

1. Independence of members of the Committee for Risk Assessment and the Committee for Socio-economic Analysis – provisional eligibility criteria¹

As one element to safeguard the independence, integrity and credibility of the outcome of the ECHA bodies, the ECHA Management Board has put in place a Policy on managing potential Conflicts of Interest². This Policy ensures that a balance is taken between getting the right expertise to guarantee high quality science-based decision and opinion making, and at the same time strictly avoiding conflicting interests influencing, or seen as influencing, the decision-making process.

In this respect the ECHA Management Board has adopted the following eligibility criteria with which candidates for membership in the Committee for Risk Assessment and the Committee for Socio-economic Analysis have to comply to be considered for appointment:

- Candidates being currently employed by, or holding a position in a governing body (whether paid or unpaid) of a commercial enterprise with an interest in the field of activity of the Agency shall not be appointed. Appointed members of the Committees of the Agency shall resign from the Committee before they enter into service in any such enterprise.
- Candidates being an active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group with an interest in the field of chemicals management shall not be appointed. Appointed members shall resign from the Committee before they enter into service in any such association.
- Candidates who personally have contractual obligations with chemical industry or downstream users associations, an interest group with an interest in the field of chemicals management, chemical companies, or other potential registrants or authorisation applicants after having been appointed as members, shall (a) withdraw from current contracts and (b) refrain from entering into any new contracts with potential registrants, applicants and chemical industry or downstream user associations.
- Candidates who currently hold significant investments in a commercial entity manufacturing or marketing substances or mixtures subject to the authority of the Agency, including holding of stocks and shares, stock options, equity, bonds, partnership interest in the capital of such undertaking, one of its subsidiaries or a company in the capital of which it has a holding³ or entitling to substantial voting rights⁴ in such commercial entity, shall not be appointed. This is without prejudice to financial interests held through an investment fund, pension fund and/or interests in non-nominal unit trusts or similar arrangements, provided that these investments are broadly diversified and the candidate has no influence on their financial management.
- Candidates who were employed by, or held a position in a governing body (whether paid or unpaid) of a commercial enterprise with an interest in the field of activity of the Agency within the past two years shall not be appointed when the expert has a potential conflict of interest of a general nature that would regularly lead to the exclusion of the individual from the meetings of the Committee or from

¹ Adopted by the ECHA Management Board at its meeting of 27/28 September 2012

² ECHA Policy on Managing potential Conflicts of Interest (MB/45/2011 final).

³ An indicative amount is ca. 100.000,- EUR per commercial entity.

⁴ An indicative proportion is ca. 20 % voting rights.

rapporteurship. The same applies to candidates who were within the past two years active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group with an interest in the field of chemicals management.

2. Independence of the Executive Director, the Accounting Officer and of the members of the Board of Appeal – provisional eligibility criteria⁵

As one element to safeguard the independence, integrity and credibility of the outcome of the ECHA bodies, the ECHA Management Board has put in place a Policy on Managing potential Conflicts of Interest⁶. This Policy ensures that a balance is taken between getting the right expertise to guarantee high quality decision-making, and at the same time strictly avoiding conflicting interests influencing, or seen as influencing, the appeal process.

In this respect the ECHA Management Board has adopted the following eligibility criteria with which candidates for the position of Executive Director, Accounting Officer or for the position of regular member of the Board of Appeal have to comply to be considered for appointment:

- Candidates who currently hold significant investments in a commercial entity manufacturing or marketing substances or mixtures subject to the authority of the Agency, including holding of stocks and shares, stock options, equity, bonds, partnership interest in the capital of such undertaking, one of its subsidiaries or a company in the capital of which it has a holding⁷ or entitling to substantial voting rights⁸ in such commercial entity, shall not be appointed. This is without prejudice to financial interests held through an investment fund, pension fund and/or interests in non-nominal unit trusts or similar arrangements, provided that these investments are broadly diversified and the candidate has no influence on their financial management.
- Candidates who were employed by, or held a position in a governing body (whether paid or unpaid) of a commercial enterprise with an interest in the field of activity of the Agency within the past two years shall not be appointed when the candidate has a potential conflict of interest of a general nature that would regularly lead to the exclusion of the individual from the decision-making of the Agency (in the case of the Executive Director), from the management of the accounts of the Agency or from the decision-making of the Board of Appeal. The same applies to candidates who were within the past two years active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group with an interest in the field of chemicals management.

