

DIRECTORS' CONTACT GROUP

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CHECKLIST TO HIRE A GOOD CONSULTANT

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I. Internal preparation work

1) Have you clearly defined what you need a consultant for?

The consultant market is full of different offers which you may want to compare. You should be able to decide what you actually need, e.g. do you want the consultant to:

- a) advise you only on the registration process;
- b) do the whole work from scratch until the final dossier submission;
- c) take care about certain elements of the registration (e.g. testing-strategy, IUCLID);
- d) train your co-workers; or
- e) take care of the follow-up work (e.g. monitor the evaluation/compliance check process and update the dossier if and when needed)

2) Have you clearly defined your objectives related to the external service?

A consultant costs money and the more he provides the more expensive it is. That's why it is important for you to define what the consultant should concretely deliver and when. It should be also clear what you do not want to be involved in anymore.

3) What are your possible contributions within company, in particular:

- a) Internal know-how:
Many companies have lots of internal knowledge they do not know about. Co-workers are a valuable source of information which often goes beyond the usual activities of a company. Present the project "REACH" to them and try to find out what they can contribute.

b) Available resources:

Define how much time your co-workers can spare for REACH-purposes. Find out if you have available studies or testing equipment, which could be used.

c) Experiences:

Use existing experience like out of regulatory affairs, working with consultants or substance testing within your company.

4) Are you sure you need a consultant?

Sometimes it feels reassuring to have a consultant but it is not necessary. Your co-workers know your company the best and could be capable to perform work or part of the work you want a consultant for. Remember that consultants' work still may require follow-up of their activities and certain supervision.

5) Do you already have good experience with a consultant for other businesses?

However, be aware that REACH is a very technical regulation, which requires very specific knowledge.

6) Do you have or need recommendations for a potential consultant?

Ask companies in your sector, supply chain or in your industry if they can recommend a consultant. Eventually there are maybe even certification/quality schemes for REACH-consultants in your Member State/region.

7) Are you satisfied with your chemicals management or do you want/need adaptations?

REACH needs lot of attention. Preparing a registration dossier can be the opportunity to revisit your chemicals management operations. Be alert to possibilities to restructure your approach on how you manage chemicals in your company. A consultant, who usually has the experience working with many companies in your sector, can help you in that matter.

8) Are you familiar with the follow-up work after a REACH registration?

It would be useful to understand the upfront around dossier or substance evaluation after a registration dossier is submitted. You may need to find a way on how to best implement the follow up work in your company, if applicable. This can be discussed at an early stage with the consultant and you can also refer to ECHA's guidance documents for more information on the various regulatory processes (<http://echa.europa.eu/guidance-documents/guidance-on-reach>).

9) Have you foreseen enough resources for follow-up work?

The follow up processes after the dossier submission could require additional monitoring and work. Thus, you may consider the support of a consultant in that respect, e.g. maybe training on evaluation/dossier compliance check could be deemed sufficient if you decide that you do not want a consultant also to follow that work beyond registration.

10) Do you need a consultant for follow-up work?

A consultant may take care of follow-up work allowing you to concentrate on your other activities. However, you should consider if there is a need for that as this would lead to more extensive contract. Consider concluding a contract with stage-gates to allow some flexibility based on your needs as they arise.

II. **Personal criteria of a consultant**

1) Appropriate background of a potential consultant, e.g.:

a. Education and diplomas:

REACH requires a wide range of expertise to ensure that a dossier fulfils all legal requirements. It makes sense that your consultant has a strong chemical, toxicological, legal and economic background or access to such expertise.

b. Professional experience:

Complex multi-disciplinary matters like a REACH-registration needs established professional experience to efficiently plan and finalise a dossier. A consultant should have enough relevant professional experience. Experience, preferably in your specific sector:

A consultant with experience in your specific sector or with your type of products will probably faster understand your specific problem, like your supply chain, difficulties related to testing your substance, exposure and uses, substance identification.

c. Knowledge of tools available on the market:

In case you need to make a full exposure and risk assessment to go through a full process of establishing a Chemical Safety Report, the professional experience should include a good knowledge of respective tools available on the market.

2) Conclusive professional history, e.g. no gaps

Experience shown that established consultants in the chemicals area usually make good work. Although newer consultants may also offer comparable results. In any case, be critical when you have the impression that a consultant has limited knowledge about REACH.

3) Good reputation, especially in your sector

Ask other companies in your sector or supply chain about their experience. A good reputation is always a good indicator for good service.

4) Member of relevant sectorial association

Consultants who are members of different association very often undergo a critical evaluation by their association. If this is so, you will find related information in the consultant's presentation-material or at the association. Some associations have developed quality standards and/or certifications.

5) Does the consultant take enough time to understand your specific situation?

No case is like the other. At your first meeting the consultant should take enough time to listen to your specific case. Do not accept a short and superficial meeting.

6) Is the consultant open and flexible to your interventions/ideas?

