

Report from the Chair of the Advisory Committee on Conflict of Interests 2015

41st Meeting of the Management Board 17-18 March 2016

Item	13.1
Action	For information
Status	Final - Public

Key messages

The Management Board is invited to take note of the Annual Report of the Conflict of Interest Advisory Committee for 2015.

The Committee received two requests for advice at the end of 2015, which will soon be finalised.

In 2016 the mandates of two members of the Committee will terminate. The Management Board will be invited to appoint a new member in June, whereas the Executive Director will publish a call for expression of interest for an external member.

Background

The Management Board established a Conflicts of Interest Advisory Committee ("COIAC") in 2011, prompted by the *Policy for Managing potential Conflicts of Interests*. The COIAC is available to the Management Board and to the Executive Director for consultation on matters related to potential conflict of interests of the individuals staffing the Agency and its bodies.

The mandate of Mr Antonello Lapalorcia comes to an end in June 2016. The Management Board will be invited to select its member in the June 2016 meeting.

The mandate of the external expert, Dr Thomas Henökl, equally comes to a close at the end of June 2016. The Executive Director has prepared a call for expression of interest to be published on the ECHA website and to be advertised widely among its stakeholders. The call will be published in March-April and appointment is foreseen for June 2016. A draft version of the public call is attached to this document for information.

Rationale

According to the Terms of Reference the Chair of the CoIAC prepares an annual report to the Management Board on the activities of the CoIAC.

Attachments:

- Annex 1 - Annual report of the Conflict of Interest Advisory Committee for 2015
- Annex 2 – Draft call for expression of interest for an expert member of ECHA's Conflict of Interest Advisory Committee

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Annex 1

Annual report of the Conflict of Interest Advisory Committee for 2015

Introduction

The Conflict of Interest Advisory Committee ("the CoIAC") is established as an advisory body in the context of the Agency'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 individuals staffing the Agency or members of its bodies. Where necessary and as appropriate, the Management Board working group for the issues related to the Board of Appeal may ask the Chair of the Management Board to consult the CoIAC in order to guarantee consistency in the application of conflict of interest criteria within the Agency.

According to its Terms of Reference the Chair of the CoIAC prepares an annual report to the Management Board on the activities of the CoIAC. This is the third report given.

Members

The renewal of the mandates for members Mr Antonello Lapalorcia, appointed by the Management Board, and Dr Thomas Henökl, appointed as an external expert by the Executive Director of the ECHA, took place in 2014 for a second term of two years. The Chair of the CoIAC remained the Head of ECHA's Legal Affairs Unit - Minna Heikkilä.

Meetings

In accordance with Article 3(1) of the Terms and Reference of the CoIAC, meetings shall be held when necessary in presence of the three members at least once a year at the location of the Agency or, in exceptional cases, via video-conference or other technical means.

On 16 June 2015 the meeting took place in Helsinki where the CoIAC mainly discussed its added value to the functioning of the Agency. The CoIAC agreed to offer to meet some of the bodies in ECHA in order to promote the purpose and advantages stemming from the proper management of the conflicts of interest. Furthermore, the CoIAC was informed about the developments in conflicts of interest policy in the Agency.

The second meeting took place on 1 December 2015 in Helsinki. In the first part of the meeting the CoIAC discussed two requests for advice (see below). The same day, as the follow-up of the first meeting in 2015, in two separate sessions, Ms Minna Heikkilä and Dr Thomas Henökl gave presentations about the CoIAC and the management of conflicts of interest to the Committee for Risk Assessment and the Committee for Socio-Economic Analysis, which was followed by the Q&A session.

Requests for advice

In 2015, the CoIAC has received two requests for advice.

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

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

Both cases are pending and it is foreseen that the CoIAC will issue its advices in 2016.

Annex 2**Call for expression of interest for an expert member of ECHA's Conflict of Interest Advisory Committee**

The European Chemicals Agency (ECHA) in Helsinki, Finland, is seeking an expert to serve as a member of the Agency Advisory Committee on the management of situations of (potential) conflicts of interest.

ECHA is at the heart of the regulatory system for chemicals in the European Union set out in the REACH, CLP, Biocides and PIC Regulations¹. The purpose of ECHA's founding regulation is to ensure a high level of protection of human health and the environment, and to facilitate the free circulation of chemicals within the internal market. In addition, it aims to enhance competitiveness and innovation, and to promote alternative methods to animal testing to assess the hazards of chemicals.

