

ECDC Management Board



**MB14/Minutes
31 March 2009**

**Minutes of the Fourteenth Meeting of the
ECDC Management Board
Paris, 13-14 November 2008**

Adopted by the Management Board at its Fifteenth meeting, 25-26 March 2009

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Summary of Decisions

The Management Board:

- Adopted the draft minutes of the First Extraordinary meeting of the Management Board (Stockholm, 23 September 2008);
- Elected Dr Hubert Hrabcik (Austria) as new Chair and Prof Jacques Scheres (European Parliament representative) as new Deputy Chair of the Management Board;
- Approved ECDC Annual Work Programme 2009, subject to amendments as requested at MB14;
- Approved ECDC Implementing Rule No 25 concerning the appraisal of the Director, subject to agreement by the European Commission;
- Approved the Budget and Establishment Table 2009;
- Approved a request for transfer of € 1,8 M in the 2008 budget and the related revision of the Work Programme 2008;
- Nominated the members of the new Audit Committee and approved the new mandate for the Audit Committee;
- Adopted the new Financial Regulation and Implementing Rules;
- Agreed upon proposal of Spain for next introductory course of EPIET in Lazareto;
- Approved the proposed dates for the MB meetings in 2009.

The Management Board also:

- Noted the proposed actions to be implemented by ECDC as follow-up of the recommendations of the MB based on the results of the external evaluation of the Centre, as well as the proposed timeframe for implementation of these actions and the items that shall be discussed in future MB meetings;
- Noted that a draft of the Annual Report of the Director 2008 will be circulated electronically for review and comments by the Board in January 2009;
- Discussed the current status of the draft Seat Agreement and agreed to postpone a decision on this matter until outstanding issues are clarified. It should be considered whether the matter could be discussed during the EU Ministers of Health meeting in December and a letter will be written by the MB Chair to the European Parliament, European Commission and Council to seek advice on this matter;
- Noted an outline of the 2010 ECDC budget;
- Noted the minutes of the Meeting of the Joint WHO/ECDC Coordination Group of 27 February 2008.

Opening and Welcome by the Chair

1. The Chair opened the fourteenth meeting of the Management Board (MB) and welcomed the new members for Lithuania (Dr Audrius Ščeponavičius) and Spain (Dr Aguado Ildefonso Hernández and Dr Karoline Fernandez de la Hoz (alternate)). Apologies were received from the members of Denmark (Dr Else Smith), Iceland (Dr Sveinn Magnússon), Liechtenstein (Dr Sabine Erne) and the European Commission, DG Research (Dr Alain Vanvossel).

Address by Dr Françoise Weber, French Institute for Public Health Surveillance (InVS)

2. Mme Weber gave a presentation on the history and current organisation of the InVS.
3. The Chair thanked her for the presentation and for the hospitality of InVS in hosting this meeting. He noted that as with ECDC, the InVS has no laboratories and the emphasis is therefore on collaboration. ECDC can learn from their experience. Further, the InVS also covers a complicated geographical area and has a very broad mandate.
4. He noted that InVS and its precursor previously hosted much of the activities that have since been transferred to ECDC.

Item 1: Adoption of the Draft Agenda (*document MB14/2*)

5. The agenda was adopted without change.
6. Denmark gave proxy to Sweden. DG Research gave proxy to Andrzej Ryś, DG SANCO.
7. It was informed that for the indication of possible conflict of interests, a sheet had been distributed to the members in order to register any declaration. John F Ryan, European Commission, declared that under Agenda Item N^{os} 5, 6 and 7, he is Authorising Officer for DG SANCO by sub-delegation.

Item 2: Adoption of the Draft Minutes of the First Extraordinary Meeting of the Management Board in Stockholm, 23 September 2008 (*document MB14/4*)

8. The minutes were adopted without amendment.

Item 3: Election of Chair and Deputy Chair of the Management Board

9. Elisabeth Robino, acting Head of Unit for Administration, reminded members of the rules of procedure for the election. There were two nominations for the position of Chair and one for that of Deputy Chair. Two tellers were required to count the votes: members for Malta and Estonia volunteered for the office.

10. Voting proceeded for the position of Chair by secret ballot. Thirty-two votes were cast. Dr Hubert Hrabcik received 23 votes, which passed the required two-thirds majority and he was therefore elected Chair.

11. Voting then proceeded by secret ballot for the position of Deputy Chair. Professor Dr Jacques Scheres received 27 votes and was duly elected Deputy Chair.

12. The outgoing Chair took the opportunity to reflect on the achievements of ECDC to date and announced his intention to resign from the MB after the conclusion of this meeting.

13. The Director thanked the outgoing Chair and Deputy Chair for their outstanding contributions to date, and looked forward to working with the new team.

14. The newly elected Chair took up his position immediately, noted that the period of consolidation for ECDC was almost over and looked forward to building on the foundations established so far.

Item 12: Director's Briefing on Progress Made on the Work of the Centre

15. As agreed in a previous meeting, the Director did not give a detailed briefing on the day-to-day work of the Centre, but rather, she brought the MB up to date on four key issues.