It is your specific problem you are talking about with your consultant and you know best about your company. A consultant should be open and constructive towards your interventions and ideas and willing to jointly discuss and decide the best way forward.

7) Is the consultant able to express himself in a way that is understandable to you?

REACH is a complex legislation with various aspects to be considered (e.g. legal, chemical, economical, risk management etc.) A consultant should be able to explain to you his ideas and suggestions in an understandable way that will allow you to take an informed decision.

8) Is the consultant able to guide you efficiently?

You may have insufficient understanding of REACH requirements. A consultant is there to correct your mistakes and suggest better solutions. Why else would you pay the service?

9) Do you know any other customers and sectors the consultant is active in?

It could be useful to be aware of other activities of your consultant in your sector or companies which could be in a similar position as you are. Ask your consultant about other ongoing and past projects.

10) Are you convinced by the feedback of the references?

Usually consultants present references. You should feel comfortable with their feedback. You can also consider contacting some references directly.

11) Do you feel comfortable with the consultant?

You will work with the consultant intensively for the next month(s). Your personal impression and one of your co-workers matters.

12) Do you need to have doubts?

You may need to consider that a cheap offer by a consultant is not necessarily always the best. The consultancy work will never be effortless. You may need to be cautious of consultants offering their services at a discount.

III. Knowledge of a consultant

- 1) Does the consultant have practical experience in your sector, specific market and your business surrounding?

Asking questions and references could be useful. It would be valuable that the consultant understands your specific market and ideally also has experience in there. Try to understand what your consultant can perform for you. Do not leave your or your co-workers questions unanswered.

- 2) Is the consultant able to admit what are his professional limits and who could be an alternative expert to cover additional areas?

Nobody knows everything. However, it is important that your consultant has access to all necessary resources to perform your registration. You should be aware what your consultant can perform on his own and what has to be outsourced. You should also consider that too much outsourcing can compromise the time-plan; in that respect your consultant should have a "plan B".

IV. Consultant's approach to solve your problem

- 1) Do you feel comfortable with his approach/method analysing and solving problems?

Again a personal aspect. It is your company and hence you and your co-workers have to feel comfortable with the service a consultant offers you.

- 2) Does the consultant take time to understand the problem, before suggesting solutions?

Listening is a key to understand and solve a problem. Usually no consultant knows your company at the first meeting. That means it should be you presenting your specific situation and what you need. Take care that you are not "forced" into buying a service by a well selling consultant - "services from the rack" may not be suitable for you.

- 3) Is the consultant approaching problems in a wide and non-isolated way?

REACH offers lots of solutions for one and the same problem. For example, you can perform testing or you can use alternative methods (e.g. read across). The first is more accurate, the second lower cost, if accepted. Discussions within the SIEF play a vital role in this matter as well. Only a case-by-case evaluation can say what the best way forward is.

Sometimes it can also be economically reasonable not to cover all the uses you covered until now. What maybe be good for your competitor manufacturing the same substance may not be sustainable for you. Already those two examples show that there is no standard solution. Therefore, it is very important that your consultant evaluates your situation as broad as possible and tries to find the best suitable solution for you.

If your consultant advises you to proceed outside a joint submission, it has to be made clear that only partial opt-out of certain information is possible. Even in that case, the consultant will need to provide you with a due justification for the partial opt-out and reassure you of having legitimate access to the data that you require as a consequence.

- 4) Does the consultant offer you an individual solution and not a standard product? If it is a standard product, is it suitable for you?

Standard solutions may work for some cases and are usually cheaper but as discussed before, REACH is complex and every case has to be carefully evaluated on an individual basis.

- 5) Is the consultant going for sustainable solutions?

Having a finished dossier is a good thing. However, you should be cautious that the data covers the requirements set by the REACH. For example quality of test data must be sufficient, your substance identity and the according test-data must be clearly presented, and your exposure and uses should be realistic. The consultant of your choice should be able to consider these aspects and answer your questions. Be critical if waivers are proposed for every end-point.

V. Offered support

- 1) Does the consultant have enough capacity to give you support in the way you want it?

The more employees your consultant has, the more resources can be dedicated to you, if necessary. After defining what you want and to what extent, you should ask your consultant for the assurance of the resources planned for you.

- 2) Is scope of work clear for both of you?

Discuss responsibilities for:

- analysis of situation within a company and possible obligations
- managing and populating the IT tools, such as IUCLID and Chesar
- negotiating and administrating SIEF/Consortia

- 3) In case of emergency, is the consultant available also out of the usual office times?

This might be useful but not necessarily vital for REACH purposes. However, it can become relevant in course of technical problems with e.g. IT-problems while submitting the registration dossier.

- 4) In a personal talk do you have the impression that the consultant is interested and motivated to solve your problem properly?

The person responsible for your project at the consultancy should be motivated and interested to work on your task. If you have the opposite impression, think twice.

VI. Infrastructure of a consultant

1) Are you satisfied with the infrastructure of the consultant?

