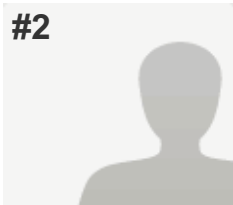


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Time Spent: 00:26:38

IP Address:

PAGE 2: Part I – General Information about Respondents

Q1: Address

Contact name	jerome pero
Organisation/company	FESI
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.

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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 textiles (C13),
 Manufacture of wearing apparel (C14),
 Manufacture of leather and related products (C15) ,
 Manufacture of man-made fibres (C20.6) ,
 Manufacture of rubber and plastic products (C22) ,
 Manufacture of fabricated metal products, except machinery and equipment (C25)
 ,
 Manufacture of games and toys (C32.4) ,
 Wholesale and retail trade (G)

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	3
Protecting the environment	3
Ensuring a well-functioning internal market	2
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 unclear, The legislation is not effectively implemented
Stimulating competitiveness and innovation	The legislation is unclear, 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	4
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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),
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)
,
Water Framework (Directive 2000/60/EC),
Restriction of the use of certain hazardous substances in electrical and electronic equipment (Directive 2011/65/EU)
,
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)
,
EU Ecolabel (Regulation (EC) 66/2010),
Safety of toys (Directive 2009/48/EC),
Detergents (Regulation (EC) No 648/2004),
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)

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
FESI think that EU chemical and chemical-related legislation should 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. Indeed, when developing chemical provisions for consumer-relevant articles it is essential to evaluate the risks to human health and the environment associated with the exposure to chemicals. This process has been called chemical risks assessment. Within REACH this is designated as chemical safety assessment (CSA) and is linked to the specific requirements of this particular legislation (e.g. tonnage thresholds). However, the CSA basic principles and procedures required for the purpose of REACH are equally valid for the assessment of any chemical safety assessment are a useful reference for establishing limit values for articles in any legislation.

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.
Not all relevant considerations are taken into account in regulatory decision making on risk management. The "CEN Guide for addressing chemicals in standards for consumer-relevant articles" is clear that technological feasibility and economic considerations should be taken into account. Thus any legislative proposal should undergo appropriate consideration of risk, socioeconomic impact, or feasibility to implement general limits for products as developed in the REACH restriction process.

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	3
Speed with which identified risks are addressed	3
Time to allow duty holders to adapt	2
Predictability of the outcomes	1
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	2
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.

FESI has noted incoherent implementation of EU chemicals legislation across Member States, and strong differences in terms of enforcement. Indeed, effective and consistent enforcement across all Member States is not satisfactory. The effectiveness of implementation and enforcement strongly varies between Member States. This situation results in a lack of consistency throughout the EU with an impact on legal certainty and predictability among business operators active in Europe. FESI supports the development of global common principles for information sharing, prioritising chemicals for review and evaluation, protection of commercial and proprietary interests and, coherence in hazard and risk assessment. FESI also underlines that third countries develop EU-like initiatives without harmonisation with the EU leading to important inconsistencies.

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	2
Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.)	4
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	2
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.

FESI believes that Risk management option analysis (RMOA) help decide whether further regulatory risk management activities are required for a substance and to identify the most appropriate instrument to address a concern and, is a significant innovation in harmony with the best regulatory outcome for managing risks related to the use of hazardous substances. FESI members therefore see in the actions within substance evaluation which has its own separate process under REACH. FESI believes that the Commission, ECHA and the Member States, in the interest of regulatory efficiency, should seek to ensure that the processes are well coordinated.

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
Moreover, Good Laboratory Practice (GLP), aimed at ensuring the reliability and reproducibility of the data, is not sufficient to foster qualitative decision-making due to a lack of quality in data and robustness.

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

Q21: In your view, do any of the following requirements in the legislative framework lead to significant costs for companies?

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)

Costly external consultancy needs, especially for SMEs
Costly Supply Chain management and capacity building processes

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 3

Please comment EU legislation should be flexible enough to allow research and innovation and use of emerging technologies

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 Strongly Agree

The EU chemicals legislation framework is internally inconsistent Strongly 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. *Respondent skipped this question*

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? 4

To what extent are CLP labels effective in communicating hazards to consumers? 2

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	4
Industry association guidance and materials	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)

Respondent skipped this question

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

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	2
Speed of the procedure	2

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