

Minutes of the 59th meeting of the Management Board

Held from 24 to 25 September 2020 via remote connection

I. Summary record of the proceedings

The Chair opened the meeting by welcoming participants to the 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.

1. Agenda

The Chair introduced the draft agenda³ and proposed to add a point under 'Any other business' on ECHA's chairing role of the EU Agencies' Network (EUAN).

The agenda of the meeting was adopted on this basis⁴.

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

- Amendments from DG GROW to the minutes of the 58th Management Board meeting (see Annex V);
- A document for the highly restricted item B.8.A;
- Revised version of the 1st amending budget for item B.2.A (correction of clerical error); and
- Instructions for remote voting and Webropol links for voting in the MB Chair election.

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 declarations of interest in accordance with ECHA's procedure for the Prevention and Management of potential Conflicts of Interest (CoIs)⁵.

She concluded, based on the declarations, that there is no need for specific restrictions with respect to the agenda of this 59th Management Board meeting. It was noted that the

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/04/2020.

⁴ A clerical correction was proposed by DG GROW and reflected by the Secretariat in the final agenda. This concerned the addition of 'a proportion of' fees to the title of item B.2.B.

⁵ ECHA's Policy on the Prevention and Management of potential Conflicts of Interest (PRO-0067).

Deputy Chair has reviewed the recently updated declaration of the Chair and concluded that there was no need for specific restrictions.

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 58th Management Board meeting

The Chair presented the amendments to the draft minutes of the 58th Management Board meeting from DG GROW concerning APs B.2 and B.4.C⁶.

The minutes of the 58th Management Board meeting⁷, held remotely on 17-18 June 2020, were then adopted as amended.

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 Management Board decision 35/2019. | ON-GOING |
| 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. | DONE |
| The Executive Director will send the Court of Auditors a reply to the observations made in its annual report by 30 September 2020. | DONE |
| The Secretariat will circulate the final report of the Court of Auditors on the annual accounts of ECHA for 2019 when it becomes available. | PENDING |
| 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. | DONE |
| The Executive Director will formalise the administrative arrangements regarding BoA AAMs by signing the appropriate Service Level Agreements. | ON-GOING |
| The Secretariat will reflect the changes agreed to the Management Board Rules of Procedure in the Management Board Operating Framework. | DONE |
| The MB/WP/15-26/2020 written procedures will be launched to confirm the conclusions/decisions reached in the extraordinary Management Board meeting. | DONE |

⁶ See amendments under Section V of these minutes.

⁷ MB/M/03/2020.

A. Points for automatic adoption⁸

There were no points for automatic adoption in the agenda for the meeting.

B. Points for discussion/decision⁹

B.1. ECHA programming

B.1.A Orientation debate on the ECHA Programming Document (Work Programme 2022)

The Management Board held an orientation debate to prepare the update of the ECHA Programming Document 2021-2024 and more generally on the Agency's priorities for 2021-2027¹⁰.

The Management Board adopted the draft Programming Document 2021-2024 in December 2019¹¹. It was subsequently sent to the Commission for its opinion. At the time of the orientation debate, the opinion was not yet available¹².

The discussion was informed by a thought-starter from the Secretariat about a possible direction for ECHA's future, based on an overall decrease in resources, as well as a hypothetical scenario of additional demands on ECHA without compensation in resources. It described an approach where ECHA would focus its activities on its restrictively interpreted legal obligations and regulatory outputs (predominantly in the area of Strategic Priority 1), while work in the areas where it coordinates Member State activities and provides support directly to industry, stakeholders and citizens would need to be adjusted in its ambition level to the resources available. The document submitted for the meeting included a draft list of ECHA's legally required tasks, as well as a list of potential tasks for simplification or reduction.

The orientation debate was furthermore inputted by early information from the Secretariat on the preparation of the 2021 draft budget planning parameters, where a decrease in overall funding, composed of EU subsidy and industry fees, is anticipated, posing particular challenges to biocides activities and ECHA's ability to meet its legal obligations.

