

**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**

**SME Panel Results
(excerpt from Task 4:
Consultation Summary)**

prepared for

**DG Internal Market, Industry,
Entrepreneurship and SMEs**



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1 SME Panel Results

1.1 Introduction

This section provides the analysis of the responses to the SME panel consultation, focused on legislation governing the risk management of chemicals (excluding REACH), in particular CLP and related legislation.

The analysis looks at the answers across all respondents and then by different types of respondent, including company size, activities and sectors where there are particular differences between types of respondent.

1.2 Summary of results

Consultation was undertaken through the SME panel among the members of the Enterprise Europe Network (EEN) to ensure that the impacts and opinions of small and medium-sized enterprises are represented within the analysis. The survey was very similar to that of the OPC to provide consistency. There were 245 responses from the SME panel in total, of which 209 were from companies with fewer than 250 employees. It is the responses from these 209 companies that provide the main focus of the analysis. The most common activity undertaken by SMEs due to implementation of the CLP Regulation was training (Q6). In total 89% of all SMEs undertook some training. This is likely linked to the need for staff to understand the new pictograms and hazard and precautionary statements (Q8), with this identified as the training need for 65% of all respondents. In addition, 50% of all respondents reported a short-term increase in costs due to implementation of CLP (Q7). However, a significant proportion of respondents (31%) reported that they had not incurred any short-term costs (they had also not seen any benefits from implementation of CLP).

Some 60% of all SME respondents identified that they incurred significant costs on an annual basis in complying with the CLP Regulation or other chemicals legislation (other than REACH) (Q10). The most common response was training of staff to ensure compliance with legal requirements, with 48% of SMEs identifying that they incurred this cost on an annual basis. This may be linked to the 45% of respondents who identified a cost associated with understanding and keeping up-to-date with changes in legal requirements.

Opinions of SMEs on the EU chemicals legislation overall (Q15) are generally positive in terms of harmonisation of chemicals legislation across Member States for the proper functioning of the internal market and on coherence of the legislative framework, with 98 (of 202) agreeing or strongly agreeing with the first statement and 93 (of 204) agreeing or strongly agreeing with the second. There are some negative opinions on the extent to which EU chemicals legislation is consistently enforced by Member States. More manufacturers, importers¹ and formulators disagreed or strongly disagreed with this statement than agreed or strongly agreed with it.

¹ This is a small sample size of 30 where 9 disagreed/strongly disagreed compared with 8 who agreed (there were no respondents who strongly agreed).

