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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Joanna Sacks
Organisation/company	CLEAPSS
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.	050328521859-95
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 basic chemicals, fertilisers, plastics and synthetic rubber in primary forms (C20.1) , Professional, scientific and technical activities (M) , Other, Other (please specify) Education (P85)

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	Small enterprise (under 50 employees)
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	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	4
Protecting the environment	4
Ensuring a well-functioning internal market	2
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	The legislation is not adapted to the issues at stake
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	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),

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),

Waste framework (Directive 2008/98/EC) and List of Waste
,

Water Framework (Directive 2000/60/EC),

Urban Waste Water (Directive 91/271/EEC),

Batteries (Directive 2006/66/EC),

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

Explosives (Directive 93/15/EEC),

Pressure equipment (Directive 2014/68/EU)

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 The framework is generally balanced, but needs to allow for small-scale use involvinglow risks of exposure to chemicals that pse relatively low risk. The current emphasis tends to cause unnecessary alarm in situations where the real risk is relatively low. Examples: Young people at work (Directive 1994/33/EC) • Pregnant workers (Directive 1992/85/EEC) • Signs at work (Directive 92/58/EEC)
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	5
Speed with which hazards/risks are identified	4
Speed with which identified risks are addressed	5
Time to allow duty holders to adapt	2
Predictability of the outcomes	I don't know
Stability of the legal framework	I don't know
Clarity of the legal texts	3
Guidance documents and implementation support	3
Effective implementation and enforcement across Member States	I don't know
Consistent implementation and enforcement across Member States	I don't know
Public awareness and outreach	2
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.	Guidance and Public awareness and outreach: - does not necessarily address the nees of a user who 'does not know what she/he doesn't know' - not all users are aware of the guidance. ECHA needs to engage more directly with individual stakeholders - Infocards can be misleading Please see supplementary information supplied via email for details.

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

Hazard identification criteria	5
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)	3
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 data provided by registrants does not always match the classification which (should be) based on that data. More-stringent checks on this aspect are needed before registrations are accepted - Most legislation is fairly general eg, specific PPE is not specified. This is entirely appropriate as such detials can only be assessed by the employer on the basis of the activity within its context - Hazard risk communication can cause confusion: there is still a lack of full public understanding of CLP labels. More work is needed to enhance public awareness - Labels for small packages: while this issue has been addressed, more work needs to be done on the labelling of very small packages of extremely tiny quantities of chemicals that pose no measurable risk as supplied. Please see supplementary information supplied via email for details.
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 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 EU level , 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?	Classification requirements for substances and mixtures , Chemical labelling and packaging requirements , 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?	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	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)

Please comment	As new information becomes available, it is incorporated. Eg, the hazards of nanomaterials are under investigation.

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	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	CLP: packaging requirements. Please see supporting material for all these points
Overlaps	Generally inevitable and appropriate
Inconsistencies	CLP vs Signs Directive; restrictions and authorisations under REACH vs various Directives.

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.

Gaps: Packaging. Classification, labelling and packaging (Regulation No (EC) 1272/2008) (CLP) Article 35 sets out packaging requirements but allow for packaging that complies with transport requirements. These are not sufficient for the chemical over its lifetime of use.
Inconsistencies: Use of signs: Classification, labelling and packaging (Regulation No (EC) 1272/2008) (CLP) and Signs at work (Directive 92/58/EEC) (SAW): Use of the exclamation mark in CLP (GHS07, 'moderate hazard', Warning) and SAW ('General danger sign') can lead to confusion.

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	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
Helpdesks	5
Industry association guidance and materials	5
Other (training, conferences, etc.)	5
Please add further details as necessary	As noted in the response to question 16, ECHA needs to engage directly with SMEs and consumers and to address the issues already raised there. Please see supplementary information supplied via email for details.

Q31: To what extent is CLP enforced in a harmonised manner across Member States?	I don't know

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	2
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	CLP: The additivity method for classification of mixtures does not seem to be appropriate in some cases, particularly for corrosivity. Judgement is required.

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. The transition period itself is probably generally adequate, but due to lack of awareness (as noted in the response to question 16) it can be difficult to comply within the time frame.

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	5
Involvement of stakeholders	3
Quality of scientific data and related information	2
Speed of the procedure	3

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

The quality of scientific data is variable. In particular, as noted in our response to question 17, the data provided by registrants does not always match the classification provided by the registrant (and which should be based on that data). While the registration process is within the remit of REACH, which is not subject to this consultation, classification is within the remit of CLP and registration data is an important source upon which classifications and risk management measures need to be based. It is important to address this weakness, and we therefore raise it here.

PAGE 10: Part V: Additional comments

Q35: In case you have any additional comments with relevance for this public consultation, please insert them here.	Please see supplementary information supplied via email for details.