The Secretariat sought the Management Board's steer on which work areas to prioritise, under the assumption of the outlined overall reduction in resourcing, noting that the concrete scale of the reductions is not confirmed at this point in time.

Board members welcomed the discussion as a prudent approach to plan ECHA's work, given the long-term impact of budgetary and planning decisions, contrasted with the high degree of uncertainty, both with respect to the level of EU subsidy, subject to the outcome of the MFF and annual budgetary discussions, and with respect to ECHA's fee income, which is decreasing and remains difficult to predict.

Board members confirmed that ECHA's first priority should be to fulfil its legal obligations, set out in legislation. Where this leaves room for discretion, ECHA should focus on areas where it adds most EU value to its core regulatory output and speed up, if possible. The

⁸ All points for adoption or decision on which consensus was reached in the remote meeting, except point B.7 Election of the Chair of the Management Board, 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 written procedures would run between 28 September and 9 October 2020.

⁹ All points for adoption or decision on which consensus was reached in the remote meeting, except point B.7 Election of the Chair of the Management Board, 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 written procedures would run between 28 September and 9 October 2020.

¹⁰ MB/38/2020.

¹¹ MB/M/05/2019.

¹² Note from the Secretariat: the Commission opinion was adopted on 30 September 2020 and sent to the Management Board as part of the documentation for the written consultation that followed the orientation debate.

Integrated Regulatory Strategy was recognised as an effective means of identifying chemicals which either need additional EU risk management or are sufficiently risk managed. At the same time, Board members called for an analysis of the added value of the strategy. In all areas, Board members asked the Secretariat to continue aiming for efficiencies, while recognising past efforts in this area and acknowledging that further efficiency gains would be marginal.

Board members thanked the Secretariat for the draft list of possible negative priorities and pointed out that a more detailed overview of the resource implications and possible consequences of de-prioritisation would be helpful. They welcomed the Secretariat's proposal to have a dialogue with partners in Member States and other stakeholders on how to ensure the good functioning of the EU regulatory system for chemicals with a different engagement level between ECHA and the Member States and duty holders.

It was acknowledged that while setting negative priorities is necessary, it is important to also consider the overall outcome of ECHA's work, regarding health and environment protection as well as innovation and competitiveness. When deprioritising, due attention needs to be paid to the long-term effects on prevention, advice and cooperation, which complete ECHA's regulatory outputs for overall outcome and impact.

With respect to ECHA's resourcing, a person of trust representing a Commission member explained that the number of ECHA's staff is proposed to be maintained. The Secretariat pointed out that this needs to be backed up with the necessary financial resources to engage staff members, which is not guaranteed at present, due to the declining fee income.

Board members acknowledged that the EU's ambitions on chemicals regulation are very high, however, this does not seem to be reflected in the EU subsidy levels foreseen for ECHA. It was reiterated that Board members are invited to seek support for maintaining or increasing ECHA's EU subsidy with their respective national finance departments. Board members and the Secretariat agreed that the current budgetary outlook of ECHA requires that any new tasks are accompanied by an adequate assessment for additional resources required by the Agency to effectively carry out the new mandate.

The lack of stability and predictability inherent in ECHA's funding structure was again highlighted as an area of concern, which needs to be addressed as soon as possible. The Commission asked the Secretariat to provide the necessary data and background to start this process.

The Secretariat will reflect the steer received in its draft Work Programme 2021, and will submit it to the Management Board for written consultation in October 2020, in view of a Management Board adoption in December 2020. The adoption of the Work Programme will be prepared by the Management Board Subgroup Strategy Planning and Implementation (SPI), in November 2020.

B.1.B Implementation of REACH Review actions

The Management Board took note of the updated status of implementation¹³ of the REACH Review actions¹⁴. The Secretariat took note of the request of DG GROW to further elaborate in an upcoming meeting on the progress made regarding Action 15 *Fees and the future of ECHA*.

