



Benefits of, needs for and challenges of improving access to product information Industry perspective

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UNECE Task Force on Access to Information
Geneva, 7 February 2013





Access to Product Information

Outline

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Introductory remarks

- Business fully **supports effective transparency in environmental** matters, including sharing relevant information, provided that the **protection of legitimate public and private interests** is taken into account
- Over the past 20 years:
 - major improvements have occurred in making information held by governments available to the public
 - on its own initiative, business has also been providing increased information about operations and products (OECD Guidelines for Multinational Enterprise)

Current status – information available on products



- High amount of data disseminated by authorities in the approval process of products

| | |
|------------------------------------|--|
| Plant Protection Products | Summary dossiers (summary of tests & results) Draft assessment report EFSA conclusions on the assessment Registration report, ... |
| Biocidal Products | Summary of studies & results Assessment reports Guidance on safe use Data on environmental fate, ... |
| Chemical substances - REACH | Physicochemical data & study summaries Guidance on safe use Information in safety data sheet Assessment reports and authorities' decisions, ... |

- Wide access to environmental information provided for by Reg. 1367/2006, Reg. 1049/2001 and Dir. 2003/4

Protection of Confidential Business Information (cont'd)



- Protection by **confidentiality of know-how, intelligence and market information** is important in order to protect the **competitive advantage** and stimulate innovation
- Failure to protect can **jeopardise the survival of a company** as it generates unfair competition by providing competitors with immediate access to certain technological advances or know-how they may not have had the capacity to develop
 - Technical/R&D knowledge, often obtained through significant costs and years of research and refinement
 - Commercial and market knowledge
- CBI often not covered by classical IP rights (patents, copyrights)
- 2001 – 2011: global market share of EU chemical industry went down from 30% to 20%

Protection of Confidential Business Information



- **“Environmental info.” must not to be confused with commercial data**
 - To qualify as env. Info., the information must concern elements of the environment - not the case of commercial data (e.g. sales volumes, precise tonnage of substances produced/imported, advertizing & marketing strategies, customer lists)

- **Balancing of interests exercise must always take place before disclosure of information**

- **Disclosure via the internet involves higher risks of misuse by competitors**
 - Info. from different sources can be gathered and connected to collect economic information. Even if individual pieces of info are not CBI, the whole picture may reveal strategic business information
 - Potential distortion vis-à-vis competitors based outside Europe
 - Once posted online, info. can be saved and copied by anyone. Even if deleted by public authority, no possibility to control anymore

Voluntary business initiatives to improve access to product information (cont'd)



1. ICCA Global Product Strategy Chemicals Portal

- Created in 2010 as a contribution to the political commitment of 2002 Johannesburg Summit and UNEP SAICM
- Aim: to increase **industry accountability** and general confidence on products
- Offers the general public **direct access to product stewardship information** (incl. health and environmental information, exposure potential, physical hazards, etc.)
- More than 3300 chemical GPS safety summaries are available
- More information: <http://www.icca-chem.org/en/Home/ICCA-initiatives/global-product-strategy/chemical-information-search/>

Voluntary business initiatives to improve access to product information



2. ECSA Product & Application Online Toolbox

- Provides information about the safe & sustainable use of **products containing chlorinated solvents**
- For each **specific use** (industrial/professional/consumer), **workplace** (indoor/outdoor) and **activity** (e.g. use of hair spray, equipment cleaning), information is provided on health and environmental protection
- Toolbox targeted at supply chain operator and the public at large
- More information: <http://www.eurochlor.org/ecsa/toolbox/>



Conclusion

- **A large amount of information on products** is made available by public authorities in the authorization process of products and substances
- **The public benefit** does not necessarily lie in broadening the scope of the rights of access to information but in making the information that is already disseminated more readable for the general public
- Business has been providing and will continue to provide **easier and more consumer-friendly access** to product stewardship information
- **Protection of CBI** is extremely important to preserve the survival and competitiveness of the European industry
- Increased access to information shared by business may **undermine the right balance** between public interest in disclosure and legitimate private interests