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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Leroy, Didier
Organisation/company	CEPE
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.	47031804648-91
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 paints, varnishes and similar coatings, printing ink and mastics (C20.3)
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	3
Protecting the environment	3
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:

Protecting human health	The legislation is not adapted to the issues at stake
Protecting the environment	The legislation is not adapted to the issues at stake
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	4

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),

Inland transport of dangerous goods (Directive 2008/68/EC)
,

Chemical Agents (Directive 98/24/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
,

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),

Packaging and Packaging Waste (Directive 94/62/EC)
,

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

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

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

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

Drinking Water (Directive 98/83/EC),

Aerosol dispensers (Directive 75/324/EEC),

Food contact materials (Regulation (EC) No 10/2011 and Regulation (EC) No 450/2009)
,

General Product Safety (Directive 2001/95/EC)

General Product Safety (Directive 2001/95/EC),

Test methods (Regulation (EC) No 440/2008)

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 Paracelsius statement 'the dose makes the poison' should always be kept in mind. Regulatory actions against chemicals based on pure inherent hazard presents the risk of eliminating substances that do not present a risk in practice for the targeted use(s) but do present benefits for the society. We agree that focus should be made on 'what is essential' and that prioritization can be given on the basis of hazard, but risk assessment as well as socio-economic analysis should always be part of the process. Some examples: - An ingredient that is classified for chronic effects due to the inhalation of aerosol (such as chronic irritation of the respiratory tract leading to cancer) does trigger the classification of paint that is applied by brush and where exposure does not lead to any significant risk (the substance is embedded into a paint matrix and not sprayed as aerosol). In this case risk based labeling for consumer paints would solve the problem. - under the biocide legislation a paint containing an in-can preservative that leads to the classification of the paint as skin sensitizer cannot be sold to the general public. In other words this is a denial of CLP that exists to provide hazard information. Food items containing peanuts or cosmetics containing sensitizing fragrances are allowed to stay on the market with labeling information on the risk of allergy. This should also be true for paint. - under SEVESO mixtures may be classified due to the presence of a chemical in small concentration, putting in scope more Plants/warehouses. Also, consideration of the risk of leakage of small packages versus big storage tanks would be useful. - PIC: the initial Rotterdam Convention's spirit may have been lost: substances restricted under REACH tend to be added to PIC. PIC is for banned substances or substances that require very stringent control conditions whereas a substance being restricted under REACH for consumer use can still be used for industrial processes.

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. If a chemical is used it is because it presents benefits. The benefits that a chemical presents for the society should be considered in regulatory decision making processes. The biocide legislation does not require looking at any benefit that biocide substances present. Biocidal products are essential additives to most of our products. We are very concerned that no socio-economic impact is carried out before decisions are made and concerned as well that no holistic approach is made to a particular problem but on substances in isolation (such as in-can preservation or dry-film preservation - we refer to our documents provided separately).

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
Speed with which hazards/risks are identified	2
Speed with which identified risks are addressed	2
Time to allow duty holders to adapt	1
Predictability of the outcomes	1
Stability of the legal framework	1
Clarity of the legal texts	2
Guidance documents and implementation support	3
Effective implementation and enforcement across Member States	2
Consistent implementation and enforcement across Member States	2
Public awareness and outreach	2
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 answers provided to this question are mainly directed towards the biocide legislation. The Biocide active substance review program is not transparent and not predictable. The discussions on active substances remain opaque up to a late stage (post BPC). The rules/interpretations are changing constantly leading to legal uncertainty.

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	1
Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.)	2
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	1
Risk management measures regulating the safe use of chemicals (e.g. packaging requirements or requirements for the use of personal protective equipment)	1
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 answers provided to this question are mainly directed towards the biocide legislation. Risk assessment of biocides is a moving target with over-conservative approaches. 'Science' is used to justify political objectives.
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

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 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?	If you answered yes, please indicate what these are. A note on biocides: the biocide legislation is extremely onerous but all the financial burden is taken by Industry, including the salaries of MS staff.

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	3

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

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

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	Data sharing across legislations
Overlaps	CLP and BPR classification of mixtures; RoHS for REACH authorized substances in articles
Inconsistencies	The biocide legislation is clearly disproportionate and is not consistent with the proportionality of, for instance, REACH: (requirements based on tonnage). The BPR also requires, in addition to the authorization of active substances, the authorization of chemical mixtures (biocidal products), which is inconsistent with, for instance, REACH or with Food contact legislation. BPR and Toy safety Directive and Cosmetic legislation: Manufacturers of artist colours have difficult time to identify what in-can preservative is allowed; Ecolabel scheme not following the biocide legislation but instead selecting hazard based criteria of their own

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 answers to Q26 where REACH is mentioned

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	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	3
Helpdesks	4
Industry association guidance and materials	5
Other (training, conferences, etc.)	3
Please add further details as necessary	Training and conferences are expensive. Guidance documents can be very long (due to the complexity of the legislation). The longer the harder it gets

Q31: To what extent is CLP enforced in a harmonised manner across Member States?

I don't know,

Please add further details as necessary
Overall it is harmonized but there are still diverging opinions/view across MS that need discussions in FORUM or HelpNet. The discussion on the classification of preparations including other preparations is an example of diverging views among MS.

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	4
International harmonisation through the Globally Harmonised System (GHS)	2
If you answered 1, 2 or 3 and would like to provide further information, please explain your answer	The implementation of the CLP critria is not easy and require expertise, training, expensive softwares,. 20 years ago a non-expert would develop safety data sheet as a part time job when nowadays dedicated staff is needed. This is very tough for SMEs. GHS is a good initiative to reach harmonization on hazard based criteria but still is implemented in too many different ways accross the world.

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 sufficient,

Please elaborate if you answered that the transition period is too short or too long.
Sufficient time is generally given to implement the new classification of substances. This is not always the case for biocidal products as the revised classification of a mixture requires prior approval by a MS Authority.

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	3
Involvement of stakeholders	2
Quality of scientific data and related information	4
Speed of the procedure	I don't know

If you answered 1, 2 or 3 and would like to provide further information, please explain your answers
Industry stakeholders have little chance of reaction for a substance in the hands of the RAC Committee.

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