The Chair concluded by asking the Secretariat to present an in-depth review of the status of implementation of the REACH Review actions for the next Board meeting in December 2020, including an overview of the actions that it considers to be closed.

¹³ MB/39/2020.

¹⁴ The REACH Refit Evaluation: Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on Commission General Report on the operation of REACH and review of certain elements. Conclusions and Actions (COM/2018/0116 final).

B.2 ECHA finances

B.2.A 1st Amending budget 2020 and transfers within budget

The Management Board concluded to adopt the first amending budget for 2020 and took note of the budget transfers carried out under the responsibility of the Executive Director.

The Management Board's decision on the amending budget, as proposed by the Secretariat¹⁵, was prepared by the Subgroup Finance, Audit and Risks. The proposal reflected the revised fee revenue estimate for REACH/CLP (decrease of € 7.7 million, to € 28.0 million with 5% prudency margin) and for BPR (decrease of € 2.4 million, to € 2.2 million), together with the corresponding decrease in expenditure levels and, in the case of the BPR, increase in the EU contribution. The proposed budget amendment was accompanied by an overview of savings identified by the Secretariat in the current budget, in order to achieve the decreased expenditure levels.

During the meeting, the Secretariat informed the Management Board that it had recently received information from the Commission services that it will not be possible to accommodate the additional subsidy request for € 0.7 million under the REACH/CLP budget in the event of a shortfall of fees. The Commission drew attention that the increase of the subsidy requires involving the budgetary authority with a risk that ECHA ends up with a surplus by the end of the year based on the uncertainties related to the fact that three months remain where fee income will be collected. On this basis, the Secretariat proposed to modify the budget amendment as tabled for the meeting¹⁶, and proposed to submit, for the confirmatory written procedure after the meeting, a modified proposal for the 2020 first amending budget with no prudency margin, that is, with a REACH/CLP fee income estimate reduced by € 7 million.

A person of trust representing a Commission member thanked the Secretariat for the cooperation, confirmed the unavailability of the additional REACH/CLP subsidy and committed to continue working with the Secretariat to mitigate the effects of the uncertainty in fee income, which remains considerable for the last quarter of 2020.

On this basis, the Management Board concluded to adopt the first amending budget 2020, as proposed by the Secretariat during the meeting, and instructed the Executive Director to notify the decision to the Budgetary Authority, the Court of Auditors and the Commission and will ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union within three months from the conclusion of the confirmatory written procedure.

Note from the Secretariat: Developments after the meeting, regarding the unavailability of the additional EU contribution also for the BPR activities, made it necessary for the Chair of the Management Board, in consultation with the Executive Director, to invite the Management Board to adopt the accordingly amended first amending budget 2020 through the written procedure MB/WP/37/2020.

B.2.B Revision of the Decision on the transfer of fees to Member States

The Management Board adopted a revised draft decision on the financial arrangements for the transfer of a proportion of fees to Member States¹⁷ and requested its Chair to forward it to the European Commission for its opinion pursuant to Article 14(2) of the Fee Regulation¹⁸.

The revised draft decision had been discussed and recommended for adoption by the Management Board Subgroup Finance, Audit and Risks¹⁹. The revision maintains the main element and principles of the decision, building on the experience in its application in the past. The main changes concern the timeframe of the revised decision, which would not be for a fixed period of time any longer, and the absolute ceiling of fees and charges to be

¹⁵ MB/40/2020.

¹⁶ MB/40/2020.

¹⁷ MB/41/2020.

¹⁸ Commission Regulation (EC) No 340/2008.

¹⁹ Further to information provided to the Management Board in March 2020, MB/13/2020.

transferred, which would be set at an annual basis in the future, with the proportion thereof remaining unchanged. The Management Board invited the Secretariat to reflect on a simpler system for the transfer of a proportion of fees and charges and to propose this at a future review date to the Management Board.

B.2.C Revision of the Decision on the remuneration of co-opted members and experts

The Management Board adopted a revised decision on the remuneration of co-opted members and experts invited by the ECHA Committees or the Forum²⁰.

