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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Terhi Kuljukka-Rabb
Organisation/company	Finnish Commerce Federation
Country	Finland
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.	141376015883-52
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, Other (please specify) This response is provided on behalf of national associations representing the Finnish trade sector from retail up to wholesale and technical trade of chemicals.

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 food products (C10), Manufacture of beverages (C11), Manufacture of textiles (C13), Manufacture of wearing apparel (C14), Manufacture of basic chemicals, fertilisers, plastics and synthetic rubber in primary forms (C20.1) , Manufacture of pesticides and other agrochemical products (C20.2) , Manufacture of paints, varnishes and similar coatings, printing ink and mastics (C20.3) , Manufacture of soap and detergents, cleaning preparations, perfumes and toilet preparations (C20.4) , Manufacture of other chemical products (C20.5), Manufacture of electrical equipment (C27), Manufacture of furniture (C31), Manufacture of games and toys (C32.4), Wholesale and retail trade (G), Transporting and storage (H)
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**	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	4
Protecting the environment	4
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	No opinion or not applicable
Protecting the environment	No opinion or not applicable
Ensuring a well-functioning internal market	The legislation is unclear
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) , Plant protection products (Regulation (EC) No 1107/2009) , Biocidal products (Regulation (EU) No 528/2012),

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

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) ,

Batteries (Directive 2006/66/EC),

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

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

Persistent organic pollutants (Regulation (EC) 850/2004)
,

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) ,

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),

Explosives (Directive 93/15/EEC),

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)
,

Protection of animals used for scientific purposes (Directive 2010/63/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 In most cases it is appropriate and justified that risk consideration includes elements related to the intended use. That is because risk associated with a chemical is very dependent on the specific use. It also applies to risk management measures that they can only be optimized when use related details are taken into account. However, in some cases (e.g. worker safety measures in case of known carcinogens and when exposure is well enough characterized) some base level measures could be taken hazard-based without further in-depth risk assessment. On the other hand, overly cautious approach, as a generic standard, would result in restricting necessary and “good” chemicals on too weak basis. It is important not to widen the use of categorical risk considerations and base risk management measures to weak or even un-proven evidence of risk, use of article 68(2) of REACH being one example. The sector specific risk assessment procedures should be followed whenever existing instead of making decisions regarding acceptability of products in specific uses, e.g. cosmetics and classification of substances under CLP. It is important to clarify the different but interconnected 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. Impacts of risk management decisions on the competitiveness of European industry are not sufficiently taken into account. At best, the potential impacts are estimated before the legislative process, but not necessarily during the implementation phase although business is global. Ex: Under BPR there is an inherent mechanism of banning consumer use of biocidal products which fulfil certain hazard criteria. The potential benefits for society are not normally considered for these products e.g. need to control a serious danger, economic or social impact, i.e. lost business, reduced innovation capacity etc. Ex: Related to transparency of administrative processes it is somewhat unclear how the input from industry via the public consultations related to socioeconomic effects and availability of substitutes is really taken into account in the opinion making process of ECHA committees and in the succeeding decision making phase.

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	2
Predictability of the outcomes	2
Stability of the legal framework	2
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	1
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.	Predictability and stability: Transition from BPD to BPR brought a lot of changes to the previous interpretations and agreements. Some of them are included in the legal text but, in addition, constant changes still appear in the agreements between competent authorities to which companies have to adapt within very tight deadlines. At the same time active substance dossiers submitted more than ten years ago are still in process and potentially subject to changing requirements. Complexity of supply chains of products and long-lasting business contracts between suppliers with their customers is not well understood or taken into account when new provisions and restrictions are put in place with too short transitional periods. This is a challenging to everybody in the supply chain, and extremely challenging to importers and retailers of affected products. Transition from BPD to BPR brought unpredictable changes to past definitions and interpretations with huge challenges for industry to comply with, often within very tight deadlines. In addition the procedure under Article 3(3) is a generator of constant, unpredictable changes, which need to be followed and reflected by business operators whenever new interpretations are given. Enforcement should be more harmonised among Member States. Differences in interpretations and level of requirements partially compromise the goals of well functioning internal market.