16. Progress on Budget for 2009. ECDC is now optimistic that it will receive the optimum budget growth for 2009, and hopeful that there will be the requested increase in the Establishment Table. Therefore, only one scenario was put forward in the 2009 workplan.

17. In response to a question from the floor, it was stated that the situation should become clearer within the following two weeks once the Communication has passed the Trilogue. Thereafter, Parliament's second reading would be determined.

18. In the event that the expected Budget does not go through, it was agreed that if only minor changes to the workplan are required, they could be made by written procedure. However, in the case of a substantial cut, an extraordinary meeting of the MB may necessarily be convened, as the next scheduled meeting in March 2009 would be too late.

19. ECDC Director's hearing at the EP, 6 October 2008. This had gone very smoothly and the Director recalled that the next joint event with the EP would be European Antibiotic Awareness Day (EAAD) on 18 November 2008 in Strasbourg.

20. In response to a request from the floor, it was agreed that a list of the national events related to EAAD would be distributed to the Board for information.

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21. Meeting of Heads of Agencies 24-25 October 2008, Lisbon. The Director informed the MB that ECDC will join the 'troika' of Agencies in 2009, and in this framework, will be the Coordinating agency in 2010. As part of the troika, ECDC will notably be in the Reference Group involved in the Commission's horizontal evaluation of the EU agency system launched by the Commission.

22. It was requested that the Director provide regular updates of this process to the MB as it could be important for the Member States to exert their influence, and could also be relevant for evaluations at the national level.

23. IANPHI meeting in Utrecht. The Director drew this to the attention of members since the 2009 meeting will probably take place in Stockholm and ECDC has offered to co-organise the event.

Item 4: ECDC Annual Work Programme 2009 (*document MB14/5*)

24. Philippe Harant, Planning and Monitoring Manager, introduced the work programme with an outline of the planning process, the main priorities and principles for 2009 and the establishment of a management information system for 2009 onwards.

25. General comments were taken from the floor before proceeding to discuss the programme target by target.

General issues

26. One member inquired how the budget allocation to each target and disease programme had been calculated. It was explained that there is no hard and fast rule. The programme coordinators are consulted at an early stage to ensure that the budget is in line with the activities planned within each target. Some areas are a high priority for ECDC and therefore receive a higher proportion of the budget, such as AMR. In addition, the surveillance networks in this area are not yet integrated into ECDC, so they will still be outsourced during 2009. The budget allocation to AMR will therefore drop substantially once the surveillance is brought in house.

27. One member requested feedback on what sorts of issues were raised by the consultation with the Advisory Forum (AF) and Competent Bodies (CB). The Director explained that the CBs gave technical input to ensure that the work programme was in harmony with their own priorities. All these were considered in the final draft. The AF provided much input on the detailed content, rather than on the priorities.

28. Several members expressed the view that although the work programme is excellent from a medical perspective, there are a lot of other issues (such as changing demographics, climate change, etc.) that affect communicable diseases. Thus if ECDC is to make maximum progress in prevention and control, it will need to consider these wider issues in the future. Further, the 'social impact' is mentioned in the general principles for Target 1 (page 23), but is not reflected in the activities.

29. The Director agreed that this is an important area, and that ECDC needs to consider how far it can go in this direction bearing in mind its mandate. She welcomed the suggestion to have a more in-depth discussion on the issue in 2009. She highlighted that ECDC is already doing some work in the areas of climate change and migration.

30. One member drew attention to the possible misunderstanding that could arise from the phrase “promote, initiate and coordinate research” given that ECDC does not in fact fund research programmes. While it is true that ECDC does not have a role in funding, the Director reminded members that the Founding Regulation states that ECDC should “initiate studies”. ECDC therefore works with DG Research in order to promote research related to communicable diseases. Further, there is a small budget to conduct pilot projects. The wording should therefore be changed from “research” to “studies”.

31. It was requested that the Director provide an update on the progress of implementation of the work programme at each MB meeting. As part of this, the MB should also have input into deciding on any ‘unexpected priorities’ that may arise during the course of the year. This was agreed to and the new management information system should facilitate this. After a discussion of what kind of information will be useful for the MB, this can be done regularly from next year.

32. One member highlighted the importance of ensuring that Member States are not overburdened by the number of meetings organised for the various groups, while acknowledging the importance of cooperation through the CBs. It was confirmed that this is being considered and is included in ECDC’s response to the external evaluation: a stakeholder analysis will look at both MS’ expectations and capacity. ECDC is also examining how to better organise the various working groups and exploring ideas such as the use of videoconferencing where appropriate.

Target 2

33. One member was concerned that laboratory staff should not be overlooked when discussing data collection. The quality of the data cannot be improved unless there is some harmonisation or diagnostic methods. In reply, the Director highlighted two issues. The first is that the surveillance data should be integrated in the Member State before it comes to ECDC. The second is the question of whether ECDC should have direct access to reference laboratories and this is dependent on the Commission’s policy, currently a work in progress.

Target 3

34. It was suggested that the groups of experts should not just include medical experts and epidemiologists, but policy analysts and economists, for instance. In response, Johan Giesecke clarified that the Scientific Panels that produce ECDC Guidance already include a broad range of expertise; for

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panels such as the one mentioned for vaccines, the purpose is to advise ECDC on scientific issues, not to issue advice.

