

Helsinki, 29. 01. 2013

## General Principles and Guidance for Committee members of the European Chemicals Agency

(Decision by the Executive Director)

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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 Committee members of the European Chemicals Agency in annex shall be adopted.
2. This decision shall apply as from the date of signature.

Done at Helsinki,            **29. 01. 2013**

**SIGNED**

Geert Dancet  
Executive Director

## Annex

### GENERAL PRINCIPLES AND GUIDANCE FOR COMMITTEE MEMBERS OF THE EUROPEAN CHEMICALS AGENCY

#### Scope

The General Principles<sup>1</sup> provide guidance and set ethical conventions, probity standards and benchmarks for members<sup>2</sup> of the Committees of the European Chemicals Agency<sup>3</sup> 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 Committee members, for example under Articles 85, 87, 88 or 105 of the REACH Regulation (EC) No 1907/2006, Article 75 of the Regulation (EU) No 528/2012 on biocidal products or the Rules of Procedure of the Committees.

#### Ethical values

Committee 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 situation liable to give rise to 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 Committee members' behaviour.

Committee 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 Committee members;
- Not engage in any practice detrimental to the reputation and interests neither of the Committee nor of the Agency.

#### Relations with media, the general public and stakeholders

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

If Committee members wish to respond to a media query or otherwise communicate on an Agency-related topic but in a non-Agency capacity, they should make it clear to the journalist or requestor in which capacity they are speaking, and inform the Secretariat of the Committee about the matter. The same principle applies when a Committee member publishes articles or speaks at workshops, conferences and other public events.

<sup>1</sup> Hereinafter also referred to as "the Principles".

<sup>2</sup> The term "members" is to be understood to include alternate members throughout the document.

<sup>3</sup> Hereinafter also referred to as "the Agency".

Committee members should refrain from communicating with stakeholders on dossiers that are currently ongoing with the Committee without the involvement of the ECHA Secretariat.<sup>4</sup>

### **Professional secrecy**

Committee 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 Committee members, provided that those persons are subject to an equivalent duty of confidentiality. Committee 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.

Committee 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**

Committee 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.

### **Independence**

All members of the Committee shall sign on an annual basis written Declarations of Commitment and Declarations of Interests. Members acting as (co)rappoteurs shall also sign dossier-specific Declarations of Interests. Committee 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).

Committee members shall declare at the beginning of each Committee meeting any interests which could be considered to be prejudicial to their independence and/or impartiality with respect to any of the points on the agenda. Committee members shall accept the measures considered necessary to preserve the independence of the Committee in cases where conflicting interests were declared.

The interests of a Committee member, and those of persons belonging to the same household or family, shall not take precedence over those of the Committee, and members shall refrain from involving themselves or being involved in any activity that could result in a conflict of interests or is likely to provoke the perception of an existing conflict of interests by the general public.

In the case of the Member State Committee and in the Biocidal Products Committee, the members are appointed by the Member States and therefore can represent the views of the Member States. However, the ECHA Policy and rules on managing conflicts of interest also apply then. Those members also have to abide by the principle of independence as stipulated by the Committee's own Rules of Procedure.

<sup>4</sup> It is recognised that Committee members working within Public Authorities may have regular stakeholder contacts on other non-dossier-related matters.

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

#### **Acceptance of the General Principles**

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