



Helsinki, 21 June 2011

Doc: MB/34/2011 final

## **Revised eligibility criteria for ECHA's Accredited Stakeholders**

**(Document adopted by the Management Board)**

## 1. Introduction

ECHA's Management Board in its 13 February 2008 meeting (MB/05/2008) approved a procedure and eligibility criteria to select and invite Stakeholder organisations to participate to Forum and Committees meetings. In its meeting on 22-23 June 2010 (MB/30/2010) ECHA's Management Board agreed to revise the eligibility criteria for selecting Accredited Stakeholders, subject to the European Commissions' approval.

The respective Commission Decision of 23 March 2011 (C(2011) 1823 final, Article 1) gives agreement for the Management Board to decide on the proposed stakeholder selection criteria with the caveat that an additional criterion be applied for determining relevant stakeholder organisations eligible to participate in the work of the Committees and the Forum.

Article 2 of the Decision states that any stakeholder organisation selected must be registered in the Register of Interest Representatives maintained by the European Commission before the Committees or the Forum may invite them to attend their meetings. The ECHA Secretariat proposes that this new requirement will be added as a fifth eligibility criterion.

## 2. Revised eligibility criteria for ECHA's Accredited Stakeholders

The eligibility criteria were revised to ensure that stakeholders who have a valuable and legitimate role to play in ECHA's work are not excluded as a result of the unintended effects of the current eligibility criteria. A table with the existing and revised eligibility criteria is presented in Attachment 1 for reference.

The revised eligibility criteria, including the requirement of registering in the Register of Interest Representatives, are as follows.

### **Eligibility criteria for ECHA's Accredited Stakeholders**

1. They are legally established within the EU/EEA and have activities at the EU level.
2. They have a legitimate interest in the work of ECHA.
3. They are representative in the field of their competence.
4. They are non-profit making and do not exclusively represent individual companies.
5. They are registered in the Register of Interest Representatives maintained by the European Commission. This criterion only applies in case they wish to participate as observers in the Committee and Forum meetings of ECHA.

The ECHA Secretariat proposes to publish supporting definitions for each of the revised criteria, in order to enhance transparent and consistent assessment. The proposed definitions are presented in Attachment 2.

In line with the above-mentioned Commission decision, the fifth criterion will only apply to Accredited Stakeholders wishing to participate as observers in the work of ECHA's Committees and Forum. Consequently, this criterion will not be taken into consideration whenever the ECHA Secretariat invites Accredited Stakeholders to participate as observers in its various networks (HelpNet, Risk Communication Network, Security

Officers Network, etc.) or in dedicated workshops or Partner Expert Meetings, etc. This is also in line with the fact that, according to the background documentation setting out the details of the Joint Register, “European Parliament and European Commission Agreement on the Establishment of a “Transparency Register” for Organisations and Individuals Working as Independent Engaged in EU Policy Making and Policy”, registration in the Joint Register will not be a condition for participation in consultative committees or similar fora in the work of the Commission and the European Parliament.

Once the Management Board will have adopted the aforementioned five criteria, the ECHA Secretariat will apply these criteria also retro-actively to the Accredited Stakeholders that have been found eligible to date under the provisions of the current criteria. The ECHA Secretariat will notify them accordingly and ask them to provide their registration number in the Register of Interest Representatives.

The ECHA Secretariat will publish the revised criteria on the ECHA website and inform on them through ECHA's communications channels.

### **3. Implications of the requirement to register in the Register of Interest Representatives**

Registering in the Register of Interest Representatives is done online on the dedicated website of the Register. By end of March 2011 about 3700 entities have registered and the registration trend is continuing at a rhythm of about 30 per week.

The Commission does not accept or reject any registrations. Registration is a voluntary declaration and the data is provided under the responsibility of the declarant. Only in case of a formal complaint for a suspected violation of the code of conduct, does the Commission examine the data and may, if the violation is established, decide to suspend the entity.

According to an initial scanning, as of 9 May 2011, 36 out of the total of 48 Accredited Stakeholders have registered in the Register of Interest Representatives, whereas 12 are not on the list. The number of registered organisations may be even higher, since some organisations have several language versions of their name and did therefore not appear in the initial scanning. This will be double-checked during the process of informing the organisations of the new requirement.

In order to assess the implications of this new requirement, the ECHA Secretariat gathered feedback from the five of the non-registered Accredited Stakeholders who consistently and actively participate in ECHA's work. In general, their feedback was positive and the organisations seemed to be willing to comply with this new criterion. Some of the organisations registered after discussing the matter with ECHA. However, in some cases the organisations had for internal or strategic reasons decided not to register and would therefore need to reassess their decision before registering.

