

#1



COMPLETE

Collector: Web Link 1 (Web Link)

Started: Friday, May 27, 2016 9:03:55 AM

Last Modified: Friday, May 27, 2016 9:57:01 AM

Time Spent: 00:53:06

IP Address:

PAGE 2: Part I – General Information about Respondents

Q1: Address

Contact name	Lighea Speciale
Organisation/company	CEWEP
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.

7899845424-69

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]:

Water supply; sewerage; waste management and remediation activities (E)

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	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	I don't know
Protecting the environment	I don't know
Ensuring a well-functioning internal market	I don't know
Stimulating competitiveness and innovation	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
Protecting the environment	No opinion or not applicable
Ensuring a well-functioning internal market	No opinion or not applicable
Stimulating competitiveness and innovation	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.

Classification, labelling and packaging (Regulation No (EC) 1272/2008)
,
REACH, Annex XIII (Regulation (EC) No 1907/2006)
,
Industrial emissions (integrated pollution prevention and control) (Directive 2010/75/EU)
,
Waste framework (Directive 2008/98/EC) and List of Waste
,
Waste shipments (Regulation (EC) No 1013/2006) ,
Major-accident hazards involving dangerous substances (Seveso) (Directive 2012/18/EU)
,
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)
,
Contaminants in food and feed (Regulation (EEC) No 315/93 and Directive 2002/32/EC)
,
Residues of pesticides (Regulation (EC) No 396/2005)
,
Cosmetic products (Regulation (EC) No 1223/2009) ,
Detergents (Regulation (EC) No 648/2004) ,
Fertilisers (Regulation (EC) No 2003/2003)

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:

c. Remain as it is because the balance is more or less right (i.e. the legislation ensures appropriate application of specific risk assessments and generic risk considerations)

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.

Yes

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	2
Time to allow duty holders to adapt	3
Predictability of the outcomes	2
Stability of the legal framework	3
Clarity of the legal texts	3
Guidance documents and implementation support	2
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	3
Public awareness and outreach	4
International collaboration and harmonisation	2

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	4
Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.)	5
Hazard and risk communication measures to workers (e.g. labels, pictograms, safety data sheets etc.)	5
Risk management measures restricting or banning the use of chemicals	4
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?

Respondent skipped this question

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 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 large enterprises

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

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

Understanding and keeping up-to-date with changes in legal requirements
,
Training staff to ensure compliance with legal requirements

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

Respondent skipped this question

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)

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

Respondent skipped this question

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](#).

Respondent skipped this question

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

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

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	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	2
Other (training, conferences, etc.)	3

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)

Appropriateness of classification criteria and methods for mixtures

1

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

The alignment between CLP and EU List of Waste has caused several inconsistencies as CLP is not applicable one-to-one to waste. Substances and mixtures are carefully and stringently regulated under CLP (as they are products available on the free markets) on a basis of intrinsic hazard properties. Limited information and uncertainties regarding the composition of waste is the main limitation. Methodologies provided in the DPD and the CLP are meant for mixtures with known composition; so their applicability for the assessment of waste, which includes the assessment of mixtures with unknown composition, is not straightforward and has not been evaluated. In particular, the heterogeneity of waste samples, with high content of anions, alkaline earth metals and silica, can make determination of composition difficult. Furthermore, suitable methods to identify organic substances in waste are lacking and approaches based on chemical analysis often underestimate the share of potentially ecotoxic organic components. Additionally, the application of worst-case scenarios when the composition of waste is not sufficiently known leads to an overestimation of the waste hazard. Thus, assessments using chemical analyses may not reflect the actual ecotoxicity of waste. In addition, the use of M-factors defined outside the waste legislation will impact the efforts made to invest in a circular economy. The M-factors are defined only for a limited number of substances and when they are not defined the indication is sent from the manufacturer. These data provided by the manufacturers are not controlled by the European Commission and very often they are quite conservative and are not consistent with each other. If - after quality recycling - secondary raw materials and/or recycling products are used in new products for substitution of virgin materials or cease to be waste, CLP and REACH will apply anyway. In particular, the definition of eco-toxicity for substances, mixtures and even waste as an intrinsic property is possible, but regarding the classification of hazardous or non-hazardous waste a proper risks assessment has to be done, following a tiered approach.

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

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

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.

Respondent skipped this question