



European Ombudsman

Emily O'Reilly
European Ombudsman

Mr Geert Dancet
Executive Director
European Chemicals Agency (ECHA)
P.O. Box 400
Annankatu 18
00121 Helsinki
FINLAND

Strasbourg, **03 -09- 2014**

Re: The adoption of a Transparency Policy

Dear Mr Dancet,

Given the direct impact of the work of the European Chemicals Agency (ECHA) on the daily lives of citizens, you are well aware that it is of particular importance that your policies in areas such as ethics, transparency and public participation reflect the Union's values and principles.

My predecessor had the opportunity of discussing these issues at length with your Office, in the context of his visit to ECHA in October 2012 and the subsequent correspondence in the context of own-initiative inquiry OI/12/2012/EIS. In the interests of clarity, please note that this letter should be seen as a specific follow-up action to the Ombudsman's series of visits to EU agencies, whose aim was to identify and spread best practices used by EU agencies in their relations with citizens.¹

In his report on OI/12/2012/EIS, my predecessor congratulated ECHA on its website, which, he noted, provides the public with a vast amount of information mainly relating to ECHA's core activities. I further note that transparency is one of ECHA's five key values and that ECHA has adopted a proactive approach to the dissemination of information, principally through its help desks, online publications, and public register of documents, containing documents that have been (i) electronically tagged for better searchability, and (ii) grouped for their easy electronic reference.

¹ Further information about these visits is available on the Ombudsman's website at:
http://www.ombudsman.europa.eu/en/activities/visits_faces



OUT2014-003926
03-09-2014
Public INT

1 avenue du Président Robert Schuman
CS 30403
F - 67001 Strasbourg Cedex

T + 33 (0)3 88 17 23 13
F + 33 (0)3 88 17 90 62

www.ombudsman.europa.eu
eo@ombudsman.europa.eu



Notwithstanding these laudable achievements, I am not aware of a specific ECHA Transparency Policy, along the lines of that currently being drawn up by one of the other EU regulatory agencies, the European Food Safety Authority. I was encouraged to note that EFSA recently launched a public consultation on this subject in the form of a discussion paper entitled "Transformation to an 'Open EFSA'"². The general idea of proceeding on the basis of such a consultation is a useful approach and I would also mention, in this regard, the public consultation launched recently by the European Investment Bank on its Transparency Policy³.

I have today written to EFSA to draw its attention to two important initiatives that my Office has been involved in and that might be relevant as it develops its Transparency Policy.

Earlier this year, I spoke at the European meeting of the Open Government Partnership (OGP)⁴. The aim of the OGP, in which 19 EU Member States now participate, is to make governments more open, accountable, and responsive to citizens. As European Ombudsman, I intend to do whatever I can to help the EU administration to live up to these expectations, in line with the provisions of the Union Treaties. I encourage you, therefore, to take inspiration from the work done within the OGP's four interlocking themes of accountability, citizen participation, transparency and the facilitating role of new technologies.

My office also organised this year a conference of the Research Network on EU Administrative Law (ReNEUAL), which has drawn up model rules of administrative procedure, including procedures for the adoption of general rules ("rulemaking"). The latter could help EU institutions and agencies, including ECHA, to carry out rulemaking in a way that promotes participatory democracy and transparency, in the spirit of Article 11 of the Treaty on European Union. I attach the model rules, as a potential source of inspiration for your Agency, particularly as regards procedures that you might use to promote citizen participation when developing new rules and policies.

Against this background, I would be grateful to obtain information in relation to (i) the plans of your Agency to adopt a Transparency Policy, (ii) the process for drawing up such a policy, in particular, whether stakeholders and the general public will have the opportunity to give their views and, if so, in what way, (iii) the extent to which you intend to rely on the recent experience of other regulatory agencies in this area, and (iv) to what extent the aforementioned OGP and ReNEUAL initiatives could be relevant to ECHA's efforts in this area.

Please note that I am also writing today to the European Aviation Safety Agency. All of these letters will be published on my website, along with your reply that I look forward to receiving by 31 October 2014, if possible.

² See: <http://www.efsa.europa.eu/en/corporate/pub/openefsadiscussionpaper14.htm>

³ See: <http://www.eib.org/about/partners/cso/consultations/item/public-consultation-on-eibs-transparency-policy-2014.htm>

⁴ See: <http://www.opengovpartnership.org>



Should your services require any further information or clarifications concerning this issue, please do not hesitate to contact Ms Eija Salonen [REDACTED], Legal Officer.

Yours sincerely,

Emily O'Reilly

Enclosure: Model Rules on EU Administrative Procedures:
Book II – Administrative Rulemaking