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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Paola DI DISCORDIA
Organisation/company	European Special Glass Association
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.	053892115799-18
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 other non-metallic mineral products (C23)
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	I don't know
Protecting the environment	I don't know
Ensuring a well-functioning internal market**	I don't know
Stimulating competitiveness and innovation	I don't know

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	2

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	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

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),

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),

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),

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) ,

Good Laboratory Practice (Directives 2004/9/EC and 2004/10/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 Decision based only on hazard gives rise to excessive and undue managmeent burdens. Legislation should be based on risk in order to protect efficiently human health and the environment, and to secure competitiveness and jobs. Overprecautious / no scientifically justified safety assessments should be avoided. Background contamination should be taken into account.
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. Inception impact assessment should be systematic and better address employment and competitiveness issues across the business chain. Instead of a ban of products or applications by reference to the protection of extremely targeted population, the recourse to adequate labelling/restriction should be favored as a valid regulatory alternative. Moreover, there is a physical / chemical limit the possibility of substitutions, which should be recognized instead of forcing companies to pursue undue research for substitution (e.g. glass constituents under the RoHS). Emphasis of chemical legislation should be on risk, not hazard, hazard being one of the components of risk. The other factors leading to risk (presence of a receptor and pathway) seem often ignored.

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	3
Speed with which hazards/risks are identified	3
Speed with which identified risks are addressed	3
Time to allow duty holders to adapt	3
Predictability of the outcomes	2
Stability of the legal framework	3
Clarity of the legal texts	3
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	I don't know
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.	We need non ambiguous dispositions in EU legislation in order to have a common level playing field across MS. Harmonisation and international collaboration are too low and this is creating barriers to trade. We need more stability and predictability and longer adaptation framework, and longer derogations under RoHS. Implementation, enforcement and harmonization could be favourably influenced by a use of régulations rather than directives. The use of directives has led to some uneven implementation and interpretation by the authorities across Europe. Issues are often related to misinterpretation of intent, subtitles and varying existing legal framework.

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	1
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	4
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.	There is a tendency to promote larger safety factors, without scientific justification. It gives rise to extremely low limit values whose implementation cost is creating an excessive burden. The ban or limitation RMM for chemicals is then disproportionate to the objectives. Hazard communication (under CLP) has become more complete, but also more, leading to information overload and hence lesser understanding for workers. Excessive labbelling (beyond pictogrammes (H and S sentences in multiple languages) and difficult to read extended safety data sheets lead to dilution of valuable information and hence to an effect contrary to the intent.

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 It is not necessary in all cases as the systematic recourse to GLP is not adapted to all situations.

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 , 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 , Other (please specify) Classification has a domino effect on a range of EU legislation, without taking into account specific risk assessment
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)

Novel areas of concern sufficiently addressed by framework	3

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	Glass is not harmonized with regard to food contact
Overlaps	Glass is a substance but it is treated as a mixture under ROHS.
Inconsistencies	Glasses are substances. They are treated as mixtures under the ROHS. This repeated requests for ROHS derogations put excessive and unuseful burden on the optical glass industry.

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.

The derogation under the ROHS may overlap the authorization process.
Some ROHS measures are inconsistent :
Limit for lead in ROHS is not consistent with REACH Annex XVII, item 63 for Pb
Limit for cadmium in ROHS is not consistence with REACH Annex XVII, item 23 for cadmium

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?	5
To what extent are CLP labels effective in communicating hazards to consumers?	I don't know

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	No experience
Industry association guidance and materials	No experience
Other (training, conferences, etc.)	3
Please add further details as necessary	Clearer official summaries of the status of exemptions under ROHS would be appreciated. Associations and consultants are currently fulfilling the information role, but are sometimes behind legal developments. Likewise, clearer informatin (tables, lists) on implementation measures Under the Ecodesign directive (particularly, when chemical restrictions will be included) would be appreciated.

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 Enforcement of CLP across the EU seems mediocre, particularly concerning hte provision of CLP compliance SDS. Even after numerous requests, some suppliers are still not supplying compliant SDS.

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	3
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	Implementation by duty holders : very complicated and expensive Major issues are observed due to the implementation of different version of the GHS across the globe, in addition to local viarations/strayhing from the harmonized approach. Stronger harmonisation would reduce the risk of misinterpretation due to subtle variations (building block approach too).

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. As raw materials suppliers do not provide SDS.

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	2
Involvement of stakeholders	3
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

Acces to data and preparatory documents is not direct nor quick enough. Access to meetings is denied and reports are late and not detailed enough. Impression is that access to reserved to a handful of trade associations claiming to be representative.

PAGE 10: Part V: Additional comments

Q35: In case you have any additional comments with relevance for this public consultation, please insert them here.	There is more regulatory burden on EU producers and this may be damaging to their international competitiveness. For instance, respiratory crystalline silica : the CMD should provide a scientific justification when it plans to include a substance which is not harmonized under the CLP, and not rely on assessment by external institutions (IARC)