The revised draft decision had been discussed and recommended for adoption by the Management Board Subgroup Finance, Audit and Risks. The amendment brings the remuneration for attendance in virtual meetings to the same level as for attendance in physical meetings and raises the level of remuneration for meeting attendance, in line with the level set by other comparable institutions and agencies. In response to a question from a Board member, the Secretariat confirmed that it will continue relying on the specific expertise and input of co-opted members in the future, in light of the Committees' workload.

B.3 Appointment of Committee members

The Management Board appointed new members to the Committee for Risk Assessment (RAC) and to the Committee for Socio-Economic Analysis (SEAC) as follows: Wendy RODRIGUEZ-GONZALEZ (BE) to RAC and Alex TURVEY (SE) to SEAC²¹.

With these appointments, RAC will have 52 members (including five co-opted members) and SEAC will have 33²² members (including three co-opted members).

B.4 Revised Decision on the Unified Declaration of Commitment with respect to security aspects for ECHA's Information Systems

The Management Board adopted a revised decision on the adoption and scope of application of the Unified Declarations of Commitment by a Member State competent authority/mandated national institution/designated national authority of a Member State and the European Commission with respect to security aspects for ECHA's Information Systems²³.

The amendment removes the Poison Centre Notification Portal (PCNP) from the list of tools covered by the decision. The terms and conditions under which ECHA provides services to Appointed Bodies will be covered in the future through a Service Level Agreement (SLA) to be concluded between ECHA and the Appointed Bodies. The Secretariat will report to the Management on the progress regarding the conclusion of the SLA in the framework of the regular quarterly reports.

B.5 Quarterly report on ECHA's activities

The Management Board took note of the Quarterly Report of ECHA's activities²⁴ since the last Board meeting.

Board members thanked the Secretariat for the work done and engaged in a dialogue with the Secretariat on a number of questions, related to:

- Market developments following the restriction of BPA in thermal paper;

²⁰ MB/42/2020.

²¹ MB/43/2020.

²² Note from the Secretariat: After 30 September 2020, the total number of SEAC members will be 32.

²³ MB/44/2020.

²⁴ MB/45/2020.

- Public comments from interested parties on the RAC opinion on the restriction on intentional uses of microplastics;
- The Secretariat's measures in response to COVID-related public health measures;
- The preparations for the SCIP database and related industry concerns;
- The number of scientific opinions on occupational exposures limits in the pipeline and foreseen for next year. In this context, the Management Board noted that ECHA will sign up to the 'Roadmap on Carcinogens'²⁵, with further information to be provided in the next Management Board meeting.

B.6 Annual exchange of views with the Forum Chair

The Management Board took note of a presentation from the Chair of the Forum for Exchange of Information on Enforcement (Forum)²⁶ and held its annual exchange of views with the Chair.

The discussion built on previous exchanges concerning the Forum's enforcement priorities for 2019-2023 and focused on the Forum actions under these priorities taken in the previous year and on expectations for enforcement in light of EU priorities. The Forum Chair provided an update on the progress of 'REACH Review' Actions 13(2) and 12(2) related, respectively, to reporting of enforcement activities and cooperation between REACH and OSH enforcement. The Forum training activities, enforcement resources, specific projects, the UK's withdrawal and the impact of the COVID pandemic on the Forum's work were also discussed.

Board members welcomed the information provided and emphasised that enforcement is a very important element of the chemicals safety framework, as a harmonised approach can bring tangible benefits and learnings to regulators.

B.7 Election of the Chair of the Management Board

The Management Board elected Mr Paul KRAJNIK (AT) as its Chair for a first term of office starting from 1 October 2020²⁷.

Mr Paul KRAJNIK and Mr Paul RASQUE (LU) stood for election as Chair. Both candidates were invited to present their motivation, which also included information on their qualifications and background. In light of the upcoming end of his second mandate on the Management Board, Mr RASQUE recommended that Board members vote for Mr KRAJNIK.