Attachment 3 presents the initial scanning of how many of ECHA's Accredited Stakeholders are registered in the Register of Interest Representatives.

Attachments:

- Annex 1: Present and revised eligibility criteria
- Annex 2: Supporting definitions for the revised eligibility criteria
- Annex 3: An initial scanning of how many of ECHA's Accredited Stakeholders are registered in the Register of Interest Representatives.
- Annex 4: Commission decision C(2011) 1823 of 24 March 2011

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Annex 1

### Present and revised eligibility criteria

The table below presents the present and revised eligibility criteria, with changes highlighted in bold.

Present eligibility criteria	Revised eligibility criteria
1. They have established activities at the EU level	1. They <b>are legally established within the EU/EEA</b> and have activities at the EU level
2. They have members from all or from a majority of the EU Member States	
3. They have a legitimate interest in the areas of work of ECHA	2. They have a legitimate interest in the areas of work of ECHA
4. They are representative in the field of their competence.	3. They are representative in the field of their competence
	4. <b>They are non-profit making and do not exclusively represent individual companies</b>
	5. <b>They are registered in the Register of Interest Representatives maintained by the European Commission.</b> This criterion only applies in case they wish to participate as observers in the Committee and Forum meetings of ECHA.

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Annex 2

### Supporting definitions for the revised criteria

In order to enhance a transparent and consistent selection process, the ECHA Secretariat proposes to introduce supporting definitions for each of the criteria and to give an explicit indication of how this information is to be verified. This information will be published together with the eligibility criteria on ECHA's website.

The ECHA Secretariat proposes the following definitions:

#### 1. They are legally established within the EU/EEA and have activities at the EU level

**Definition:**

An eligible organisation has to be legally established in one of the EU Member States, Iceland, Liechtenstein or Norway. EU level activities are activities targeted at an EU-wide audience, *i.e.* not limited to the local, national or regional level.

**Evidence:**

The place of legal establishment may be evidenced by the founding document or any other suitable document proving that the entity's seat is located in the EU, Iceland, Liechtenstein or Norway. Organisations can explain the scope of their activities in the application form.

#### 2. They have a legitimate interest in the areas of work of ECHA

**Definition:**

The organisation represents a sector affected by the EU chemicals legislation (such as the REACH, CLP, Biocides or PIC Regulation) falling within the scope of the tasks of ECHA. An organisation is also considered to have a legitimate interest in the areas of work of ECHA if it represents a sector indirectly affected by the legislation. This also includes non-governmental organisations engaged in issues affected by the mentioned legislation.

ECHA's Accredited Stakeholders are accordingly typically active in industry, human health, animal welfare, environmental protection, scientific research and development, and consumer protection.

**Evidence:**

Organisations can explain their legitimate interest in the application form.

#### 3. They are representative in the field of their competence

**Definition:**

The organisation must represent the interests of a substantial part of the actors in its

field of competence. ECHA's Accredited Stakeholders should be representative of actors in their sector or field of competence. The necessary number of member organisations and their size depends on the structure of the relevant sector. Also, the sector need not have a particular size, but must be distinguishable from other sectors with different fields of interest.

**Evidence:**

Organisations need to set out why they can be considered representative in the application form.

**4. They are non-profit making and do not exclusively represent individual companies**

**Definition:**

For the purpose of ECHA's Accredited Stakeholder applications, a non-profit organisation is one which is not operating for its own commercial profit or gain. It conducts its operations for the benefit of its members or of the general public.

**Evidence:**

This may be evidenced by the founding document or any other suitable document provided during the application process.

**5. They are registered in the Register of Interest Representatives maintained by the European Commission. This criterion only applies in case they wish to participate as observers in the Committee and Forum meetings of ECHA.**

**Definition:**

Accredited Stakeholders wishing to participate as observers in ECHA's Committee or Forum meetings must be registered in the Register of Interest Representatives maintained by the European Commission. Registration is free of charge and can be completed via the following website:

<https://webgate.ec.europa.eu/transparency/regrin/welcome.do>

**Evidence:**

The organisations are requested to indicate their registration number in the application form.

