

Code of Conduct for Applicants participating in Coordination Group Meetings

Adopted at CG -16 Meeting on 14 March 2016

Revised version agreed at CG-45 meeting 17 February 2021¹

1. Purpose of the attendance of applicants and their role

1. In order to facilitate appropriate decision making, Coordination Group permits the attendance of observers from stakeholder organisations at meetings of the Coordination Group, as appropriate.
2. The Rules of Procedure of the Coordination Group provide the possibility to invite applicants to participate in a meeting or part of it as observers. Hereafter the term 'CG' will refer to the Biocides Coordination Group.
3. The purpose of the attendance of applicants at CG meetings is to:
 - a) Provide a possibility for the applicant to be heard in the CG discussion and agreement phase and to contribute to clarifying any discussion items, where necessary, directly to the CG
 - b) Ensure that all aspects are properly addressed and understood in the context of the application under consideration.
4. Attendance of applicants is not intended to circumvent or expand the relevant procedures set out in Regulation (EU) No 528/2012 which already provide applicants the formal possibility to provide comments and explanations in relation to their application.

2. General rules

1. Without prejudice to confidentiality requirements, applicants may be invited as observers to CG meetings for the referrals of objections as defined by Article 35(2) of Regulation (EU) No 528/2012.
2. The opportunity to attend CG meetings carries certain responsibilities. It is the duty of each applicant: to behave with due and proper respect for the meeting proceedings and towards all the members and other participants; and to abide by the rules of procedure of the CG and this code of conduct.
3. Applicants are expected to apply the general principles of openness, transparency, honesty and integrity when participating in the work of CG while respecting applicable confidentiality requirements. They shall always ensure that, to the best of their knowledge, information which they provide is relevant to the case, unbiased, complete and up-to-date.

3. Identification of the representative of an applicant

1. A provisional draft agenda for a CG meeting is made available to ASOs on CIRCABC (accessible to ASOs) website at least 28 days before a meeting. The CG Secretariat informs concerned applicants via email that their product is scheduled for discussion
2. The applicant will communicate as soon as possible the name and contact details of its representative to the CG Secretariat via email (biocides-coordination-group@echa.europa.eu) if it wishes its representative to be present at the CG

¹ The revisions were related only to the declarations.

meeting where the application is to be discussed.

3. For each application one applicants' representative accompanied by up to three experts can participate to the meeting. If the applicant is a Task Force, a maximum of four representatives and/or experts per Task Force (including representatives from different companies) can participate to the meeting. The same rules for participation in the meeting are applicable to the applicant and to the accompanying experts.

4. Participation in meetings

4.1 General

1. Applicants shall respect the work of the CG. Applicants shall not interfere with members, their advisers, invited experts, other observers or the Secretariat, in any way which, in the view of the Chair, constitutes inappropriate behaviour and/or may hinder the work of the CG.
2. Applicants shall attend part(s) of meetings specifically indicated to them in advance when their own application is under discussion. The Chair can decide to close a session at any point in time before or during a meeting.
3. Applicants are allowed to listen and to respond to any questions or comments by the Chair, members or other participants of the meeting. Applicants are allowed to ask questions themselves in order to seek clarification. The applicant's interventions should be brief and the time allocated by the Chair shall be respected.
4. Non-availability in the meeting of an applicant will not prevent the CG from discussing an application.

4.2 The participation of accredited stakeholder organisations

5. Normally sessions of the CG which are open for applicants are closed for nominated representatives of ASOs.
6. If a discussion is closed to ASOs a non-confidential briefing will be provided to them afterwards in the non-confidential minutes.

4.3 Use of recording equipment and mobile phones

7. The use of audio and/or visual recording or photographing equipment is prohibited in the meetings.
8. Mobile telephones shall be switched off in the meeting room.

5. Confidentiality

1. Applicants shall respect the rules on confidentiality laid down in the rules of procedure of CG. They shall sign the declaration of confidentiality noted in the rules of procedure of the CG before their first attendance to a meeting. Applicants shall as a rule not get access to the confidential documents of the CG but get access to documents for the open session (available in public sites) and CG confidential documents related to their application. In exceptional cases where access to some meeting or confidential documents is granted, or accidentally received, the rules on confidentiality shall apply. Applicants can request to the SECR to have access to the section of the minutes of the closed session where their referral is discussed.
2. The declaration of confidentiality referred to in paragraph 5(1) in practice implies that applicants may report to the relevant persons acting with consent of the applicant about the discussions held at the meeting. In any reporting they shall respect the confidential nature of any deliberations and shall not disclose any views or statements of individual CG members or other meeting participants. Applicants are allowed to share any non-confidential meeting documents within their own organisation or with the members of their task force, consultant or other representative of the applicant, but they shall not make them or their content publicly available unless they already have been made publicly available. Furthermore, reports to the media or any media channels shall respect the same conditions.

3. Confidential business information may arise in applications being considered by the CG. Mention of specific product names can be made in public CG documents. The confidential claims will be checked with the applicants before the publication of documents in public sites.

6. Documents from applicants

1. Documents from applicants can be provided to the CG only via email to the Secretariat and shall be marked 'for information' and indicate clearly which applicant is responsible for them. In case of confidential documents, applicants shall contact the SECR for instruction on how to provide the documents in a secure way.
2. Applicants submitting documents shall remain responsible for their content and distribution cannot be interpreted as a validation or agreement to their content by the Secretariat.
3. Only documents that have been submitted to the Secretariat at the latest 10 days before the meeting will be made available to the members of the CG electronically. Late documents can only in exceptional cases be distributed at the meeting in hard copies. In these circumstances applicants are requested to bring a sufficient number of hard copies for distribution. Members of the CG have the prerogative not to take into consideration such late documents in any decisions taken at the meeting since they have been distributed after the formal deadline for distribution of documents.

7. Meeting minutes

1. A record of key points made by applicants may be included in the meeting minutes but the final decision on the wording of the minutes will be made by the CG. Attendance of an applicant shall be recorded in the meeting minutes but personal data will not be disclosed.

8. Respect of the code of conduct

1. Applicants are requested to sign an acceptance notice² of having received, read and accepted to respect this code of conduct, if they wish to attend the meeting.
2. Inappropriate behaviour or failure to conform to this code of conduct may lead the Chair to exclude a representative of an applicant from the meeting in question and potentially from future meetings. The corresponding applicant may subsequently be requested to consider another representative in the future.

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² Available in ECHA website within the [Declaration of confidentiality of ECHA bodies](#).