The Chair explained that she and the Secretariat screened both candidates' CVs and declarations of interest and commitment, and no reasons for concern had been identified.

The election of the Chair took place using an electronic tool (Webropol), which was set up to guarantee anonymity and secrecy of the vote, the use of proxies and ensured that every member with voting rights was only able to submit one vote per round.

Mr Paul KRAJNIK was elected as Chair of the Management Board in the first voting round, with the required two-third majority of votes²⁸. He accepted the appointment and thanked the Management Board for the confidence members had expressed.

In light of the outcome of the election, the Chair reminded Board members that the office of Deputy Chair of the Management Board will be vacant as of 1 October 2020 and instructed the Secretariat to circulate a call for candidatures for Deputy Chair. The Management Board will elect a new Deputy Chair in its next meeting.

²⁵ <https://roadmaponcarcinogens.eu/about/the-roadmap/>

²⁶ MB/46/2020.

²⁷ MB/47/2020.

²⁸ The results of the vote were extracted from the online tool and are attached to these minutes. One member with voting rights was unable to cast their vote during the election, due to technical issues. This member communicated her vote to the Secretariat by phone and this vote was communicated to the Chair during the meeting, announced to the Management Board and added to the number of votes registered in the online tool for the purposes of these minutes.

Board members and the Secretariat warmly thanked the outgoing Chair, Dr Sharon MCGUINNESS for her outstanding work in chairing the Management Board in the last four years. The mandate of Dr MCGUINNESS ends on 30 September 2020.

B.8 Board of Appeal

Upon proposal from its Subgroup Board of Appeal, the Management Board adopted the revised composition of its selection group for the recruitment of the permanent and Alternate/Additional Legally Qualified Member(s) of the Board of Appeal (BoA). The selection group will be composed of Kestutis SADAUSKAS, Oscar GONZALEZ SANCHEZ and Sofia ZISI.

B.8.A Restricted

B.8.B Composition of the Board of Appeal

The Management Board adopted a decision to the effect that the Alternate Chairman of the Board of Appeal may also act as the Alternate Legally Qualified Member (ALQM)²⁹, if so designated by the BoA Chairman.

The decision had been discussed and recommended for adoption by the Subgroup Board of Appeal and consulted with the specialised services of the Commission. It was agreed that the decision is to be considered as an exceptional measure to allow the BoA to process cases at a satisfactory rate and is applicable for a period of 12 months. The Chair of the BoA will report on the application of the decision to the Subgroup Board of Appeal and the Subgroup may, on this basis, recommend its prolongation to the Management Board, if necessary.

B.8.C Revision of the Decision on the remuneration of alternate and additional members of the Board of Appeal

The Management Board adopted a revised decision on the remuneration of alternate and additional members of the Board of Appeal³⁰.

The revised decision had been discussed and recommended for adoption by the Subgroup Board of Appeal. The revision raises, by 50 %, the scale of remuneration for work related to appeal cases and for work related to alternate and additional members' participation and contributions at the annual meeting of the BoA.

B.9 Remote Management Board meeting arrangements

The Management Board took note of the outcome of a survey on the remote Management Board meeting arrangements, conducted by the Secretariat during July and August 2020³¹.

In this context, the Management Board also took note of an update from the Secretariat on the initial findings of the ECHA working group on remote meetings.

C. Points for information

C.1 Outcome of the Written Procedures MB/WP/15-26/2020

The Management Board took note of the positive outcome of the Written Procedures MB/WP/15-26/2020, conducted to confirm the conclusions reached in its 58th meeting in June 2020³².

²⁹ MB/49/2020.

³⁰ MB/50/2020.

³¹ MB/51/2020.

³² In this context, the Management Board took note of a Corrigendum to the Procurement Plan amendment (MB/WP/19/2020) related to a clerical error, whereby two amounts related to IT procurements appeared in a reverse order. The corrected version will be published on ECHA's website.

