

#1



## COMPLETE

**Collector:** Web Link 1 (Web Link)

**Started:** Monday, April 18, 2016 9:12:00 AM

**Last Modified:** Tuesday, May 31, 2016 9:08:10 AM

**Time Spent:** Over a month

**IP Address:**

### PAGE 2: Part I – General Information about Respondents

#### Q1: Address

Contact name

Organisation/company

Country

Sweden

Email Address

**Q2: If you have a Transparency Register ID number, please provide it below. If your organisation is not registered, you have the opportunity to register now by following this link. If your entity responds without being registered, the Commission will consider its input as that of an individual/private person and, as such, will publish it separately.**

*Respondent skipped this question*

**Q3: Received contributions may be published on the Commission's website, with the identity of the contributor. Please state your preference with regard to the publication of your contribution. Please note that regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.**

My contribution may be published but should be kept anonymous; I declare that none of it is subject to copyright restrictions that prevent publication

**Q4: We might need to contact you to clarify some of your answers. Please state your preference below:**

I am available to be contacted

**Q5: Please indicate whether you are replying to this questionnaire as:**

A government or public authority

**Q6: If a business or industry association, please indicate your field(s) of interest or activity(ies) - the letters in between brackets correspond to NACE codes [multiple choice]:**

*Respondent skipped this question*

**Q7: For businesses, please indicate the size of your business: The definition of small and medium-sized enterprises depends on the staff headcount and either the annual turnover or the balance sheet of the company. Please consult the following website: [http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition/index\\_en.htm](http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition/index_en.htm)**

*Respondent skipped this question*

**Q8: Please indicate the level at which your organisation is active:** Not applicable

PAGE 3: Part II – General Questions

**Q9: How important is it in your view that there is chemical and chemical-related legislation\* at EU-level in order to achieve the following objectives? (1 = not important; 5= very important)\*This comprises the chemical-related provisions in all legislation within the scope of this fitness check. It encompasses legislation governing hazard identification and classification, as well as risk management measures, including chemical-related aspects of legislation on worker safety, transport, environmental protection, chemicals controls and supporting legislation, excluding REACH. The full list of legislation can be found here.\*\*The internal market of the European Union (EU) is a single market in which the goods, services, capital and persons can move freely across borders. One of the key objectives of chemical and chemical-related legislation is to have a single market for chemical substances and mixtures, as well as products containing chemicals.**

Protecting human health I don't know

**Q10: Do you think the EU chemical and chemical-related legislation has been effective in achieving the following objectives? (1= not effective, 5= very effective). Please only consider chemical-related provisions in the legislation.**

Protecting human health I don't know

**Q11: If you think the EU chemical and chemical-related legislation is not effective (1) or only somewhat (2,3) effective, please indicate what you believe are the main reasons for this limited effectiveness in the following table:**

Protecting human health No opinion or not applicable

**Q12: To what extent do you consider that EU chemical and chemical-related legislation has had an added value above what could have been achieved through action at a national level? (1= no value, 5= a very high added value)**

EU-level legislation adds value to national level action I don't know

PAGE 4: Part III - Specific Questions

**Q13: For businesses and industry associations - Please select the legislation that regulates or otherwise affects your sector's or your company's activities. For other stakeholders - Please select the legislation you are familiar with.**

*Respondent skipped this question*

PAGE 5: Effectiveness

**Q14:** In the EU legislative framework for chemicals, risk management measures are, in some cases, determined directly based on the identified hazard using generic risk considerations (e.g. widespread exposure or exposure of vulnerable groups), which justify the automatic adoption of such measures. In other cases, the risk management measures are determined by a specific risk assessment that assesses the probability of adverse health and environmental effects resulting from the specific exposure scenarios associated with the proposed use(s) of the chemical. In your view, do you think EU chemical and chemical-related legislation should, in general:

*Respondent skipped this question*

**Q15:** In your view, apart from the hazard and/or risk of a chemical substance or mixture, are all relevant considerations taken into account in regulatory decision making on risk management (e.g. whether there will be combined effects of chemicals, whether there are certain vulnerable groups, whether there will be impacts on jobs or on the competitiveness of EU industry, etc.)? Please explain your answer.

No,

If you answered no, please explain which considerations are not (sufficiently) taken into account and, if relevant, explain which legislation you are referring to.

In order to make the correct evaluation of the application of the acquis in the area of chemicals, above all, comprehensive knowledge of the chemicals but also on the legislation, which is extensive and complex, are required. This places large demands on businesses that handle the chemicals but also on the authorities that have to make the assessments of pre-cautionary measures. To ensure that there are sufficiently high levels of expertise in all areas and that this is maintained is costly. Also it also requires a leadership that supports and ensures this condition. In conclusion, it is crucial that relevant competence is available in relation to the chemical regulations.

