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PAGE 2: Part I – General Information about Respondents

Q1: Address	
Contact name	Julianna Karall
Organisation/company	Austrian Non Ferrous Metals Association; Austrian Mining and Steel Association
Country	Austria
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
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 basic metals (C24), Manufacture of fabricated metal products, except machinery and equipment (C25)

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	4
Protecting the environment	4
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	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 not effectively implemented
Stimulating competitiveness and innovation	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

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),

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 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),

Drinking Water (Directive 98/83/EC),

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

Good Laboratory Practice (Directives 2004/9/EC and 2004/10/EC)
,

Other (please specify) Bauprodukte-RL

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 Wenn eine Risikomanagementoptionen-Analyse auf spezifische Verwendungen abstellt, ist das Ergebnis treffsicherer als im Falle einer generischen Risikobetrachtung
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. Die Einstufung nach CLP ist gefahrenbasiert und stellt auf intrinsische Eigenschaften eines Stoffes/Gemisches ab. Sozio-oekonomische Erwaegungen werden in diesem Prozess nicht beruecksichtigt. Die harmonisierte Einstufung von einem Metall kann erheblich nachteilige Konsequenzen auf das Recycling, die Kreislaufwirtschaft und die Ressourceneffizienz von anderen Metallen haben, wenn die Metallschrotte Verunreinigung des eingestuften Stoffes oberhalb des - zu streng angesetzten - spezifischen Konzentrationslimits enthalten. Es sollte eine Moeglichkeit geben, sozio-oekonomische Erwaegungen bei regulatorischen Entscheidungen in Betracht zu ziehen.

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	2
Time to allow duty holders to adapt	2
Predictability of the outcomes	1
Stability of the legal framework	3
Clarity of the legal texts	3
Guidance documents and implementation support	3
Effective implementation and enforcement across Member States	3
Consistent implementation and enforcement across Member States	3
Public awareness and outreach	3
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.	Die Moeglichkeit zur Teilnahme an oeffentlichen Konsultationen bietet gewisse Transparenz. Wenn man dem Risikobewertungsausschuss ein unabhaengiges Beratungsgremium zur Seite stellen wuerde (aehnlich SCHER) zur Klaerung spezifischer wissenschaftlicher Fragen, wo wenig Expertise vorhanden ist oder es geteilte Meinungen gibt, wuerde dies mehr Transparenz schaffen. Die Schnelligkeit, mit der Gefahren/Risiken identifiziert bzw. angegangen werden, ist kein geeigneter Massstab fuer die zufriedenstellende Qualitaet einer Regelung. Wenn Folgekonsequenzen einer Massnahme wie der harmonisierten Einstufung vorab besser abgeschaetzt werden (z.B. Folgeeinstufungen fuer weitere Metalle oder Qualifikation als Seveso-Betrieb nach harmonisierter Einstufung eines Stoffes), koennen schwerwiegende/unbillige Folgen vermieden werden. Aufgrund unklarer Gesetzesbestimmungen koennen mitunter Interpretationsschwierigkeiten entstehen. Klarstellungen koennen Leitlinien schaffen. Allerdings koennen diese aufgrund der hohen Regelungsdichte KMU ueberfordern. Internationale Harmonisierung ist sehr wichtig, da viele EU-Unternehmen global taetig sind, und niedrigere Standards im EU-Ausland die Abwanderung aus der EU beguenstigen koennen.

