

Helsinki, 27 -03- 2013

**General principles and guidance for members of the Forum
for exchange of information on enforcement of the
European Chemicals Agency**

(Decision by the Executive Director)

Owner: Ulrike Kowalski
Validity: Indefinite
Classification: Public

Distribution:
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Quality Manager
Director of Cooperation
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ECHAnet
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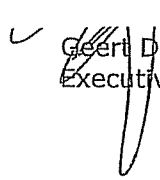
AS THE EXECUTIVE DIRECTOR OF THE EUROPEAN CHEMICALS AGENCY

I HAVE DECIDED THE FOLLOWING:

1. The General Principles and Guidance for members of the Forum for exchange of information on enforcement of the European Chemicals Agency in annex shall be adopted.
2. This decision shall apply as from the date of signature.

Done at Helsinki, **27 -03- 2013**

SIGNED


Geert Dancet
Executive Director

ANNEX

GENERAL PRINCIPLES AND GUIDANCE FOR MEMBERS OF THE FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT OF THE EUROPEAN CHEMICALS AGENCY

Scope

The General Principles¹ provide guidance and set ethical conventions, probity standards and benchmarks for members² of the Forum of the European Chemicals Agency³ to ensure their independent and impartial activity in the public interest, - also - where applicable - after termination of their mandate. The Principles are without prejudice to other rules that apply to the Forum members.⁴

Ethical values

Forum members shall act independently in the public interest guided by and observing the following principles: integrity, diligence, discretion, honesty and accountability. They shall act impartially, avoiding any potential conflicts of interest. Taking into account the public character of their function they shall conduct themselves in a way that maintains and promotes the public's trust in the Agency. When questions arise which are not explicitly covered here, adherence to the generally accepted principles of probity shall determine the Forum members' behaviour.

Forum members shall in particular:

- Exercise care and diligence in undertaking any tasks entrusted to them as part of their duties;
- Respect the professional standing of the other ECHA body members;
- Not engage in any practice detrimental to the reputation and interests neither of the Forum nor of the Agency.

Relations with media, the general public and stakeholders

As the Forum is an integral part of ECHA, the members are 'ambassadors' of the Agency and shall always set an exemplary conduct in all their activities linked to the Agency.

Forum members, as public officials, are inexorably linked to the media, stakeholders and the public. As such, should a Forum member wish to respond to a media query or otherwise communicate on an Forum or Agency-related topic, they should make it clear to the journalist or requestor that they are speaking only in their national capacity, thus representing their national administrations, or that they are speaking as a private person. Should the Forum member wish to speak in a Forum-capacity s/he should first inform the

¹ Hereinafter also referred to as "the Principles".

² The term 'members' is to be understood to include alternate members throughout the document.

³ Hereinafter also referred to as "the Agency".

⁴ For example under Articles 86 (Establishment of the Forum), 87 (Rapporteurs and use of experts), 88 (Qualification and interests) or 105 (Duty of confidentiality) of the REACH Regulation (EC) No 1907/2006 or the Rules of Procedure of the Forum.

Forum Chair and the ECHA Forum Secretariat. The same principle applies when a Forum member publishes articles or speaks at workshops, conferences and other public events.

Forum members should refrain from communicating with non-public stakeholders on matters that are currently under discussion with the Forum and which are covered by the duty of professional secrecy.

Professional secrecy

Forum members are required, even after their duties have ceased, not to disclose information of the kind covered by the duty of professional secrecy and signed Declarations of Confidentiality. The above is without prejudice to the sharing of documents with persons assisting the members in the discharge of their duties as Forum members, provided that those persons are subject to an equivalent duty of confidentiality. Forum members shall take all necessary measures to ensure that the persons to whom the members provide access to their information respect the same obligations that the members are subject to.

Forum members undertake not to use to the advantage of their personal benefit any facts or information covered by the duty of professional secrecy and coming to their knowledge in the course of or in connection with the performance of their duties.

Gifts and hospitality

Forum members shall neither apply for, nor receive or accept from any source any advantage, direct or indirect (e.g. as a gift or in form of hospitality, entertainment, travel or other form of benefit), which could call into question their independence and/or impartiality as a Forum member.

Independence

All members of the Forum shall sign on an annual basis written Declarations of Commitment and Declarations of Interests. Forum members shall inform the Secretariat of the Agency without undue delay of any changes regarding already declared and/or relevant new interests and update their Declaration of Interests accordingly. Further details regarding these declarations are set out in the REACH Regulation (EC) No 1907/2006 and in the Agency's Policy on managing potential conflicts of interests (MB/45/2011 final).

Forum members shall declare at the beginning of each Forum meeting any private interests which could be considered to be prejudicial to their independence and/or impartiality with respect to any of the points on the agenda. Forum members shall accept the measures considered necessary to preserve the independence of the Forum in cases where conflicting interests were declared. Any such measures, beyond the ones foreseen in Article 88(3) of the REACH Regulation (i.e. exclusion from the voting on the relevant agenda point), are to be specified in a guidance document.

The private interests of a Forum member, and those of persons belonging to the same household or family, as declared in annual and ad hoc declarations of interest, shall not take precedence over those of the Forum, and members shall refrain from involving themselves or being involved in any activity that could result in a conflict of interests or a situation that is generally perceived by the general public as an existing conflict of interests.

Considering that independence is a fundamental principle and a core value of the Agency, Forum members shall not, during their mandate hold positions or interests that are considered incompatible with their role as a Forum member and the role of the Forum.

Acceptance of the General Principles

All Forum members, including any new members who may subsequently assume office, shall abide to the General Principles and Guidance for Forum Members of the European Chemicals Agency.