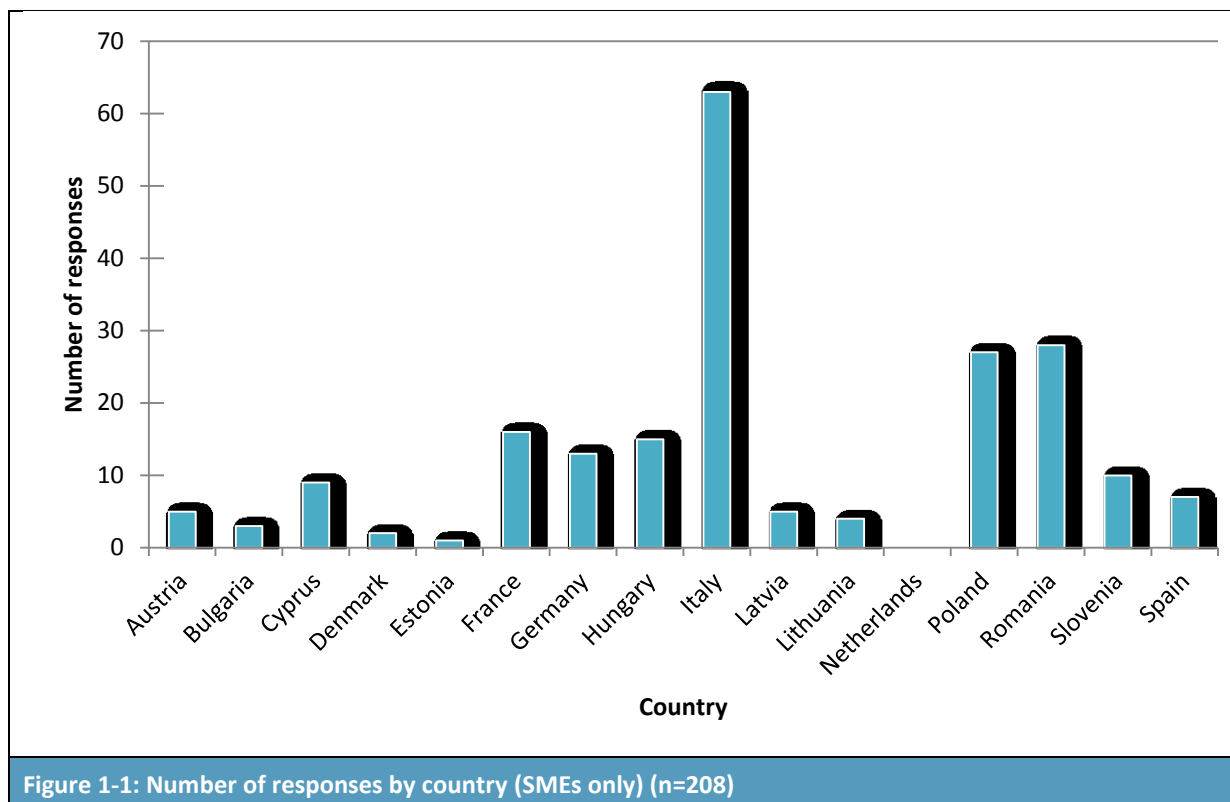
1.3 Section 1.1: You and your company

1.3.1 Q1: In which country are you based?

There were 245 responses to this question². Table 2-1 shows the number of responses received from each country, together with the percentage that this represents of the 208 responses from SMEs and from the total of 245 responses (SMEs and non-SMEs). There were responses from 16 Member States in total, with no responses being received from Belgium, Croatia, Czech Republic, Finland, Greece, Ireland, Luxembourg, Malta, Portugal, Slovakia, Sweden, or United Kingdom. Figure 2-1 presents the information in graphical form, clearly showing that the largest numbers of responses are from SMEs in Italy (63 or 26%), Romania (28 or 11%) and Poland (27 or 11%).

Country	SMEs only (n=208)		All responses (n=245)	
	Number of responses	Percent of all responses	Number of responses	Percent of all responses
Austria	5	2%	10	4%
Bulgaria	3	1%	3	1%
Cyprus	9	4%	9	4%
Denmark	2	1%	2	1%
Estonia	1	0%	2	1%
France	16	7%	16	7%
Germany	13	5%	20	8%
Hungary	15	6%	15	6%
Italy	63	26%	67	27%
Latvia	5	2%	6	2%
Lithuania	4	2%	5	2%
Netherlands	0	0%	1	0%
Poland	27	11%	31	13%
Romania	28	11%	33	13%
Slovenia	10	4%	14	6%
Spain	7	3%	11	4%

² There was also one response which did not give the country but did answer the majority of the rest of the questions



1.3.2 Q2: Apart from the country in which your company is based, in how many countries of the EU do you regularly sell products and/or services?

There were 242 responses to this question (in total, SMEs plus non-SMEs), with the results summarised in Table 2-2. The largest number of respondents, 114 (47%), sell their products and/or services in 5 or more countries, while 19% only sell their products in their home market.

Number of other countries	Number of responses	Percent of all responses
None	45	19%
1	25	10%
2	20	8%
3	24	10%
4	14	6%
5 or more	114	47%

Some of the responses are from companies or groups who report that they have 250 employees or more, which is not considered to be an SME. Those companies with 250 or more employees and those who only answered for a group with 250 or more employees have also been removed leaving the analysis for companies and groups with fewer than 250 employees, plus those who responded for a company with fewer than 250 employees but are in a group with 250 or more employees. The analysis focuses on responses from SMEs (i.e. without responses from those with 250 or more employees), but any differences between SMEs and larger responses are identified where particularly noticeable. There are 194 responses from SMEs to this question.