35. In connection with the burden of disease project, one member emphasised the impact of issues such as vaccination on health economics. Johan Giesecke acknowledged that this and the subject of health technology assessments are important, though it is debatable whether they fall within ECDC's remit. It is also difficult to make Europe-wide calculations due to cost variations among countries.

Target 4

36. There were no specific comments on Target 4.

Target 5

37. One member questioned why the EPIET programme was exclusively being evaluated, and not the other ECDC training activities. The Director explained that the last evaluation of EPIET occurred more than ten years ago; thus it makes sense to revisit it again. However, the other training activities have only been running for two years, thus it is premature to carry out an evaluation.

38. The point was made that several EPIET trainees choose to work outside their home countries or for international organisations and thus do not directly benefit the respective countries that fund the training. Denis Coulombier, Head of the Preparedness and Response Unit, explained that ECDC is aware of this problem and that one of the objectives of the evaluation is therefore to assess how the programme can better connect with national training. One option being considered to address this is the creation of a hybrid programme whereby fellows paid by a Member State could stay in that country but still receive the full benefit of the support of EPIET supervisors.

39. In response to several comments, members were reminded that the MB adopted the ECDC Training Strategy in 2005, and since then, ECDC has worked to implement it. There is an annual meeting to review the strategy and this year it was agreed that there was no need to change it. The Director commented that 2010 might be an appropriate time to review the strategy in the MB.

40. There was a request for training courses to include current innovations in modern epidemiology and to reflect a broader social perspective. However, Denis Coulombier explained that the strategy has so far been to provide short courses on generic functions. Currently, ECDC is examining more disease-specific courses. In the long term, broader areas might be considered, but this is not intended for 2009.

Target 6

41. There were no specific comments on Target 6.

Target 7

42. The reference to country agreements with eight countries (page 32) was questioned. Alain Lefebvre, Country Relations and Coordination, clarified the situation. It reflects one of the objectives in the Multi-annual Strategic Programme which was discussed in a previous MB meeting. In 2006, a number of countries were designated to take part in a pilot project. These were visited during 2006-2007. In 2008, it was agreed to review what has been done in those countries and agree upon future areas of cooperation. Following this evaluation, a proposed structured method of cooperation can be presented to the MB.

Target 8

43. There were no specific comments on Target 8.

Target 1

44. Referring to the expected results for the AMR and HCAI programme (page 31), it was felt that some countries would find it very difficult to “[establish] surveillance of HCAI in nursing homes”. Johan Giesecke acknowledged the difficulty in this area and explained that ECDC’s work in 2009 would be rather to look at the feasibility of conducting surveillance in nursing homes than to establish systems.

45. One member remarked that many countries have already done a great deal of successful work on issues such as MRSA (see page 31) and would be glad to share their material with ECDC. It is important to avoid duplicating efforts. The Director provided reassurance that any such project always begins with a mapping exercise to determine what already exists within Europe.

46. Another phrase on page 31 was felt to be unclear. Did “coordination of MS activities in the field of AMR” mean just the European Antibiotic Awareness Day? This needs to be reworded to clarify the intention.

47. It was suggested that the issues of climate change and migration (page 23) would be better dealt with under the Emerging and Vector-borne Diseases programme. However, Johan Giesecke explained ECDC’s view that these are important drivers to infectious diseases in the EU and need to be considered across the board rather than just for certain diseases. Further, ECDC’s work on migration is in response to a direct request from the Portuguese Presidency.

Summary of Amendments to Document MB14/5

48. Page 4 “strengthening scientific support”. Change “research” to “studies”.

49. Page 31 “establishing surveillance of HCAI in nursing homes” to be reworded.

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50. Page 31 “coordination of MS activities in the field of AMR” to be reworded.
51. Page 43 correct 2008 in heading to 2009.
52. Before voting, it was explained that the budget allocation is presented in the annexes, but for the sake of transparency, a more detailed breakdown of the budget by deliverables has been made available to members. It was further agreed that it would be counter-productive to tie the work plan too closely to the Budget as ECDC would lose flexibility to reallocate funds as necessary.
53. It was agreed that approval of the 2009 Work Programme would be on condition that all necessary amendments as requested in this meeting would be made to the document.
54. It was further agreed that the document should include a statement that it was subject to approval of the budget by the relevant authorities.
55. Requiring a two-thirds majority, the Work Programme was approved unanimously.

Item 10: ECDC’s Response to the External Evaluation of the Centre (*document MB14/12*)

56. Mark Sprenger (Netherlands) updated the Board on the most recent developments after the external evaluation of ECDC was finalised. The MB’s conclusions and recommendations based on the external evaluation were formally sent to the European Commission in October 2008. Mark Sprenger expressed his contentment to see that ECDC was already presenting an outline of follow-up actions in order to implement the Board’s recommendations.
57. The EC representative, John Ryan, informed that after having formally received the MB’s conclusions and recommendations together with the Final Report on the External Evaluation of ECDC, the Commission was able to make reference to this documentation, which showed such positive results in the discussions to unlock the ECDC budget and staffing freeze when presenting the case to the European Parliament and the Council. He informed that the EC’s Communication on ECDC (Communication to the European Parliament and Council COM(2008) 741 final of 13 November 2008) had just been approved. He also expressed his satisfaction to see that ECDC was at this meeting presenting a series of action points to follow-up on the results of the external evaluation.
58. The Chair acknowledged the usefulness of the information given by the EC for the discussion and invited the Board to review and comment on each section and item presented in the document MB14/12, as it outlines ECDC’s proposed actions and timeframes.

