

# **JOINT Cefic FECC guidelines**

## **PRODUCT STEWARDSHIP**

### **Guidance on sharing of product responsibilities between suppliers and distributors**

These Guidelines are the outcome of a cooperative effort by Cefic and FECC. They aim at providing a common reference and recommendations which chemicals suppliers and distributors are encouraged to apply. Each supplier or distributor should apply these Guidelines under their own responsibility and in accordance with their own operational requirements.

The guidelines describe how health, safety and environmental (HS &E) responsibilities can be shared between suppliers and distributors so that both deliver their Responsible Care and Product Stewardship commitments all along the life-cycle of products.

The chemical distributor normally relies on the support and expertise of the chemical supplier to respond independently to the health, safety and environmental questions he may face.

Ideally, the relationship will be complementary, with the chemical distributor having a large product range and a wide customer base which allows an intimate knowledge of the market and its competitive forces. The supplier, on the other hand, will be focused on manufacture with deep knowledge of the application and development of the product. However, when a supplier delivers directly to end market customers, the same principles of Product Stewardship will apply.

No part of these Guidelines may be used or interpreted in a way which would conflict with existing international, EU and / or national legislation, including competition law. In any case, applicable regulatory and legal provisions will always take precedence over any part of these Guidelines.”

## Selling the product

<i><b>SUPPLIER</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Will check the opposite column parameters where appropriate and support the Distributor with information and resources.</p> <p>Agree with Distributor who is responsible for registering a new substance. Normally this will be done by the Supplier.</p>	<p>Will check to ensure as far as practicable that the sale or planned use of the product:</p> <ul style="list-style-type: none"> <li>• Does not conflict with local laws and Industry Codes of Practice or Conduct e.g. Chemical Weapon Precursors Drug Precursors Ozone Depletors</li> <li>• Is not sold for illegal use</li> </ul> <p>Whether the product:</p> <ul style="list-style-type: none"> <li>• Has to be registered confidentially or otherwise</li> <li>• Has to be notified as a new substance, if imported from outside the EU and not done by Supplier,</li> </ul> <p>Will check as far as practicable that the customer can handle the product safely</p>

## Packaging, Classification and Labelling for Supply and Transport

<i><b>SUPPLIER</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Will ensure that the product is classified packed and labelled in compliance with the regulations at the location of manufacture and delivery; will make best efforts to ensure that the product is also in compliance in the Distributor's territory. If it is not, detailed arrangements will be mutually agreed to ensure a responsible resolution prior to operations.</p>	<p>Shall ensure that the product is classified, packed and labelled in compliance with the regulations. This shall also include product which is pre-packed by the supplier. If the latter is defective, to agree with Supplier appropriate corrective action for packaging and labelling.</p>

## Handling, Storage and Transport

<i><b>SUPPLIER</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Shall make best efforts to ensure compliance with regulations in the territory and give detailed advice where appropriate to audit and support the Distributor, including information on reported accidents and related preventative measures.</p>	<p>Shall make best efforts to ensure compliance with regulations in the territory and develop Responsible Care guidance for in-house and third party warehousing and transport</p>

## Safety Data Sheets

<i><b>SUPPLIER</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Shall supply an SDS making best efforts to comply with ISO 11014-1 or Classification/EU Directives whether product is hazardous or not.</p> <p>Provide any information useful to a safe use of the product and as a minimum sufficient data to enable Distributor to comply with laws in the territory and special requirements by local authorities.</p>	<p>Shall check that the contents of the SDS applies to the territory and either issue the Supplier's SDS or re-write in the national language to comply with ISO 11014-1, Classification or EU Directives or compile the SDS for product imported from outside the EU.</p>

## Product Development

<i><b>SUPPLIER</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Shall support the Distributor with technical service and advice on new developments and findings and where possible, be familiar with new risks and regulatory developments</p>	<p>Where possible, shall notify the Supplier of new uses or mis-uses, new potential risks and regulatory developments in the territory</p>

## Product defects

<i><b>SUPPLIER</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Shall support the Distributor's investigations, complying with pre-arranged agreements regarding recompense</p>	<p>Shall follow up all customer complaints and analyse them for service or product failure and unsuitable applications</p>

## Product and packaging disposal

<i><b>SUPPLIER R</b></i>	<i><b>DISTRIBUTOR</b></i>
<p>Shall support the Distributor by taking product back, re-cycling or advising on the 'best practical environmental option' for that product.</p> <p>Consider feasibility of returnable packaging and support Distributor</p> <p>Agree a disposal or recycling procedure for product and packaging with Distributor where appropriate</p>	<p>Shall dispose of unsold or defective products according to the laws of the territory and Responsible Care</p> <p>Examine the feasibility of using returnable packaging and discuss with Supplier</p> <p>Discuss and agree a disposal or recycling procedure for product and packaging with the Supplier where appropriate</p>

## Product Dossier and Database

<i>SUPPLIER</i>	<i>DISTRIBUTOR</i>
<p>Capture all relevant information in a Product Dossier and /or other method. Periodically review and analyse this data for significant trends etc.</p> <p>Share relevant data and assessment with Distributor</p>	<p>Capture all relevant information in a Product Dossier or other method. Periodically review and analyse this data for significant trends etc.</p> <p>Share all relevant SHE information and assessment with Supplier</p>

In addition,

### **It is recommended to the SUPPLIER to**

- seek to satisfy himself as far as practicable that the Distributor can receive, handle, use and dispose of the products safely and with minimum risk to the stakeholders
- keep a record of the ability of a distributor to respond to incidents at warehouses, at customer's premises and during transport
- terminate sales to a Distributor if he considers it represents an unacceptable risk to the company and its stakeholders

### **It is recommended to the DISTRIBUTOR to**

- where appropriate and economically feasible, seek to satisfy himself that customers can safely receive, handle, use and dispose of the products safely and with minimum risk to the stakeholders
- terminate sales to a customer if he considers they represent an unacceptable risk to the company and its stakeholders

These guidelines represent a framework around which Suppliers and Distributors can best meet their commitment to Responsible Care.

## **DEFINITIONS**

### **DISTRIBUTOR**

One who is formally appointed by a Supplier to buy stock and resell all or part of the Supplier's product range possibly within defined geographical zones, and use sectors, and load size limitation for delivery.

### **SUPPLIER**

A company, probably an EU or non-EU manufacturer, who may supply directly to the market and have his own direct sales organisation in the EU with whom a close relationship will exist.

**THESE JOINT GUIDELINES ARE SIGNED ON 19th DECEMBER 2002, IN TWO ORIGINALS, EACH PARTY HAVING RECEIVED ONE ORIGINAL**

**FECC  
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