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PAGE 2: Part I – General Information about Respondents

Q1: Address

Contact name	Malte Becker
Organisation/company	FEC
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 wearing apparel (C14),
 Manufacture of wood and of products of wood and cork except furniture (C16)
 ,
 Manufacture of paints, varnishes and similar coatings, printing ink and mastics (C20.3)
 ,
 Manufacture of rubber and plastic products (C22) ,
 Manufacture of other non-metallic mineral products (C23)
 ,
 Manufacture of basic metals (C24),
 Manufacture of fabricated metal products, except machinery and equipment (C25)
 ,
 Manufacture of electrical equipment (C27),
 Manufacture of games and toys (C32.4)

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

Medium-sized enterprise (under 250 employees)

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	4
Protecting the environment	4
Ensuring a well-functioning internal market	2
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:

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	3
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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)
,
Inland transport of dangerous goods (Directive 2008/68/EC)
,
Carcinogens and mutagens at work (Directive 2004/37/EC)
,
Young people at work (Directive 1994/33/EC),
Pregnant workers (Directive 1992/85/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

Consultation on the regulatory fitness of chemicals legislation (excluding REACH)

major-accident hazards involving dangerous substances (Seveso) (Directive 2012/18/EU)

,

Water Framework (Directive 2000/60/EC),

Marine Strategy Framework (Directive 2008/56/EC),

Restriction of the use of certain hazardous substances in electrical and electronic equipment (Directive 2011/65/EU)

,

Batteries (Directive 2006/66/EC),

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

,

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

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)

,

Other (please specify)
Ceramics (84/500/EEC, 2005/31/EC, 333/2007);
FCM (1935/2004); Adhesives 1895/2005; CoE Guide on Metals and Alloys in FCM & FCA [CM/Res(2013)9], GMP 2023/2006

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:

c. Remain as it is because the balance is more or less right (i.e. the legislation ensures appropriate application of specific risk assessments and generic risk considerations)

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.

I don't know,

If you answered no, please explain which considerations are not (sufficiently) taken into account and, if relevant, explain which legislation you are referring to.

SEC is considering competitiveness, however, for instance in REACH Authorisation, the overarching criteria of acceptability remains the substitution potential; the same logic applies to the exemption process according to Art.5 of RoHS2 (2011/65) Combination/cocktail effects or Grouping considerations are not used widely to date and we doubt whether there exist sufficient evidence to take these factors meaningfully and unambiguously into account. Moreover, the question how to link in practice and to determine the effects of different substances for instance in Food Contact Materials remains unclear.

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	4
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	4
Stability of the legal framework	2
Clarity of the legal texts	2
Guidance documents and implementation support	3
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	2
Public awareness and outreach	3
International collaboration and harmonisation	1

Please explain your answers and list any other aspect you consider relevant. If you have specific legislation in mind, please specify it.

Limited enforcement of EU legislative requirement (to combat free-riders) as well as diverse Member States regulation in non-harmonised areas are disrupting internal activities and create high burden to manufacturing industry. In case of non-harmonised EU legislation, "mutual recognition" between Member States for substances (chemicals, metals, etc.) used as food contact materials and articles does not function always well.

Q17: In your view, to what extent are the following elements of risk management satisfactory? (1= not satisfactory, 5= very satisfactory)

Hazard identification criteria	I don't know
Risk assessment and characterisation	4
Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.)	5
Hazard and risk communication measures to workers (e.g. labels, pictograms, safety data sheets etc.)	5
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)	5
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.	Risk characterization to date mainly based on hazard rather than real risk (taking into consideration exposure to chemicals) mainly due to limited exposure knowledge; furthermore communication in particular with customers and workers is very difficult to proceed based on real risk; it is not uncommon that the concepts of risk versus hazard are often mixed up; The EU Commission should engage more and put more efforts in educating the public on the differences between risk versus hazard.

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.

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

,

Reducing the damage to the environment and to ecosystems and, therefore, avoiding the costs of treating contaminated water, restoring impacted fisheries, cleaning-up of contaminated land, compensating for reduced crop pollinisation, etc.

Consultation on the regulatory fitness of chemicals legislation (excluding REACH)

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 authorities at EU level ,
Costs for authorities at national level ,
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)
The basic REACH requirement "No Data - no market" is a good principle, yet only needs to be fully implemented

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. Requirements in all non-harmonised areas, such as Food Contact Materials, Drinking water - boiler requirements, etc.

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

Emerging information would be mainly relevant for new findings with regard to hazard profiles etc., whereas the exposure to chemicals may not change dramatically with new available information. Hence, overall the existing legislative framework seems to sufficiently address emerging areas, which does not exclude necessary updates if new findings arise.

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 Agree

The EU chemicals legislation framework is internally inconsistent Neutral

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 Non-harmonised Food Contact Materials

Overlaps Substance Restrictions with different rules (REACH, Packaging, Biocides, ...)

Inconsistencies Different migration limits for the same chemicals for different FCM

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? 3

To what extent are CLP labels effective in communicating hazards to consumers? 4

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 4

Helpdesks No experience

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 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 4

Appropriateness of classification criteria and methods for substances I don't know

Appropriateness of classification criteria and methods for mixtures 4

International harmonisation through the Globally Harmonised System (GHS) 4

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)

Transparency of the procedures	3
Involvement of stakeholders	2
Quality of scientific data and related information	4
Speed of the procedure	4

If you answered 1, 2 or 3 and would like to provide further information, please explain your answers

"Scientific" evaluation appears rather in-transparent, based on different perceptions, priorities of stakeholder as well as related to Members States agendas and involvement. Discussions are usually much more politically rather than scientifically sound driven; furthermore, relevant data/information are often missing and are leading to exaggerated extrapolations.

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