C.2 Report on the follow-up to the 2018 budgetary discharge

The Management Board took note of the Secretariat's report³³ on the follow-up³⁴ taken in response to the European Parliament decisions of 13 May 2020 on discharge in respect of the implementation of the ECHA budget for the financial year 2018³⁵.

4. Any other business

a. ECHA as Chair of the EU Agencies Network

The Management Board took note of information provided by the Secretariat on the main elements of and events planned in the framework of ECHA's chairing role of the EU Agencies' Network (March 2020-February 2021), in particular concerning high-level events in October 2020.

b. Annual recap of corporate ethical duties

The Secretariat will provide the Management Board with the annual recap of ethical duties³⁶ in a remote format.

Next meeting and closure

The Management Board warmly thanked and bid farewell to its French and Croatian members, Marie-Laure METAYER and Bojan VIDOVIC, as they attended their last Management Board meeting. The Management Board also bid farewell to its observer from Iceland, Sigurbjörg SAEMUNDSDOTTIR.

The Chair finally thanked participants and the Secretariat. It was noted that the next Board meeting will take place remotely on 16-17 December 2020.

³³ MB/52/2020.

³⁴ Pursuant to Article 107 of the Financial Regulation.

³⁵ (2019/2086(DEC)).

³⁶ In accordance with the MB members' Code of Conduct.

II. Documents submitted to the Management Board

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| Draft Agenda | MB/A/04/2020 |
| Draft Minutes of the 58 th meeting | MB/M/03/2020 |
| Orientation debate on the ECHA Programming Document (Work Programme 2022) | MB/38/2020 |
| Implementation of REACH Review actions | MB/39/2020 |
| 1st Amending budget 2020 and transfers within budget | MB/40/2020 |
| Revision of the Decision on the transfer of fees to Member States | MB/41/2020 |
| Revision of the Decision on the remuneration of co-opted members and experts | MB/42/2020 |
| Appointment of Committee members | MB/43/2020 |
| Revised decision on the Unified Declaration of Commitment with respect to security aspects for ECHA's Information systems | MB/44/2020 |
| Quarterly report on ECHA's activities | MB/45/2020 |
| Annual exchange of views with the Forum Chair | MB/46/2020 |
| Election of the Chair of the Management Board | MB/47/2020 |
| Restricted | MB/48/2020 |
| Composition of the Board of Appeal | MB/49/2020 |
| Revision of the Decision on the remuneration of alternate and additional members of the Board of Appeal | MB/50/2020 |
| Remote Management Board meeting arrangements | MB/51/2020 |
| Outcome of the Written Procedures MB/WP/15-26/2020 | MB/WP/15-26/2020 |
| Report on the follow-up to the 2018 budgetary discharge | MB/52/2020 |

III. Decisions taken / Conclusions reached by the Management Board³⁷

The Management Board:

- Adopted the agenda for its 59th meeting (Decision 30/2020).
- Approved the minutes of the 58th meeting held on 17-18 June 2020 (MB/WP/27/2020) (Decision 31/2020).
- Held an orientation debate in order to prepare the update of the ECHA Programming Document 2021-2024 and more generally on the Agency's priorities for 2021-2027.
- Took note of the updated status of implementation of the REACH Review actions.
- Concluded to adopt the first amending budget 2020 and instructed the Executive Director to notify the decision to the Budgetary Authority, the Court of Auditors and the Commission and will ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union within three months from the conclusion of the confirmatory written procedure.

Note from the Secretariat: Developments after the meeting, regarding the unavailability of the additional EU contribution also for the BPR activities, made it necessary that the Chair of the Management Board, in consultation with the Executive Director, to invite the Management Board to adopt the accordingly amended first amending budget 2020 via the written procedure MB/WP/37/2020. (MB/WP/37/2020) (Decision 38/2020).

Took note of the budget transfers carried out under the responsibility of the Executive Director.

