

Exploring Communication in the Supply Chain under REACH Authorisation process

RIEF II – Brussels - 18 December 2013

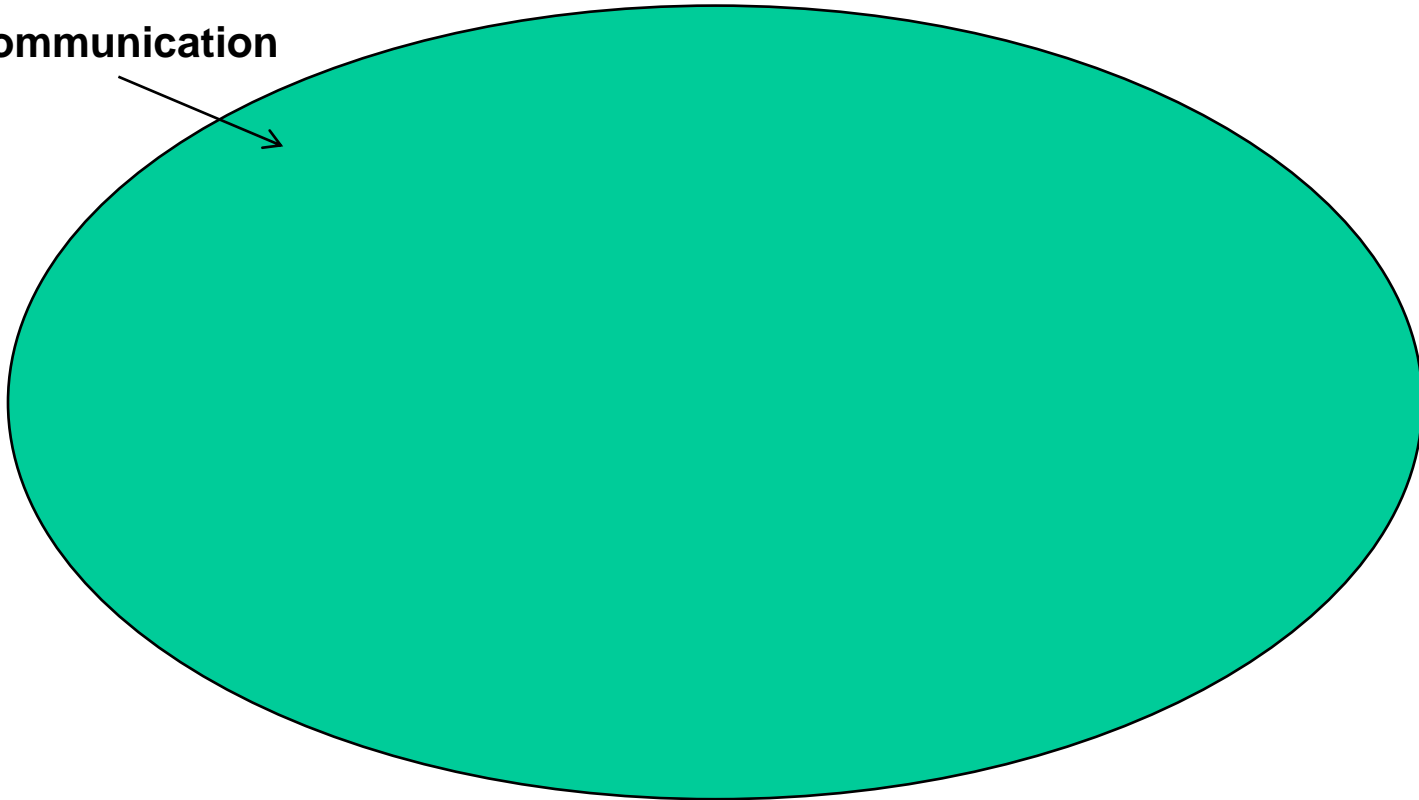


Jànosi Amaya
REACH manager
Product Stewardship



Communication

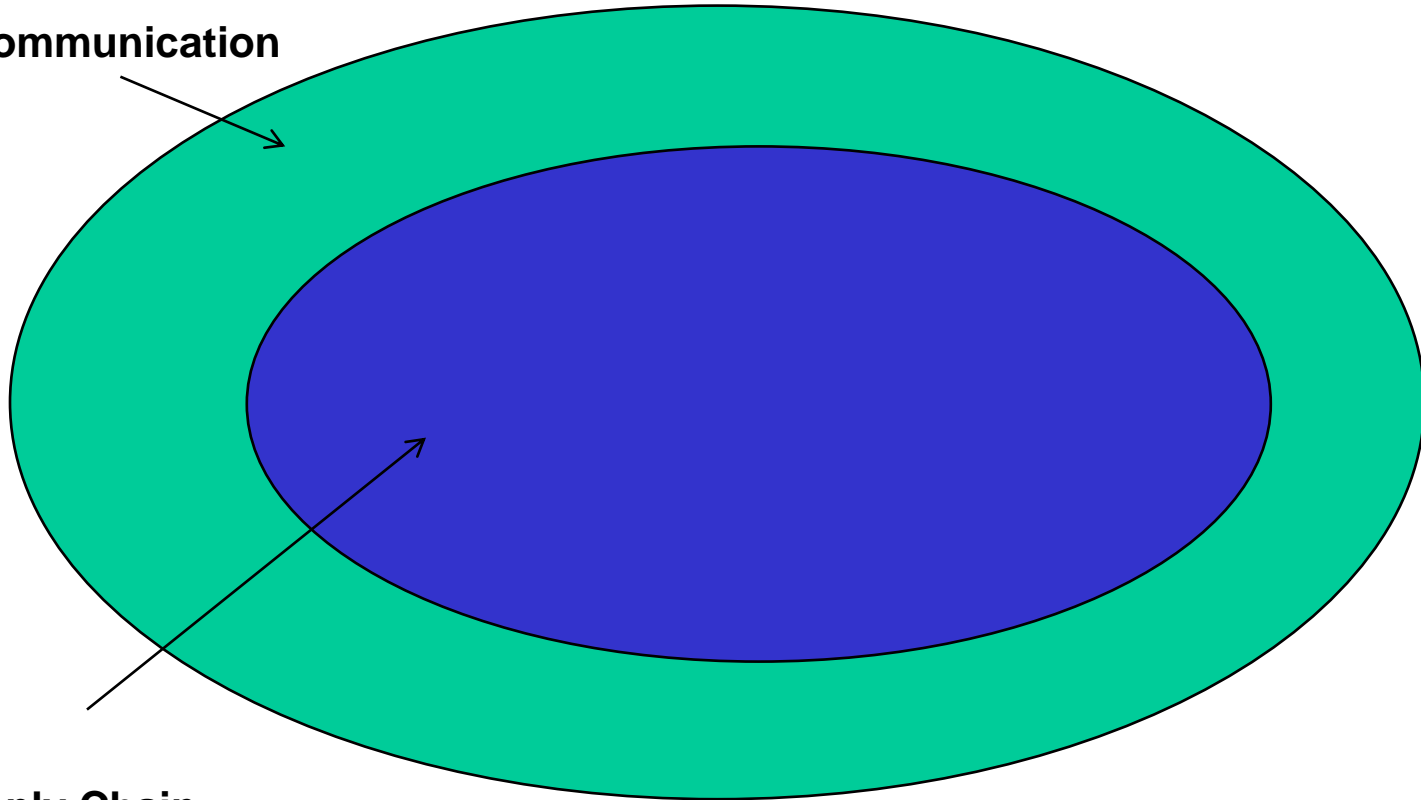
Communication





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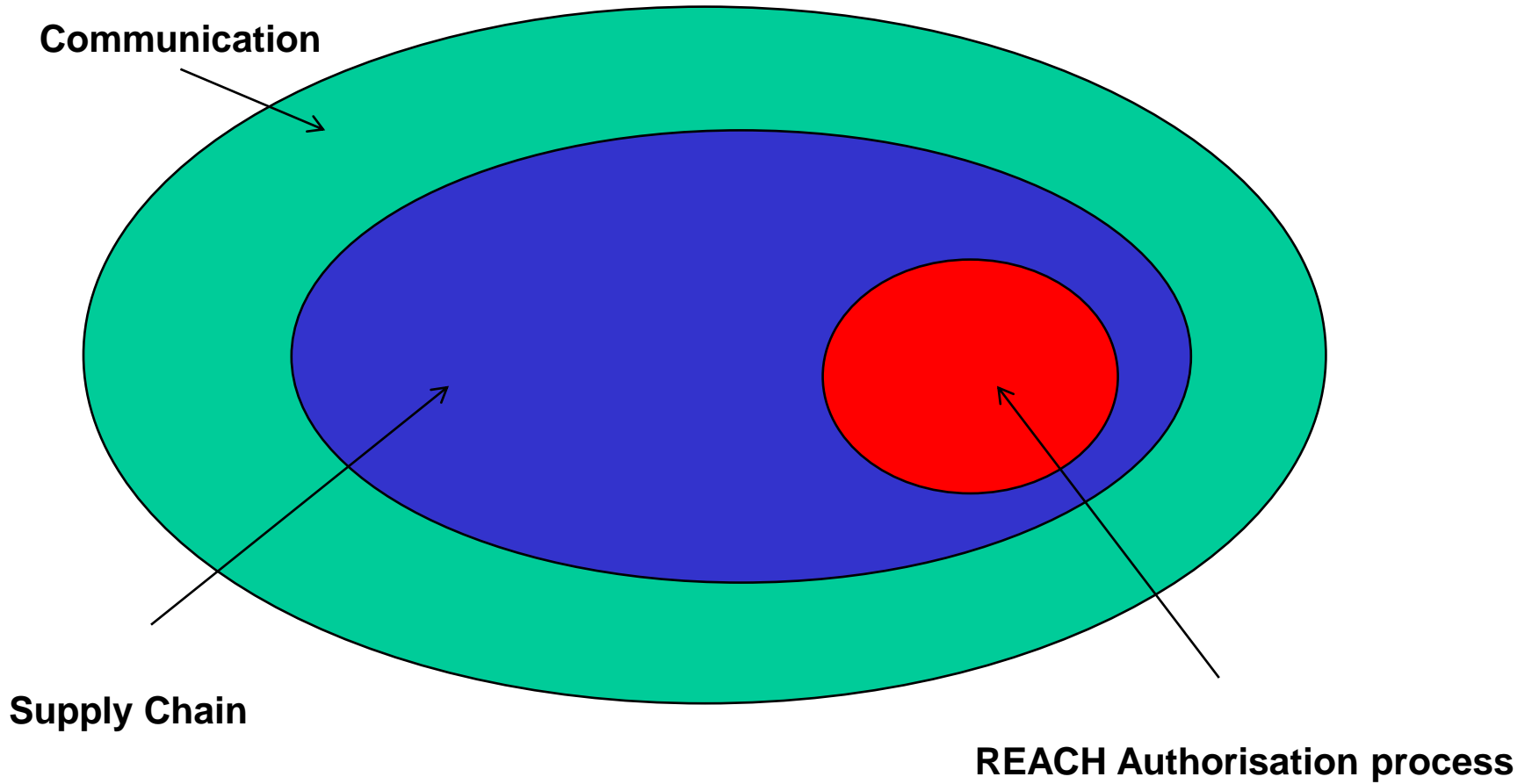
Communication



Supply Chain



Communication





Content

1. Introduction
2. Communication workshop framework
3. Identified issues
4. Suggestions/recommendations
5. Key messages
6. Conclusion



1. Introduction

- Many communication tools exist
- Which is true for our daily life is not applicable in the business area.
- Companies are looking to their own interests/ priorities and communicate with the entire world mainly on purpose (regulatory, safety, business).
- Presentation:
 - How people not used to be in contact with each other met and discussed
 - How a dialogue has been initiated between different actors of the supply chain
 - The first outcome in the REACH authorisation framework



1. Introduction

- **Communication tool** used in REACH may vary according to the process followed.
