

THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY

Having regard to Regulation (EC) N° 1907/2006 of the European Parliament and the Council of 18 December 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) N° 793/93 and Commission Regulation (EC) N° 1488/94 as well as Council Directive 76/769/EEC and Commission Directive 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;

Having regard to the adoption of a resolution by the European Parliament approving a Code of Good Administrative Behaviour which European Union institutions and bodies, their administrations and their officials should respect in their relations with the public (adopted on 6 September 2001), the European Ombudsman's Code of Good Administrative Behaviour and the corresponding Public Service Principles developed by the European Ombudsman;

Having regard to its Rules of Procedure;

Having regard to the ECHA Policy on the Prevention and Management of potential Conflicts of Interest, as adopted by the Management Board on 21XX June 2023;

Whereas

(1) The Management Board recognises the sensitivity of its tasks and the need to align its working practices with the requirements from the European Parliament and the European Ombudsman related to the Code of Good Administrative Behaviour and corresponding Public Service Principles;

(2) The Management Board shall comply with the ECHA Policy on the Prevention and Management of potential Conflicts of Interest;

HAS ADOPTED THE**CODE OF CONDUCT
OF THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY***Article 1*
Scope

1. The members of the Management Board of the European Chemicals Agency¹ commit to meet the highest standards in performing their duties in the public interest. This Code of Conduct provides guidance and sets ethical conventions, probity standards and benchmarks for Board members when acting independently in the public interest, also — where applicable — after termination of their mandate.

2. This Code is without prejudice to other rules that apply to the Board members, for example under Articles 88 or 105 of the REACH Regulation (EC) No 1907/2006 or the Rules of Procedure of the Management Board.

¹ Hereinafter also referred to as "the Board".

Article 2
Principles

1. Board members shall act independently in the public interest guided by and in observance of the following principles of conduct: integrity, diligence, discretion, honesty and accountability. They shall act impartially, avoiding any situation liable to give rise to potential or perceived conflicts of interest. Taking into account the public character of their function they shall conduct themselves in a way that maintains and promotes the public's trust in the Agency.
2. The Board is a collegial body and assumes collective responsibility for its decisions.
3. When questions arise which are not explicitly covered by this Code, adherence to the generally accepted principles of probity shall determine the Board members' behaviour.

Article 3
Duties

Board members shall in particular:

- exercise due diligence in supervising and steering the Agency against the background of relevant EU legislation;
- respect the professional standing of the other Board members;
- not engage in any practice detrimental to the reputation and interests of either the Board or of the Agency;
- ensure that the Board operates within the limits of its statutory remit, including having due regard to best practice regarding sound financial management.

Article 4
Relations with media, stakeholders and the general public

1. Board members are the ambassadors of ECHA and shall always set an exemplary conduct in all their activities linked to the Agency. The 'ambassador' function of the Board members entails the promotion of ECHA to its stakeholders and to the general public and also to be accountable for the decisions of the Board whilst supporting the Agency.
2. If Board members wish to respond to a media query or otherwise communicate on an ECHA-related topic but in a non-ECHA capacity, they should make it clear to the journalist or requestor in which capacity they are speaking, and whenever possible, inform the Secretariat of the Management Board about the matter.
3. Board members, when communicating on a matter on which the Board has taken a view, shall represent the views of the Board. If Board members are communicating on a matter that falls within the remit of the ECHA but on which the Board has not taken a view so far, they should give their own personal view but should make clear that this does not necessarily represent the view of the Board or the Agency.

Article 5
The role of the Chair and the Vice-Chair

The Chair and the Vice-Chair of the Board shall in particular:

- be responsible that the Board fulfils its main role, i.e. to supervise an effective and efficient functioning of the Agency;
- endeavour to ensure that the Board is properly managed, addressing its key tasks and devoting sufficient time to address each of them properly.

*Article 6***Professional secrecy**

1. Board members are required, even after their duties have ceased, not to disclose information of the kind covered by the duty of professional secrecy.
2. The above is without prejudice to the sharing of documents with persons assisting the members in the discharge of their duties as Board members, provided that those persons are subject to an equivalent duty of confidentiality. Board members shall take all necessary measures to ensure that persons having access to their information also respect the above obligations too.
3. Board members undertake not to use to the advantage of their personal benefit any facts or information covered by the duty of professional secrecy and coming to their knowledge in the course of or in connection with the performance of their duties.

*Article 7***Gifts and hospitality**

1. Management Board members shall neither apply for, nor receive or accept from any source any advantage, direct or indirect (e.g. as a gift or in form of hospitality, entertainment, travel or other form of benefit) of a value of EUR 50 or more from one source per year which is in any way connected to their role as members of the Management Board.
2. Any such gifts received by a Management Board member shall be reported to the Chair of the Management Board. Any gifts received by the Chair shall be reported to the Management Board. For transparency reasons, the nature of the gift and the source shall be recorded in the Management Board minutes.

*Article 8***Independence**

1. All members of the Board shall make on an annual basis a written Declaration of Interest and Commitment, which will be made public on the ECHA website. Further details regarding these declarations are set out in the REACH Regulation (EC) No 1907/2006 and in the Agency's Policy on potential conflicts of interest management (PRO 0067, as adopted by the Board on 25 February 2019). Members who have not submitted the Declaration of Interest and Commitment shall not be able to take part in meetings of the Board and its subgroups or decisions by written procedure.
2. The Chair shall review the Declarations of Interest and Commitment from the other members and bring any issue of concern to the attention of the Board. The Deputy Chair shall review the declaration of the Chair. Board members shall inform the Chair and Secretariat of the Agency without undue delay of any changes to their declared interests and update their Annual Declaration of Interest and Commitment accordingly.
3. Board members shall declare at each meeting any interests which could be considered to be prejudicial to their independence with respect to any of the points on the agenda.
4. The interests of a Board member (and their close family members) shall not take precedence over those of the Board and members shall refrain from involving themselves or being involved in any activity that could result in a conflict of interest or is likely to provoke the perception of an existing conflict of interest by the general public.

5. Board members are committed not to exploit their position in order to influence in any way the scientific experts of the Agency or ECHA's scientific outputs.
6. Furthermore, the members shall consider the possible public perception in all facets of their professional and private life — in particular as regards any activities, which are pertinent to raise doubts related to either potential or perceived conflicts of interests.
7. Bearing in mind that independence is a fundamental principle and a core value of ECHA, Board Members shall not hold positions or interests that are considered incompatible with their role as a Board member and the role of the Board. This is without prejudice to those members that were appointed by the Commission to represent interested parties without voting rights.
8. Board members undertake to immediately inform the Chair and the secretariat if they intend to be engaged in occupational activities in the regulatory field of the Agency during their term on the Board. Taking into account the generic exclusion criteria, the Agency will then fully restrict the member from further involvement in the activities of the Board from the date of notification and inform the appointing authority.
9. Board members undertake to produce on request by the Chair or the Executive Director supporting information, data or documents. In accordance with the Agency's policy on potential conflict of interest management (PRO-0067), the Chair may refer matters to the advisory committee established under this policy, or, in case of a problem, which hampers the functioning of the Board, send a formal notification to the appointing authority.

Article 9

Acceptance of the Code of Conduct

1. All Board members, including any new members who may subsequently assume office as from the date of the signature of this Code, shall sign the present Code of Conduct.
2. The signed original of the Code shall be held by the Secretariat of the Management Board.
3. Upon their signature Board members shall receive a copy of the signed original for their own record.

Place/Date

Name (in capital letters)

Signature