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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Marta Yuste
Organisation/company	CECED, European Committee of Domestic Equipment Manufacturers
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.	04201463642-88
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), Other, Other (please specify) Manufacture of electrical and electronic equipment

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	4
Protecting the environment	4
Ensuring a well-functioning internal market	3
Stimulating competitiveness and innovation	4

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 adapted to the issues at stake, The legislation is not effectively implemented

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),

Chemical Agents (Directive 98/24/EC),

Asbestos (Directive 2009/148/EC),

Pregnant workers (Directive 1992/85/EEC),

Signs at work (Directive 92/58/EEC),

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)
,

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

Safety of toys (Directive 2009/48/EC),

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

Drinking Water (Directive 98/83/EC),

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)
,

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) , Other (please specify) Other legislation related with materials in contact with food: Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food Commission Regulation (EC) No 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food Regulation (EC) No 282/2008 on recycled plastic materials and articles intended to come into contact with foods Directive 84/500/EEC – approximating EU countries' laws on ceramic articles intended to come into contact with foods Directive 2007/42/EC - materials and articles made of regenerated cellulose film intended to come into contact with foods Regulation 1895/2005/EC - restricting use of certain epoxy derivatives in materials and articles intended to come into contact with food Directive 93/11/EEC - release of N-nitrosamines and N-nitrosatable substances from rubber teats and soothers

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:**	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.**	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. In some cases, chemical legislation that cover products/articles is too much focused on just one type of article or group of articles and does not take into account other groups which may be covered. For example, the approach of Regulation 10/2011 on plastic material seems to be of application only for packaging products, however, household appliances are also covered. Migration limits and testing methods have been developed from the packaging approach/applications, thus being very challenging for household appliance industry to apply the testing methods, consequently to show compliance.

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	4
Speed with which hazards/risks are identified	4
Speed with which identified risks are addressed	4
Time to allow duty holders to adapt	4
Predictability of the outcomes	2
Stability of the legal framework	4
Clarity of the legal texts	3
Guidance documents and implementation support	4
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	3
Public awareness and outreach	I don't know
International collaboration and harmonisation	4
Please explain your answers and list any other aspect you consider relevant. If you have specific legislation in mind, please specify it.	Some of the listed legislations in Q13 derive from old/previous legislations where the hazards/risks were well identified. For this reason today there is a better knowledge of these hazards/risks so there is a more speed of identification. Clarity of the legal texts: Very often the legal texts are clear because we are deeply involved from the very beginning. But in the case of not being involved in the legislative process of other directives and regulations, texts could be unclear, consequently FAQ documents become essential for helping to understand the legal requirements. We would like also to highlight the limited enforcement of EU legislative requirement (to combat free-riders) as well as diverse Member States regulation in non-harmonised areas are disrupting internal activities and create high burden to manufacturing industry

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	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.)	4
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
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 Biocidal product regulation requires to label treated articles under certain conditions. The label shall provide among other the name of all active substances and all nanomaterials. The very detailed and technical information is intended to be addressed to consumers via the label. Other similar requirements are present in other chemical (related) legislation. CECED is of the opinion that this flow of technical and very detailed information would flood consumers' capacity to discern relevant information for the intended use.
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. , Stimulating competition and trade within the EU single market
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 society in general
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 , Inspections and administrative requirements , Other (please specify) Overlapping of pieces of legislation leads to extra-costs for industry because in many cases compliance has to be proved in a different way.
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. Some requirements in the legislation, i.e. food contact materials and drinking water, are ruled by similar principles. Sometimes authorities do not use such analogies, or lessons learned from one area to the other in their benefit, and saving costs as a result.

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	5

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	I don't know
Please comment	We think emerging areas of concern are much more related to chemicals rather than products. Thus our sector may not be in a position to judge if these are sufficiently addressed.

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	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	Non-harmonised Food Contact Materials, Materials in contact with Drinking Water. Pending legislation like Annex I of Regulation 1935/2004 on materials and articles intended to get into contact with food.
Overlaps	Substance Restrictions with different rules (REACH, Packaging, Biocides, etc)
Inconsistencies	Different migration limits for the same chemicals for different FCM

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.

REACH being an overarching chemical legislation has overlaps and missing links and inconsistencies with many of the legislation covered by this fitness check.
The European Commission mandated the Austrian Environmental Agency (Umweltbundesamt, UBA) to develop a Methodology for identification and assessment of substances for inclusion in the List of Restricted Substances (Annex II) under the RoHS 2 Directive. Though this methodology has not been yet included in the European legislative framework, it is foreseen it will be. Moreover, Member States and the European Commission will follow such methodology, which differs in many aspects from the substance assessment methodology used for REACH or POPs. This methodology then has a potential to create inconsistencies of RoHS with other legislation.

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	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	3
Helpdesks	No experience
Industry association guidance and materials	4
Other (training, conferences, etc.)	5
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	3
Appropriateness of classification criteria and methods for substances	5
Appropriateness of classification criteria and methods for mixtures	5
International harmonisation through the Globally Harmonised System (GHS)	I don't know
If you answered 1, 2 or 3 and would like to provide further information, please explain your answer	In some cases there are situations where old classification can be still present for some time after 1 June 2015 (derogations - see CLP indication). This can create confusion.
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. E.g., a change of classification of a substance implies time to correct eventually the formulation of a mixture and/or the related documentation, packaging etc. Time is needed for to adapt many different aspects.

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	I don't know
Involvement of stakeholders	I don't know
Quality of scientific data and related information	I don't know
Speed of the procedure	I don't know

PAGE 10: Part V: Additional comments

Q35: In case you have any additional comments with relevance for this public consultation, please insert them here.

In spite this fitness check does not include REACH Regulation, we consider that it is essential to ensure the coherence and overlaps of all the legislation covered here with REACH. CARACAL had accepted the Common Understanding working papers for REACH - RoHS and REACH – POPs long time ago. The principles contained in such working papers should be followed and implemented when new restrictions of substances are included in these pieces of legislation. In addition, we would like to urge the European Commission to work on the harmonization of legislation in the area of Food Contact Materials. Currently, the legislation scope is limited to few materials, thus leaving to Member States room to implement requirements at national level. Furthermore, in the lack of practical implementation of the mutual recognition principle, the internal market is disrupted. Hence, it is crucial that the European Commission start to harmonise requirements for key materials such as metals at EU level as soon as possible. The same situation is experienced for the Drinking Water Directive. The lack of harmonised requirements for materials suitable to contact with drinking water create a regulatory burden for companies that have to face different requirements for different products in different Member States. Furthermore, we would like to express our opinion on the requirements included in many pieces of chemical legislation related with the provision of information of substances contained in articles to downstream users. CECED companies are committed to deliver products which are safe for use. In this duty, manufacturers of household appliances are in favor of providing information to downstream users and consumers should any substance of concern would be present in an article which would require specific instructions of use. In any case, such legal requirements have to be based on clear and unambiguous scientific evidence, while complemented by an impact assessment which will clearly show that it is of benefit for users health and the environment. Otherwise, it risks of imposing legal barriers rather than promoting the use of non harmful substances. As final remark we would like to bring the attention to the following: in the context of the circular economy, there is a gap between the chemical legislation applied to materials and products and waste. Unless this gap is solved, it will not be possible to close the loop and the practical implementation of the circular economy will not be achieved. We call upon the European Commission to ensure that respective policy officers in charge of chemical(s) and waste files work together to set a coherent legislative framework that would allow the deployment of the principles of the circular economy.