As a first step take a look at your consultant's office and website. Ask the consultant to show you the respective facilities including those of the service-providers (e.g. testing labs), if applicable. Be aware that not many consultancies have everything in-house, but they should have access/connections to the resources which are needed for your project. Depending on the needed tests, different service providers can be chosen (meaning that new business relationships could be established with other labs or service providers). This could be decided within SIEF, for example.

Ask your consultant why the infrastructure is adequate for your particular project.

2) Does the PR material (e.g. brochures, web appearance) convince you?

Brochures and web appearances often say something about how professional a company is. However, be careful on that aspect, sometimes a good appearance is trying to mask professional deficiencies.

3) Are you satisfied with the location of the consultant's office?

Some people like a personal talk, some do not. Think about what your preference and preferred way of communication is.

4) Are you satisfied with the availability (e.g. phone, mail...) offered?

Flexible telecommunication offers you a wider range of potential consultants and with that a bigger market you can pick the best offer for you. However, you should find an understanding with your consultant how intense your communication should be and what your preferred way of communicating is.

5) Is there one person supervising and following the project from the beginning to the end?

Your decision to choose a consultancy will very much depend on the impression you had of the person you have met so far. Make sure that those people are also involved in your project. In particular, make sure that you meet and talk with the person who will supervise your project.

6) Is the supervisor your direct person of contact? If not, is there another clearly defined responsible person?

The supervising person should be your contact. In any case there should be a clearly defined person who is responsible for your project. This person should be also your contact person. Strictly avoid opaque responsibilities and duties.

7) Do you know the supervisor's co-workers, including their skills, training, certificates etc.?

Inform yourself about the whole consulting company. Try to find out as much as possible about other people who are involved in the project and about their contribution. Make sure that all relevant areas are covered by a concrete person. To reduce costs this can also include people from your company. Ideally meet the whole project-team before accepting a consultant.

VII. Business relation with you

1) Is the consultant's offer compared to others the most appropriate for you?

It is not recommended to have only one offer. Make sure you get a good overview of the market. Define exactly what you need to have and how much you are willing to pay.

2) Is the first screening-appointment for free?

You can expect a free first screening-appointment, it is a common practice.

3) Is the offer clear and correct about timelines, objectives, and the working modalities?

Be precise on that part from the beginning, this will avoid potential misunderstandings later. It is also very important to evaluate these aspects critically together with the consultant. At this stage mistakes can be corrected easier.

4) Are you satisfied with the offer, in particular with aspects like:

a. Price of the service provided:

Compare market prices, get a picture, and decide what is best for you.

b. Payment modalities:

Avoid paying everything at the beginning. You can agree to pay in steps, depending on the work provided so far. That will keep you safe and give the consultant an incentive to provide work on time. Consider penalties in case work is not provided properly or on time.

c. Options to cancel the contract:

Define scenarios when a contract can be cancelled, e.g. certain deadlines are not respected, costs become too high, resources become unavailable, quality is not up to standards.

d. Agreements about the budget and deviations:

Make a clear arrangement on how much the consultant can use for different tasks, e.g. testing, administration, attending meeting on your behalf (SIEFs, Consortia). Conditions and procedures for deviations should be agreed in advance.

e. Rights granted to your company:

If not granted ownership of the work that the consultant will deliver, your company should at least ensure it has all the necessary rights to use and share the consultant's work results for REACH purposes.

- 5) Does the consultant foresee a monitoring of the project's progress and are there objective indicators for this?

It is useful to have such indicators. The process becomes more transparent and you can better follow the progress of your dossier. Ask your consultant to provide such indicators or make them together.

- 6) Are there consequences for the consultant if objectives are not achieved on time or at all?

In some sectors penalties are usual in case deadlines or objectives are not respected.

- 7) Is there a measure in place if something goes wrong?

Ask your consultant about a "plan B" and get a guarantee that he will work on your project until your substance is legally on the market.

- 8) Do you have a guarantee that the consultant is not working for your competitors?

This is not necessarily important. It can be even a benefit, since your consultant gains more experience on a similar case. However, make sure that no confidentiality obligations are breached (e.g. disclosure of confidential business information (CBI)).

- 9) Are you sure that the consultant will be discreet and no CBI will be compromised?

Know-how is crucial and must be protected. Make sure that your consultant will keep silent about anything you consider as confidential in your company. Such issues should be clearly defined in a service-contract and should include adequate penalties/legal remedies.

- 10) Does your contract include follow-up work and is this clearly defined?

As already mentioned, the registration is only the beginning of a longer process. If you want that your consultant stays responsible for a follow-up work, make sure that you agree on that at an early stage. Make sure that you are aware of any potential costs that may appear later.

If you decide to take over the monitoring and possible follow up after the dossier submission, then make sure that you get all necessary information from your consultant to ensure a smooth hand-over. That starts for example with simple things like usernames and passwords in REACH-IT and ends with testing-certificates and raw-data for the registration-dossier. In case of a compliance screening of your dossier, you may need this information.