

**TERMS OF REFERENCE
OF THE ECHA
CONFLICTS OF INTEREST ADVISORY COMMITTEE**

(Document adopted by the Management Board¹)

¹ Replacing MB/38/2012/D(2) final

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 Conflicts of Interest Advisory Committee (CoIAC).

- ROLE AND INDEPENDENCE

1. The CoIAC has been established as an advisory body in the context of ECHA's Procedure on Prevention and Management of potential Conflict of Interest. 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 ECHA or members of its bodies.
2. The Chair and the other members of the CoIAC must be independent of any internal or external influence in the conduct of their mandate. They must not take part in the deliberations or consultations of the CoIAC regarding any case in which they have a personal interest. They must perform their duties in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. ECHA's Procedure on Prevention and Management of potential Conflict of Interest applies to the CoIAC and its members.

- COMPOSITION AND TERM OF MANDATE

3. 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 Management Board on a proposal by the Executive Director.
4. The external expert is chosen for her/his competence in the field of conflicts of interest. The expert cannot be member of any Agency body or network, or member of other organisations functioning in the field of activity of ECHA.
5. The mandate of the two members appointed by the Management Board is two years. Membership may be renewed.
6. In case one of the members of the CoIAC is prevented from exercising their functions (e.g. due to a conflict of interest or a long term absence), the member must be replaced for that particular case or time period by an ad hoc member appointed by the Chair of the Management Board. The Chair of the CoIAC does not participate in the composition for matters related to the Board of Appeal. In the absence of the Chair, the members will decide on who will act as Chair.

- ORGANISATION AND MEETINGS

7. Meetings are held 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.
8. The Secretariat is provided by the Chair.
9. The Chair may invite staff members or external experts to attend meetings for specific agenda items under confidentiality commitments.

- FUNCTIONING OF THE COMMITTEE

Requests for advice

10. The Executive Director may request the CoIAC to provide advice on conflict of interest situations related to the staff members of ECHA or any other individual working with ECHA.
11. 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.
12. The Chair of the Management Board may request the CoIAC to provide advice on any conflict of interest situation or related action.
13. Requests for the CoIAC must be made in written form and be submitted to its Chair, safeguarding the confidentiality of the information.

Procedure for providing advice

14. The Chair provides the CoIAC members with an overview as well as all the necessary elements to examine the matter. To this end, the Chair may request relevant information from the Chairpersons of the Management Board, of the ECHA Committees, of the Forum and/or from the Executive Director.
15. The CoIAC strives to give its 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 inform the Management Board of any issue of concern.
16. In exceptional cases, the matter can be dealt with via written procedure.

Reporting

17. Meeting minutes are prepared by the Chair and agreed by the members. If a written procedure has taken place, the minutes of the next meeting shall contain a reference to the outcome.
18. The Chair of the CoIAC ensures that the activities of the CoIAC are annually reported in the Consolidated Annual Activity Report of ECHA.

- CONFIDENTIALITY

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

Done in Helsinki, 20 June 2019

For the Management Board

signed

Sharon McGuinness
The Chair