Work of ECDC and Relations with Member States and Stakeholders

59. During the review of item 2/4 referring to ECDC’s matrix structure, members of the Board requested that a review of the current structure starts

soonest, and that the issue be discussed in the June 2009 MB meeting for guidance and advice by the MB. The ECDC Director clarified that inclusion of this item did not denote that a request for change in the matrix structure was received, but rather that it needed to be reviewed regularly. She informed that it had already been reviewed in 2008 to ensure increased synergies between the Disease Specific Programmes and the Units. The focus until 2009 will continue to be on the public health function, and from 2010 onwards, the focus will be on disease specific work. She also clarified that the review of the structure is an internal issue.

60. A request for correction in the wording of the first sentence in item 2/4 was received. It should read: “The MB recommends to the Director to continue to keep the ECDC structure under review...”

61. The Chair noted that item 2/5 of the document referring to the role of the AF would be further discussed in the next MB meeting in March 2009.

62. As regards items 2/7 and 2/8 of the document, the EC representative John Ryan cautioned that outsourcing the stakeholder analysis could prove to be difficult. It was therefore decided to delete the second paragraph included in the timeframe referring to a target date for completion of the stakeholder analysis.

Risk assessment, Risk Management and Risk Communication

63. One member expressed concerns with the division in this section of the MB’s recommendation as separate points 2 and 3. These should remain together as they are interrelated. The ECDC Director pointed out that these points were separated in the document in order to highlight the way the Centre addresses requests to improve the communication with Member States.

Extension of Mandate

64. On item 4/3 referring to microbiology laboratories, it was requested to further discuss the orientation of the strategies regarding laboratories to clarify the roles of ECDC, EC and Member States. The Chair noted that this issue could be further discussed during the agenda item 14 - Other matters, when the “Update on the Work with National Microbiology Focal Points and ECDC” is presented.

Additional Issues Not Covered by the MB’s Summary

65. No particular comments were made on the items in this section of the document.

66. During the discussions, some comments were made regarding translation of the Commission’s Communication on ECDC and the Final Report on the External Evaluation of the Centre. The ECDC Director confirmed that the final report was only available in English. It was discussed if the whole report should be translated into all EU languages, or only the Executive Summary and the MB document with the Board’s conclusions and recommendations.

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Some members pointed out that financial resources should be allocated to other priority matters, as translating the entire documentation would be very costly. The Director clarified that the EC Communication will be available in other languages.

Item 11: Draft 2008 Annual Report of the Director (*document MB14/13*)

67. Philippe Harant, ECDC Planning and Monitoring Manager, informed that due to the fact that this MB meeting convened at an earlier stage (in November 2008), it was premature to submit a first draft of the Annual Report of the Director for the last MB session of the year, as had been the case in previous years when the meeting usually occurred during mid-December. Therefore, the first draft will be circulated electronically to members of the Board for guidance and consultation in January 2009.

68. Philippe Harant highlighted some changes in the content of the 2008 report. The report will be linked more closely to the 2008 Work Programme in order to better reflect accountability. An initial series of indicators will be included.

69. A request was received from the floor to have a condensed version of the 2008 Annual Report of the Director available in different languages.

70. The Chair then recalled that at the next MB meeting, the 2008 Annual Report of the Director would be presented for approval by the Board.

Item 8: ECDC Implementing Rule No 25 Concerning the Appraisal of the Director (*document MB14/10*)

71. It was explained that this is an exceptional situation in that the MB is being asked to adopt the Implementing Rule, which has not yet been approved by the Commission since the issue is urgent and needs to take effect from January 2009. While confirming that the Rule may need to be changed at a subsequent date, the European Commission granted provisional approval to its adoption at this meeting in order to proceed with the vital evaluation process. The Commission affirmed that the Implementing Rule should be adopted “subject to confirmation of the general rules by the Commission.”

72. One amendment was needed to the Rule: in Article 6(7) “president” should be changed to “Chair”.

73. There were no objections to proceeding on these terms. Hence the Implementing Rule was adopted.

74. It was unclear in the legal text whether reporting officers should be appointed solely for one year or for the life of the MB. The European Commission agreed to clarify this point and to respond to the MB accordingly in March 2009. Therefore, it was decided to nominate the reporting officers at this meeting and decide the length of the term at the fifteenth meeting to be held in March 2009.

75. It was clear that neither the Chair, nor the Deputy Chair could act as reporting officers given their possible roles as appeal assessors.

76. Dr Françoise Weber, member for France, was nominated as reporting officer for the MB. There were no objections.

Item 14: Other Matters

Minutes of the Meeting with the World Health Organization (*document MB14/15*)

77. Arun Nanda, WHO liaison, updated the MB briefly and outlined the outcomes of the third ECDC/WHO Joint Coordination Group Meeting.

