

## Approach on the admission of observers from accredited stakeholder organisations to the work of the ECHA committees

**AS THE EXECUTIVE DIRECTOR OF THE EUROPEAN CHEMICALS AGENCY**

**I HAVE DECIDED THE FOLLOWING:**

### 1. Introduction

This document lays down the basic principles for admission of observers from accredited stakeholder organisations (ASOs) to the work of the ECHA Committees<sup>1</sup>.

The ECHA Committees consider that stakeholder observers have given valuable input to their proceedings and are therefore committed to involving stakeholders in their activities. However, as the Committees deal with concrete dossiers under different processes of the EU chemicals legislation, the observers' access to Committee meetings may sometimes need to be limited.

In December 2011, the ECHA Management Board decided on criteria<sup>2</sup> for the selection of accredited stakeholder organisations eligible to participate in the work of the ECHA Committees and Forum. According to the criteria, accredited stakeholder organisations interested to participate in the work of the ECHA Committees must be registered in the Transparency Register maintained by the European Commission.

The organisations invited by the Committees to follow their meetings regularly are considered **regular observers**. They represent larger industry groups or other general/cross-sectoral/broader sector-specific interests.

The organisations regarded as **occasional observers** are those representing industry sectors or other more specific interests who wish to participate in a meeting for a specific case, substance, agenda item or Committee's discussion, and whose regular involvement in the work of the Committee may not be justified.

A distinction is made between accredited stakeholder observers and **case owners** or other **directly affected third parties**. The participation of the latter two groups in the Committees' proceedings is subject to other rules and procedures<sup>3</sup>.

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<sup>1</sup> Committee for Risk Assessment, Committee for Socio-economic Analysis, and Member State Committee. For the Biocidal Products Committee (BPC), due to its more limited field of operation, all interested stakeholders will be treated as "regular observers" under this document and follow the procedures for this category of observers.

<sup>2</sup> Full list, selection criteria and information about accredited stakeholders can be found on ECHA's website: <http://echa.europa.eu/web/guest/about-us/partners-and-networks/stakeholders>

<sup>3</sup> See [ED/89/2013](#) Code of conduct for case owners of evaluation draft decisions as observers at meetings of the MSC and [ED/104/2013](#) Code of Conduct for applicants participating in the BPC and its Working Groups

## 2. General provisions

To allow for mutual understanding of the role and scope of the stakeholder observer participation in the work of the Committees, a Code of Conduct<sup>4</sup> for ECHA observers from stakeholder organisations is provided and should be followed by all Committee observers.

Pursuant to the Rules of Procedure of the Committees, the following principles are applied as regards the admission of stakeholder observers:

- All stakeholder organisations included on the list of ECHA's accredited stakeholders will be regarded as potential **occasional** observers.
- The selection of **regular** observers results from a call for expression of interest among the listed accredited stakeholders. Observer organisations representing a larger interest group or other general/cross-sectorial/broader sector-specific interests are the ones mainly selected.
- The total number of ASO observers in a given meeting should not exceed half of the number of the appointed members.
- To ensure a balanced selection, organisations representing similar interests can be approached as one group and asked to make a proposal for observer representation of the whole group. Rules on rotation shall be agreed upon.
- The number of observers representing mainly industry and trade and the number of observers representing other interests is kept at a similar level to ensure a balanced representation of different interests.
- Once per year, the Committee Secretariats report to the Committees on the ASO participation in the work of the Committee and on any new expressions of interest and seek the Committee's agreement on the way forward.
- After the decision by the Committee on the selection of regular ASO observers, the Secretariat approaches these organisations and informs them accordingly.
- At any point of time, on the basis of the Secretariat's report or on a member's request, the Committee may decide to reconsider its decision for admission of an ASO observer, due to their non-compliance with the Code of Conduct or other justified circumstances.
- When a request from an observer is submitted to the Secretariat to bring an expert for a specific agenda item at a plenary meeting, the Committee Chair decides on the request and informs the requesting observer accordingly.
- In addition, the Chair can decide to hold a meeting or parts thereof in a closed session.

## 3. Admission of observers

### Admission of occasional observers

All stakeholder organisations included on the list of ECHA's accredited stakeholders will be regarded as potential occasional observers.