- **Registration process** => legislation foresees to share available data before submitting registration dossier and to communicate on identified uses.
 - Communication is mandatory
- **Authorisation process** => legislation does not provide same obligations.
 - Communication is highly recommended to pursue company activities.
 - Development of a business network involving the whole supply chain becomes crucial.
- **Nature of the information** => sensitive, individual commercial aspects, CBI
 - From a competition law perspective, more complicated issue in authorisation than in registration.



1. Introduction

- Authorisation process tackles the **USE** of the substance
 - Demonstration of potential available and viable alternative is required to submit an application
- An application for authorisation (afa) allows to **cover**
 - your specific use
 - uses down the supply chain
 - But only one level up !

=> So depending the place in the supply chain, question raised and concerns will differ.

⇒ Set up a communication WS on authorisation

⇒ To **listen** concerns from different actors

⇒ To **initiate** a dialogue between all parties.

⇒ To initiate a first **brainstorming**.



2. Communication WS framework

- **Audience:**
 - M – Distr – DU – individual companies or associations
 - Mixed per table to initiate discussion
- **Support:**
 - Legal advisor => communication between companies
- **How?**
 - Open discussion in small groups then in plenary.
- **What?**
 - Presentation of concerns perceived per actors at different level of the supply chain.
 - Presentation in front of other actors!
 - First brainstorming
 - Outcome:
 - Identification of issues (per actors or common)
 - Suggestions/recommendations



3. Common issues identified

- **ROLE** => different role played by companies in the supply chain
 - Manufacturers (M) are also Downstream Users (DU)
 - Distributors (distr) can be M / Importers (I) / distr / DUs
 - For EU DUs and distr; how to deal with non EU Manufacturers?
- **MARKET**
 - Complexity / length of the supply chain = challenging !
 - Different company interests => not the same individual goal !
- **UNDERSTANDING of the PROCESS** => different levels of knowledge in:
 - The authorisation process – before, after candidate list / Annex XIV...
 - Substances life cycles (uses, end uses)
 - Uses might be covered or not in the application for authorisation
 - Legal aspect of market trades / trade secrets



3. Common issues identified

- **DATA SHARING:**

- What ? How? When? With whom? What about competition law?

