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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Terence Woolmer
Organisation/company	EEF - the manufacturers' organisation
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.	014218910510-57
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 food products (C10), Manufacture of beverages (C11), Manufacture of tobacco products (C12), Manufacture of textiles (C13), Manufacture of wearing apparel (C14), Manufacture of leather and related products (C15) , Manufacture of wood and of products of wood and cork except furniture (C16)

,

Manufacture of paper and paper products (C17),

Manufacture of coke and refined petroleum products (C19)

,

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 man-made fibres (C20.6),

Manufacture of basic pharmaceutical products and pharmaceutical preparations (C21)

,

Manufacture of rubber and plastic products (C22),

Manufacture of other non-metallic mineral products (C23)

,

Manufacture of basic metals (C24),

Manufacture of fabricated metal products, except machinery and equipment (C25)

,

Manufacture of computer, electronic and optical products (C26)

,

Manufacture of electrical equipment (C27),

Manufacture of machinery and equipment (C28),

Manufacture of motor vehicles, trailers and semi-trailers (C29)

,

Manufacture of other transport equipment (C30),

Manufacture of furniture (C31),

Manufacture of games and toys (C32.4),

Manufacture of medical and dental instruments and supplies (C32.5)

,

	Other manufacturing(excluding manufacturing of toys or medical and dental instruments) (C32) , Transporting and storage (H), Other, Other (please specify) Reresent manufacturing industry
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	Large company (250 employees or more)
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	2
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:

Protecting human health	The legislation is unclear
Protecting the environment	The legislation is unclear
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	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)
,
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
,
Waste shipments (Regulation (EC) No 1013/2006),
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)

,

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)

,

Aerosol dispensers (Directive 75/324/EEC),

Explosives (Directive 93/15/EEC),

Pressure equipment (Directive 2014/68/EU) ,

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
Generic precautionary approaches are often a barrier to innovation. Most companies innovate to make themselves competitive or to provide new and novel uses for substances which are of benefit to all, e.g. healthcare advances through new and novel drug compounds, etc.

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. It is difficult to know the combined effects of chemicals on health. However, prevention and protection measures are taken in relation to the risk assessments associated with each product. Focus on effective control measures should be the priority in relation to worker protection. However, this priority must be reconciled and balanced against the need for company competitiveness, innovation, productivity and economic growth. It is not possible to eliminate all risk.

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	1
Speed with which hazards/risks are identified	3
Speed with which identified risks are addressed	3
Time to allow duty holders to adapt	1
Predictability of the outcomes	I don't know
Stability of the legal framework	3
Clarity of the legal texts	2
Guidance documents and implementation support	2
Effective implementation and enforcement across Member States	1
Consistent implementation and enforcement across Member States	1
Public awareness and outreach	2
International collaboration and harmonisation	3
Please explain your answers and list any other aspect you consider relevant. If you have specific legislation in mind, please specify it.	The procedures of the EU legislative framework are little known and understood. The risk management approach is the correct methodology for managing risk and control measures need to be based on reputable and reliable peer reviewed evidence. EU legislation should be made more understandable in order to ensure its effective implementation. The legislation and guidance documents are often too complex for micro, small and medium sized enterprises. There is uneven application, implementation and enforcement in the Member States. We need to harmonise national implementation in order to facilitate international trade. There are too many Directives and Regulations, resulting in duplication and overlap of requirements. The legislative load could be reduced though consolidation and simplification, but at the same time maintaining Consumer, Environment and Worker protections. Sometimes reclassification of chemicals under CPL can have unintended consequences, e.g. proposed changes to classification of Nitric Acid under CPL could have had a knock-on effect under the Seveso Directive, by making sites storing small quantities in effect Tier 1 COMAH sites. This was because the change of classification meant that Nitric Acid would be considered as having major accident potential. Fortunately in this case the unintended consequences were picked up by industry stakeholders.

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	4
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.	Consumers are poor at reading labels and taking appropriate precautions. Pictograms more relevant and consequences of not following advice. Downstream users are subject to the willingness of providers to transmit the updated SDS, as they are not always understandable for micro and SMEs. There are difficulties to obtain SDSs on request. The number of pages now contained in many SDS's has reached ridiculous proportions and the information can vary from supplier to supplier for the same substance. User information for workers should be confined to 1 page. There is a current EHAC project looking at this.
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 GLP underpins the mutual acceptance of test data between countries, which avoids duplicative testing and reduces costs for industry and governments. Common principles for GLP also facilitate the exchange of information and prevents the emergence of non-tariff barriers to trade, while contributing to the protection of human health and the environment

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 authorities at national level, Costs for small and medium sized enterprises, Costs for large enterprises
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, Other (please specify) Costs to industry can be significant. Steps need to be taken to avoid duplication, because of overlapping or similar requirements between different sets of legislation developed by different parts of the Commission.
Q22: Are there specific requirements in the EU chemicals legislative framework which lead to particularly significant costs for authorities?	I don't know

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	I don't know

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
Please comment	Emerging areas of concern could easily be addressed through modification of existing legislative frameworks. One example is where the CMD & CAD Directives for worker protection could be modified and updated to cover nano-materials.

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	Strongly 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.

Gaps or missing links	No linkage/check between substance CPL change and impact on other legislation,e.g. Seveso Directive
Overlaps	Three worker protection exposure values co-exist; DNEL, OEL (European & National).
Inconsistencies	There is need for harmonisation and consistency, OELs vary from country to country

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.

See Comments in answer to question 35.

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?	3
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	2
Helpdesks	3
Industry association guidance and materials	4
Other (training, conferences, etc.)	4
Please add further details as necessary	Guidance documents and national helpdesks are not always SME orientated. Trade associations often provide targeted support.

Q31: To what extent is CLP enforced in a harmonised manner across Member States?	Enforcement is not harmonised across most Member States , Please add further details as necessary Clearly enforcement is not harmonised as there are differences in interpreting the regulations, e.g. the labeling of pipework/piping and particular pipelines containing compressed air (with pressure above 2 bar). Since July 2015 new regulations concerning labelling pressurized pipelines have come into force in Sweden. Pressurized pipelines, containing compressed air, with pressure over 2 bar have to be labelled according to CLP as “gases under pressure”. This does not seem to be a requirement in every Member State.

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	1
Appropriateness of classification criteria and methods for substances	I don't know
Appropriateness of classification criteria and methods for mixtures	I don't know
International harmonisation through the Globally Harmonised System (GHS)	3
If you answered 1, 2 or 3 and would like to provide further information, please explain your answer	Downstream users rarely have to classify their products except for mixtures made in the company. In this case, they have no alternative but to subcontract to competent agencies to implement this complex process without being able to check the quality of the service.

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. SDS update hardly follows the evolution of product classifications. This is problematic for downstream users in the management of chemicals and prevention.

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	1
Involvement of stakeholders	2
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
It is difficult for individual companies to follow and understand the process for reviewing substances under CLP through the ATP process. It is not always clear how they can submit evidence into the review process in terms of their current use and control of substances and mixtures.

PAGE 10: Part V: Additional comments

Q35: In case you have any additional comments with relevance for this public consultation, please insert them here.	I tried to copy and paste a large block of text here, but will send in seperate email