

## 1. Eligibility criteria for members of the Committee for Risk Assessment and the Committee for Socio-economic Analysis

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 Interest<sup>1</sup>. 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<sup>2</sup>:

- Candidates being currently employed by (in a position of relevant importance), 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 (in a position of relevant importance), 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 a commercial entity or interest group with an interest in the field of activity of the Agency after having been appointed as members, shall (a) withdraw from current contracts and (b) refrain from entering into any new contracts with such commercial entities or organisations.
- Candidates who currently hold significant investments in a commercial entity manufacturing, importing or supplying 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 holding<sup>3</sup> or entitling to substantial voting rights<sup>4</sup> 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

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<sup>1</sup> ECHA Policy on Managing potential Conflicts of Interest (MB/45/2011 final).

<sup>2</sup> The scope of the eligibility criteria shall be limited to duty-holders and interest groups under the REACH, CLP, Biocides and/or PIC Regulation as appropriate taking into account the mandate of the respective ECHA body. The eligibility criteria apply equally to the interests held by members of the candidates' household (i.e. the spouse and dependent children) if significant interests are at stake that would potentially lead to multiple exclusions of the candidate from the meetings of the Committee or from rapporteurship.

<sup>3</sup> An indicative amount is ca. 100.000,- EUR per commercial entity.

<sup>4</sup> An indicative proportion is ca. 20 % voting rights.

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 (in a position of relevant importance), 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 potentially lead to multiple exclusions of the individual from the meetings of the Committee or from rapporteurship. The same applies to candidates who were within the past two years active member of, or employed by (in a position of relevant importance), 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. Eligibility criteria for the Executive Director, the Accounting Officer and of the members of the Board of Appeal

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 Interest<sup>5</sup>. 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<sup>6</sup>:

- Candidates who currently hold significant investments in a commercial entity manufacturing, importing, supplying or placing on the market 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 holding<sup>7</sup> or entitling to substantial voting rights<sup>8</sup> 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 (in a position of relevant importance), 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 potentially lead to multiple exclusions 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 (for the Accounting Officer) or from the decision-making of the Board of Appeal (for the members of the Board of Appeal). The same applies to candidates who were within the past two years active member of, or employed by (in a position of relevant importance), 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.

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<sup>5</sup> ECHA Policy on Managing potential Conflicts of Interest (MB/45/2011 final).

<sup>6</sup> The scope of the eligibility criteria shall be limited to duty-holders and interest groups under the REACH, CLP, Biocides and/or PIC Regulation as appropriate taking into account the mandate of the respective ECHA body. The eligibility criteria apply equally to the interests held by members of the candidates' household (i.e. the spouse and dependent children) if significant interests are at stake that would potentially lead to multiple exclusions of the candidate from the decision-making of the Agency (in the case of the Executive Director), from the management of the accounts of the Agency (for the Accounting Officer) or from the decision-making of the Board of Appeal (for the members of the Board of Appeal).

<sup>7</sup> An indicative amount is ca. 100.000,- EUR per commercial entity.

<sup>8</sup> An indicative proportion is ca. 20 % voting rights.

For candidates for the position of additional or alternate member of the Board of Appeal, the following additional eligibility criteria apply<sup>9</sup>:

- Candidates being currently employed by (in a position of relevant importance), 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 (in a position of relevant importance), 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 Board of Appeal before they enter into service in any such association.
- Candidates who personally have contractual obligations with a commercial entity or interest group with an interest in the field of activity of the Agency 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 such commercial entities or organisations.

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<sup>9</sup> 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.

### **3. Eligibility guidelines for members of the Management Board, the Member State Committee, the Biocidal Products Committee and the Forum**

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 Interest<sup>10</sup>. 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<sup>11</sup>:

- Candidates being currently employed by (in a position of relevant importance), 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 (in a position of relevant importance), 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 a commercial entity or interest group with an interest in the field of activity of the Agency after having been appointed as members, should (a) withdraw from current contracts and (b) refrain from entering into any new contracts with such commercial entities or organisations.
- Candidates who currently hold significant investments in a commercial entity manufacturing, importing, supplying or placing on the market 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 holding<sup>12</sup> or entitling to substantial voting rights<sup>13</sup> in such commercial entity, shall

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<sup>10</sup> ECHA Policy on Managing potential Conflicts of Interest (MB/45/2011 final).

<sup>11</sup> The scope of the eligibility guidelines shall be limited to duty-holders and interest groups under the REACH, CLP, Biocides and/or PIC Regulation as appropriate taking into account the mandate of the respective ECHA body. The eligibility guidelines apply equally to the interests held by members of the candidates' household (i.e. the spouse and dependent children) if significant interests are at stake that would potentially lead to multiple exclusions of the candidate from the meetings of the ECHA body or from rapporteurship.

<sup>12</sup> An indicative amount is ca. 100.000,- EUR per commercial entity.

<sup>13</sup> An indicative proportion is ca. 20 % voting rights.

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 (in a position of relevant importance), 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 potentially lead to multiple exclusions 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 (in a position of relevant importance), 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.