



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
Consumer, Environmental and Health Technologies  
**Chemicals**

Directorate-General for Environment  
Green Economy  
**Chemicals**

### CONSULTATION STRATEGY FOR THE FITNESS CHECK ON CHEMICALS LEGISLATION (EXCLUDING REACH)

#### 1. INTRODUCTION

As part of the Commission's Regulatory Fitness and Performance Programme (REFIT)<sup>1</sup>, the European Commission (DG Internal Market, Industry, Entrepreneurship and SMEs and DG Environment) is conducting a fitness check on chemicals legislation (excluding REACH), as well as related aspects of legislation applied to downstream industries.

A fitness check is a comprehensive evaluation of a policy area, assessing the relevance, coherence, effectiveness, efficiency and added value of the legislative framework. It also identifies excessive administrative burdens, overlaps, gaps, inconsistencies and/or obsolete measures. This will promote better legislation, making it more responsive to current and future challenges and help improve implementation.

This fitness check focuses on the risk management of chemicals. It covers chemical and chemical-related legislation governing hazard identification and classification, as well as risk management. This includes chemical-related aspects of legislation on worker safety, transport, environmental protection, chemicals controls and supporting legislation, excluding REACH. Whilst the fitness check covers any aspects of this legislation related directly to chemicals, it does not aim to evaluate, in its entirety, each individual piece of legislation.

For this fitness check, data is collected by means of the following two main studies:

- Study on the regulatory fitness of the legislative framework governing the risk management of chemicals (excluding REACH), in particular the CLP Regulation and related legislation (coordinated by DG GROW) (*cited as 'Study 1'*)
- Additional study in support of the fitness check (coordinated by DG ENV) (*cited as 'Study 2'*)

Data from other relevant studies will also be used, where relevant and appropriate.

Stakeholder consultation is a key component of this fitness check to identify the most relevant issues, to collect data in response to the evaluation questions (outlined in the

---

<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Regulatory Fitness and Performance (REFIT): Results and Next Steps', COM(2013) 685 final, 2 October 2013

fitness check roadmap) and to ensure a balanced and comprehensive assessment of the legislative framework.

## **2. CONSULTATION OBJECTIVES**

These are the objectives of the consultation activities of this fitness check:

- to identify inconsistencies, overlaps, regulatory gaps, obsolete measures and cases of excessive regulatory burdens
- to collect information and evidence related to effectiveness, efficiency and relevance of the provisions and mechanisms of the chemicals legislation
- to identify consequences or effects (whether socio-economic, environmental or health-related) of the legislation that were not originally planned
- to collect relevant information on the implementation of the chemical-related provisions of the legislation
- to collect qualitative and (wherever possible) quantitative data on costs and benefits of the implementation of chemicals legislation
- to identify provisions and mechanisms that work well and the added value of EU regulation in this area
- to collect information in order to support the evaluation of whether procedures are sufficiently transparent and take into account the needs of both citizens and other stakeholders

For all these objectives, the consultation is limited to the legal scope of the fitness check and in particular the aspects of the legislation directly related to chemicals.

## **3. STAKEHOLDER MAPPING**

The following stakeholder groups have been identified:

- Public authorities, notably competent authorities responsible for the legislation covered by this fitness check and enforcement authorities in EU Member States
- Companies in both the chemicals industry and downstream industries (using chemical substances or mixtures in the production of other goods); a special emphasis will be placed on Small and Medium-sized Enterprises (SMEs)
- Industry associations covering both the chemicals industry and downstream industries
- Workers employed by the aforementioned industries
- Trade unions
- NGOs (e.g. environmental, health)
- Consumer associations
- Consumers / citizens
- Academia or research/educational institutes

## **4. CONSULTATION TOOLS**

Stakeholders will be consulted by the following means:

- **Public consultation** (one public consultation as part of 'Study 1')
  - The public consultation will gather data on all consultation objectives from all stakeholder groups and will be an opportunity for stakeholders to comment on

issues that affect them. However, the data is likely to lack detail, in particular in terms of quantitative data.

