

**DECISION OF THE MANAGEMENT BOARD**

**RULES OF PROCEDURE OF THE EUROPEAN CHEMICALS AGENCY CONCERNING  
COOPERATION WITH OTHER RELEVANT EUROPEAN UNION BODIES IN THE AREA OF  
WORKER PROTECTION**

THE EUROPEAN CHEMICALS AGENCY:

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (hereinafter, referred to as 'the REACH Regulation'),<sup>1</sup> and in particular to Recital 111, Article 95 and Article 110 thereof,

After consultation of the Committee for Risk Assessment, the Committee for Socio-economic Analysis, and the Advisory Committee on Health and Safety at Work<sup>2</sup>, and in agreement with the Commission, pursuant to Article 110(4) of the REACH Regulation;

Whereas:

- (1) The European Chemicals Agency (hereinafter, referred to as 'ECHA') works in the area of assessing the safety of substances.
- (2) ECHA may adopt opinions on substances that relate to worker protection.
- (3) It is important to ensure cooperation and coordination between ECHA, the Commission and other relevant European Union bodies addressing worker protection issues, and in particular the European Agency for Safety and Health at Work, the Advisory Committee on Health and Safety at Work, and the Scientific Committee on Occupational Exposure Limits, in order to avoid confusion between the respective missions and duplication of work,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

*Article 1*  
*Aim and scope*

Without prejudice to the provisions of Article 95 of Regulation (EC) No 1907/2006, these Rules of Procedure define the framework for activities of ECHA on matters related to worker protection with a view to ensuring coherence in the work of ECHA and sharing relevant information with other relevant EU bodies working in the same area.

*Article 2*  
*Tasks*

With reference to matters defined in Article 1, ECHA shall undertake, where appropriate, to:

- a) Exchange information regularly with other relevant EU bodies, in particular the relevant parts of ECHA work plans, agendas, meeting calendars and public minutes;

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<sup>1</sup> Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing the European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, OJ No L 136, 29.5.2007, p. 3

<sup>2</sup> Previously the Advisory Committee on Safety, Hygiene and Health Protection at Work.

- b) Ensure coordination with other relevant EU bodies, including coordination on communication such as in the event of an emerging risk from chemical substances that may affect or concern human health, environment or worker protection;
- c) Inform other relevant EU bodies when delivering scientific advice, opinions and risk assessments that concern worker protection;
- d) Act proactively and on a regular basis to resolve potential sources of conflict between opinions of ECHA and other relevant EU bodies.

#### *Article 3*

##### *ECHA coordinator for worker protection issues*

1. A person of the ECHA Secretariat is appointed as a coordinator for the maintenance of close, direct and continuing contacts with other relevant EU bodies in the context of worker protection. The ECHA coordinator for worker protection issues shall consult and inform others in ECHA as appropriate.
2. The ECHA coordinator for worker protection issues shall forward the information to be exchanged under Article 2 to the relevant Committee Secretariat.
3. The ECHA coordinator for worker protection issues shall identify the need for regular contacts and meetings where appropriate of the Chairs and Secretariats of ECHA Committees and other relevant EU bodies.
4. The ECHA coordinator for worker protection issues shall keep the records of the information exchanged.

#### *Article 4*

##### *Mechanisms for prevention of potential conflicts of scientific opinions*

1. Identification of substances that are, or are likely to be, under discussion in ECHA and in other relevant EU bodies in a worker protection context shall be facilitated by exchanging relevant information, such as ECHA's registry of intentions and the Community rolling action plan.
2. ECHA shall develop together with other relevant EU bodies other mechanisms to facilitate early recognition of relevant chemical substances which could be relevant in a worker protection context and their impact on the current work of ECHA, in particular in cases where the substance has been earlier addressed by either ECHA or other relevant EU bodies.
3. ECHA facilitates the participation of experts from other relevant EU bodies in working groups dealing with specific issues when considered appropriate by Committees responsible for setting the working group.
4. ECHA will seek to provide an opportunity for early exchange of views between rapporteurs of its Committees and other relevant EU bodies dealing with substances referred to in paragraph 1 where appropriate.
5. When a potential conflict of opinions between the ECHA and other relevant EU bodies is expected or identified, the possibility of sharing data which has been used as the basis of opinions shall be considered. The principles outlined in Article 6 shall be respected.
6. Where appropriate, ECHA should facilitate an analysis of the methodologies used in preparation of its opinions.

*Article 5**Mechanisms for dealing with conflicts of scientific opinions*

1. If despite the mechanisms described in Article 4 a conflict of scientific opinions by ECHA and other relevant EU bodies is identified, the following shall be identified:
  - a) the scientific and/or technical points of conflict;
  - b) the relevant uncertainties in the data and the reasons for the differences in taking them into account;
  - c) the relevant differences in the application of the methodologies used by the ECHA and other relevant EU bodies.
2. As appropriate, ECHA will arrange joint meetings between experts, rapporteurs and Secretariats of ECHA Committees and other relevant EU bodies, or ECHA may invite other relevant EU bodies' representatives to attend a meeting in order to discuss the specific issue.
3. Where appropriate, a joint document clarifying the scientific and/or technical points of conflict and identifying the relevant uncertainties in the data is to be prepared.

*Article 6**Confidentiality*

ECHA ensures that any data held by it which is not publicly available is shared with other EU relevant bodies in compliance with ECHA's internal policies on sharing of information with external actors, the confidentiality requirements foreseen in the REACH Regulation and confidentiality provisions in other relevant legislation. When sharing such information, ECHA shall inform the recipients in other relevant EU bodies of its policies or other specific rules that it deems to apply to this information. In turn, ECHA shall ensure that information received on the basis of this co-operation will be treated in accordance with applicable provisions governing the confidentiality, processing and release of information, respecting other relevant EU bodies' confidentiality.

*Article 7**Final provisions*

1. These Rules of Procedure, including any amendments, shall apply from the date they are adopted by the ECHA Management Board. They shall be made publicly available on the ECHA website.
2. ECHA shall carry out a review of these Rules of Procedure by [DATE<sup>3</sup>] with a view of proposing amendments, where appropriate.

Done on 10/07/2013

For the Management Board  
The Chair

signed  
Nina CROMNIER  
(electronic signature)

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<sup>3</sup> Three years from adoption