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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	EGMF Secretariat
Organisation/company	European Garden Machinery industry Federation
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.	82669082072-33
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]:	Manufacture of electrical equipment (C27), Manufacture of machinery and equipment (C28)

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	5

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	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	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 adapted to the issues at stake
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) , Biocidal products (Regulation (EU) No 528/2012), Asbestos (Directive 2009/148/EC), Restriction of the use of certain hazardous substances in electrical and electronic equipment (Directive 2011/65/EU) , Batteries (Directive 2006/66/EC), Packaging and Packaging Waste (Directive 94/62/EC) , Persistent organic pollutants (Regulation (EC) 850/2004) , EU Ecolabel (Regulation (EC) 66/2010), General Product Safety (Directive 2001/95/EC)

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 Many chemicals only have adverse effects if released to the environment and /or with direct exposure to humans. Many manufacturers already take action to avoid such exposure during the life of the product and at the end of the life cycle through recycling and recovery, when appropriate. Therefore, regulation requirements should target specific risks instead of generic ones to be more efficient. Assessment must be based on the specific application of chemicals, taken into account the benefit of use in that specific application and the available alternatives. Industry should not be forced to use an alternative that is assessed as dangerous as well at a later stage, or not available in the EU. Substances with the same properties/structure/hazards can be restricted together, e.g. phthalates with the same properties, structures/hazards. They should at least be assessed together to avoid banning of substances envisaged as substitute for a restricted chemicals.
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. There is too little focus on alternatives as well as the impact, both at technical and economical level, these regulations have on the European industry, notably competitiveness.

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	2
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	3
Clarity of the legal texts	3
Guidance documents and implementation support	3
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	2
Public awareness and outreach	2
International collaboration and harmonisation	2
Please explain your answers and list any other aspect you consider relevant. If you have specific legislation in mind, please specify it.	Harmonisation between different pieces of EU legislation need to be improved. Harmonised definitions in different EU legislation and related FAQs is clearly lacking today. For example definitions of "non-road mobile machinery (NRMM)" or "placing on the market / making available /made available" from one piece of legislation to another, such as RoHS2 Directive (2011/65/EC), FAQ RoHS2, Stage V of revised Emission Directive (97/68/EC, under review). In addition, the lack of consistency with the "repair as produced principle" lead to additional constraints for the industry to ensure availability of spare parts at a reasonable time and cost.

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

Hazard identification criteria	3
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.)	3
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

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?	I don't know

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 workers to toxic chemicals and, therefore, avoiding healthcare costs, lost productivity, 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 authorities at national level, Costs for small and medium sized enterprises, Costs for large enterprises, Costs for consumers, 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?	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, Other (please specify) The cost to prepare and collect compliance information, including declaration, material disclosure, etc., in the supplier chain can be very significant as well, especially for equipment manufacturer and its supply chain. A single equipment can have more than 1000 components with hundreds of worldwide suppliers.
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. Traning/education of staff; undertaking enforcement activities.

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	3

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

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	RoHS, ELV and Battery Directives, REACH Regulation
Overlaps	RoHS, ELV and Battery Directives, REACH Regulation
Inconsistencies	RoHS, ELV and Battery Directives, REACH Regulation

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.

Examples of inconsistency between RoHS, ELV and Battery Directives, REACH Regulation
A first example is thresholds that are inconsistent through the EU legislation: it leads to confusion among suppliers. For example homogenous materials (RoHS), Article (REACH), Rubber/Plastic components (REACH Annex XVII).

A second example is SCCP: REACH 1907/2006 requires SVHC report at 0,1%, while POP Directive (850/2004) applies at 0,15% in an article. However, even though "article" has the same definition in EU legislation, the REACH Regulation use another interpretation "once an article always an article".

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?	3
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	3
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	4
Appropriateness of classification criteria and methods for substances	4
Appropriateness of classification criteria and methods for mixtures	4
International harmonisation through the Globally Harmonised System (GHS)	4
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?	I don't know or have no opinion
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	4
Quality of scientific data and related information	4
Speed of the procedure	3

PAGE 10: Part V: Additional comments

Q35: **In case you have any additional comments with relevance for this public consultation, please insert them here.**	Revisions of EU legislation take a significant amount of time. However, redeveloping equipment to meet new requirements takes years and can take almost a decade. Consequently, when inconsistencies are noted, it harms the industry on a long term when action is not taken in a timely fashion to resolve those inconsistencies.