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Collector: Web Link 1 (Web Link)

Started: Thursday, May 26, 2016 8:42:14 AM

Last Modified: Thursday, May 26, 2016 9:18:00 AM

Time Spent: 00:35:46

IP Address:

PAGE 2: Part I – General Information about Respondents

Q1: Address

| | |
|----------------------|------------------------|
| Contact name | Francoise Van Tiggelen |
| Organisation/company | asbl/vzw DETIC |
| 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.

Respondent skipped this question

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

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

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 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) ,
Other,
Other (please specify) Aerosol Technology

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 | 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 | 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:

| | |
|---------------------------------------------|----------------------------------------------------------------------------|
| Ensuring a well-functioning internal market | The legislation is unclear, The legislation is not effectively implemented |
| 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),
,
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),
Urban Waste Water (Directive 91/271/EEC),
Restriction of the use of certain hazardous substances in electrical and electronic equipment (Directive 2011/65/EU)

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

(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),

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

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

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),

Test methods (Regulation (EC) No 440/2008),

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
Regulations are mainly hazard based and not enough taking in to account risk management. CLP labelling does provide to much text, confusing the consumer and not adding benefit (i.e. not addressing any issues highlighted by the PCC).

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.

Member states have different interpretations of the regulatory text and requirements for enforcement are different, because the legislation is unclear. By this harmonization is not achieved. Furthermore the implementation of EU regulations affects competitiveness significantly.

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 | 4 |
| Speed with which identified risks are addressed | 4 |
| Time to allow duty holders to adapt | 1 |
| Predictability of the outcomes | 1 |
| Stability of the legal framework | 3 |
| Clarity of the legal texts | 2 |
| Guidance documents and implementation support | 2 |
| Effective implementation and enforcement across Member States | 2 |
| Consistent implementation and enforcement across Member States | 1 |
| Public awareness and outreach | 1 |

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

For ATP's the transition period should preferably be longer than 18 months, to give industry the time to comply from substance to end mixture and to avoid extra costs (labels, products on shelf, etc.) – Guidance documents are sometimes contradictory with the original legal text or go further than the legal requirements. - Implementation of regulations is mostly consistent across MS but the interpretation and enforcement in MS are very often not streamlined: e.g. Placing on the market (CLP), Multilingual Fold-out labels (CLP), "Bleach" versus disinfection (BPR). Much effort is still needed for harmonisation. Concerning aerosols, CLP still includes many linguistic errors with regard to the precise wording of mandatory labelling elements. The issue has not been resolved yet. Additionally when corrections will finally be published, there will be no transition period for the Industry to adapt its product labels because corrections apply immediately when published in the OJEU. The Industry has requested that minor variations, which do not affect the obvious meaning of the H and P statements, should be acceptable.

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

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Hazard identification criteria | 2 |
| Risk assessment and characterisation | 3 |
| Hazard and risk communication measures to consumers (e.g. labels, pictograms, etc.) | 1 |
| 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.

When starting to discuss about a specific substance, it looks like the substance is already on a black list, whilst still allowed. This brings a lot of uncertainty to formulators. One negative opinion does not mean that the evaluation is finalized. For communication to consumer, please refer to A.I.S.E. position

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
For some routine tests, GLP has no benefit, but cumbersome and costly as especially for small businesses.

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.

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 national level,

Costs for small and medium sized enterprises,

Costs for large enterprises

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

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

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.
BPR, more expertise based classification system

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 5

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 Disagree

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 | please refer to A.I.S.E. position |
| Overlaps | For aerosols, overlap between Inland transport of dangerous goods and Aerosol Dispensers Directive |
| Inconsistencies | please refer to A.I.S.E. position |

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.

There are interference with the legislation on alcohol denaturation: when there is a change in alcohol denaturation, the complete biocidal products/medical device procedure has to be redone.

As chemical products classification triggers household packaging waste management, the change from DPD/DSD to CLP had a confusing impact.

please refer to A.I.S.E. position

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? 1

Q29: Do the hazard classes in the CLP Regulation cover all relevant hazards?

Environmental Yes

Physical Yes

Human health Yes

Please list any hazard classes that are not covered
please refer to A.I.S.E. position classification and labelling of detergents products (for skin and eye effects), and subsequent application issue in member states (CLP)

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 | 3 |
| Industry association guidance and materials | 4 |
| Other (training, conferences, etc.) | 5 |
| Please add further details as necessary | We see a strong need to support company via dedicated sectoral training (DETIC Institute) and this is a great benefit to do it in collaboration with the National and European authorities. The service of National Helpdesks suffers from the lack of clarity/certainty in the interpretation of the legislation; |

Q31: To what extent is CLP enforced in a harmonised manner across Member States?

Enforcement is not harmonised across most Member States

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Please add further details as necessary
Classification and labelling of detergents products (for skin and eye effects), and subsequent application issue in member states (CLP)

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 | 2 |
| Appropriateness of classification criteria and methods for substances | 4 |
| Appropriateness of classification criteria and methods for mixtures | 1 |
| 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 | Classification and labelling of detergents products (for skin and eye effects), and subsequent application issue in member states (CLP) GHS-international : Many comments from companies that CLP is based on GHS but there are various differences, which makes international trade based on CLP not workable (EUH sentences, building blocs, etc.) |

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 ATP cover substances, the timing for final mixtures is very often too short. By implementing a stepwise approach with 3 timings would avoid extra costs of relabelling, outdated stocks, etc. - Dateline for 1. SUBSTANCES – 2. DATELINE for PRE-MIXTURES (Raw materials) 3. DATELINE for END MIXTURES A proper setting of transition periods for labelling changes should be long enough to avoid unnecessary costs impact.

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 | 3 |
| Quality of scientific data and related information | I don't know |
| Speed of the procedure | 2 |

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

Availability of active substances needed for the manufacturing of in-can preservatives (Biocides Regulation)

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
