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PAGE 2: Part I – General Information about Respondents

Q1: **Address**	
Contact name	Els Bedert
Organisation/company	EuroCommerce
Country	Belgium
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.**	8497 376 1187 60
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 under the name indicated; 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]:**	Agriculture, forestry and fishing (A) , Manufacture of food products (C10), Manufacture of textiles (C13), Manufacture of wearing apparel (C14), 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 fabricated metal products, except machinery and equipment (C25) , Manufacture of electrical equipment (C27), Manufacture of furniture (C31), Manufacture of games and toys (C32.4) , 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**	*Respondent skipped this question*
Q8: **Please indicate the level at which your organisation is active:**	EU

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	5
Protecting the environment	5
Ensuring a well-functioning internal market**	5
Stimulating competitiveness and innovation	4

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	5
Protecting the environment	5
Ensuring a well-functioning internal market	3
Stimulating competitiveness and innovation	3

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
Protecting the environment	No opinion or not applicable
Ensuring a well-functioning internal market	The legislation is unclear
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	5

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)
,

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)
,

End of life vehicles (Directive 2000/53/EC) ,

Batteries (Directive 2006/66/EC),

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)
,

Residues of pesticides (Regulation (EC) No 396/2005)
,

EU Ecolabel (Regulation (EC) 66/2010) ,

Safety of toys (Directive 2009/48/EC) ,

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

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

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

	Medical devices (Directive 93/42/EEC regarding medical devices, Directive 90/385/EEC regarding active implantable medical devices, and Directive 98/79/EC regarding in vitro diagnostic medical devices, under revision) , Food contact materials (Regulation (EC) No 10/2011 and Regulation (EC) No 450/2009) , General Product Safety (Directive 2001/95/EC) , Test methods (Regulation (EC) No 440/2008)

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 Risks associated with chemicals are very dependent on their specific use. Hence an overly cautious approach 'across the board' should be avoided to prevent restriction of necessary and useful chemicals (especially those for which substitutes might be difficult to identify or develop). Overall the right balance hazard - risk (which depends on the intended use) it the most important consideration when deciding on risk management measures.
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. Socio-economic impact should be fully considered when determining risk measures to avoid negative impact on the economy (people & businesses). This will also help in better understanding production cycles, the availability of (safe) substitutes and for determining the correct transition period. The cocktail - effects are an important aspect of risk assessment/management which merits to be further developed.

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 hazards/risks are identified	3
Speed with which identified risks are addressed	3
Time to allow duty holders to adapt	2
Predictability of the outcomes	2
Stability of the legal framework	2
Clarity of the legal texts	2
Guidance documents and implementation support	4
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	1
Public awareness and outreach	3
International collaboration and harmonisation	I don't know
Please explain your answers and list any other aspect you consider relevant. If you have specific legislation in mind, please specify it.	The comitology procedure lacks transparency and input from stakeholders is limited. Method of analysis of public consultation (weighing of the responses) is unclear which makes outcomes (conclusions) unpredictable. The register of intent (ECHA) is good practice. Production cycles and supply chains are complex (and can vary) and not well understood - this needs to be better taken into account when deciding on transition periods. On clarify of the legal text: there needs to be full alignment regarding definitions of economic operators (manufacturer, importer, distributor, authorised representative) as well as the obligations of each operator. Definitions are also needed for (serious) risk, and “placing on the market”. Regarding the public awareness: the understanding of the general public on pictograms is limited. This might be due to the lack of preparatory research when developing new pictograms, or to the over-use of these pictograms causing consumers not to pay attention anymore.

Q17: In your view, to what extent are the following elements of risk management satisfactory? (1= not satisfactory, 5= very satisfactory)	
Hazard identification criteria	I don't know
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.)	4
Risk management measures restricting or banning the use of chemicals	3
Risk management measures regulating the safe use of chemicals (e.g. packaging requirements or requirements for the use of personal protective equipment)	4
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.	Risk assessment: as mentioned earlier the consideration of use of the identified hazards needs to improved. Communication to consumers: meaning is not explained to consumers hence full understanding of pictograms is low.
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?	Yes

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, I don't know

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. Overlap between various EU legislative frameworks (for example duplication of risk assessment and authorisation processes)

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	3

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	I don't know
Please comment	Mechanisms to address emerging issues are in place - but not sure how effective these are.

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	Neutral
The EU chemicals legislation framework is internally inconsistent	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.	
Inconsistencies	Reach and Toys directive
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.	*Respondent skipped this question*

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	Yes
Physical	Yes
Human health	Yes
Q30: How effective is the support to companies through formal guidance documents and national helpdesks? (1= not effective; 5= very effective)	
Guidance documents	4
Helpdesks	No experience
Industry association guidance and materials	4
Other (training, conferences, etc.)	4
Q31: To what extent is CLP enforced in a harmonised manner across Member States?	Enforcement is harmonised across most Member States

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	4
Appropriateness of classification criteria and methods for mixtures	3
International harmonisation through the Globally Harmonised System (GHS)	4
If you answered 1, 2 or 3 and would like to provide further information, please explain your answer	Due to the interlinkages and complexity of the chemicals legislation, it is very difficult for to understand and implement all the legal requirements. Increasingly any changes to the CLP classification penetrate deep into the supply chain and automatically effects other pieces of legislation including product specific. This is especially challenging for distributors who deal with a whole range of products and who do not have all the technical information at hand.

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.
As explained above: long and complex production cycles and supply chains require sufficient time to adapt to any new legislation, from the manufacturing (substitution) as well as logistically (labelling). Depending on the substance of mixture this needs to be fully mapped out.

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

If you answered 1, 2 or 3 and would like to provide further information, please explain your answers
As mentioned under Q32 due to the interlinkages it is very challenging for retail and wholesale to easily understand the implications of any change in classification. More guidance on this would be welcome. In depth knowledge on the use of these chemical substances (as part of the socio-economic impact assessment) is necessary to effectively communicate the potential impact to downstream users.

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*