Update on the Work with National Microbiological Focal Points and ECDC Collaboration with Laboratories (*document MB14/16*)

78. Johan Giesecke presented an update on the work with NMFPs and the preliminary results of the Public Health Microbiology survey. The work with laboratories is, to a certain extent, on hold, pending the Commission's strategy; in the meantime, the mapping exercise has gone ahead. There have been some issues with making the database public as some participants do not approve of their details being made available on the website. Further, the Commission had raised the issue that to show what Member States cannot do has possible security implications.

79. In response to a question from the floor, the MB was informed that ECDC has contact points in the candidate countries but does not yet have a full list of their competencies.

80. The results have not yet been sent to the countries. Although there has been a presentation on all questions in the survey, the final report is in the process of being written.

81. One member stressed the importance of ECDC defining its needs in this area. Johan Giesecke agreed, noting that the needs of ECDC are not difficult to define. However, ECDC also has a role in promoting public health microbiology in the Member States, which is more difficult to articulate. The focal points had been requesting this kind of survey as a way to share best practices.

82. Clarification was requested from the Commission on their call for tender on laboratory networks. This is rooted in the Public Health Programme's priority areas, which is a legal text. The policy paper goes beyond the scope of ECDC as it covers additional areas such as chemical and nuclear safety. The EC is ensuring that ECDC's work is compatible with its implementation. The call for tender states that the contractor must take full account of ECDC's work in this area.

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83. The Chair requested that at the next meeting, the Board receive the final report from ECDC and an update on progress with respect to the Commission's activities.

Update on Evaluation and Assessment of 17 Dedicated Surveillance Networks (*document MB14/17*)

84. Andrea Ammon, Head of the Surveillance Unit, updated the MB on the evaluation of the DSNs.

85. The Chair asked whether there had been any difficulties so far with the transfers to ECDC.

86. The first issue was that the experts in the Member States must adjust to changes to the format of TESSy; however, this would improve over time and with assistance from the helpdesk. Second, discussions with WHO regarding the joint reports remain ongoing, with some points which still need to be resolved. Third, while there have been issues with the Coordinating Centre for EISS, they are now being resolved.

87. One member asked whether the 14 reports would be made public. Andrea Ammon explained that summaries will be published on the website, but it had not been agreed that the full reports would be posted. The Director added that, if so requested, MB members could access the full reports.

Evaluation of the EU Agency System (*document MB14/18*)

88. Elisabeth Robino outlined the background to the evaluation and explained the current status of the project and ECDC's role in it. The European Commission further explained that the evaluation would focus on governance. The evaluation will be undertaken during 2009, leading to discussion and debate in 2010. If significant changes were required, they would be translated into a package of amending legislation.

Access to ECDC Member States' Data by Third Parties (*document MB14/19*)

89. Andrea Ammon introduced the background to this issue, which had arisen in the context of a request for data transfer from EISS. ECDC is in the process of drafting a procedure, but an interim agreement has been reached that requests for TESSy data should be passed back to the MS. However, in the future, a more transparent approach needs to be considered. ECDC suggests that requests from EU-funded projects should be granted with an advance general agreement from Member States, and similarly requests from WHO.

90. The Director confirmed that WHO does not constitute a third party and data will always be shared with them.

91. Members noted that most countries will be reluctant to share their data for commercial purposes, but acknowledged that it can sometimes be justified in the interests of public health. It was also noted that it can often be difficult

to establish where the secondary interests lie. One member suggested considering an ethics committee to assess requests and try to establish a doctrine.

92. Another member highlighted that only the countries themselves comprehend on what basis the data was collected, and ethically, data cannot be used for a purpose that was not initially stated on collection.

93. The Chair proposed that Andrea Ammon prepare a paper for the next meeting (MB15) and that until a policy is agreed the requests should be referred back to the Member States. However, one member queried how ECDC would be able to handle a situation where some countries agreed and some did not. The member felt that ECDC needed to be proactive in helping Member States decide, whilst agreeing that the final decision should rest at the national level.

94. One member sought clarification on data that is part of the public domain. Since the purpose of the collection of data is to make it public, where is the issue? The Chair confirmed that the discussion concerns unpublished Europe-wide data. The Member for the European Parliament suggested approaching other Agencies in a similar situation (e.g. EMCDDA) in order to ascertain how they deal with the situation.

95. It was unanimously agreed that, pending a full discussion at MB15, no data transfers would be made to third parties. Those requesting data could in any event still contact individual countries.

Proposal from Spanish Ministry of Health Regarding Lazareto for Training Activities/Meetings

96. Dr Aguado Ildfonso Hernández, member for Spain, on behalf of the Spanish Ministry of Health, offered ECDC the use of its facilities at Lazareto, both for the continued use of the EPIET programme, and for a meeting of the Management Board in 2010, which would coincide with the Spanish Presidency.

97. The Director thanked the member for the generous offer and would respond to the Minister in due course. The Chair confirmed that the next EPIET programme would be given at the Lazareto. For subsequent sessions, the options shall be submitted to the MB on the basis of the conclusions of the external evaluation of EPIET that will be carried out in 2009 (and will include a question on venues for courses and training sites). Such discussions could take place in the November 2009 MB meeting.