When companies or groups with 250 employees or more are removed, the breakdown changes to that shown in Table 2-3. The results show that 41 of the 45 respondents (91%) that sell their products in their home market only are SMEs, whereas only 82 of the 114 respondents (72%) that sell their products in 5 or more other countries are SMEs. While the largest individual response is still '5 or more', this has reduced to 40% of all responses from companies (82 responses) compared to 47% when >250 employee companies are included.

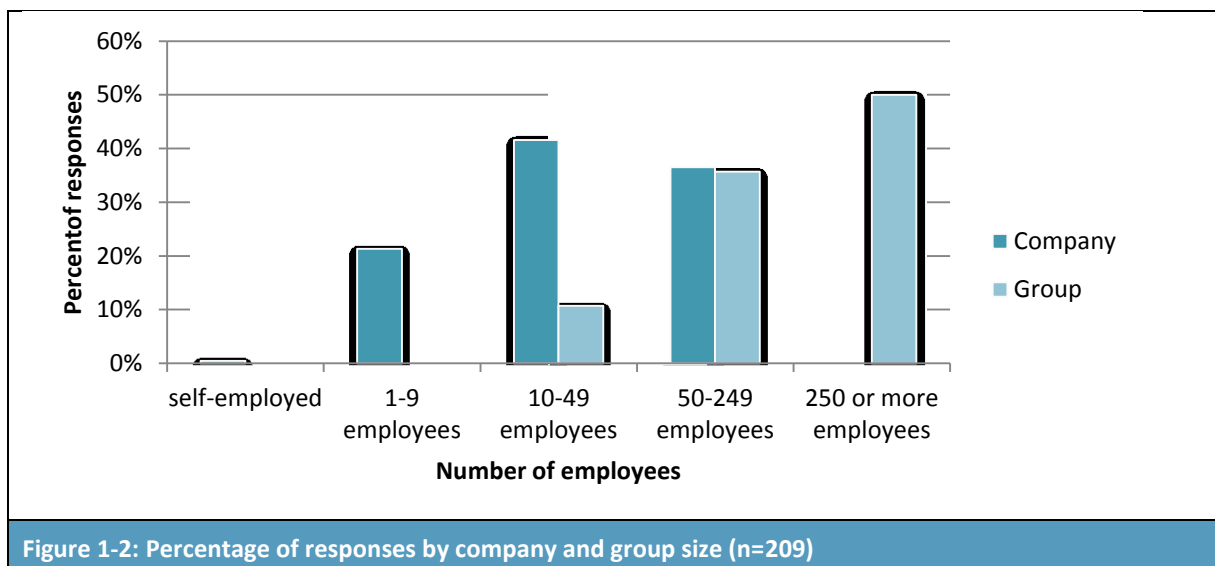
Number of other countries	Number of responses	Percentage of all responses
None	41	20%
1	25	12%
2	21	10%
3	24	12%
4	13	6%
5 or more	82	40%

1.3.3 Q3: Indicate which of the following best describes the size of your company/your group of companies

There were 209 responses to this question from companies/groups with fewer than 250 employees. Table 2-4 shows the number and percentage of responses by company and group size (note some respondents identified themselves as both a company and a group, giving 225 answers in total). Figure 2-2 presents the results (as percentages). Both the table and figure show that company sizes are smaller than group sizes. The mode (most common) company size is 10-49 employees, but for groups this is 250 or more employees (reflecting the number of respondents who also included the group size in their response). The mean company size is 50-249 employees when based on an estimate of the weighted mean³.

