

10th Legis Workshop on Legal Developments of Interest for the Chemical Industry

PROGRAMME

6 March 2013

Cefic, Av. E. van Nieuwenhuysse 4 - 1160 Brussels

8.45hrs *Registration*

9.15hrs **Introduction**

Neil Chapman, President of the Programme Council Legislation & Institutional Affairs, ExxonMobil

9.30hrs *Session 1*

How to play the game if the rules keep changing?

Which legal certainty fits industry's needs?

Legal predictability is important for industry (legal certainty or even legitimate expectations). To what extent can EU institutions modify the law? What about companies' investment and competitiveness? Which legal principles can be used to oppose "abrupt" changes? Could the EU Charter of Fundamental Rights be helpful? Which remedies are available to companies, if these changes occur, under either EU law or international law?

Moderator: Nicole Maréchal, Cefic Senior Legal Counsellor & Governance Officer

1. **Dr. Freya Baetens, Assistant Professor of Public International Law at Leiden University and VVGB Advocaten/Avocats**
2. **Mr. Thierry Reveau de Cyrières, Total**
3. **Mr. Richard Verlaque, Solvay**

11.00hrs *Coffee break*

11.30hrs *Session 2*

Risk regulation and management

Our society is becoming increasingly risk averse, many say. Legislators obviously followed this trend but some now also consider the balance between Precaution and Proportionality. The United Kingdom and the Netherlands, for instance, have taken initiatives to review how to assess and manage risk in regulations -- definitely a key topic for the chemical industry.

Moderator: Liesbeth Timmermans, Cefic Environmental Law Manager

1. **Mrs. Kristina Nordlander, Partner in Sidley's Brussels office**
2. **Dr. Frederic Boudier, Professor at University of Maastricht**
3. **Dr. Dirk Hudig, Secretary General of the European Risk Forum**

13.00hrs *Buffet lunch*

14.30hrs Session 3

REACH Authorisation: legal challenges

The Authorisation process is now under full development. In order to be allowed to continue acting in the market, companies operating with substances on Annex XIV of REACH will submit their first applications in early 2013. Without any equivalent in the past, and after a few years focused on the Registration phase, the process of Authorisation still presents today grey areas in implementing measures or on some legal interpretations. The assessment of an application will involve more actors (ECHA, its scientific Committees, the European Commission and potentially anyone holding information about an alternative substance or technology). Companies will have to cope with a decision-making process more complex than any others in REACH. Information requirements vary from a purely regulatory and scientific area to a more commercial one, even if of a hybrid nature, with all related questions in terms of protection of CBI and compliance with competition law.

Moderator: Vincent Navez, Cefic Senior Legal Counsellor

1. **Mrs. Anna Borrás Herrero, European Commission, DG Enterprise, REACH Unit**
2. **Mr. Peter Kugel, Advocate, KUGEL LEGAL - European Chemical Law Attorneys**
3. **Mr. Luciano Filippi, LyondellBasell, on behalf of the Cefic Legal Aspects of REACH Issue Team**

16.00hrs

Conclusion

Jean Claude Lahaut, Cefic Secretary General