Activities which may be conducted together in this REACH authorisation phase are much more problematic under competition law than those in SIEFs or Consortia set up for registration.

- Companies may be worried to exchange information for mere competitiveness and confidentiality reasons (eg. List of main customers).

- How to get information submitted during registration (CSR?)

- **TIME TO REACT !!! => AWARENESS RAISED ON TIME:**

- At **each** level of the supply chain
- At a very **early** stage to get time to gather information on time.

- **INDUSTRY ONE VOICE**

- How to ensure common/coherent industry voice submitted on time?



3. Common issues identified

All about communication !!!



4. Suggestions/recommendations

A - Tools:

1. To reach (un-)known targeted people:

⇒ Set up **communication platforms** to map actors/substances.

⇒ Set up **Open – Active – Passive** communication

2. To collaborate for a robust application despite different interests:

⇒ Set up **targeted translation tool**

- ❖ Language (per country)

- ❖ Specific audience – technical, business, economic, sales, scientific, regulatory, etc..

- ❖ Broad information for larger audience

- ❖ Specific communication letter to give clear indication from suppliers of what is expected from DUs (end-)users.



4. Suggestions/recommendations

B - Authorisation process for dedicated task force:

1. Understanding - knowledge:

⇒ Set up **training sessions** for targeted companies.

⇒ **Clear list** of what will be covered or not in the application for authorisation – base for discussion – iterative process.

2. Develop a structure / platform with identified responsibilities (lead)

⇒ Draft a **flow chart on structure required** to set up communication for an application – and **on the role** of each actor.

3. To raise awareness very earlier:

⇒ Develop more **pre-alert systems**:

❖ Association interne database

❖ Use of REACH Art 33 information duty on substances in articles and leave time after inclusion into the candidate list.



4. Suggestions/recommendations

C - Industry:

1. Use a third party to treat sensitive information and to ensure compliancy with competition law and protection of CBI issues.
2. Final decision for applying for authorisation and considering substitution IS and SHOULD remain entirely within individual companies.
3. Contact your association to ensure common understanding.
4. Mapping of the supply chain:
 - ⇒ Identify a lead
 - ⇒ Send specific information via targeted communication letters
5. Develop/share consolidated manual on confidentiality, authorisation process, role of each actor in the supply chain
6. Quality of data => Keep your registration dossier up to date!!!



4. Suggestions/recommendations

D - Authorities:

1. Involve industry as early as possible in any preparatory assessment.
 2. Pre-alert system needed – ensure good communication between National associations and competent authorities
 3. How to use Art 33 REACH as a tool for awareness raising in the supply chain?
 - => Ensure enough time between the inclusion in the candidate list and before entering Annex XIV!
- ⇒ why?
- ⇒ To leave time to most actors of the supply chain to be informed about the inclusion of the SVHC on the candidate list.
 - ⇒ To gather better – relevant - faster input from the whole supply chain during the next public consultation
4. Set up training sessions for companies – Authorities – HelpDesks.



5. Key messages

- **Key message for industry =**
 - Continue to **set up networks** and be pro-active vis-à-vis authorisation process!
 - Advanced participation and preparation are key element!
 - Find general **common position**
 - Look at your business in REACH perspective and start **defining strategies**
- **Key message for authorities =**
 - **Allow enough time** in the process to contact and build relationship and prepare relevant input for any assessment or public consultation.
 - Request to all MSCA to **open dialogue with industry**

Leave time to industry to set up communication strategy to allow:

- **Providing relevant input during the public consultation**
- **Building business strategies**



6. Conclusion

- **Communication** is key in our daily life.
 - **Communication** has been identified as a key instrument to tackle REACH authorisation process.
 - Need to work together
 - BUT competition law constraints and confidential sensitive data
 - **Communication** workshop has been set up to initiate a dialogue between several actors of the supply chain.
 - Very useful and fruitful workshop
- 1° **issues** have been identified and shared with all actors
- 2° **recommendations** and **potential actions** have been suggested

Necessity to continue a constructive dialogue:

between ALL ACTORS: within the supply chain AND with authorities to try to be prepared as much as possible AS SOON AS possible.



**THANK YOU
FOR YOUR ATTENTION!**