Number of employees	Company (n=197)		Group (n=28)	
	Number	Percentage	Number	Percentage
Self-employed	1	1%	0	0%
1-9 employees	42	21%	0	0%
10-49 employees	82	42%	3	11%
50-249 employees	72	37%	10	36%
250 or more employees (non-SMEs)	0	0%	14	50%

³ Assumed 1 employee for self-employed, and mid-points of 5 for 1-9 employees, 30 for 10-49 employees, and 150 for 50-249 employees gives a weighted mean of 68.



The size of a company can also be compared against the number of countries in which products and/or services are sold. These figures are presented in Table 2-5. The table presents figures for companies only (hence it excludes the 28 groups included in Table 2-4, above). The table shows that the numbers of countries in which products/services are sold generally increases as the number of employees increases. Given the very small number of responses from 'self-employed' (one), the remaining analysis only considers breakdown by those companies with 1-9, 10-49 and 50-249 employees.

Number of other countries	Self-employed (n=1)		1-9 employees (n=41)		10-49 employees (n=80)		50-249 employees (n=72)	
	No.	%	No.	%	No.	%	No.	%
None	0	0%	19	46%	16	20%	5	7%
1	0	0%	6	15%	14	18%	5	7%
2	0	0%	4	10%	9	11%	7	10%
3	1	100%	3	7%	13	16%	6	8%
4	0	0%	0	0%	8	10%	5	7%
5 or more	0	0%	9	22%	20	25%	44	61%
Weighted mean	4.0		2.7		3.5		4.8	

1.3.4 Q4: Indicate the term that best describes your company and its activities

There were 205 responses to this question from companies with fewer than 250 employees. Table 2-6 presents the results showing all those who indicated that they undertook each of the activities (each respondent could indicate more than one choice; hence, the total exceeds the 205 responses). Subsequent analyses report variations between responses by those undertaking the different activities where these are particularly notable.

Table 1-6: Number and percentage of responses by activity (n=205)

Activity	Total number of companies indicating this activity (n=205)		Number of respondents undertaking this activity only (n=158)		Number of respondents undertaking two activities (n=32)		Number of respondents undertaking three or more activities (n=15)	
	No.	% ¹	No.	%	No. ²	% ¹	No. ²	% ¹
Manufacturer	103	50%	70	44%	20	63%	13	87%
Importer	31	15%	9	6%	12	38%	10	67%
Formulator	42	20%	19	12%	10	31%	10	67%
Other downstream user	50	24%	41	26%	3	9%	6	40%
Distributor	46	22%	19	12%	16	50%	11	73%

Notes:
¹ Percentage is calculated over the number of responses (n) rather than the total number of activities indicated to show the proportion of responses where this activity was undertaken by their company
² Number includes counts of companies for each activity indicated, e.g. a manufacturer and importer is counted under both categories, hence exceeds the number of responses (n)

The number of companies undertaking each activity can also be considered by size. The results are presented in Table 2-7. The table shows that importers has the highest percentage of companies with 1-9 employees (32% or 10) while the lowest percentage is for formulators (14% or 6). The highest percentage for companies with 10-49 employees is distributors (57% or 26) and the lowest is other downstream users (28% or 14). For companies with 50-249 employees, it is other downstream users that has the highest proportion (52% or 26) while distributors has the lowest (15% or 7). There are 58% of manufacturers and 57% of formulators with 49 employees or fewer. This increases to 74% of importers and 83% of distributors. Only “other downstream user” shows the majority of companies having 50-249 employees (52%).