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	3
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.	Pictograms are useful and work well in multilingual labels. However, new hazard pictograms are not yet well enough understood by consumers. We think that the authorities' awareness campaigns for consumers should be repeated/continued. The criteria for irritation /corrosivity under CLP have become too tight. In addition, the discrepancy between CLP criteria compared to the corresponding rules under TDG create confusion and unnecessary burden.

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 However, also other relevant standards of high quality than GLP should be recognized as well where existing. This applies especially to phys. chem. and analytical data.

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.

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Reducing the exposure of workers to toxic chemicals and, therefore, avoiding healthcare costs, lost productivity, etc.

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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 consumers
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, Other (please specify) Example: The consequences of interrelationship between risk management decisions and/or procedures under sector specific regulations, especially BPR and PPP, and Prior Informed Consent Regulation.
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. Overlapping work under different legislative frameworks causes unnecessary cost both for industry and authorities. Ex. separate risk assessment and product authorisation processes under BPR and PPP. In addition, a brand new set of requirements which will result in huge costs for authorities at national and EU level is the system being under preparation for harmonized poison center information under CLP. A complex submission system will have to be built in order to enable submission and management of a lot of information on chemicals on EU market in case eventually agreed and adopted as planned.

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	4
Please comment	Mechanisms to tackle emerging issues of potential concern exist in the current legislative framework.

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	Neutral
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.

Overlaps	Occupational health legislation
Inconsistencies	Labelling requirements under BPR and CLP overlap, sometimes they are even contradictory for treated articles. GHS/CLP vs. classification and labelling for the purpose of transport of dangerous goods is not yet harmonized as much as it could be.

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.

Overlapping requirements between REACH and occupational health legislation as well as between REACH and RoHs.

Inconsistencies between REACH and Toy's Directive.

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?	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	4
Helpdesks	4
Industry association guidance and materials	4
Other (training, conferences, etc.)	4

Q31: To what extent is CLP enforced in a harmonised manner across Member States?	Enforcement is not 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	4
Appropriateness of classification criteria and methods for mixtures	3
International harmonisation through the Globally Harmonised System (GHS)	4
If you answered 1, 2 or 3 and would like to provide further information, please explain your answer	Data requirements and applicability of classification methods are challenging especially for importers of chemical mixtures and private label owners. More flexibility is needed to enable better utilization of all relevant data on mixture properties.

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. Adaptation throughout complex supply chains may need more time than usually allowed.

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	4
Involvement of stakeholders	3
Quality of scientific data and related information	3
Speed of the procedure	3

PAGE 10: Part V: Additional comments

Q35: **In case you have any additional comments with relevance for this public consultation, please insert them here.**	The overall complexity, high costs and keeping up with the constantly changing legislation are challenging and burdensome especially to small enterprises with limited resources. New provisions should be such that not only large companies are able to adapt and continue on the market. Legislators as well as implementing authorities should have better understanding of those legislative areas which are affected by their own sector legislation and those other areas should be taken into account as appropriate. The practical implementation and very strict interpretations of the provisions of PIC regulation cause huge administrative burden to industry and authorities in those cases where due to restriction of a specific use also other, bulk, uses are affected by the restriction. In those cases export from EU is also hindered without any positive effects on safety. In addition, substances should never be included in the spcope of PIC based on procedural reasons, without risk assessment. Overlap and discrepancies (e.g. restricltions) between chemical legislation and specific product safety legislation create unclarity among business operators. At least clear and harmonized guidance should be available for these situations. Worker safety legislation has a long history and in that context practical and workable approaches have been created for the safety of workers. For the sake of efficiency better synergies between chemical legislation and worker safety legislation should be sought for risk management, theoretical should be better combined with real life practice, starting from legal level. The 2-year cycle of changing transport legislation does not seem reasonable in the light of safety improvements. In other words, the cost-benefit balance is not justified and the process cycle should be adapted to be longer. When legislation changes and new provisions are set, functioning of supply chains should be understood and should be taken into account in order to set reasonable transitional periods and other measures. The overall complexity of chemical legislation is evident. In general, processes should be simplified, streamlined and speeded up. Complexity and on the other hand interdependency is challenging to companies who need to comply with several legislations. A lot of varying and broad questionnaires with in-depth requests come from customers to the suppliers