



**CHEMICAL INDUSTRIES**  
ASSOCIATION

26 October 2005

Kings Buildings  
Smith Square  
London SW1P 3JJ

Telephone: 020 7834 3399  
Fax: 020 7834 4469

Direct phone: 020 7963 6736

Direct fax: 020 7834 8587

e-mail: [Leedhams@cia.org.uk](mailto:Leedhams@cia.org.uk)

[www.cia.org.uk](http://www.cia.org.uk)

**CIA Response to Modification 0048 “Preparation of Legal Text for Users Modification Proposals”**

The CIA welcomes the opportunity to respond to this proposal, and would like to offer our support. The CIA believes that in certain situations there is a strong argument in favour of having legal text prepared at the Draft Modification Report (DMR) stage in the case of non-transporter proposals to provide clarity and to ensure that the legal text reflects the intent of the proposal. This would be especially beneficial in the case of complex proposals where responders would be given the opportunity to comment on the adequacy of the proposed legal text. The CIA also recognises that there will be situations when it would be inefficient to develop legal text and further support the proposal that the Modification Panel may determine that text should not be prepared in these scenarios. In particular the CIA believes that:

- There have been examples where non-transporters have raised modifications and it would have been beneficial for responders to comment on the adequacy of the legal text at the DMR stage. This can be most clearly seen in the case of UNC Modification 006, where the legal text has been written for the Final Modification Report (FMR) and clearly fails to reflect the intent of the proposal. The CIA believes that if legal text had been present at an earlier stage, this oversight could have been more easily overcome and numerous legal text re-drafting would not have been required.
- By having the legal text available for non-transporter proposals that require it, the CIA will be able to provide a more informed and reflective opinion of the proposal, as opposed to commenting on the intent of the proposal.
- The modification panel are best placed to identify whether the production of legal text is required or not. However the CIA would seek clarity as to how it will be assessed whether it is uneconomic and inefficient to provide legal text, as these are vague criteria.
- It would be beneficial for non-transporter proposers to identify whether they believed legal text would be beneficial or not when submitting their modification proposals to help inform the modification panel.

If you have any comments or queries about any of the points raised in this response please contact me.

Regards

Stefan Leedham,  
Business Analyst.



CIA members are committed to Responsible Care