

**GENERAL APPROACH ON THE ADMISSION OF OBSERVERS FROM ECHA'S  
ACCREDITED STAKEHOLDER ORGANISATIONS TO THE WORK OF THE  
COMMITTEE FOR RISK ASSESSMENT AND THE COMMITTEE FOR SOCIO-  
ECONOMIC ANALYSIS**

## **INTRODUCTION**

Article 85(4) of the REACH Regulation foresees the possibility that stakeholders are invited as observers to the meetings of the Committees of ECHA. Basic rules on admission of such observers as well as general rules on transparency are included in the Rules of Procedure of the Committee for Risk Assessment (RAC) and of the Committee for Socio-economic Analysis (SEAC).

The ECHA Management Board has adopted a policy concerning the co-operation with accredited stakeholder organisations (ASO) and authorised the Executive Director to launch an open call for expression of interest for the ASOs to participate in the work of the Agency. The results of the call are presented regularly to the Management Board at its meetings and the ECHA Committees are informed annually about any developments in this regard.

This document lays down the basic principles for admission of ASO observers to the work of RAC and SEAC and replaces their previous procedures for admission of stakeholder organisations to the work of the two ECHA Committees agreed by RAC at RAC-9 and by SEAC via the written procedure in September 2008.

## **FOUNDATIONS**

The ECHA Committees have made a strong commitment to involve stakeholders in their activities and make serious efforts in putting this commitment into practice in their daily work. However, as RAC and SEAC deal with concrete dossiers under different REACH processes, the observers' access to ECHA Committee meetings may sometimes need to be limited.

Following the release of the Commission decision (C (2011) 1823 final) on 23 March 2011, agreeing to the development of appropriate contacts between ECHA and relevant stakeholder organisations pursuant to Article 108 of the REACH Regulation, in December 2011, the ECHA Management Board decided on stakeholder selection criteria<sup>1</sup> to be applied for determining relevant stakeholder organisations eligible to participate in the work of the ECHA Committees or Forum<sup>2</sup>. According to these criteria, any stakeholder organisations expressing interest in ECHA work must be registered in the Transparency Register maintained by the European Commission, before a Committee or the Forum of ECHA may consider inviting representative of such an organisation to attend their meetings.

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<sup>1</sup> More information on the selection criteria can be found on the ECHA website:  
<http://echa.europa.eu/web/guest/about-us/partners-and-networks/stakeholders>

<sup>2</sup> ECHA 's approach to engagement with its Accredited Stakeholder Organisations:  
[http://echa.europa.eu/documents/10162/13559/echas\\_approach\\_to\\_engagement\\_with\\_accredited\\_stakeholder\\_organisations\\_en.pdf](http://echa.europa.eu/documents/10162/13559/echas_approach_to_engagement_with_accredited_stakeholder_organisations_en.pdf)

Lists of ASO observers involved in the work of different ECHA bodies are available on the ECHA website<sup>3</sup>.

The RAC<sup>4</sup> and SEAC<sup>5</sup> ASO lists contain all organisations (industrial or consumer organisations, trade unions or associations, environmental NGOs, animal welfare organisations, academic associations) that expressed their interest in the work of RAC and SEAC and are regarded as eligible.

The organisations invited by RAC/SEAC to follow regularly the Committee's work are considered as **regular observers**, as they represent larger industry group or other general/cross-sectorial/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 the ASO observers and the **case owners** or **other directly affected third parties**, the latter two groups, whose participation in the Committee's proceedings is a subject of other rules and procedures.

RAC/SEAC considers that the ASO observers have made valuable input to its proceedings.

## 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>6</sup> for ECHA observers from the stakeholder organisations is provided and should be followed by all Committees' observers.

Pursuant to Article 6(6) of the RAC/SEAC Rules of Procedure, the following principles are applied as regards the admission of regular stakeholder observers:

- RAC/SEAC bases its selection of ASO **observers** on the results of the call for expression of interest and selects the observers mainly among the organisations that are eligible and regarded as representing larger industry group or other general/cross-sectorial/broader sector-specific interests.
- The total number of ASO observers 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

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<sup>3</sup> Co-operation with Accredited Stakeholder Organisations (more detailed information can be found here):

<http://echa.europa.eu/web/guest/about-us/partners-and-networks/stakeholders/cooperation-with-accredited-stakeholder-organisations>

<sup>4</sup> List of agreed RAC ASO observers can be found from the following webpage:

<http://echa.europa.eu/about-us/who-we-are/committee-for-risk-assessment>

<sup>5</sup> List of agreed SEAC ASO observers can be found from the following webpage:

<http://echa.europa.eu/about-us/who-we-are/committee-for-socio-economic-analysis>

<sup>6</sup> Code of Conduct for ECHA observers from the stakeholder organisations:

[http://echa.europa.eu/documents/10162/13559/conduct\\_code\\_stakeholder\\_observers\\_en.pdf](http://echa.europa.eu/documents/10162/13559/conduct_code_stakeholder_observers_en.pdf)

to make a proposal for observers' representation of the whole group. Rules on rotation shall be agreed upon.