Table 1-7: Number and percentage of responses by activity and by size of company (n=205)

Size	Manufacturer (n=103)		Importer (n=31)		Formulator (n=42)		Other downstream user (n=50)		Distributor (n=46)	
	No.	% ¹	No.	%	No.	% ¹	No.	% ¹	No.	% ¹
1-9 employees	20	19%	10	32%	6	14%	10	20%	12	26%
10-49 employees	40	39%	13	42%	18	43%	14	28%	26	57%
50-249 employees	41	40%	8	26%	18	43%	26	52%	7	15%

Notes:
¹ Percentage is calculated over the number of responses (n) rather than the total number of activities indicated to show the proportion of responses where this activity was undertaken by their company

1.3.5 Q5: With which sectors are you involved?

There were 204 responses to this question from companies with fewer than 250 employees. As with the activities, each respondent could indicate as many sectors as were relevant so the number of sectors indicated (493) greatly exceeds the number of individual responses. Table 2-8 presents the results showing the number of sectors indicated. The percentage is calculated based on the number of individual responses (204) to show the relative importance of each sector. The table is ordered by number of companies involved with each sector. The table shows that there is a good mix of sectors covered by the respondents with only ‘toys’ not represented at all.

It is not appropriate to compare responses by sector because of the large number of sectors and a small number of responses per sector.

Table 1-8: Number and percentage of responses by sectors in which companies are involved (n=204)		
Sector	Number of companies involved in this sector	Percentage of responses
Formulation of chemical products	30	15%
Other	29	14%
Biocidal products	28	14%
Speciality chemicals	28	14%
Paints, inks and coatings	26	13%
Basic chemicals	25	12%
Detergents and cleaning products	24	12%
Adhesives and glues	23	11%
Other manufacturing	23	11%
Polymers	20	10%
Plastics	19	9%
Auxiliaries for industry	18	9%
Dyes and Pigments	17	8%
Fertilisers	17	8%
Lubricants, oils and related products	17	8%
Aerosols	15	7%
Food	14	7%
Plant protection products	14	7%
Cosmetics	13	6%
Automotive	12	6%
Other chemicals production activities	12	6%
Packaging	12	6%
Retail	11	5%
Electronics	7	3%
Metals and metal alloys	7	3%
Textiles	7	3%
Personal care products	6	3%
Synthetic Rubber	6	3%
Paper and pulp	5	2%
Aerospace and Defence	4	2%
Furniture	4	2%
Toys	0	0%

1.4 Section 1.2: Impact of CLP implementation on SMEs

1.4.1 Q6: Did you have to undertake any of the following activities as a result of implementation of the CLP Regulation?

The remaining questions focus specifically on the impact of CLP implementation on SMEs. Therefore, the remainder of the analysis only considers responses from those companies with fewer than 250 employees.

There were six possible options available to respondents and 134 responses were received to this question (with this limited to manufacturers, importers and formulators). Table 2-9 presents the

responses, across all respondents and then by manufacturers, importers and formulators. The total number of responses across manufacturers, importers and formulators exceeds 134 as some respondents indicated that they undertook more than one of these activities. Figure 2-3 presents these results graphically to more clearly show the patterns between the different types of activity.

Table 1-9: Number and percentage of responses by activities required due to implementation of the CLP Regulation by activity (n=134)								
Activity	Total across all types of activities (n=134)		Activities of manufacturers (n=76)		Activities of importers (n=30)		Activities of formulators (n=42)	
	No.	% ¹	No.	% ¹	No.	% ¹	No.	% ¹
Training	119	89%	67	88%	25	83%	39	93%
Purchase of new IT and software	42	31%	19	25%	9	30%	26	62%
Re-classification of substances	57	43%	32	42%	13	43%	24	57%
Re-classification of mixtures	78	58%	43	57%	12	40%	38	90%
Re-labelling of products	89	66%	47	62%	19	63%	35	83%
Re-packaging of products	30	22%	17	22%	5	17%	12	29%

Notes:
¹ Percentage is calculated over the number of responses (n) rather than the total number of activities indicated to show the proportion of responses where this activity was undertaken by their company

Figure 2-3 shows that the most common activity was training, with similar levels of respondents indicating that this was required in response to implementation of the CLP Regulation (range from 83% (25) of importers to 93% (39) of formulators). Overall, formulators undertook more activities than manufacturers and importers, with 90% (38) reporting that they had to undertake re-classification of mixtures. This compares with 58% (78) of all respondents, 57% (43) of manufacturers and 40% (12) of importers. Formulators were also more likely to undertake re-labelling of products with 83% (35) highlighting that they had undertaken this activity. This compares with 66% (89) overall, 62% (47) of manufacturers, and 63% (19) of importers. Formulators were also more likely to have purchased new IT and software with this activity undertaken by 62% (26) of formulators but just 31% (42) overall and 25% (19) of manufacturers and 30% (9) of importers.