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.)	3
Hazard and risk communication measures to workers (e.g. labels, pictograms, safety data sheets etc.)	3
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)	I don't know
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.	Fuer ein ordentliches Risikomanagement, sollte die Gefahr nicht ohne Bedachtnahme auf die Exposition/Verwendungen beurteilt werden. Nicht immer nehmen Kriterien zur Definition der Gefahr auf die Besonderheiten von Metallen und Metallverbindungen Bedacht (z.B. Bioverfuegbarkeit). Im Kontext von CLP sollte die "relative Bioverfuegbarkeit" durch eine gemeinsame Methode anerkannt werden. Die Identifikation von Gefahren ist eine sich staendig weiterentwickelnde Wissenschaft. Manche gefahrenbezogenen Fragen koennen auf Basis der heutigen wissenschaftlichen Erkenntnisse nicht ausreichend beanwortet werden z.B. wie Abbaubarkeit bei inorganischen Stoffen zu beruecksichtigen ist. An Konsumenten gerichtete Gefahrenkommunikation ist stark auf die Information ueber Gefahren, und zu wenig auf die sichere Verwendung von Stoffen/Gemischen ausgerichtet. Gerade die Information, wie Stoffe bzw. Gemische sicher zu verwenden und zu entsorgen sind, wuerde Konsumenten einen Mehrwert bringen.
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. , 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?	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
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)

Please comment	Der Rechtsrahmen ist stabil genung um neue Erkenntniss und Bedenken ausreichend aufzugreifen. In manchen Faellen, koennen adaequae Loesungen auch ausserhalb des rechtlichen Rahmens gefunden werden. Beispiel: Risikomanagementoptionen-Analyse, deren rechtliche Verankerung wuenschenswert waere. Die adaequate Antwort auf neue Bedenken muss stets von Fall zu Fall beuteilt werden.

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	Agree
The EU chemicals legislation framework has overlaps	Agree
The EU chemicals legislation framework is internally inconsistent	Disagree

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	unterschiedliche Verfahren zur Einstufung nach CLP, Biozidprodukte- und Pflanzenschutzmittelrecht; PACT sollte alle Regelungsinitiativen zu einem Stoff anzeigen zwecks besserer Uebersichtlichkeit; keine rechtliche Handhabe zur Bereinigung unterschiedlicher Eintraege betreffend denselben Stoff/Gemisch im Einstufungs- und Kennzeichnungsverzeichnis bzw. zur Erzielung eines Einvernehmens iSd Art 41 CLP; Pilotprojekte zur Bereinigung des Inventories bauen auf freiwilliger Partizipation der Meldepflichtigen auf; Ein Hinweis auf die Gruende (z.B wegen Verunreinigungen) fuer unterschiedliche Eintraege im C&L Inventory waere wuenschenswert; Bezugnahme auf C&L Inventory in Briefing Profiles / Infocards ist manchmal unzureichend, weil die Gruende fuer die konkrete Einstufung nicht ersichtlich sind; die Bezugnahme auf ein REACH Registrierungs Dossier waere zu bevorzugen, da im Registrierungsdossier eine angegebene Einstufung zu begruenden ist
Inconsistencies	irrefuehrende Verweise in anderen Rechtsmaterien auf das C&L Inventory: trotz mehrerer Eintraege im Einstufungs- und Kennzeichnungsverzeichnis zu W und Mo wird im BREF/ Self Stand document zu Refraektaermetallen die Meldung mit der "strengsten" Einstufung als Referenz genommen

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.

Verhaeltnis zu Arbeitnehmerschutzrecht: unterschiedliche OEL Werte und Referenz-DNEL (die von RAC abgeleitet werden), - aufgrund unterschiedlicher Methodik der Ansaetze; ob Risikomanagementmassnahmen nach OSH oder CLP/REACH als geeigneter Ansatz in Frage kommen, sollte bereits in der Risikomanagementoptionen-Analyse geklaert werden

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?	2

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	No experience
Industry association guidance and materials	5
Other (training, conferences, etc.)	3

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	4
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)	2

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

If you answered 1, 2 or 3 and would like to provide further information, please explain your answers
Die Methodik und Annahmen, die der Bewertung zugrunde gelegt werden, nehmen nicht immer auf Besonderheiten von Metallen Bedacht.

PAGE 10: Part V: Additional comments

Q35: **In case you have any additional comments with relevance for this public consultation, please insert them here.**	der Fragebogen, der zur Vorbereitung dieser Konsultation als download zur Verfügung steht, ist nicht sehr benutzerfreundlich; Wuenschenswert waere, dass man nach Teilnahme an dieser Konsultation, den ausgefuellten Fragebogen automatisch per e-mail zugeschickt bekommt