- The number of observers representing mainly industry and trade interests and the number of observers representing other interests is kept at similar levels to ensure a balanced representation of different interests.
- Once per year, the RAC/SEAC Secretariat reports to RAC/SEAC of the ASO participation in the work of the Committee and of any new ASO's expressions of interest relevant for RAC/SEAC and seeks the Committee's agreement on the way forward.
- After the decision by RAC/SEAC on the selection of the ASO observers, the RAC/SEAC Secretariat approaches these organisations and informs them accordingly.
- At any point of time, on the basis of the RAC/SEAC Secretariat's report or on member's request, RAC/SEAC may decide to reconsider its decision for admission of an ASO observer, due to his/her non-compliance with the Code of Conduct or other justified circumstances.

When a request from a regular observer is submitted to the RAC/SEAC Secretariat to bring an expert for a specific agenda item at a plenary meeting, the RAC/SEAC Chairman decides on the request and informs the requesting observer accordingly.

In addition, the RAC/SEAC Chairman can decide to hold a meeting or parts thereof in a closed session based on Article 6(12) of the RAC/SEAC Rules of Procedure.

## **ADMISSION OF ASO OBSERVERS**

### **Admission of regular ASO observers**

In accordance with the general provisions described above on the admission of ASO observers, RAC/SEAC applies the following approach:

- 1) The RAC/SEAC Secretariat reviews its ASO participation in the Committee's work once per year and makes a proposal to the Committee on the admission of new ASOs/continuation with the current ASOs/removal of non-active ASOs from the list of ASO observers.
- 2) If the number of interested ASOs is higher than the number of available observer seats, the RAC/SEAC Secretariat will explore the possibilities for involving more ASOs with similar or complimentary areas of interest in the Committee's work by applying rotation<sup>7</sup> in their meeting participation. In such case all invited ASOs within a rotating group will have access to RAC/SEAC 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 Committee's meetings.
- 3) If the number of interested ASOs is higher than the number of available observer seats divided, if necessary, in quotas (for ensuring balanced representation of interests), and 'rotative participation' is not possible and the quotas are exceeded, then the RAC/SEAC Secretariat may suggest the Committee to agree on **an ASO priority list**. Such priority list is expected

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<sup>7</sup> Organisations representing similar interests can be approached as one group and asked to make a proposal for observers' representation of the whole group.

to be created when ASOs with diverging interests covered under one and the same process compete for a regular observer seat.<sup>8</sup>

- 4) 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 Committee's work.
- 5) RAC/SEAC decides on the admission of any (new) ASO in a closed session at its plenary meeting or by written procedure.
- 6) Following the Committee's decision, the RAC/SEAC Secretariat invites the selected ASOs, or the first ASOs in cases where a priority list is applied, to nominate a representative to follow the work of RAC/SEAC.
  - After the receipt of nomination and of the signed declarations<sup>9</sup>, the ASO representative is granted CIRCABC access, included in the list of the Committee's ASO general observers and invited to the plenary meetings on a regular basis.
  - No response or lack of 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 lack of nomination after the reminder will be considered as lack of interest in active participation to Committee's work. In such case, the ASO will not be further considered in the following annual ASO reviews for regular observer status<sup>10</sup> and the Secretariat approaches the next ASO in the priority list and invites them to nominate a representative.
- 7) If an ASO nomination is made, but the representative does not sign the declarations, or does not attend three consecutive plenary meetings, then the Secretariat sends a standard warning notification to this ASO with a specified period for response. If no response is received, the ASO is informed that it will be removed from the list of regular ASOs of the Committee (meaning that this organisation will no longer be invited to the plenary meetings and the access rights to CIRCABC will be removed). Should the ASO have an interest to regain the regular observer status, then the ASO will have to contact the relevant Committee Secretariat expressing interest to participate in the Committee's work and commit to an active and constructive participation. After that, the ASO will be

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<sup>8</sup> It should be noted that in RAC and SEAC, the total number of observers requesting attendance has never in recent years approached anywhere close to half the number of members, therefore such measures are only intended to cover extreme cases.

<sup>9</sup> Declaration of confidentiality and Acceptance notice of ECHA Code of Conduct.

<sup>10</sup> Unless this organisation explicitly contacts the relevant Committee Secretariat and shows interest to participate in the Committee, nominates a representative and commits to an active and constructive participation.

included in the forthcoming yearly review of ASO participation in the Committee.

- 8) The list of regular ASO observers agreed by RAC/SEAC to participate in its work is publicly available on the ECHA website.

### **Admission of occasional ASO observers**

As regards the admission of occasional observers<sup>11</sup>, the following principles are to be applied on a case-specific basis:

- 1) The RAC/SEAC Secretariat uploads on the ECHA website the Provisional Draft Agenda at least 25 calendar days prior to each RAC/SEAC plenary meeting.
- 2) When occasional ASO identifies a point of interest in the RAC/SEAC meeting agenda, it should indicate to the RAC/SEAC Chairman its interest in participation in this specific agenda item in writing at least 10 calendar days before the meeting, specifying the details of its nominated representative and the potential benefits for RAC/SEAC from this participation.
- 3) Considering the total number of received ASO indications per agenda item, the specified benefits for RAC/SEAC and the practical possibilities for such participation, the RAC/SEAC Chairman decides on the requests received and informs the concerned ASO of the decision regarding their participation.

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<sup>11</sup> Organisations that are eligible and have expressed interest in the work of RAC/SEAC, but have not been invited by the Committee as regular observers.