- Adopted the revised Decision on the Transfer of a proportion of Fees to Member States (MB/WP/28/2020) (Decision 32/2020). The draft revised decision will be forwarded to seek the opinion of the European Commission.
- Adopted the revised decision on the remuneration of co-opted members and experts invited by the ECHA Committee or the Forum (MB/WP/29/2020) (Decision 33/2020).
- Appointed new members to the Committee of Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) (MB/WP/30/2020) (Decision 34/2020).

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| RAC new members | Wendy RODRIGUEZ-GONZALEZ (BE) |
| SEAC new members | Alex TURVEY (SE) |

- Adopted the revised decision on the Unified Declaration of Commitment by a Member State competent authority/mandated national institution/designated national authority of a Member State and the European Commission with respect to security aspects for ECHA's Information Systems (MB/WP/31/2020) (Decision 35/2020).
- Took note of the Quarterly Report on ECHA's activities.
- Held its annual exchange of views with the Forum Chair.
- Elected Paul KRAJNIK as its new Chair for a first term of office of two years, starting from 1 October 2020 (Decision 36/2020).
- Adopted the revised composition of its selection group for the recruitment of the permanent and Alternate/Additional Legally Qualified Members (MB/WP/32/2020) (Decision 37/2020).

³⁷ The conclusions reached in the meeting are subject to formal confirmation in written procedures, except for point B.7 Election of the Chair of the Management Board.

- Took a decision on a restricted matter 1 (MB/WP/35/2020) (Decision 41/2020).
- Took a decision on a restricted matter 2 (MB/WP/36/2020) (Decision 42/2020).
- Decided that the Alternate Chairman of the Board of Appeal (BoA) may act also as Alternate Legally Qualified Member (ALQM) (MB/WP/33/2020) (Decision 39/2020).
- Adopted a revised decision on the remuneration of alternate and additional members of the Board of Appeal (MB/WP/34/2020) (Decision 40/2020).
- Took note of the outcome of the survey regarding the remote MB arrangements.
- Took note of the outcome of the written procedures conducted to formally confirm the conclusions reached in its 58th meeting (MB/WP/15-26/2020).
- Took note of the Secretariat's report on the follow-up to the 2018 budgetary discharge.
- Took note of the events organised in the context of ECHA's chairing role of the EU Agencies' Network.

Agreed follow-up actions:

- The Secretariat will reflect in the draft Programming Document 2021-2024 the steer received in the orientation debate and submit it for written consultation of the Management Board in October 2020.
- The Secretariat will provide data and background to the Commission to start a reflection on ECHA's funding model.
- The Secretariat will present an in-depth review of the status of implementation of the REACH Review actions for the next Board meeting in December 2020, including an overview of the actions that may be considered closed.
- 1st Amending Budget 2020:
 - o The Executive Director will notify the amending budget, once adopted, to the Budgetary Authority, the Court of Auditors and the Commission; and
 - o Ensure that the amended budget is published on ECHA's web page and in the Official Journal of the European Union within three months.
- The Chair will forward the revised draft decision on the transfer of a proportion of fees to the Member States to the European Commission for its opinion pursuant to Article 14(2) of the Fee Regulation.
- The Secretariat will circulate a call for candidatures for a Deputy Chair of the Management Board.
- The following written procedures will be launched to confirm the conclusions/decisions reached in the meeting:

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| MB/WP/27/2020 | Minutes of the 58 th Management Board meeting |
| MB/WP/28/2020 | Revision of the Decision on Transfer of a proportion of Fees to Member States |
| MB/WP/29/2020 | Revision of the Decision on the remuneration of co-opted members and experts invited by the ECHA Committee or the Forum |
| MB/WP/30/2020 | Appointment of Committee members |
| MB/WP/31/2020 | Revised Decision on the Unified Declaration of Commitment with respect to security aspects for ECHA's Information systems |

