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## COMPLETE

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

#### Q1: Address

Contact name	Eliisa Irpola
Organisation/company	Chemical Industry Federation
Country	Finland
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.**

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**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

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

**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 coke and refined petroleum products (C19)  
,  
Manufacture of basic chemicals, fertilisers, plastics and synthetic rubber in primary forms (C20.1)  
,  
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 man-made fibres (C20.6),  
Manufacture of basic pharmaceutical products and pharmaceutical preparations (C21)  
,  
Manufacture of rubber and plastic products (C22)

**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:**

National

### 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	1

**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:**

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	5
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#### 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)

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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)

Water Framework (Directive 2000/60/EC),

Marine Strategy Framework (Directive 2008/56/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)

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

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

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

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

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

Drinking Water (Directive 98/83/EC),

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)

Explosives (Directive 93/15/EEC),

Pressure equipment (Directive 2014/68/EU),

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),

Good Laboratory Practice (Directives 2004/9/EC and 2004/10/EC)

2004/10/EC)

,

Protection of animals used for scientific purposes  
(Directive 2010/63/EU)

,

Other (please specify)

Construction product regulation, Indoor Air quality,  
Fluorinated greenhouse Gases Regulation

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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

- Risk is associated both on chemical properties and exposure. In specific uses the exposure can be prevented.

**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.

- The combined effects of different regulations and requirements are not taken into account. - The real applicability and availability of chemicals / alternatives for different uses are not taken into account. For example in BPR product types there might seem to be twenty different active substances, but in practice only one or two suitable for specific uses. - The impacts on competitiveness of EU industry. For example PIC-regulation requires prior consent for export of chlorates as bleaching agent for pulp industry. - The impacts on new requirements when annexes are amended are not evaluated.

**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	5
Speed with which hazards/risks are identified	4
Speed with which identified risks are addressed	4
Time to allow duty holders to adapt	2
Predictability of the outcomes	1
Stability of the legal framework	2
Clarity of the legal texts	2
Guidance documents and implementation support	3
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	1
Public awareness and outreach	4
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.

- The unclarity of legal texts has raised the need to produce massive amounts of guidance documents. - There are plenty of guidance documents available. Sometimes so much, that especially for SME:s they are too massive and lack the practical approach. - In the BPR, the coverage, rules and interpretations are constantly changing to be more stringent.

**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.)	3
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	3
Risk management measures regulating the safe use of chemicals (e.g. packaging requirements or requirements for the use of personal protective equipment)	5

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 transition from DSD to CLP brought along complexity, which resulted in general tightening of classification and significant difference in notified classifications. - The direct application of CLP in downstream legislation (waste, Seveso, TDG) has caused more confusion than added safety. - The rigid format for consumer package labels often lead to repetition and lengthy text without further information, which is against good hazard communication principles.

**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,

If you answered no, please explain your answer  
- Many Phys-chem tests need to be done, and not in every test GLP is needed.

**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.

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

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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.

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

**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.  
- Chemical data needs to be reported to numerous authorities due to numerous requirements. (Echa, Commission (ozone depleting substances...), National Authorities for workers safety, Seveso, environment, VOC, fluorinated gases...) This leads to costs both enterprises and authorities. - The proposal for Poison Information Annex VII in CLP (Article 45) with extra – SDS-information contains significant new information system needs with significant new costs for all players, both enterprises and authorities.

### 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 4

**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 4

### 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.**

Inconsistencies

- labelling requirements in Transport of dangerous goods, in CLP and also in national authorities requirements for piping and container labelling under seveso-directive are contradictory. - The application of CLP has lead to unpredicted burden for waste management. Inconsistent application of CLP-requirements to waste materials and waste products, which are not chemicals. - Labelling under BPR and CLP for treated articles.

**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.**

- OELs and DNELs.

- REACH-restriction and POP-regulation, Fluorinated gases regulation, RoHS, Food contact materials ... not to mention Ecolabels.

- REACH-restriction and - REACH exposure scenarios and IED BREFS.

- Interface between REACH and end of waste- (and ILUC) is not clear. Same recycled product or by-product can be registered under REACH, meeting all the product requirements, but still considered as waste under Waste directive.

## 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?**

*Respondent skipped this question*

**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*

**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*

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

**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.**

*Respondent skipped this question*