

Helsinki, 16 May 2014

Guidance for the prevention of potential conflicts of interest in ECHA networks and expert groups

(Decision by the Executive Director)

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All Directors
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D2, D3, D4, E1, ExO**
**Secretariat of ECHA expert groups and
networks**
ECHANet
ECHA website

AS THE EXECUTIVE DIRECTOR OF THE EUROPEAN CHEMICALS AGENCY

I HAVE DECIDED THE FOLLOWING:

1. The guidance for prevention of potential conflicts of interest in the ECHA networks and expert groups in annex is adopted.
2. This decision shall apply as from the date of signature.

Done at Helsinki, 16 May 2014

[signed original available at the Executive Office]

Geert Dancet
Executive Director

Guidance for the prevention of potential conflicts of interest in ECHA networks and expert groups

General

Besides the formal ECHA bodies established by the regulations applicable to ECHA (Management Board, Committees, Forum and Board of Appeal, including working groups established under their remit), ECHA cooperates with external experts and external stakeholders through various informal networks, expert groups, coordination groups and discussion fora. They all have in common that they do not have any formal decision- or opinion-making power. They are informal networks or advisory bodies at most. However, this does not exclude that potentially some level of conflict of interest management may be appropriate, in order to avoid actual or perceived conflicts of interest. They form an integral part of the Agency and any issues would reflect negatively on the entire Agency.

Possible measures to be taken

For the prevention of potential conflicts of interest, there are several preventive measures available, such as for instance:

- Publication of records or minutes (possibly including list of participants) on ECHA website;
- Possibility of stakeholder participation (as member or observer);
- Publication of list of organisations that participated to meetings on ECHA website;
- Publication of list of individual members on ECHA website;
- Oral declaration of interest at the start of the each meeting and outcome and measures taken to be minuted;
- Annual declarations of interest by all members (to be published on ECHA website or not);

When on this basis a potential conflict of interest is identified, the chair of the respective networks or expert groups shall decide on possible mitigating measures. They shall have at their disposal the same toolbox of mitigating measures as those available to the chairs of the formal ECHA bodies (as defined in chapters 3.3.2 and 3.3.3 of the ECHA Procedure for Prevention and Management of potential Conflicts of Interest (PRO-0067)).

General principles to determine appropriate conflict of interest regime

The following elements should be taken into account when defining the appropriate level of conflict of interest management for the expert group/network/platform:

- **Input:** scientific input vs. administrative or organisational input
- **Mandate:** clear output in the form of (scientific) advice/opinion vs. high-level coordination/advice/agreements or discussion forum;
- **Topics:** discussion/advice/opinion on specific substances or rather on a general level on methodical or procedural aspects;
- **Sensitivity of topics:** controversial topics vs. non-controversial or merely organisational;
- **Composition:** only Member State representatives vs. mixed composition (Member States and stakeholders) or only stakeholders;
- **Participants:** fixed list of members vs. fixed list of organisations invited, but changing representatives vs. varying organisations and/or representatives invited;

On this basis, the following general principles can be defined:

- Networks or groups that discuss topics that are not directly related to the regulatory field of activity of the Agency (i.e. REACH, CLP, Biocides and PIC), or that are purely administrative or organisational in nature, shall not be subject to conflict of interest management;
- Networks or groups that function purely as a discussion forum shall not be subject to conflict of interest management;
- Similarly, groups that give advice only on high-level scientific principles or groups with a mandate limited to the coordination of a process are not subject to conflict of interest management;
- On the contrary, networks or groups that issue advice or opinions regarding specific substances and that thereby give direct or indirect input to the work of the ECHA decision-making shall be subject to conflict of interest management;
- In view of ECHA's general transparency aspirations, the list of participating organisations or members, as well as a record or minutes of each meeting shall be made available to the extent possible. In the same context, stakeholders may be invited to contribute, where appropriate, taking into account also ECHA's duties to protect confidential (business) information.

Recommended conflict of interest management approach in the existing ECHA networks and expert groups

On the basis of the above principles, the following conflict of interest management approach is proposed for the existing ECHA networks and expert groups:

High-level CoI management	Medium level CoI management	Low level CoI management	No CoI management
<p>Preventive measures:</p> <ul style="list-style-type: none"> - List of individual members published; - Annual declarations of interest, published; - Oral declarations of interest at the start of each meeting, minuted. 	<p>Preventive measures:</p> <ul style="list-style-type: none"> - List of individual members published; - Annual declarations of interest, not published; - Oral declarations of interest at the start of each meeting, minuted. 	<p>Preventive measures:</p> <ul style="list-style-type: none"> - List of participating organisations published. 	<p>No preventive measures.</p>
<i>Management Board</i>	<i>PBT expert group</i>	<i>Partner expert groups</i>	<i>Security Officers' Network</i>
<i>Risk Assessment Committee</i>	<i>ED expert group</i>	<i>HelpNet Steering Group</i>	<i>Risk Communication Network</i>
<i>Committee for Socio-economic Analysis</i>	<i>Nanomaterial working group</i>	<i>CMR coordination group</i>	<p><i>Stakeholder discussion fora, e.g.:</i></p> <ul style="list-style-type: none"> - <i>Directors' Contact Group</i> - <i>NGO-ECHA Discussion Platform</i>
<i>Member State Committee</i>		<i>Sensitiser coordination group</i>	<i>Exchange Network on Exposure Scenarios</i>
<i>Biocidal Products Committee (including permanent working groups)</i>			<i>Communicators' Network</i>
<i>Enforcement Forum</i>			<i>Network of REACH Socio-economic Analysis and Analysis of Alternatives practitioners</i>