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PAGE 2: Part I – General Information about Respondents

Q1: **Address**	
Contact name	Joost Vandenbroucke
Organisation/company	Test-Achats / Test-Aankoop
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.**	694466214317-80
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 do not want to be contacted
Q5: **Please indicate whether you are replying to this questionnaire as:**	A consumer 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]:**	*Respondent skipped this question*
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:	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**	4
Stimulating competitiveness and innovation	4

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	3

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 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	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)
,

Plant protection products (Regulation (EC) No 1107/2009)
,

Biocidal products (Regulation (EU) No 528/2012),

REACH, Annex XIII (Regulation (EC) No 1907/2006)
,

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

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)
,

Contaminants in food and feed (Regulation (EEC) No 315/93 and Directive 2002/32/EC)
,

Residues of pesticides (Regulation (EC) No 396/2005)
,

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

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

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

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

Drinking Water (Directive 98/83/EC),

Fertilisers (Regulation (EC) No 2003/2003),

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),

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)

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:	b. Be more oriented towards generic risk considerations (i.e. take more cautious approaches, despite the possibility that certain uses of a chemical that are in the interest of society might be restricted)
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. EU should take more into account the latest scientific knowledge. For example concerning cocktail-effect, nano-materials and hormone-disrupting chemicals. Why has there been no concrete follow-up to the Commission's Communication on mixture toxicity from 2012? Why are there still no scientific criteria for endocrine disrupters, despite legal requirements to do so? Why is the EU is reluctant and late in regulating nano-materials despite such materials being used in a large and growing number of consumer products?

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	1
Time to allow duty holders to adapt	I don't know
Predictability of the outcomes	3
Stability of the legal framework	3
Clarity of the legal texts	4
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	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.	Speed with which hazards are identified and addressed: The time needed for hormone disrupters and nanomaterials are unacceptably long. Various legal deadlines have been passed without taking satisfactory action on hormone disrupters for biocides, pesticides, cosmetics and waste water. No sufficient action is taken to address hormone disrupters in other consumer products. The definition published in 2011 for the term "nanomaterial" , has never consistently been implemented in sector specific legislation such as food and cosmetics. Since the new Commission took office, the implementation of the General Product Safety Directive with regard to chemicals provisions has slowed down, ex.: despite an agreement in the GPSD Committee to address tattoo-inks, the Commission blocks progress. In global, the EU's General Product Safety Directive and Market Surveillance system is really slow. The revision started in 2010, gave only 3 years later a legislative package but this package is blocked already for the last 3 years in Council. And that because of a the country of origin labelling question which is irrelevant for product safety. As a result also enforcement and consistency of enforcement are insufficient. Outcomes are partly unpredictable for consumers: in the area of chemicals management, political and industry interests are placed regularly above societal interests . Clarity of the legal texts: Definitions and requirements are often not used consistently across legislation, e.g. nanodefinition & requirements for EDCs.

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	3
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.)	I don't know
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.	Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.): new pictograms are less clear and not familiar to consumers, more communication efforts are needed.

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?

No,

If you answered no, please explain your answer
All peer reviewed and published scientific literature should be taken into account. Studies done under good laboratory practice (GLP) certification should not be considered to be of higher value compared to well-conducted and well-reported studies, which are not done in GLP certified laboratories. Conformity to GLP does not necessarily mean intelligent study design nor compliance with state-of-the-art science. Some EU agencies such as EFSA tend to ignore non-GLP studies in their risk assessment without looking into their content even though they could contribute to an appropriate assessment based on a weight of evidence approach.

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. , Encouraging research and innovation, generating new jobs, and improving the competitiveness of the EU chemicals industry by encouraging/supporting a shift towards green, sustainable chemistry and a circular economy
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 society in general
Q21: In your view, do any of the following requirements in the legislative framework lead to significant costs for companies?	I don't know, Other (please specify) The approach as seeing this legislation as 'a cost' for companies is wrong. The right question to ask is: "what are the potential risks and costs (direct and indirect) for society, humans, nature, ... if there is no legislation".
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	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	1
Please comment	see above

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	Strongly Agree
The EU chemicals legislation framework has overlaps	Neutral
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	See above. EC/10/2011 (food contact materials regulation): only plastics are comprehensively regulated even though with significant gaps related to colorants, solvents or printing inks. EU rules for more materials are urgently needed. Directive 93/42/EEC: no clear limit values for the content of chemicals in medical devices. 2009/48 (toy safety directive) lacks appropriate level of protection as the CLP values are not suitable to set safe levels for chemical use in toys and as not all relevant chemicals have been regulated with specific limit values. Many consumer articles lack almost completely regulatory provisions for chemicals (child care articles, tattoo inks, packaging, construction products, clothing, furniture, floor coverings, sports equipment, car interiors…) The drinking water directive needs to be enhanced to improve chemical safety of water supply materials.
Inconsistencies	Definitions for nano and requirements on EDCs

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.	*Respondent skipped this question*

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?	I don't know
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	No
Physical	I don't know
Human health	No
Please list any hazard classes that are not covered	A classification and labelling system for hormone-disrupting chemicals should be adoped and also include a hazard class for PBTs and vPvBs - or similar - covering persistent substances.

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	No experience
Industry association guidance and materials	1
Other (training, conferences, etc.)	No experience
Please add further details as necessary	On some important issues there are no guidance documents: The definition for nanomaterials in cosmetics contains unclear terms such as "insoluable" and "bio-accumulative". A guidance to clarify manufacturers labelling obligations don't exist leading to uncertainty. Industry association guidelines often seek to interpret legislation in the most unambitious manner (such as for instance labelling "nano" in the ingredients list of food.

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	I don't know
Appropriateness of classification criteria and methods for substances	2
Appropriateness of classification criteria and methods for mixtures	2
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	see above

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?	I don't know or have no opinion

Q34: To what extent are the current elements of the procedures for harmonised classification & labelling (CLH) satisfactory? (1= not satisfactory; 5= very satisfactory)	*Respondent skipped this question*

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*