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Annex 3

**An initial scanning of the registration of ECHA's Accredited Stakeholders in the Register of Interest Representatives**

**INCLUDED IN THE REGISTER:**

**As Professional organisations**

ACEA – European Automobile Manufacturers' Association

A. I. S. E. – International Association for Soaps, Detergents and Maintenance Products ASD – Aerospace and Defence Industries Association of Europe

BIR – Bureau of International Recycling

BEUC – Bureau Européen des Unions de Consommateurs

BusinessEurope – The Confederation of European Business (previously UNICE)

CEFIC – European Chemical Industry Council

CEPE – European Council of producers and importers of paints, printing inks and artists' colours

CLEPA<sup>1</sup> – The European Association of Automotive Suppliers

COLIPA – European Cosmetic, Toiletry and Perfumery Association

CPIV - Standing Committee of the European Glass Industries

ECPA – European Crop Protection Association

EDANA – European Trade Association for the nonwovens and Related Industries

ETRMA – European Tyre and Rubber Manufacturers' Association

EuCheMS – European Association for Chemical and Molecular Sciences

EuPC – European Plastics Converters

EURATEX - European Apparel and Textile Organisation

Eurofer – European Confederation of Iron and Steel Industries

FEA – European Aerosol Federation

FEAD – European Federation of Waste Management

FECC - European Association of Chemical Distributors

FEVE – European Container Glass Federation

IMA-Europe – European Industrial Minerals Association

ORGALIME – European Engineering Industries Association

UEAPME - The European Association of Craft, Small and Medium-sized Enterprises

UEPG – European Aggregates Association

**As NGOs**

EEB – European Environmental Bureau

Eurogroup for Animals



Friends of the Earth Europe  
Greenpeace International

HEAL – Health and Environmental Alliance

WECF – Women in Europe for a Common Future

WWF European Policy Office – World Wide Fund For Nature

**As TRADE UNIONS**

EMCEF – European Mine, Chemical and Energy Workers' Federation

ETUC – European Trade Union Confederation

**NOT INCLUDED IN THE REGISTER:**

AECM – Association of European Candle Manufacturers

CEMBUREAU – The European Cement Association

CONCAWE - The oil companies' European organisation for environment, health and safety in refining and distribution

EAERE – European Association of Environmental and Resource Economists

European Association of Mining Industries, Metal Ores & Industrial Minerals

ECEAE – European Coalition to End Animal Experiments

ECETOC – European Centre for Ecotoxicology and Toxicology of Chemicals

EICTA – European Information, Communications and Consumer Electronics Technology Industry Association

ESTIV - European Society of Toxicology In Vitro

Eurometaux - European Association of the Metals Industry

EUROTOX – Federation of European Toxicologists & European Societies of Toxicology

Federation Europeenne des fabricants de produits abrasifs

Vinyl 2010 – European PVC industry's Voluntary Commitment to sustainability



EUROPEAN COMMISSION

Brussels, 23.3.2011  
C(2011) 1823 final

**COMMISSION DECISION**

**of 23.3.2011**

**agreeing to the development of appropriate contacts between the European Chemicals Agency and relevant stakeholder organisations pursuant to Article 108 Regulation (EC) No 1907/2006 of 18 December 2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

## COMMISSION DECISION

of 23.3.2011

**agreeing to the development of appropriate contacts between the European Chemicals Agency and relevant stakeholder organisations pursuant to Article 108 Regulation (EC) No 1907/2006 of 18 December 2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)<sup>1</sup>, and in particular Article 108 thereof,

Whereas:

- (1) The Management Board of the European Chemicals Agency encourages the Agency's approach of actively and transparently engaging relevant stakeholder organisations in the work of the Committees and the Forum of the European Chemicals Agency.
- (2) For this purpose the Management Board of the European Chemicals Agency has requested in accordance with Articles 85 (4) and 86 (1) of Regulation (EC) No 1907/2006 that relevant stakeholders should be invited to attend meetings of the Committees and the Forum.
- (3) In order to identify relevant stakeholders the Management Board has proposed and should decide on selection criteria to be applied by the European Chemicals Agency in an open call for expression of interest with a view to establishing a list of eligible stakeholder organisations.
- (4) The choice of whom to invite from a list of eligible stakeholder organisations will be left to the discretion of the respective Committee or the Forum.
- (5) The Commission should agree to the development of appropriate contacts between the European Chemicals Agency and relevant stakeholder organisations,

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<sup>1</sup> OJ L 396, 30.12.2006, p.1.

HAS ADOPTED THIS DECISION:

*Article 1*

Agreement is given for the Management Board of the European Chemicals Agency to decide on its proposed stakeholder selection criteria to be applied for determining relevant stakeholder organisations eligible to participate in the work of the Committees or the Forum.

*Article 2*

Any stakeholder organisation selected must be registered in the Register of Interest representatives maintained by the European Commission before a Committee of the Forum of the European Chemicals Agency may invite them to attend its meetings.

*Article 3*

This Decision is addressed to the European Chemicals Agency.

Done at Brussels, 23.3.2011

*For the Commission*  
*Antonio Tajani*  
*Vice-President of the Commission*

