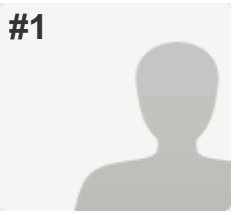

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Collector: Web Link 1 (Web Link)
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PAGE 2: Part I – General Information about Respondents

Q1: **Address**	
Contact name	
Organisation/company	
Country	UK
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.**	
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:**	An industry association

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]:	Manufacture of basic chemicals, fertilisers, plastics and synthetic rubber in primary forms (C20.1) , Manufacture of pesticides and other agrochemical products (C20.2) , Manufacture of paints, varnishes and similar coatings, printing ink and mastics (C20.3) , Manufacture of soap and detergents, cleaning preparations, perfumes and toilet preparations (C20.4) , Manufacture of other chemical products (C20.5) , Manufacture of basic pharmaceutical products and pharmaceutical preparations (C21) , Manufacture of other non-metallic mineral products (C23) , Wholesale and retail trade (G) , Transporting and storage (H)
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	Micro-enterprise (under 10 employees)
Q8: Please indicate the level at which your organisation is active:	Regional (e.g. Scandinavia)

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	4
Protecting the environment	4
Ensuring a well-functioning internal market**	4
Stimulating competitiveness and innovation	3

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	3
Protecting the environment	3
Ensuring a well-functioning internal market	3
Stimulating competitiveness and innovation	2

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	The legislation is not effectively implemented
Protecting the environment	The legislation is not effectively implemented
Ensuring a well-functioning internal market	The legislation is not effectively implemented
Stimulating competitiveness and innovation	The legislation is not adapted to the issues at stake

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	3

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.	Classification, labelling and packaging (Regulation No (EC) 1272/2008) , Plant protection products (Regulation (EC) No 1107/2009) , Biocidal products (Regulation (EU) No 528/2012),

REACH, Annex XIII (Regulation (EC) No 1907/2006)
,

Inland transport of dangerous goods (Directive 2008/68/EC)
,

Chemical Agents (Directive 98/24/EC),

Asbestos (Directive 2009/148/EC),

Carcinogens and mutagens at work (Directive 2004/37/EC)
,

Young people at work (Directive 1994/33/EC) ,

Pregnant workers (Directive 1992/85/EEC) ,

Signs at work (Directive 92/58/EEC),

Industrial emissions (integrated pollution prevention and control) (Directive 2010/75/EU)
,

Waste framework (Directive 2008/98/EC) and List of Waste
,

Major-accident hazards involving dangerous substances (Seveso) (Directive 2012/18/EU)
,

Water Framework (Directive 2000/60/EC) ,

Restriction of the use of certain hazardous substances in electrical and electronic equipment (Directive 2011/65/EU)
,

Packaging and Packaging Waste (Directive 94/62/EC)
,

Export and import of hazardous chemicals (Regulation No 649/2012)
,

Persistent organic pollutants (Regulation (EC) 850/2004)
,

Contaminants in food and feed (Regulation (EEC) No 315/93 and Directive 2002/32/EC)
,

Cosmetic products (Regulation (EC) No 1223/2009) ,

Detergents (Regulation (EC) No 648/2004) ,

Fertilisers (Regulation (EC) No 2003/2003) ,

Aerosol dispensers (Directive 75/324/EEC),

Pressure equipment (Directive 2014/68/EU)

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:	a. Be more oriented towards specific risk assessments (i.e. differentiate more between chemicals depending on their use despite the possibility of prolonged discussions and implementation delays) , If you answered a or b, please explain Chemicals may be hazardous but their risk varies depending on the area of use and the sectors handling the materials. just because it is hazardous does not mean there is ultimately an associated level of risk. Too many of the EU regulatory regimes concentrate on hazard and then cause implementation issues because the risks are not apparent. The major example of this is Seveso III.
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. Whilst impact assessment may be undertaking the actual penetration of these into all sectors involved is limited. The actual impacts vary depending on a number of factors, for instance organisational size. Larger companies and associations often have the resources to respond to impact assessments and generally have the infrastructure to cope with changes. However, SMEs are less fortunate and the loss of 1 chemical to their inventory or process could often result in business closure. The impact assessments are generally published while the legislation is being finalised and will not take into consideration the dramatic/seismic changes that can be brought about during the discussions between the Parliament and the Council of ministers.

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)

Transparency of procedures	3
Speed with which identified risks are addressed	2
Time to allow duty holders to adapt	2
Predictability of the outcomes	2
Stability of the legal framework	2
Clarity of the legal texts	3
Guidance documents and implementation support	2

Effective implementation and enforcement across Member States	2
Consistent implementation and enforcement across Member States	1
Public awareness and outreach	2
International collaboration and harmonisation	1
Please explain your answers and list any other aspect you consider relevant. If you have specific legislation in mind, please specify it.	The whole legislative process within the EU is very complicated and overly bureaucratic. 28 political agenda are all discussed at the same time and often result in a severely compromised legislative instrument which is difficult to understand. Predictability/Stability of the whole EU legislative system does not exist. Legislation, technical/regulatory guidelines or agreements on interpretation between competent authorities are constantly change and their application can be immediate, with companies having to react within very tight deadlines. The speed of the whole process is generally slow. for example we are aware of application dossiers for substance approval submitted a years ago which are still under evaluation, within a legal framework that has already changed extensively. EU guidance is generally written by "experts" who have a tendency to 'over complicate' the information and advice making it almost impossible for SMEs to understand and comply. Despite constant calls to simplify guidance many documents still exist that are thousands of pages in length in a technical language that is difficult to understand. with regard to international harmonisation there are numerous examples where the EU has taken a UN convention such as drug precursors or the GHS regime and implemented it differently that the rest of the world. Due to advances in technology the world is shrinking in relation to trade. Many EU companies now regularly trade outside the EU but are hampered in their efforts by the fact that many differences exist, especially in GHS/CLP, which complicate the process.