The ECHA Management Board has established a policy for managing (potential) conflicts of interest ([Management Board decision 09/2014](#)). The policy includes the establishment of a "Conflict of Interest Advisory Committee" which serves in a consultative function on matters related to the (potential) conflicts of interest of staff or of members of Agency bodies. The terms of reference of the Committee can also be found on ECHA's [website](#).

The Committee consists of the Head of ECHA's Legal Affairs Unit (Chair), a person designated by the Agency's Management Board, as well as an external expert designated by the Executive Director for their competence in the field of conflicts of interest.

The Agency is seeking candidates for the external expert and is inviting expressions of interest by suitable individuals by **XX XXXXX 2016. You are kindly invited to submit your application (Europass CV, motivational letter and declaration of interest) to ECHA at executive-director@echa.europa.eu**

The mandate of the external expert of the Committee will run for a period of two years and is renewable. The Committee meets at least one time a year, with the possibility for virtual meetings (via tele/ video conference) in between physical meetings.

Attendance at meetings is reimbursed in accordance with the ECHA Guide for reimbursement which covers travel and hotel accommodation as well as a daily subsistence allowance ([Management Board Decision 34/2015](#)). Expert services will be remunerated in accordance with Management Board decision MB/67/2008 final (300 EUR *per diem*).

The following eligibility criteria apply to candidates

- a) The candidate shall be independent and shall not be a member of any of ECHA's formal bodies or informal networks²;
- b) The candidate shall in the past 10 years not have been employed by, or sit on the governing board of, a private company, stakeholder organisation, or consultancy with an interest in the field of activity of ECHA; nor shall he/ she currently hold significant investments in a commercial entity manufacturing, importing or supplying substances or mixtures subject to the authority of the Agency, or have substantial voting rights in such commercial entity³;

¹ Regulation (EC) No 1907/2006, Regulation (EC) No 1272/2008, Regulation (EU) 528/2012 and Regulation (EU) 649/2012 respectively.

² This excludes for instance any ECHA staff member, members of any formal or informal ECHA bodies or networks, members of ECHA accredited stakeholder organisations or Member State Competent Authorities.

³ 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.

- c) The candidate shall have proven expertise in the field of (potential) conflicts of interest, and be able to document their competence through publications, work experience, lecturing/ teaching activity, or similar;
- d) The candidate will be asked to confirm in writing the commitment to support the work of the Committee and keep confidential any information related to its activities.

Procedure for nomination of the external expert

1. A call for expression of interest is organised to establish a pool of potential candidates

The call will be published on the ECHA website.

Candidates will submit:

- Their curriculum vitae, including relevant publications if any;
- A motivational letter;
- A signed and dated [declaration of interest](#) (template available p. 11-16).

2. Written candidatures received are assessed internally by the ECHA Secretariat

- No interviews will be organised.

3. The Executive Director decides upon the appointment

- After the appointment the selected candidate has to accept and sign a declaration of commitment and confidentiality;
- The candidate's declaration of interest, as submitted with their candidature, will be published on the ECHA website and be kept up-to-date.

4. Envisaged timeline

- Deadline for submitting names to ECHA: **XX XXXX** 2016;
- Deadline for candidates to confirm their interest in serving as the external expert and submit supporting material: **XX XXXX** 2016;
- Appointment by the Executive Director before the end of August 2016.

Data Protection

The information submitted during the selection process will be used solely for that purpose. The European Chemicals Agency will ensure on its part that applicants' personal data is processed as required by Regulation (EC) No 45/20015 on the protection of personal data. Only ECHA staff directly involved in the selection procedure in question shall have access to this data. The declaration of interest of the selected candidate will be published on the ECHA website for transparency purposes.

All personal data of the applicants will be stored for a maximum period of four years. Any party submitting personal data to ECHA is entitled to access and rectify that data (however, after the closing date of the application deadline, rectification is limited to identification data). To exercise these rights, contact ECHA via executive-director@echa.europa.eu. You can also contact the Agency's [Data Protection Officer](#) for any questions or complaints with regard to the processing of your personal data. In case you do not receive a satisfactory outcome, you can also have recourse to the [European Data Protection Supervisor](#).