For candidates for the position of additional or alternate member of the Board of Appeal, the following additional eligibility criteria apply⁹:

- Candidates being currently employed by, or holding a position in a governing body (whether paid or unpaid) of a commercial enterprise with an interest in the field of activity of the Agency shall not be appointed. Appointed members shall resign from the Board of Appeal before they enter into service in any such enterprise.
- Candidates being an active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group with an interest in the field of

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⁶ ECHA Policy on Managing potential Conflicts of Interest (MB/45/2011 final).

⁷ An indicative amount is ca. 100.000,- EUR per commercial entity.

⁸ An indicative proportion is ca. 20 % voting rights.

⁹ The latter three criteria regarding current employment, current membership of an interest group or other current contractual relationships are not relevant for the candidates for the position of Executive Director, Accounting Officer or for the position of regular member of the Board of Appeal and do not apply, as they become ECHA staff members and they will have to comply with the Staff Regulations for EU officials, and in particular the obligation to receive the approval of the appointing authority for any outside activity.

chemicals management shall not be appointed. Appointed members shall resign from the Board of Appeal before they enter into service in any such association.

- Candidates who personally have contractual obligations with chemical industry or downstream users associations, an interest group with an interest in the field of chemicals management, chemical companies, or other potential registrants or authorisation applicants after having been appointed as members of the Board of Appeal, shall (a) withdraw from current contracts and (b) refrain from entering into any new contracts with potential registrants, applicants and chemical industry or downstream user associations.

3. Independence of members of the Management Board, the Member State Committee, the Biocidal Products Committee and the Forum – provisional guidelines for eligibility¹⁰

As one element to safeguard the independence, integrity and credibility of the ECHA bodies, the ECHA Management Board has put in place a Policy on Managing potential Conflicts of Interest¹¹. This Policy ensures that a balance is taken between getting the right expertise to guarantee high quality decision and opinion making, and at the same time strictly avoiding conflicting interests influencing, or seen as influencing, the decision-making process.

With the exception of the Commission when appointing the three Management Board members to represent interested parties, the relevant appointing authorities are thus invited to respect the ECHA Conflict of Interest Policy and to adhere to the following guidelines for eligibility for candidates for membership in the Management Board, the Member State Committee, the Biocidal Products Committee and the Forum:

- Candidates being currently employed by, or holding a position in a governing body (whether paid or unpaid) of a commercial enterprise with an interest in the field of activity of the Agency should not be appointed. Appointed members should resign from the ECHA body before they enter into service in any such enterprise.
- Candidates being an active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group with an interest in the field of chemicals management should not be appointed. Appointed members shall resign from the ECHA body before they enter into service in any such association.
- Candidates who personally have contractual obligations with chemical industry or downstream users associations, an interest group with an interest in the field of chemicals management, chemical companies, or other potential registrants or authorisation applicants after having been appointed as members, should (a) withdraw from current contracts and (b) refrain from entering into any new contracts with potential registrants, applicants and chemical industry or downstream user associations.
- Candidates who currently hold significant investments in a commercial entity manufacturing or marketing substances or mixtures subject to the authority of the Agency, including holding of stocks and shares, stock options, equity, bonds, partnership interest in the capital of such undertaking, one of its subsidiaries or a company in the capital of which it has a holding¹² or entitling to substantial voting rights¹³ in such commercial entity, shall not be appointed. This is without prejudice to financial interests held through an investment fund, pension fund and/or interests in non-nominal unit trusts or similar arrangements, provided that these investments are broadly diversified and the candidate has no influence on their financial management.
- Candidates who were employed by, or held a position in a governing body (whether paid or unpaid) of a commercial enterprise with an interest in the field of activity of the Agency within the past two years should not be appointed when the expert has a potential conflict of interest of a general nature that would regularly lead to the exclusion of the individual from the meetings of the ECHA body or from rapporteurship. The same applies to candidates who were within the past two years active member of, or employed by, an association or other body (except a body established under public law of a Member State serving a public interest) which can be considered as an interest group with an interest in the field of chemicals management.

¹⁰ Adopted by the ECHA Management Board at its meeting of 27/28 September 2012

¹¹ ECHA Policy on Managing potential Conflicts of Interest (MB/45/2011 final).

¹² An indicative amount is ca. 100.000,- EUR per commercial entity.

¹³ An indicative proportion is ca. 20 % voting rights.