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

Hazard identification criteria	4
Risk assessment and characterisation	3
Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.)	3
Hazard and risk communication measures to workers (e.g. labels, pictograms, safety data sheets etc.)	2
Risk management measures restricting or banning the use of chemicals	2
Risk management measures regulating the safe use of chemicals (e.g. packaging requirements or requirements for the use of personal protective equipment)	3
If you answered 1, 2 or 3 above and would like to provide further information (in particular on specific pieces of legislation), please explain your answers.	The main issue in this area is Safety Data Sheets, due to the regulatory changes in REACH they have now become unreadable or understandable to most workers. This ultimately defeats their objective as a hazard communication tool and results in them often becoming a 'regulatory compliance tool' rather than a useful aid to a company and its workers.

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?

No,

If you answered no, please explain your answer
Physical chemical data is becoming more and more expensive due to the implication of GLP conditions. Industry understands the necessity for GLP in relation to toxicity and ecotoxicity data but requiring physic-chemical data is unnecessary and adds excessive costs.

PAGE 6: Efficiency

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 eco-systems and, therefore, avoiding the costs of treating contaminated water, restoring impacted fisheries, cleaning-up of contaminated land, compensating for reduced crop pollinisation, etc.

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 small and medium sized enterprises, Costs for large enterprises, Costs for society in general
Q21: In your view, do any of the following requirements in the legislative framework lead to significant costs for companies?	Classification requirements for substances and mixtures , Chemical labelling and packaging requirements, Risk management measures under the different legislation , Understanding and keeping up-to-date with changes in legal requirements , Training staff to ensure compliance with legal requirements , Inspections and administrative requirements
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. Seveso III requires authorities to inspect sites on an annual basis, for upper tier. It has a caveat that the authorities can implement a different regime if they have a 'risk based' system but generally member states just stick to the prescriptive aspect regardless of the actual risk a site poses.

PAGE 7: Relevance

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)

Framework has led to a reduction in the number and/or use of hazardous chemicals and/or their substitution with safer alternatives	5

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)

Novel areas of concern sufficiently addressed by framework	2
Please comment	Many industrial sectors are always innovating and moving forward. Legislation struggles to keep pace with the advancement in technology and is often lagging 4 to 5 years behind. for instance, Nanotechnology still has too many variations is legislative definitions to be managed effectively.

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	Neutral
The EU chemicals legislation framework has overlaps	Agree
The EU chemicals legislation framework is internally inconsistent	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.

Overlaps	Occupational hygiene
Inconsistencies	Use of CLP to identify sites in scope of Seveso. Interactions between BPR/CLP and other legislation such as toys, cosmetics

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.

RoHS regime and REAH restriction/authorisation

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)

To what extent are CLP labels effective in communicating hazards to workers?	4
To what extent are CLP labels effective in communicating hazards to consumers?	2

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

Environmental	I don't know
Physical	I don't know
Human health	I don't know

Q30: How effective is the support to companies through formal guidance documents and national helpdesks? (1= not effective; 5= very effective)	
Guidance documents	3
Helpdesks	5
Industry association guidance and materials	4
Other (training, conferences, etc.)	No experience
Please add further details as necessary	These answer regarding helpdesks is given in the context of the UK authority which has a very good working relationship with industry. As many of the new legislation are regulations the guidance is becoming less useful due to the complexities added by very qualified people writing documents of a technical nature.
Q31: To what extent is CLP enforced in a harmonised manner across Member States?	*Respondent skipped this question*
Q32: To what extent are the current elements relating to the CLP classification criteria satisfactory? (1= not satisfactory; 5= very satisfactory)	
Ease of implementation for duty holders	3
Appropriateness of classification criteria and methods for substances	I don't know
Appropriateness of classification criteria and methods for mixtures	3
International harmonisation through the Globally Harmonised System (GHS)	1
If you answered 1, 2 or 3 and would like to provide further information, please explain your answer	The CLP regulations are very complicated and becoming more complicated after every biennium discussions at the UN. A number of the approach's developed are very technical and require a level of knowledge beyond many smaller companies.
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?	Transition period is too short, Please elaborate if you answered that the transition period is too short or too long. Unless you are constantly monitoring the ECHA website it is very easy to miss changes in legislation or substance classification. Changes in classification impact across Seveso and cause additional costs which can take more that 18 months to filter through.

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

Transparency of the procedures	2
Involvement of stakeholders	3
Quality of scientific data and related information	3
Speed of the procedure	2

If you answered 1, 2 or 3 and would like to provide further information, please explain your answers

Despite that fact that REACH transferred the obligation to generate data and classify substances according to their findings there are numerous occasions where substances have been submitted under the CLH system because they 'do not like the chemical'. there have been a number of issues recently where substances have been rigorously assessed but a member state has still criticised the data and instead of entering debate have forced a CLH through the system resulting in additional time and resources being deployed to defend. In many cases these instances seem to be 'vexatious' claims without justification.

PAGE 10: Part V: Additional comments

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

Respondent skipped this question