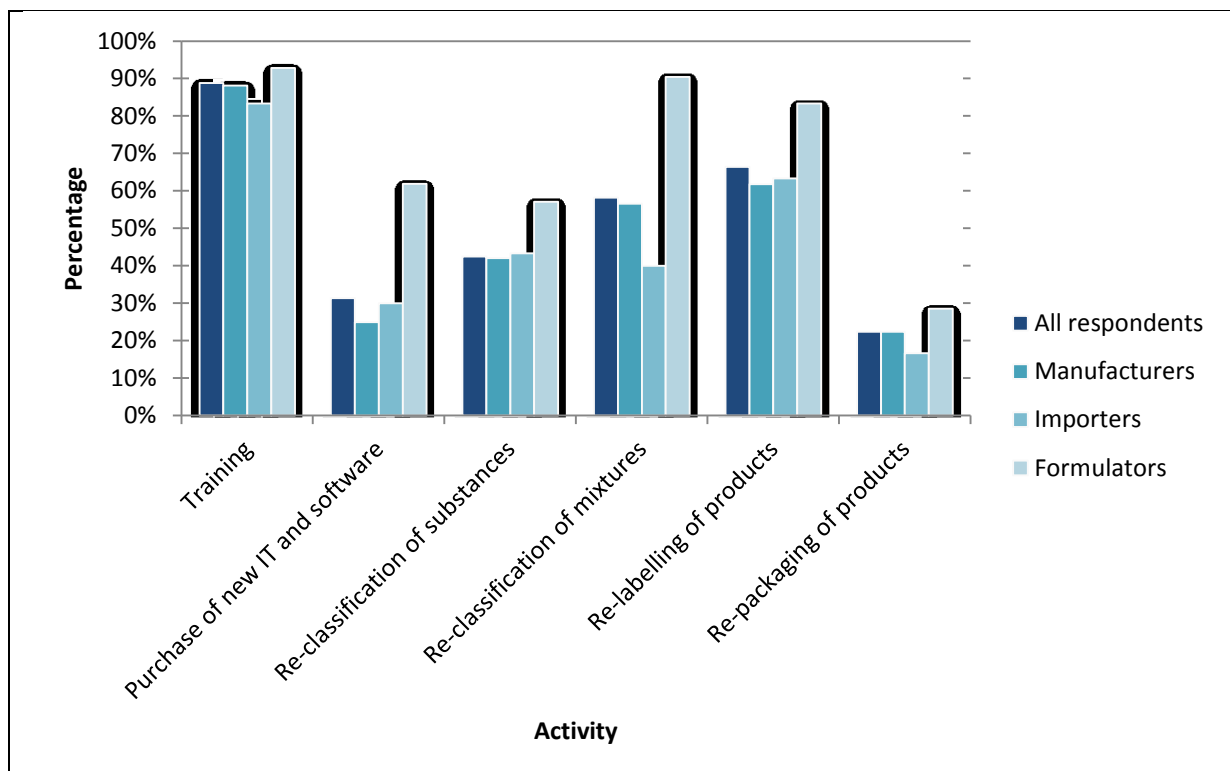


Figure 1-3: Percentage of activities undertaken following implementation of the CLP Regulation by activity (n=134 all respondents, 76 for manufacturers, 30 for importers and 42 for formulators)

These results can be compared with responses by company size, with Table 2-10 presenting a summary of activities undertaken by company size and Figure 2-4 presenting a chart that can be compared with Figure 2-3. The pattern of activities is similar across all company sizes, although those with 1-9 employees appear to have undertaken less re-classification of substances (31% or 8) than those with more than 10 employees (10-40 employees is 46% (28) and 50-249 employees is 45% (21)). Companies with 1-9 employees also undertook less re-classification of mixtures at 35% (9) compared with 64% (39) of those with 10-49 employees and 64% (30) of those with 50-249 employees. Almost all (98% or 46) of companies with 5-249 employees undertook training.

