



Recommendation of the Council
concerning the Protection of
Proprietary Rights to Data
submitted in Notifications of
New Chemicals

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Date(s)

Adopted on 26/07/1983

Background Information

The Recommendation concerning the Protection of Proprietary Rights to Data submitted in Notifications of New Chemicals was adopted by the OECD Council on 26 July 1983 on the proposal of the Second High-Level Meeting of the Chemicals Group (today under the responsibility of the Chemicals Committee), endorsed by the Environment Committee. This Recommendation ensures the protection of proprietary information in two ways. One, it recommends that authorities in Adherent countries who receive, from companies, notifications of new chemicals (which include proprietary test data) require each notifier to identify the laboratories which produced such data, or provide certification of the right to use the data. Two, it recommends that such authorities not accept from a notifier, data for which the notifier cannot provide a certification of the right of use, if the laboratories are not owned or otherwise affiliated with the notifier.

THE COUNCIL,

HAVING REGARD to Articles 2 a), 2 b), 2 d), 3 and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council of 14 November 1974 on the Assessment of the Potential Environmental Effects of Chemicals [C(74)215];

HAVING REGARD to the Recommendation of the Council of 7 July 1977 Establishing Guidelines in Respect of Procedure and Requirements for Anticipating the Effects of Chemicals on Man and in the Environment [C(77)97(Final)];

HAVING REGARD to the Decision of the Council of 21 September 1978 concerning a Special Programme on the Control of Chemicals and the Programme of Work established therein and the extension of the duration of the Programme by Council on 12 May 1981 [C(78)127(Final) and C/M(81)7(Final), Item 86];

HAVING REGARD to the conclusions of the First High-Level Meeting of the Chemicals Group of May 1980, concerning the confidentiality of data [ENV/CHEM/HLM/80.M/1];

HAVING REGARD to the conclusions of the Second High-Level Meeting of the Chemicals Group of November 1982, on proprietary rights [ENV/CHEM/HLM/M/82.1];

CONSIDERING the importance of production and international trade in chemicals and the mutual economic and trade advantages which accrue to OECD Member countries from harmonization of policies for chemicals control;

CONSIDERING the economic value of certain data on chemicals, in particular health, safety, and environmental data, and the possible adverse effects of the disclosure of these data on the competitive position of the person or company who developed the data;

CONSIDERING therefore the need to protect data from unauthorised use in notifications of new chemicals;

On the proposal of the Second High-Level Meeting of the Chemicals Group, endorsed by the Environment Committee;

I. RECOMMENDS that authorities responsible in Member countries for receiving notifications of new chemicals require each notifier to identify the laboratories which produced each of the health, safety, and environmental data in the notification and, if the laboratories are not owned or otherwise affiliated with the notifier, to provide certification of the right to use the data.

II. RECOMMENDS that authorities responsible in Member countries for receiving notifications of new chemicals not accept from a notifier health, safety, and environmental data for which the notifier cannot provide a certification of the right of use, if the laboratories are not owned or otherwise affiliated with the notifier.

III. INVITES Member countries to report to the Organisation on measures taken to implement this Recommendation.

IV. INSTRUCTS the Environment Committee and the Management Committee of the Special Programme on the Control of Chemicals to review actions taken by Member countries in pursuance of this Recommendation and report thereon to the Council.

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