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|----------------------|---|
| MB/WP/32/2020 | Appointment of the selection group for the A/LQM selection |
| MB/WP/33/2020 | Composition of the Board of Appeal |
| MB/WP/34/2020 | Revision of the Decision on the remuneration of alternate and additional members of the Board of Appeal |
| MB/WP/35/2020 | Restricted 1 |
| MB/WP/36/2020 | Restricted 2 |
| <i>MB/WP/37/2020</i> | <i>1st amending budget 2020 and transfers within budget³⁸</i> |

³⁸ On 28 September 2020, the Chair, in consultation with the Executive Director, decided not to include this item among the proposals submitted for written confirmation, in light of new information received from the Commission regarding the unavailability of the additional EU subsidy requested under the BPR. The written procedure MB/WP/37/2020, launched on 12 October 2020 is pursuant to Article 7(1) of the Rules of Procedure and not to confirm the conclusion reached in the Management Board meeting.

IV. List of attendees³⁹

Representatives of the Member States

| | | |
|-------------------------------|------|--|
| Paul KRAJNIK | (AT) | |
| Anne-France RIHOUX | (BE) | |
| Teodora VALKOVA | (BG) | |
| Bojan VIDOVIC | (HR) | (Also acting as proxy to Alojz GRABNER on the morning of 25 September) |
| Tasoula KYPRIANIDOU-LEONTIDOU | (CY) | |
| Tatjana KOLESNIKOVA | (CZ) | |
| Magnus LØFSTEDT | (DK) | |
| Enda VESKIMÄE | (EE) | |
| Hanna KORHONEN | (FI) | |
| Marie-Laure METAYER | (FR) | |
| Axel VORWERK | (DE) | |
| Sofia ZISI | (EL) | |
| Krisztina BIRO | (HU) | |
| Sharon McGUINNESS | (IE) | |
| Francesca GIANNOTTI | (IT) | |
| Jūdite DIPANE | (LV) | |
| Donata PIPIRAITE-VALISKIENE | (LT) | |
| Paul RASQUE | (LU) | |
| Ingrid BORG | (MT) | |
| Hans MEIJER | (NL) | |
| 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) |
| Sabine JÜLICHER | DG SANTE |

Independent persons appointed by the European Parliament

Kristel BERNAERTS
Olwenn MARTIN

Representatives from interested parties appointed by the European Commission

| | |
|----------------|---|
| Stefan SCHEUER | EEB-BEUC – European Environmental Bureau/European Consumer Organisation |
| Marco MENSINK | Cefic |

³⁹ 33 members with one full and one partial proxy given (as detailed above), two persons of trust and two EEA/EFTA observers joined the remote meeting.

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)

Other observers

Karine BOQUET Future MB member for France
Abdel EL-AMELI European Commission, DG GROW
Bernhard BERGER European Commission, DG ENV
Cristina DE AVILA European Commission, DG ENV

ECHA staff

Bjorn HANSEN (Executive Director)
Jukka MALM (Deputy Executive Director)
Jack DE BRUIJN (Director of Prioritisation and Integration)
Mike RASENBERG (Acting 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)
Maria OTTATI (Chair of the Committee for Socio-economic
Analysis)

Katja VOM HOFE (Chair of the Forum)
Antoine BUCHET (Chair of the Board of Appeal)
Eric RIEGER (Acting Head of Human Resources 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)

V. Amendments to the draft minutes of the 58th Management Board meeting

Amendments proposed by the Commission (DG GROW)

B.2 Opinion on the final accounts 2019

Addition of the **following text**:

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 provided clarifications with regards to the observations, the fact that the IAS did not select ICT procurement in ECHA as an audit area and another question of a technical nature, raised by a Board member. **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.**

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

Amendment of the **following text**:

The Management Board took note of the general principles proposed by the Secretariat to prepare for a possible scenario under the MFF 2021-2027 where ECHA would ~~no longer have the~~ **not have the additional** human and financial resources needed **requested** to implement its vision and Strategic Plan. The Subgroup SPI had discussed the proposal in its meeting of 12 June 2020 and supported the principles as presented.