

Annual report of the Conflict of Interest Advisory Committee for 2018

March 2019



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1. Introduction

The Conflict of Interest Advisory Committee (CoIAC) is an advisory body in the context of ECHA's policy on prevention and management of potential conflicts of interest (MB/09/2014, publicly available on ECHA's website).

The Committee 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.

The Committee works on the basis of its Terms of Reference (adopted by the Management Board on 28 September 2012, MB/38/2012, publicly available on ECHA's website). According to its Terms of Reference, the CoIAC's Chairperson prepares an annual report to the Management Board on the Committee's activities.

2. Members

No changes to the composition of the CoIAC occurred in 2018. The Committee comprises:

- Ms Judite Dipane, who was appointed by the Management Board of ECHA,
- Mr Julio Bacio Terracino, from the OECD Secretariat, who was appointed as an external expert by the Executive Director of ECHA, and
- Ms Minna Heikkilä, the Head of the Legal Affairs Unit of ECHA, as Chairperson.

The mandate of Ms Judite Dipane was extended for two more years by the Management Board in its meeting of 20/21 June 2018. The mandate of Mr Julio Bacio Terracino was renewed for the period of two years starting from 1 August 2018 by decision of the Executive Director ED/57/2018 of 4 June 2018.

3. Meetings

The CoIAC met twice in 2018.

On 13 June 2018 2017, the CoIAC convened for its annual meeting in ECHA's premises in Helsinki. Among other agenda items, the members were informed of the feedback of ECHA's Accredited Stakeholders¹ on ECHA's Policy on Prevention and Management of Conflicts of Interest (ECHA's CoI Policy) and of its ongoing review. Mr Bacio Terracino further reported on the work of the OECD on G20 High-Level Principles for Preventing and Managing 'Conflict of Interest' in the Public Sector.²

On 4 December 2018, the CoIAC convened for a second time. The Chairperson had received a new request for advice from the Management Board for which she decided to withdraw herself

¹ A report on the ECHA Accredited Stakeholders Workshop of 18 October 2017 is publicly available from the ECHA website at https://www.echa.europa.eu/documents/10162/23509454/181017_aso_ws_proceedings_en.pdf/449f039a-4bee-3aa4-c764-f9b6b4ff92dc.

² The Principles were later adopted and are available at http://www.g20.utoronto.ca/2018/adopted_hlps_on_coi.pdf.

to avoid any perception of conflict. Therefore the two remaining members discussed the matter between themselves. The CoIAC advice is expected in early 2019.

4. Advice given

In 2017 ECHA's Executive Director had submitted a request for advice to the CoIAC, which related to a number of inter-related questions concerning public statements and opinions as well as provision of consultancy services to the chemical industry performed on behalf of a national public authority.

In its advice 1/2018-the CoIAC observed that neither ECHA's Policy nor the available guidance is clear on what is to be declared in the Declaration of Interests under section "public statements and positions" and that therefore it was not able to agree on a concrete opinion in the case.

Based on these considerations, the CoIAC strongly recommended a review of ECHA's policy, as well as of the declaration forms and of the guidance documents, with a view to ensuring that only relevant interests are considered. Regarding scientific publications, the CoIAC considered that there is no need to request declarations of scientific articles addressed to the scientific community. The CoIAC further pointed out that in the process of reviewing ECHA's Policy consideration should be given to the diverse groups and positions of the people associated with ECHA (for example, to consider differentiation between staff and Committee members).

Regarding consultancy services to the chemical industry provided by national public authorities, the CoIAC observed that it is difficult to set rules on how consultancy services to the chemical industry given by national public authorities could be taken into account in assessing potential conflicts of interests. As the issue is not affecting ECHA alone, the CoIAC recommended ECHA to start discussions with other European institutions and bodies on whether a common set of criteria would be necessary.

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