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Media Seminar

98. The Chair asked Ben Duncan, Spokesman, to update the Board on the media seminar, which had been run concurrently with this meeting. Ben Duncan explained that the seminar had been arranged following a decision at the extraordinary meeting of the MB in September 2008 that it would be appropriate to carry out some publicity around the external evaluation. Journalists had received briefings from the Director, the member for France, Heads of Unit, the former Chair and other ECDC colleagues.

99. The Chair requested that a list of attending journalists stating their home country be circulated to members to prepare them for any follow-up questions from the media.

100. One member suggested that for similar events in the future, it would be easier and economical to concentrate on local journalists from the host country.

Item 13: Update on the Seat Agreement (*document MB14/14*)

101. Elisabeth Robino, ECDC Legal Advisor and Acting Head of the Administrative Services Unit, referred to document MB14/11, which provides information on the status of the draft Seat Agreement and shows which items requested by ECDC have not been accepted by the competent Swedish authorities. The proposed draft Seat Agreement revised by the Ministry of Health and Social Affairs was included in the documentation. It was proposed to accept the proposal and sign the Seat Agreement as is, and keep the outstanding issues on the agenda for further negotiations.

102. The member for Sweden, Irène Nilsson-Carlsson, briefed the Board on the most recent developments in the discussions of the Seat Agreement. She stressed that, compared to agreements between Sweden and other organisations, this was a generous offer. A pending issue on the possibility for ECDC staff to have a Swedish personal identification number (“personnummer”) is being addressed by another legislative process to be finalised in July 2009.

103. Several members of the Board expressed their concerns regarding the status of the draft Seat Agreement. The goodwill of the Swedish authorities was recognised and progress in the discussions was noted, but then a discussion on the shortcomings took place.

104. Members highlighted the importance of ensuring that similar living conditions for agency staff apply in all countries where EU agencies are located. It was also underlined that the EC should investigate these issues before decisions on location of EU agencies are taken. Given the existing outstanding issues with the Seat Agreement, signing it at this point was considered by some members as inappropriate, as this would jeopardise any further possibilities for negotiation and improvements.

105. The representative of the EC, Andrzej Rys, informed that the location of Agencies is a Council decision, and that it is the EC’s responsibility to

implement it. He acknowledged that this was not the appropriate moment to sign an agreement and informed that consultations with the Commission's legal services would take place. The EC will get back to the Board on these discussions.

106. As it was mentioned that ECDC staff had now improved access to the Swedish primary health care system, one Member pointed out that this could not be presented as progress since this should be the norm from the very beginning. Another member inquired about the status of access to secondary health care. Difficulties for access to housing were also mentioned as a problem.

107. A member stated that the country he represents would not subscribe to the Seat Agreement until the issue of the Swedish identity number ("personnummer") for staff is solved, as this is in the interest of staff itself and of the development of ECDC.

108. It was also asked if ECDC staff has been involved in the discussions of the Seat Agreement, as this was connected to their rights. It was suggested by some Board members that perhaps the current situation was affecting ECDC's capacity to recruit personnel.

109. The ECDC Director stressed the most urgent matters and clarified some comments made during the discussion:

- a. A signature of the Seat Agreement is urgently needed in order to strengthen the legal status of ECDC in Sweden.
- b. A personal identity number for staff is needed to solve everyday life issues. She acknowledged progress in solving this issue, but this is part of another legislative process on the Swedish social security number, and has experienced a delay. In July 2009 staff should receive new personal identity numbers, but it needs to be clarified how this will improve access to different services.
- c. Access to primary health care under the same conditions that apply to other residents in Sweden is now solved. For secondary health care, ECDC staff is covered under the health insurance scheme for staff of EU institutions.
- d. ECDC staff has been involved in the ongoing discussions via the Staff Committee.
- e. The difficulties with access to housing in Sweden are not related to issues under the Seat Agreement, but to particular conditions of the country's housing market. To facilitate access to housing, ECDC offers to staff advice through relocation services.
- f. Other outstanding issues regarding requests that have now been withdrawn in the proposal sent to the Centre by the Ministry of Social Affairs need to be discussed again, e.g. reimbursement of VAT on purchase of personal and household effects (including reimbursement of VAT on first car purchase) and

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the granting of diplomatic status to the entire management team of ECDC.

110. The Chair then proposed to postpone any decision and requested a timetable. He also noted that improved access to primary health care was in fact only valid for the Stockholm region, not the rest of Sweden.

111. Iréne Nilsson-Carlsson regarded the proposed draft Seat Agreement now available as positive, and informed that discussions could continue on outstanding issues. In her view, the current document reflected the best possible agreement that could be reached and doubted that substantial changes were possible. She also mentioned that she wished to abstain from taking any position during the decision making process by the MB on this matter.

112. The Chair replied that if this is all that was offered, then it was not sufficient. Signing now would compromise future improvements. He promised to keep – in his capacity as MB Chair – a close eye on this issue and offered to contact the Minister of Health of his country (Austria) to brief him on current developments in order to urge that the matter be included in the agenda of the upcoming meeting of EU Health Ministers. One member suggested to the Chair to also write a letter to the European Commission, the European Parliament and the European Council seeking advice on how to deal with this situation. The Chair agreed to this proposal.

