



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

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# Access to Product Information

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## Outline

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3. Importance of protecting Confidential Business Information
4. Voluntary business initiatives to improve access
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# Introductory remarks

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- 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

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

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- **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