**Q16:** In your view, to what extent are the following elements of the overall EU legislative framework for chemicals satisfactory? (1= not satisfactory, 5= very satisfactory)

*Respondent skipped this question*

**Q17:** In your view, to what extent are the following elements of risk management satisfactory? (1= not satisfactory, 5= very satisfactory)

*Respondent skipped this question*

**Q18:** Safety data for chemicals is subject to quality requirements, notably Good Laboratory Practice (GLP), aimed at ensuring the reliability and reproducibility of the data. Do you consider these requirements to be appropriate?

*Respondent skipped this question*

**Q19: In your view, what are the most significant benefits generated for EU society by the EU chemical and chemical related legislation? (one or more answers possible)**

Reducing the exposure of consumers and of citizens in general to toxic chemicals and, therefore, avoiding healthcare costs, lost productivity, etc.

,

Reducing the exposure of workers to toxic chemicals and, therefore, avoiding healthcare costs, lost productivity, etc.

,

Reducing the damage to the environment and to ecosystems and, therefore, avoiding the costs of treating contaminated water, restoring impacted fisheries, cleaning-up of contaminated land, compensating for reduced crop pollinisation, etc.

,

Encouraging research and innovation, generating new jobs, and improving the competitiveness of the EU chemicals industry by encouraging/supporting a shift towards green, sustainable chemistry and a circular economy

**Q20: In your view, what are the most significant costs incurred by EU society due to EU chemical and chemical related legislation? (one or more answers possible)**

Costs for authorities at national level ,

Costs for small and medium sized enterprises ,

Costs for consumers

**Q21: In your view, do any of the following requirements in the legislative framework lead to significant costs for companies?**

Other (please specify)  
Other (please specify) Industrial Emissions Directive: It is important to bear in mind the polluter's pays principle for IED. When it comes to cost, the focus is on companies with the worst environmental performance rather than the best performance. By focusing on the worst case companies we are penalizing companies that have already invested significantly in new technology and have taken the burden of extra costs. Seveso Directive: Activities covered by the Seveso regulation have costs for arrangements to ensure that the risks are minimized (preventive measures, staff training, public information, aware of procedures and powers, informed of the development, etc.) If these costs are significant, it's difficult to assess. An assumption is that these costs should be higher.

**Q22: Are there specific requirements in the EU chemicals legislative framework which lead to particularly significant costs for authorities?**

Yes,

If you answered yes, please indicate what these are. The most significant costs for the authorities are the costs for the supervision and permitting.

**Q23: To what extent has the EU legislative framework for chemicals contributed to a reduction in the number and/or use of hazardous chemicals and/or their substitution with safer alternatives? (1= no contribution, 5= a large contribution)**

*Respondent skipped this question*

**Q24: To what extent does the existing EU legislative framework sufficiently address emerging areas of concern, e.g. arising from advances in science and technology? (1= emerging areas of concern are not sufficiently addressed, 5 = emerging areas of concern are sufficiently addressed)**

*Respondent skipped this question*

## PAGE 8: Coherence

**Q25: Please indicate the extent to which you agree with the following statements relating to the EU chemicals legislation framework overall**

The EU chemicals legislation framework contains gaps and missing links

Strongly Agree

**Q26: Please indicate any incoherence (gaps or missing links, overlaps, inconsistencies etc.) between the different pieces of legislation which are under the scope of this fitness check. Please only consider aspects related to hazard identification, risk assessment and risk management of chemicals. The legislation covered by this fitness check can be found here.**

Gaps or missing links

Industrial Emissions Directive: The unclear boundary between the IED (2010/775/EU) and the Urban Waste Water directive (91/271/EEC) needs to be addressed. It is also unclear how the Water Framework directive (2000/60/EC) should apply in relation to the IED. The IED includes limit values for some industrial substances and sources. However, if comparing the limit value for e.g. mercury in effluents from cleaning of waste gases is very high compared to the levels that should not be exceeded in the aquatic environment. Thus the limit (and BAT) values should be reviewed, from a WFD perspective. Waste Directive - preventing the content of hazardous substances in materials and products: Waste prevention is the most efficient way to improve resource efficiency, reduce the environmental impact of waste and promote recycling of materials of high quality. An important aspect of waste prevention is the reduction and information of hazardous substances in materials and products. It is therefore important that Member States take appropriate measures to prevent waste generation including measures that reduce the presence of hazardous substances. Coherent definition of hazardous substances: Definitions of very high concern should be used in a more consistent way throughout the chemicals- and waste legislation. The use of terms such as