113. Other members agreed that it was not an appropriate moment to sign the Seat Agreement; therefore a decision was postponed until the legal instruments were in place. No objections were received. The main conclusions of the discussion were then summarised: The matter shall be revisited in the next MB meeting in March 2009. In that meeting, Sweden shall clarify the content of the legislation on the “personnummer”. In the meantime, Board members should inform their respective Ministries of Health with the aim that the issue be discussed in the EU Health Ministers’ meeting in December 2008. The importance of guaranteeing similar conditions in all countries for agency staff was stressed, and it was requested that the EC’s stand on this issue be clarified.

114. Some questions were raised as to the implications of not reaching a final decision on the Seat Agreement. One member stressed that this situation needs to be viewed from a European perspective, as a signed Agreement becomes case law and could therefore lead to future agreements of this kind only fulfilling minimum requirements.

Item 5: Budget Issues (*documents MB14/6 and MB14/7*)

Budget and Establishment Table 2009 and Outlook for 2010

115. Theodoros Orfanos, ECDC Accountant, recalled recent developments on the ECDC budget for 2009. The initial ECDC proposal of € 50,7 M and 170 staff (TA) was subject to a reserve and freeze of staffing, but the discussions with the Budgetary Authority pointed to the direction that the budget perspectives could be achieved, although there was still uncertainty about the

staffing level. The budget would be subject to a second reading. The Centre was submitting to the Board a detailed budget of € 50,7 M for the MB's approval conditional to the decision of the EP in the second reading. Should the full budget and establishment table not be approved, then the MB would be requested to conclude on an amended budget and work programme in December 2008 via an extraordinary meeting.

116. A correction to document MB14/6 was requested: on page 3, the last part of paragraph 16 should read: "...presented to the Board in its meeting of December 2007". It was also recalled that in the MB document related to the Work Programme 2009 (MB14/5) on page 43 the heading of the table (Annex III) should read: "2009 budget by target..."

117. Some clarifications were requested regarding the figures on staffing. It was explained that the staffing figures take into account the reclassification exercise and that the figures are in line with the Multi-annual Staff Policy Plan.

118. One member wished to have more insight into details of the proposed outlook for 2010, and also suggested that in the future it would be helpful to see comparisons on current versus previous staffing levels, as well as resources transferred by year and how these were allocated. The ECDC Accountant informed that detailed information on the budget 2008 will be presented in the next MB meeting in March 2009.

119. The Chair then asked the Board if it approved the budget and establishment table for 2009. It was unanimously adopted; no objections were raised from the floor.

Revised Budget and Work Programme 2008

120. The ECDC accountant then presented a request for the shift of an additional 4,5% of the budget (€ 1,8 M) for approval by the MB. The details for this second budget transfer were explained. An allocation of € 1,2 M would go from the Administrative budget to Operations, and a further reallocation of € 0,6 M within Title 3 (from Meetings and Country relations) would go to Other Operations. The related revision of the Work Programme 2008 was also submitted to the Board for approval.

121. The EC member John Ryan noted that paragraph 8 of document MB14/7 (page 2) referred to the unexpected high staff turnover in the Centre and a slower than anticipated pace of recruitment. In reply to this comment, the ECDC Director explained that often staff with very specific skills is required, which can lead to difficulties in recruitment (e.g. posting a job offer more than once) and that the high turnover is being analysed. The EC member also requested corrections to paragraph 9 (item a) of the document (page 2): In the first line, the wording "demands from the MB" should be changed, as it is incorrect to say that the MB "demands". Additionally, the fourth line of this item needs to be revised, as it mentions "interest in health security matters" but this goes beyond the remit of ECDC's activities. The ECDC Director reassured the Centre would adhere to its mandate.

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122. Another member also referred to paragraph 9, item a, of the document, regarding the issue of a strategy for the Centre on how to become more visible among European citizens. While acknowledging the importance of communication, the member also cautioned on the need to be very clear on what the Centre wishes to communicate to the public. The focus should not be on promoting ECDC itself, but rather on conveying health messages to the public, e.g. with initiatives like the European Antibiotic Awareness Day campaign. The ECDC Director agreed that this should be the main focus and that perhaps the wording in the document needs to be revised. She then invited the ECDC Spokesman, Ben Duncan, to comment on this. He clarified the aims of the project of focus groups in each Member State, which aims at assessing which kind of information from ECDC is expected from, and relevant to, citizens. A number of health messages will be tested in countries to assess the level of interest in issues related to infectious diseases. The ECDC Director proposed to discuss the matter further in the next MB meeting in March 2009.

123. Another member of the Board added that health messages from ECDC should not only address the general public, but also other target audiences. The ECDC Director explained that these audiences include policymakers, public health professionals and the general public.

124. One member requested clarification on when the expenditure of reallocated resources for 2008 would occur, as the current year was almost over. Theodoros Orfanos clarified that a carry over could be effectuated for 2009; however, the money needs to be committed already this year.

