrative arrangements to be put in place with regards to alternate/additional members (AAMs) of the Board of Appeal (BoA) who are employed with other EU bodies or institutions and
Instructed the Executive Director to formalise these arrangements by concluding Service Level Agreements with the respective bodies (MB/WP/24/2020) (Decision 27/2020).
- Took note of the annual report from the Chairman of the Board of Appeal.
- Adopted amendments to its Rules of Procedure, to reflect remote meetings and authorised the Secretariat to reflect the corresponding changes in the Management Board's Operating Framework³⁶ (MB/WP/25/2020) (Decision 28/2020).
- Adopted the updated Rules of Procedure of the Forum (MB/WP/26/2020) (Decision 29/2020).
- Took note of the positive outcome of the Written Procedures MB/WP/12-14/2020.
- Took note of European Parliament decisions of 13 May 2020 on discharge in respect of the implementation of the budget of the European Chemicals Agency for the financial year 2018; on the closure of the accounts of the European Chemicals Agency for the financial year 2018 and of the European Parliament resolution of 14 May 2020 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 2018 (2019/2086(DEC)).
- Took note of an interim update from the Secretariat on the Transparency approach.

³⁶ MB/52/2019 final REV1.

- Took note of the upcoming election of the Management Board Chair in September 2020.
- Took note of a Report on substitution-supporting activities in 2018-19 and focus in 2020-21.
- Took note of an announcement from its Chair with regards the 59th meeting taking place remotely.
- Took note of information on a recent webinar on "Tackling pollution and green recovery".
- Took note of and expressed its support to the Secretariat's intention for ECHA to become climate-neutral by 2030.

Agreed follow-up actions:

- Annual accounts 2019:
 - o The Executive Director will send the final accounts, together with the opinion of the Management Board, to the accounting officer of the Commission, the Court of Auditors, the European Parliament and the Council, by 1 July 2020.
 - o The Executive Director will send the Court of Auditors a reply to the observations made in its annual report by 30 September 2020.
 - o The Secretariat will circulate the final report of the Court of Auditors on the annual accounts of ECHA for 2019 when it becomes available.
- The Secretariat will provide support to the Chair and Board members to reach out to national governments in support of adequate resourcing for the Agency to fulfil its tasks.
- The Executive Director will formalise the administrative arrangements regarding BoA AAMs by signing the appropriate Service Level Agreements.
- The Secretariat will reflect the changes agreed to the Management Board Rules of Procedures in the Management Board Operating Framework.
- The following written procedures will be launched³⁷ to confirm the conclusions/decisions reached in the meeting:

MB/WP/15/2020	Minutes of the extraordinary meeting (24 April 2020)
MB/WP/16/2020	Composition of the Conflicts of Interest Advisory Committee (CoIAC)
MB/WP/17/2020	Revised Audit Charters of the Internal Audit Service and the Internal Audit Capability
MB/WP/18/2020	Opinion on the Final Annual Accounts 2019
MB/WP/19/2020	Procurement Plan amendment 2020
MB/WP/20/2020	SCIP resources 2020
MB/WP/21/2020	Member State Committee Rules of Procedure
MB/WP/22/2020	Appointment of Committee members
MB/WP/23/2020	Appointment of the selection groups for the TQM and the A/LQM selections

³⁷ It was agreed in the meeting that the deadline for casting votes in the written procedures will be exceptionally shortened to six days and the written procedures would run from 18-26 June 2020.

MB/WP/24/2020	Endorsement of the administrative arrangements for BoA AAMs
MB/WP/25/2020	Management Board Rules of Procedure
MB/WP/26/2020	Forum Rules of Procedure