- **SME panel** (one SME panel as part of 'Study 1')
  - The SME panel is a standard component of the Commission's SME Test for evaluations. Similarly to the public consultation, it covers all consultation objectives, albeit with an emphasis on issues relevant to SMEs. As SME feedback through public consultations is usually limited, the SME panel, which reaches out to SMEs directly through the Enterprise Europe Network, will ensure that SME feedback is sufficiently taken into account.
- **Targeted interviews** (separate strands as part of 'Study 1' and 'Study 2')
  - Wherever the public consultation and SME panel lack detail, targeted data collection is conducted for all consultation objectives, in particular in order to collect relevant qualitative and quantitative data on costs and benefits and to identify specific relevant issues. Such targeted consultation will cover all involved stakeholders, except individual citizens/consumers/workers, for whom other consultation tools exist.
- **Stakeholder workshop** (one or two workshops as part of 'Study 1' and possibly 'Study 2')
  - The stakeholder workshop will make it possible to discuss specific issues in more detail and gather ideas without the constraints of standardised surveys and questionnaires.
- **Expert group discussions with competent authorities** at their regular meetings
  - This will allow competent authorities responsible for the legislation covered by this fitness check to provide more detailed information, in particular related to the implementation of the legislation.
- **Eurobarometer** (one survey contributing to both the REACH REFIT Evaluation and the FC)
  - The Eurobarometer will make it possible to reach citizens, including those who did not participate in the public consultation. It will not provide any detailed feedback on specific provisions and mechanisms in the legislative framework, but will provide an indication of the effectiveness of the legislation in achieving objectives specifically related to individual citizens.

The table below demonstrates how each of these tools will be used to collect information from different stakeholders.

	Public authorities	Industry associations	Companies / SMEs	NGOs	Consumer associations	Trade unions	Academia / research institutes	Consumers / workers / citizens
<b>Public consultation</b>	√	√	√	√	√	√	√	√
<b>SME panel</b>			√					
<b>Targeted interviews</b>	√	√	√	√	√	√	√	
<b>Stakeholder workshop</b>	√	√		√	√	√	√	
<b>Expert group</b>	√							
<b>Eurobarometer</b>								√

The public consultation will be conducted in English, German and French. The SME panel and the Eurobarometer survey will be conducted in all EU languages.

## 5. PLANNING

Tool	Timelines
<b>Public commenting of the roadmap</b>	Upon publication
<b>Public internet consultation</b>	4 March – 27 May 2016
<b>SME panel</b>	March – May 2016
<b>Targeted interviews (study 1)</b>	Sept 2015 – May 2016
<b>Targeted interviews (study 2)</b>	Mar 2016 – Dec 2016
<b>Stakeholder workshop (study 1)</b>	19 April 2016 ( <i>t.b.c.</i> )
<b>Stakeholder workshop (study 2)</b>	<i>t.b.d.</i>
<b>Expert groups</b>	<i>t.b.d.</i> <sup>2</sup>
<b>Eurobarometer</b>	<i>t.b.c.</i>

## 6. COMMUNICATION TOOLS

Information on the fitness check will be published on the websites of DG GROW ([http://ec.europa.eu/growth/sectors/chemicals/ec-support/index\\_en.htm](http://ec.europa.eu/growth/sectors/chemicals/ec-support/index_en.htm)) and DG ENV. A link to the public consultation (hosted by the contractor of 'Study 1') will be posted on both websites, as well as on the 'Your Voice in Europe' website. Member States' competent authorities will be encouraged to raise awareness of the public consultation. Information on the results of public consultation, SME panel and workshop will be made available on the websites listed above. In addition, a synopsis report on the overall results of the different consultation activities will be made available in an Annex to the final fitness check report.

---

<sup>2</sup> Meetings of the Expert group of the Competent Authorities for Registration, Evaluation, Authorisation and restriction of CHemicals (REACH) and Classification, Labelling and Packaging (CLP) are scheduled on 23 March and 30 June 2016