



Helsinki, 9 October 2008
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**CODE OF CONDUCT FOR OBSERVERS AT ECHA
MEETINGS**

(Decision by the Executive Director)

AS THE EXECUTIVE DIRECTOR OF THE EUROPEAN CHEMICALS AGENCY

I HAVE DECIDED AS FOLLOWS:

1. The Code of Conduct for observers from stakeholder organisations at ECHA meetings (Annex 1) shall apply to observers from stakeholder organisations and, where relevant, to other observers at the meetings of the Agency Committees, Forum and informal Agency networks.
2. This Decision shall enter into force on the date of its adoption and shall be published on the Agency's website.

Done at Helsinki, 9 October 2008



Geert Dancet
Executive Director

CODE OF CONDUCT FOR OBSERVERS FROM STAKEHOLDER ORGANISATIONS AT ECHA MEETINGS

Purpose of the stakeholder observers' attendance and their role

1. Following Articles 85(3) and 86(1) of Regulation (EC) No 1907/2006 ('the REACH Regulation'), ECHA welcomes the attendance of observers from the stakeholder organisations (hereafter referred to as stakeholder observers) at the meetings of the Committees, Forum and informal ECHA networks selected by the respective body or network. The purpose of admission of stakeholder observers is to:
 - a. help build trust, confidence and accountability in the work of the ECHA and its bodies and thus to contribute to meeting the aims of transparency and openness;
 - b. benefit from the specific scientific and technical expertise and knowledge of the stakeholders and so to ensure high scientific quality of the conclusions;
 - c. where appropriate, benefit from the direct interest representation, input and views of the different stakeholders and so to ensure well informed and balanced conclusions of the body that receive broad acceptance;
 - d. whilst respecting the requirement of protection of confidential data and confidentiality of the Committee and Forum deliberations, contribute to the overall communication from ECHA and its bodies to the various stakeholder organisations.

2. In this light, the role of the stakeholder observers in the meetings can be seen as two-fold:
 - a. to provide on request technical and scientific input based on the specific expertise and knowledge of the interest group in question; and
 - b. to contribute to the appropriate information flow from ECHA and its bodies to the stakeholders.

General rules

3. Only a limited number of stakeholder observers can be physically accommodated at the meetings. The opportunity of such attendance carries certain responsibilities. It is the duty of each stakeholder observer (i) to behave with due and proper respect for the meeting proceedings and towards all the members and other participants and (ii) to abide by the rules of procedure of the body in question and this code of conduct.

4. Stakeholder observers are expected to apply the general principles of openness, transparency, honesty and integrity when participating in the work of ECHA while respecting applicable confidentiality requirements. They shall always ensure that, to the

best of their knowledge, information which they provide is relevant to the case, unbiased, and where possible complete and up-to-date.

Identification of stakeholder observers

5. Stakeholder organisations that are invited to nominate a stakeholder observer to an ECHA body or network are expected to ensure:
 - a. Expertise: The organisation is expected to nominate a knowledgeable observer who can follow, understand and if requested, also contribute to the scientific and technical discussions. In justified cases and with the permission of the Secretariat, the observer may be accompanied by one other person possessing specific expertise required during the discussion on a particular agenda item. Such persons have to be duly notified in writing to the Secretariat at the latest 5 days prior to the meeting concerned.
 - b. Continuity: The organisation should nominate one person who regularly follows the meetings; another person can be nominated as a back-up. A notice, at the latest 5 days prior to the meeting concerned to the Secretariat is necessary if the nominated person needs to be replaced.
6. Concerning the attendance to the Committee meetings and in order to avoid situations of unfair treatment of case owners (such as registrants or authorisation applicants whose cases are to be discussed by a Committee) and other third parties directly affected by the conclusions of a Committee, the stakeholder organisations shall avoid nominating as observer, persons who can potentially have such a direct interest in cases dealt with by any Committee. If such a conflict of interest arises or could arise, the regular representative of the stakeholder organisation should declare the interest at the beginning of the meeting.

Participation at the meetings

General

7. Stakeholder observers shall respect the work of the body in question. Stakeholder observers shall not interfere with members, their advisers, invited experts, other observers or the Secretariat, in any way which, in the view of the Chair, constitutes harassment and/or may hinder the work of the body or network.
8. Stakeholder observers shall attend meetings at the discretion of the Chair and shall not attend any closed sessions of the meeting. The Chair can decide to hold a closed session at any point in time before or during a meeting.

Interventions

9. Where relevant and appropriate, the Chair may invite stakeholder observers to participate in the discussions. The stakeholder observers' should normally signal in advance to the Chair (the latest at the start of the meeting) on which points they wish to intervene. These interventions should be brief and the time allocated by the Chair shall be respected.

Use of recording equipment

10. The use of audio and/or visual recording or photographing equipment shall be prohibited in the meetings and its breaks.

Mobile telephones

11. Mobile telephones shall be switched off or put in 'silent' mode in the meeting room.

Confidentiality

12. Stakeholder observers shall respect the rules on confidentiality laid down in the rules of procedure of the body or network. They shall sign the declaration of confidentiality annexed to the rules of procedure before their first attendance to a meeting. The stakeholder observers shall as a rule not get access to any documents containing confidential business information, other confidential information or documentation relating to the agenda points where their participation is excluded. In exceptional cases where access to such confidential documents is granted, or accidentally received, the rules on confidentiality shall apply.
13. The declaration of confidentiality referred to in paragraph 12 in practice implies that the stakeholder observers are allowed to share the non-confidential meeting documents to which they have been granted access with their constituencies (hierarchy and members of the organisation) but they shall not make them or their content publicly available unless they are already publicly available. The stakeholder observers may in general terms report to their constituencies about the discussions held at the meeting but they shall respect the confidential nature of deliberations and views of individual members. Furthermore, reports to media or organisation's own media channels shall respect the same conditions.

Documents distributed by stakeholder observers

14. Stakeholder observers can be allowed to submit their own documents subject to prior permission from the Chair. Such documents will be circulated by the Secretariat. The documents shall be marked with 'for information' and shall indicate clearly which organisation is responsible for them.
15. Observers distributing such documents shall remain responsible for their content and distribution cannot be interpreted as a validation or agreement to their content by the Secretariat. The documents shall not repeat information already submitted e.g. in the context of the public consultation.
16. Only documents that have been submitted to the Secretariat at the latest 12 days before the meeting will be made available to the members of the Committee electronically. Late documents can only in exceptional cases be distributed at the meeting in hard copies. In those cases stakeholder observers are requested to bring themselves a sufficient number of hard copies. Members of the ECHA bodies shall have the prerogative not to take into consideration such late documents in any decisions taken at the meeting since they have been distributed after the formal deadline for distribution of documents.

Meeting minutes

17. A record of key points made by stakeholder observers will be included in the minutes but the final decision on the wording of the minutes will be made by the relevant body or network.

Respect of the code of conduct

18. Stakeholder observers are requested to sign an acceptance notice of having received, read and accepted to respect this code of conduct.
19. Inappropriate behaviour or failure to conform to this code of conduct may lead the Chair to exclude a stakeholder observer from the meeting in question and potentially from future meetings of the body or network. The corresponding stakeholder organisation may subsequently be requested to consider a replacement.