IV. List of attendees³⁸

Representatives of the Member States

Paul KRAJNIK	(AT)	
Anne-France RIHOUX	(BE)	
Teodora VALKOVA	(BG)	
Bojan VIDOVIC	(HR)	
Tasoula KYPRIANIDOU- LEONTIDOU	(CY)	
Tatjana KOLESNIKOVA	(CZ)	
Magnus LØFSTEDT	(DK)	
Enda VESKIMÄE	(EE)	
Hanna KORHONENE	(FI)	
Marie-Laure METAYER	(FR)	
Axel VORWERK	(DE)	
Sofia ZISI	(EL)	
Krisztina BIRO	(HU)	(Also acting as proxy to Francesca GIANNOTTI on 17 June PM)
Sharon McGUINNESS	(IE)	
Francesca GIANNOTTI	(IT)	
Jūdite DIPANE	(LV)	
Donata PIPIRAITE- VALISKIENE	(LT)	
Paul RASQUE	(LU)	
Ingrid BORG	(MT)	
Hans MEIJER	(NL)	(Also acting as proxy to Paul RASQUE on 17 June at 2:00-3:00 PM and 18 June at 9:00- 10:00 AM CEST)
Anna LEWANDOWSKA	(PL)	
Lilia MARTINS	(PT)	
Claudia DUMITRU	(RO)	
Helena POLAKOVICOVA	(SK)	
Alojz GRABNER	(SI)	
Oscar GONZALEZ SANCHEZ	(ES)	
Lisa ANFÄLT	(SE)	

Representatives of the European Commission

Kestutis SADAUSKAS	DG ENV (Also acting as proxy to Kerstin JORNA and on 17 June AM to Sabine JÜLICHER)
Sabine JÜLICHER	DG SANTE

Independent persons appointed by the European Parliament

Kristel BERNAERTS	
Olwenn MARTIN	(Also acting as proxy to Kristel BERNAERTS on 17 June PM)

Representatives from interested parties appointed by the European Commission

Stefan SCHEUER	EEB-BEUC – European Environmental Bureau/European Consumer Organisation
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³⁸ 30 members with one full and four partial proxies given (as detailed above), three persons of trust (of which one for 17 June AM only) and two EEA/EFTA observers joined the remote meeting.

Marco MENSINK

Cefic



Not participating, no substitutes

N/A

Observers from EEA/EFTA countries

Sverre Thomas JAHRE Norway

Sigurbjörg SAEMUNSDOTTIR Iceland

Persons participating on behalf of Board members / observers:

Ignacio DORESTE (ETUC) on behalf of Gertraud LAUBER (IGBCE)

Michael FLÜH on behalf of Kerstin JORNA (DG GROW)

Klaus BEREND on behalf of Sabine JÜLICHER (DG SANTE)(on 17 June AM)

Other observers

Abdel EL-AMELI	European Commission, DG GROW
Bernhard BERGER	European Commission, DG ENV
Cristina DE AVILA	European Commission, DG ENV
Klaus BEREND	European Commission, DG SANTE

ECHA staff

Bjorn HANSEN	(Executive Director)
Jukka MALM	(Deputy Executive Director)
Jack DE BRUIJN	(Director of Prioritisation and Integration)
Luisa CONSOLINI	(Director of Information Systems)
Shay O'MALLEY	(Director of Resources)
Peter VAN DER ZANDT	(Director of Risk Management)
Christel MUSSET	(Director of Hazard Assessment)
Minna HEIKKILÄ	(Head of Legal Unit)
Minna STRÖMBERG	(Internal Audit Capability)
Eric RIEGER	(Team Leader for Policy and Regulation, Human Resources Unit)
Simos BOURSALIAN	(Accounting Officer, Finance Unit)
Tuula HAKALA	(Head of Finance Unit)
Jaime MARTIN-GRANIZO	(Procurement Officer, Finance Unit)
Elina KARHU	(Head of Prioritisation Unit)
Tim BOWMER	(Chair of the Committee for Risk Assessment)
Tomas ÖBERG	(Chair of the Committee for Socio-Economic Analysis)
Watze DE WOLF	(Chair of the Member State Committee)
Hugues KENIGSWALD	(Head of Biocidal Products Unit)
Frank BÜCHLER	(Head of Governance, Strategy and Relations Unit)
Gabriella CSEH	(Management Board Secretary, Governance, Strategy and Relations Unit)
Timo RÖCKE	(Strategic Planning Officer, Governance, Strategy, and Relations Unit)
Jenni HOLSTI	(Management Board Assistant, Governance, Strategy and Relations Unit)