

Annual report of the Conflict of Interest Advisory Committee for 2016



1. Introduction

The Conflict of Interest Advisory Committee (CoIAC) is an advisory body in the context of ECHA's policy for managing potential conflicts of interest (MB/07/2014).

It is available to the Management Board, the Committees and the Forum as well as to the Executive Director for advice on matters related to potential conflicts of interest of the Agency's staff or members of its bodies.

According to its terms of reference, the CoIAC's Chair prepares an annual report to the Management Board on committee's activities. This is the fourth such report.

2. New members

The terms of the CoIAC members Mr Antonello Lapalorcia and Dr Thomas Henökl ended at the end of June 2016. From 1 July 2016, they were succeeded by two new members appointed by the Management Board of ECHA and the Executive Director respectively.

The Management Board appointed Ms Judite Dipane from Latvia, and the Executive Director appointed Julio Bacio Terracino from the OECD Secretariat as members of the CoIAC. Minna Heikkilä, the Head of ECHA's Legal Affairs Unit continues to chair the committee.

3. Meetings

The CoIAC met twice in 2016.

On 18 February 2016, the committee discussed two pending cases and concluded on the advice that is further described in the next section.

On 4 October 2016, the CoIAC convened for the first time in the new formation with the new members of the committee. The committee pledged to work in accordance with the terms of reference and discussed technical and practical aspects of working together. The members also exchanged views on good administrative practices and interest management in work in the OECD context.

4. Advice

In 2016, the CoIAC provided advice in relation to two requests.

Advice 1/2015

On 23 November 2015, the CoIAC received a request from the Chair of the Management Board on secondment in the interest of the service of a staff member and potential conflicts of interest.

On 16 March 2016, the CoIAC finalised its advice in a written procedure.

The CoIAC concluded that a perception of a conflict of interest could have arisen in the case of secondment in the interest of the service. For these reasons, the CoIAC advises to look for other alternatives.

In the event that a decision would, in any case, be taken to grant a long-term secondment in the interests of the service, the CoIAC recommended that special provisions would be needed to clarify the reasons for it. In addition, it recommended to explain how promotion during the secondment would be organised and on which post the secondee would return to.

Advice 2/2015

On 26 November 2015, the CoIAC received a request from the Executive Director of ECHA for advice regarding the ECHA policy on conflicts of interest, including eligibility for membership in relation to the recent selection and appointment of co-opted members for the Committee for Risk Assessment (RAC). The request contains three examples on how RAC managed the conflicts of interest of the short-listed candidates for co-opted members.

On 30 June 2016, the CoIAC finalised its advice in a written procedure.

Based on the three examples provided, the CoIAC concluded that in selecting the co-opted members, RAC implemented ECHA's Conflict of Interest policy as envisaged. This conclusion is limited the three examples.

In one case, the application of eligibility criteria should have focused on the simple fact whether an economic entity, where one of candidates was employed part-time, has a direct interest in the field of activity of the Agency. The CoIAC notes that it would have made the assessment easier for RAC.

The CoIAC welcomed the following elements incorporated in the selection procedure:

- The call for expression of interest clearly indicates that eligibility criteria and ECHA's Conflicts of Interest policy are applicable when appointing new co-opted members on the basis of completed declarations of interest.
- The requirement to fill in the declarations of interests by shortlisted candidates.
- Declarations of interest and CVs of co-opted members are publicly available on ECHA's website.
- The template contracts for co-opted members provides for specific clauses to ensure the implementation of ECHA's Conflicts of Interest policy.

The CoIAC recommended keeping more detailed records on how RAC applies eligibility criteria and assesses individual cases. Finally, a checklist for standardising the procedure of implementing the Conflicts of Interest provisions could be elaborated.