

Bucharest, 28 September 2012
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**TERMS OF REFERENCE
OF THE ECHA
CONFLICTS OF INTEREST ADVISORY COMMITTEE**

(Document adopted by the Management Board)

Terms of Reference of the Conflicts of Interest Advisory Committee

These Terms of Reference describe the role, the composition and functions of the European Chemicals Agency's (ECHA) Conflicts of Interest Advisory Committee (CoIAC).

1- ROLE AND INDEPENDENCE

1. The Conflicts of Interest Advisory Committee is established as an advisory body in the context of the Agency's Policy for Managing Potential Conflicts of Interest (MB/45/2011 final). 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.

2. The Chair and the other members of the CoIAC shall be independent of any internal or external influence in the conduct of their mandate. They shall not take part in the deliberations or consultations of the CoIAC regarding any case in which they have a personal interest. They shall perform their duties in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. The ECHA Policy for Managing Potential Conflicts of Interest applies to the CoIAC and its members (MB/45/2011 final).

2- COMPOSITION AND TERM OF MANDATE

1. The CoIAC comprises the Head of the Legal Affairs Unit of ECHA as Chair and two other members: a person appointed by the Management Board among its members and an external expert appointed by the Executive Director.

2. The external expert shall not be member of any Agency body or network and not be member of other organisations functioning in the field of activity of ECHA.

3. The mandate of the two members appointed by the Management Board and the Executive Director shall have a term of two years. Membership may be renewed.

3- ORGANISATION AND MEETINGS

1. 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.

2. The Secretariat shall be provided by the Chair.

3. The member appointed by the Management Board shall be supported in the duties by the Secretariat of the Management Board.

4. If needed, the Chair may invite external experts to attend meetings for specific agenda items under confidentiality commitments.

5. Staff members of ECHA may take part in the meetings at the discretion of the Chair.

4- FUNCTIONING OF THE COMMITTEE

Requests for advice

1. On request by the Executive Director, the CoIAC shall provide advice on conflict of interest situations related to the staff members of the ECHA Secretariat or any other individual working with ECHA.

2. The Chairpersons of the ECHA Committees or the Forum may propose the Executive Director to request the CoIAC to provide advice on conflict of interest situations related to the members of the body they are chairing.
3. On behalf of the Management Board, its Chair may request the CoIAC to provide advice on conflict of interest situations related to its members, the Executive Director or the Members of the Board of Appeal.
4. In case a member of the CoIAC receives a request related to a potential conflict of interest from other sources than mentioned in the previous points, the request shall be referred to the Executive Director or the Chair of the Management Board as appropriate.
5. Requests for consulting the CoIAC shall be made in written form and be submitted to its Chair, safeguarding the confidentiality of the information.

Procedure for providing advice

6. The Chair shall provide the CoIAC with an overview as well as all the necessary elements to examine the matter at least 10 calendar days before the meeting. To this end, the Chair may request relevant information from the Chairpersons of the Management Board, of the ECHA Committees or of the Forum as well as from the Executive Director.
7. As a rule, the CoIAC shall give advice based on consensus and agree on a written document which is forwarded to the attention of the Executive Director or the Chair of the Management Board who shall inform the Management Board of any issue of concern.
8. In exceptional cases, the matter can be dealt with via written procedure. The deadline for reaching agreement shall be 10 calendar days upon receipt of all necessary elements by the members.

Reporting

9. Meeting minutes shall be prepared by the Chair and circulated for approval within 15 working days of the meeting. In case of a written procedure, the minutes of the next meeting shall contain a reference to the outcome.
10. Once a year the Chair of the CoIAC shall prepare a written report to the Management Board on the activities of the CoIAC. The report shall indicate the nature of the matters dealt with by the CoIAC and the advice provided. A non-confidential version shall be published on the Agency's website.

5- CONFIDENTIALITY

Participants of the meetings of the CoIAC shall be required, even after their duties have ceased, not to disclose information of the kind covered by the duty of professional secrecy.

Done at Bucharest, 28 September 2012

For the Management Board

Thomas JAKL
The Chair
signed