dangerous (WEEE-directive) and harmful (waste framework directive) creates uncertainty about which substances are covered by different regulations. As there are no classification criteria according to CLP that directly match certain substances e.g. PBT, vPvB and POPs, special attention should be paid to such substances in the waste legislation e.g. during revisions of the list of waste. Clarification is needed on how the List of Waste relates to hazardous properties. A clarification is needed on how the List of Waste relates to the hazardous properties when assessment of hazardous waste is made. If the List of Waste is the starting point when classifying, then the definition of hazardous and non-hazardous waste respectively should also include a reference to the List of Waste in addition to the hazardous properties. See EU BiPro-report regarding classification guidance, page 39: - Absolute non-hazardous entry displaying hazardous properties and - Absolute hazardous entry displaying no hazardous properties. Need of adding additional substances to the Packaging and to the Packaging Waste-, Batteries-and End of life Directives: The use of substances of very high concern in materials is an obstacle to fulfilling the waste hierarchy e.g. by hindering recycling. We therefore see a need to speed up the process of including restrictions for use of certain chemicals in packaging materials, batteries and vehicles in line with the new information on hazard and risks that is generated e.g. under Reach. We propose that a review process should be included in these directives to regularly evaluate the existing limit values and assess the need for including additional substances in the directives. Better transfer of information on hazardous substances to the waste section: Substances of very high concern in materials are an obstacle to fulfilling the waste hierarchy. The market demands recycled materials of high quality which are reliable and safe for human health and the environment. As information on SVHCs is required according to Reach (Art. 33), the same information should be made available to the recycling sector to improve the knowledge on the content of hazardous substances in materials for recycling. Availability of information on SVHCs will also facilitate for the recycling industry to fulfil the chemicals legislation which applies to recycled materials e.g. classification and labelling, information in the supply chain, restrictions and authorization. Information on SVHCs is therefore one of the most important steps to close the gaps between chemicals- and waste legislation. Lower requirements for imported goods complicates non-toxic and resource-efficient recycling: As an increasing part of

articles used in the EU are imported from non-EU countries, it becomes even more important that the chemicals legislation for imported articles is consistent with the regulation for articles produced in the EU. This is especially important for substances of very high concern. The waste- and recycling schemes for collection and sorting can in most cases not differentiate between EU-made and imported articles. The regulation for restrictions concerning imported articles should therefore be in line with EU authorization requirements for substances of very high concern. The requirements for SVHCs in imported articles and EU-made ones should be strict and equal to enable non-toxic and resource efficient material cycles including a recycling free of SVHCs.

**Q27: Please indicate any incoherence (gaps or missing links, overlaps, inconsistencies etc.) between legislation which are covered by this fitness check and any other legislation you consider relevant as regards the regulation and risk management of chemicals.**

There is an overlap between the IED and the Urban Waste Water Directive. The emissions are regulated in both legislations, for example when you have pre-treatment at the industry and also are connected to the urban waste water plant. We suggest that a clear guidance on what should apply when should be developed, for example which parameters should be regulated under which legislation when we have indirect discharge from industry waste water.

#### PAGE 9: Part IV: Specific questions on the CLP Regulation

**Q28: CLP communicates hazards to workers and consumers through various label elements, including danger words, pictograms, hazard statements and precautionary statements. (1= not effective; 5= very effective)**

*Respondent skipped this question*

**Q29: Do the hazard classes in the CLP Regulation cover all relevant hazards?**

Environmental

No

Please list any hazard classes that are not covered

As there are no classification criteria under CLP that directly match certain substances e.g. PBT, vPvB and POPs, special attention should be paid to such substances in other legislation e.g. IED to enable a quick process for risk reduction of the substances once they are identified. In addition it would be useful with more easy and accessible information that are potentially PBT, vPvB and POPs even though they have not (yet) been listed as SVHC substances.

**Q30: How effective is the support to companies through formal guidance documents and national helpdesks? (1= not effective; 5= very effective)**

*Respondent skipped this question*

**Q31: To what extent is CLP enforced in a harmonised manner across Member States?**

*Respondent skipped this question*

## Consultation on the regulatory fitness of chemicals legislation (excluding REACH)

**Q32: To what extent are the current elements relating to the CLP classification criteria satisfactory? (1= not satisfactory; 5= very satisfactory)**

*Respondent skipped this question*

**Q33: CLP is revised on a regular basis through adaptations to technical progress. Do transitional periods allow sufficient time to implement new or revised classification criteria?**

*Respondent skipped this question*

**Q34: To what extent are the current elements of the procedures for harmonised classification & labelling (CLH) satisfactory? (1= not satisfactory; 5= very satisfactory)**

*Respondent skipped this question*

### PAGE 10: Part V: Additional comments

**Q35: In case you have any additional comments with relevance for this public consultation, please insert them here.**

1) Many regulations are interlinked. Chemicals as a product (REACH) and in a waste are regulated however there is also a need to regulate the chemicals used in an industrial production process itself (e.g. process agents). The regulations should have the same goals and same definitions. References between regulations should be clear regarding what they mean and how they should apply. 2) Definitions of hazardous substances and substances of very high concern should be used in a more consistent way throughout the chemicals- and waste legislation. The use of terms such as dangerous (WEEE-directive) and harmful (waste framework directive) creates uncertainty about which substances are covered by different regulations. As there are no classification criteria that directly match certain substances e.g. PBT, vPvB and POPs, special attention should be paid to such substances in the waste legislation e.g. during revisions of the list of waste. [IN ADDITION SEE COMMENTS TO QU. 19, 20, 23 and 25 IN ATTACHED RESPONSE (SENT BY E-MAIL).