125. The Chair then asked the Board if it approved the request for the transfer of € 1,8 M in the 2008 budget and the related revision of the Work Programme 2008. This was unanimously approved; no objections were raised from the floor.

Item 6: Audit Issues: New mandate for the Audit Committee and Election of the Audit Committee *(document MB14/8)*

126. Elisabeth Robino referred to the document MB14/8, which presents a new mandate to better clarify the purpose, composition, meeting arrangements and responsibilities of the Audit Committee (AC). It replaces the old mandate. The main differences between the old and the new mandate were presented. The MB was requested to proceed on the appointment of five members to serve on the AC, three from Member States, one from the Parliament and one from the Commission. A sixth member had already been nominated representing DG SANCO's Internal Audit Capability (IAC). The ECDC Director will no longer be a member of the AC, but will continue to participate in the meetings and provide the secretariat.

127. An EC representative suggested a revision in the wording of the section related to responsibilities of the AC, specifically on page 4, the line stating that an overall responsibility is to "provide oversight of the internal control systems". For this same section, another member of the Board suggested a revision of the last paragraph on page 4, referring to the AC reporting back to

the MB on any serious shortcomings identified; this should be the norm, therefore the way it is written in the document can be misleading.

128. The Chair asked the Board if it approved the new mandate for the Audit Committee. This was unanimously approved; no objections were raised from the floor.

129. The Board then proceeded to nominate the members of the new Audit Committee. Representatives from the Member States, Iréne Nilsson-Carlsson (Sweden), Roman Prymula (Czech Republic) and Mario Fava (Malta) were nominated, with no objections from the floor. It was also agreed that the member for Sweden would Chair the AC. As for the representative of the EP, it was agreed that Jacques Scheres would continue to be part of the AC. The EC will subsequently communicate who will be nominated as Commission representative in the AC.

Item 7: Adoption of the New Financial Regulation and Implementing Rules (*document MB14/9*)

130. Elisabeth Robino presented background information as to why new financial rules were being implemented. This arises from a revision of the Financial Regulation of the EC, which entered into force in May 2007, and of the Framework Financial Regulation for agencies and other bodies, which was adopted in July 2008. Agencies have six months to adopt the changes in their own financial regulation. The purpose is to provide more flexibility in the implementation of the budget and increased transparency and accountability towards the Budgetary Authority. The main changes were then highlighted during the presentation. The new financial rules (financial regulation and implementing rules), for which the Commission's agreement was obtained, were presented to the MB for adoption.

131. The member for Germany argued that as the document on implementing rules presented for this item was very large, insufficient time was allowed for its review and it did not clearly show the changes, it would be difficult to decide on this matter. More time would have been needed to review it and also to forward it to the competent authorities. He offered to forward his comments in writing at a later stage.

132. The Chair cautioned that a decision on this matter was urgent for the Centre's financial processes. Another member added that in any case, these financial rules were more of an internal nature and that postponing a decision at this stage did not seem adequate.

133. When submitted for a vote, a clear majority adopted the new ECDC financial rules by a show of hands, with two abstentions and one negative vote.

Item 9: Dates of the Meetings of the Management Board in 2009 (*document MB14/11*)

134. This item was covered during the discussions of agenda item 4 on the ECDC Annual Work Programme 2009 to allow for the Acting Managing Director of the Polish National Institute of Public Health – National Institute of Hygiene in Warsaw, Mirosław Wysocki – who attended this meeting as advisor for Poland – to give a presentation on the venue foreseen for the MB meeting in the summer 2009. He presented an overview of the Institute’s mission and main activities.

135. The Chair recalled the dates discussed previously for the MB meetings in 2009. The final proposal is based on the preliminary discussions that took place at the MB13 meeting in June, in Helsinki, and on the written consultation that took place during the summer in order to assess if the proposed dates were suitable.

136. It was agreed that the next MB meetings will take place on the following dates:

MB15: 25-26 March 2009 (ECDC, Stockholm)

MB16: 24-25 June 2009 (Warsaw, Poland)

MB17: 5-6 November 2009 (ECDC, Stockholm)

137. The ECDC Director informed that, in March 2009, the Chair would present to the Board a preliminary proposal for dates and places of future MB meetings. She also recalled that an informal offer to host MB meetings had been made by Ireland and that at this meeting, the Member for Spain had offered to host an MB meeting in 2010 in the context of the Spanish EU Presidency.

Additional Matters Discussed

138. After all agenda items were covered, the EP representative Minerva-Melpomeni Malliori requested the opportunity to highlight some issues that should be taken into account in the future. She suggested that agenda items for which a two-thirds majority voting was required should not be left for the last day of the meeting, as some members needed to leave earlier. Furthermore, she proposed that the issue of translation procedures should be brought back to the MB agenda in the March 2009 meeting, as it has not been possible to reach a final and unanimous decision on this matter.

139. ECDC’s Director then took the opportunity to thank all MB participants for their highly constructive discussions.

140. The Chair then proceeded to adjourn the meeting, highlighting the spirit of consensus that had prevailed. He offered to present at the next meeting feedback on various issues with which he has been working on in his capacity as Chair, and subsequently expressed his gratitude on behalf of the MB to the French representatives for hosting this meeting.