For occasional observers, the following principles are applied on a case-specific basis:

- The Committee Secretariat uploads the draft agenda of the upcoming Committee meeting on the ECHA website in line with the timelines foreseen in the respective Rules of Procedure.
- When an accredited stakeholder identifies a point of interest in the meeting agenda, it should indicate its interest to participate in this specific agenda item to

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<sup>4</sup> Code of Conduct for ECHA observers from stakeholder organisations:  
[https://echa.europa.eu/documents/10162/13559/conduct\\_code\\_stakeholder\\_observers\\_en.pdf/039e8710-5035-497d-aa3a-9047cb4c49c4](https://echa.europa.eu/documents/10162/13559/conduct_code_stakeholder_observers_en.pdf/039e8710-5035-497d-aa3a-9047cb4c49c4)

the Chair of the Committee in writing at least **10 calendar days before the meeting**, specifying the details of its nominated representative and the potential benefits from their participation.

- Considering the expressed interests per agenda item, the specified benefits for the Committee in question and the practical possibilities for participation, the Chair decides on the requests received and informs the stakeholder concerned, of the decision regarding their participation.

### Admission of regular observers

In accordance with the general provisions described above on the admission of ASO observers, the Committees apply the following approach:

- The Committee Secretariat reviews the participation of regular observers in the Committee's work once per year and makes a proposal to the Committee on the admission of new stakeholders, continuation with the current stakeholders, or removal of non-active stakeholders from the list of regular accredited stakeholder observers.
- If the number of interested ASOs is higher than the number of available regular observer seats, the Secretariat will explore the possibility of involving more ASOs with similar or complimentary areas of interest in the Committee's work by applying rotation<sup>5</sup> in their meeting participation. In such a case, all invited ASOs within a rotating group will have access to non-confidential documents, while only a limited number of representatives, in accordance with the seats assigned for this quota, will be allowed to participate in the Committees' meetings.
- If 'rotative participation' is not possible and the quotas (for ensuring balanced representation of interests) are exceeded, the Secretariat may suggest the Committee to agree on an **ASO priority list**. Such priority list is expected to be created when ASOs with diverging interests covered under one and the same process compete for a regular observer seat.
- The following criteria could be used for assessing an ASO's priority:
  - ASO represents broader/more general interests and/or has a significant number of members, or broad coverage of membership throughout the EU;
  - ASO has interests in all/more of the working areas/processes of a Committee;
  - ASO has an interest in participation in the Committee's work on a permanent basis or occasionally in the light of the current/expected workload, a particular process or a particular type of discussions/dossiers;
  - ASO can contribute significantly to the work of the Committee as a whole, on a process-specific basis or on a working area basis;
  - ASO has already actively and constructively contributed to the Committees' work.
- The Committee decides on the admission of any (new) ASOs in a closed session at its plenary meeting or by written procedure.
- Following the Committee's decision, the Secretariat invites the selected ASOs, or the first ASOs if a priority list is applied, to nominate a representative to follow the work of the Committee.

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<sup>5</sup> Organisations representing similar interests can be approached as one group and asked to make a proposal for observer representation of the whole group.

- After the receipt of nomination and of the required declaration<sup>6</sup>, the ASO representative is granted access to meeting documents, included in the list of regular observers for the Committee and invited to the plenary meetings on a regular basis.
- No response or no nomination within the specified period (one month) will be followed by a written reminder to the ASO to nominate a representative within an additional two weeks. No response or no nomination after the reminder will be considered as lack of interest in active participation to the Committee's work. In such a case, the ASO will not be further considered in the following annual ASO reviews for regular observer status<sup>7</sup> and the Secretariat approaches the next ASO in the priority list and invites them to nominate a representative.
- If an ASO nomination is made, but the representative does not sign the required declaration, or does not attend **three consecutive plenary meetings**, the Secretariat sends a notification to this ASO with a deadline for replying. If no response is received, the ASO is informed that it will be removed from the list of regular ASOs of the Committee, that is, this organisation will no longer be invited to the plenary meetings and their access rights to documents will be removed. Should the ASO have an interest to regain the regular observer status, they will have to contact the relevant Committee Secretariat and commit to an active and constructive participation. The ASO will then be included in the forthcoming yearly review of ASO participation in the Committee.
- The list of regular ASO observers agreed by the Committees is publicly available on the ECHA website in the relevant Committee's web page.

#### **4. Effective date**

This decision shall take effect from the date of approval.

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<sup>6</sup> Declaration of confidentiality including an Acceptance notice of ECHA Code of Conduct.

<sup>7</sup> Unless the organisation explicitly contacts the Committee Secretariat and shows interest to participate, nominates a representative and commits to active and constructive participation.