Table 1-10: Number and percentage of responses by activities required due to implementation of the CLP Regulation by company size (n=134)

Activity	Total across all types of activities (n=134)		1-9 employees (n=26)		10-49 employees (n=61)		50-249 employees (n=47)	
	No.	% ¹	No.	% ¹	No.	% ¹	No.	% ¹
Training	119	89%	23	88%	50	82%	46	98%
Purchase of new IT and software	42	31%	9	35%	18	30%	15	32%
Re-classification of substances	57	43%	8	31%	28	46%	21	45%
Re-classification of mixtures	78	58%	9	35%	39	64%	30	64%
Re-labelling of products	89	66%	15	58%	45	74%	29	62%
Re-packaging of products	30	22%	6	23%	16	26%	8	17%

Notes:

¹ Percentage is calculated over the number of responses (n) rather than the total number of activities indicated to show the proportion of responses where this activity was undertaken by their company

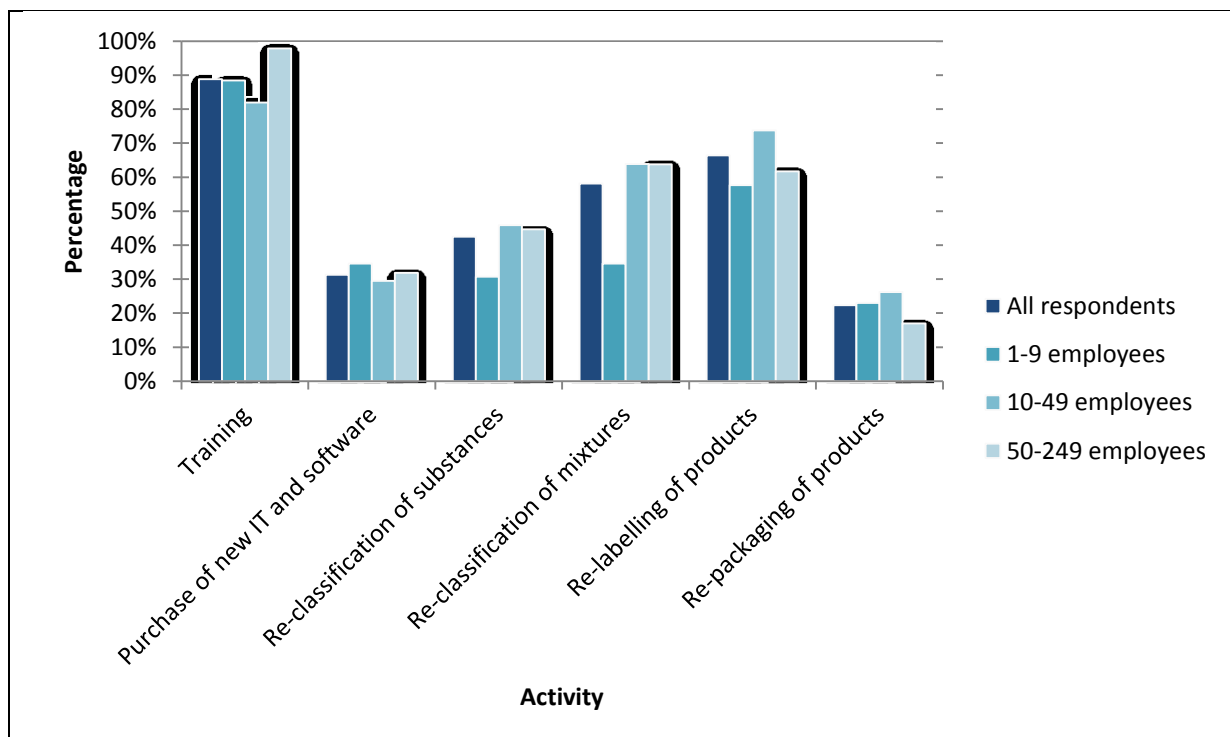


Figure 1-4: Percentage of activities undertaken following implementation of the CLP Regulation by company size (n=134 all respondents, 26 for 1-9 employees, 61 for 10-49 employees and 47 for 50-249 employees)

1.4.2 Q7: Did implementation of the CLP Regulation impact your business in any of the following ways?

There were a total of 145 responses to this question, with the results shown in Table 2-11. The results are given across all manufacturers, distributors and formulators and by each activity separately. The patterns of responses can be more easily seen in Figure 2-5 for negative impacts and Figure 2-6 for positive impacts. Both figures are shown with the same scale on the vertical (y) axis to give a clear indication of the variation in percentage of respondents agreeing that each impact had affected their business.

Table 1-11: Number and percentage of responses by impacts on the business due to implementation of the CLP Regulation by activity (n=145)

Impact	Total across all types of activities (n=145)		Activities of manufacturers (n=82)		Activities of formulators (n=42)		Activities of distributors (n=40)	
	No.	% ¹	No.	% ¹	No.	% ¹	No.	% ¹
Negative impacts for the business								
Required the employment of new staff to meet classification and labelling requirements	27	19%	14	17%	11	26%	11	28%
Led to a short term increase in costs	73	50%	39	48%	25	60%	26	65%
Led to a decrease in sales due to increased competition in the EU market	7	5%	6	7%	0	0%	2	5%
Positive impacts for the business								

Table 1-11: Number and percentage of responses by impacts on the business due to implementation of the CLP Regulation by activity (n=145)

Impact	Total across all types of activities (n=145)		Activities of manufacturers (n=82)		Activities of formulators (n=42)		Activities of distributors (n=40)	
	No.	% ¹	No.	% ¹	No.	% ¹	No.	% ¹
Increased our customer base due to greater harmonisation across the EU	7	5%	5	6%	0	0%	1	3%
Increased our import of products from outside the EU	9	6%	4	5%	2	5%	1	3%
Led to an increase in our ability to export due to greater harmonisation globally	4	3%	4	5%	1	2%	1	3%
Other responses								
None of the above	45	31%	26	32%	11	26%	9	23%
Don't know	15	10%	7	9%	3	7%	6	15%
Other impacts	11	8%	9	11%	3	7%	3	8%
Notes: ¹ Percentage is calculated over the number of responses (n) rather than the total number of impacts indicated to show the proportion of responses where this impact was felt by their company								

A comparison of Figure 2-5 and Figure 2-6 shows that there were many more respondents that agreed with the negative impacts for businesses than with the positive ones. The most common negative impact identified by the SMEs responding to the survey was 'led to an increase in short-term costs' with this indicated by 50% (73) of all respondents, 48% (39) of manufacturers, 60% (25) of formulators and 65% (26) of distributors. In contrast, 45 of the respondents (31%), 26 manufacturers (32%), 11 formulators (26%) and 9 distributors (23%), replied that 'none of the above' applied to them, with this representing a larger number of respondents than for many of the negative impacts on businesses. The pattern across type of activity is reasonably similar across both negative and positive impacts, although formulators and distributors do appear slightly more likely to suggest negative impacts than manufacturers. Manufacturers also indicated that they had experienced all three of the positive impacts (not the same manufacturers), but these were at very low levels (6% and lower across the three positive types of impact).

The short-term increase in costs could, perhaps, be associated with the types of activities required that were identified in Q6. This shows that 88% of manufacturers, 83% of importers and 93% of formulators undertook training following implementation of the CLP Regulation. Other sources of costs could come from the need to re-label products, with this undertaken by 62% of manufacturers, 63% of importers and 83% of formulators. (However, it should also be noted that only 48% of manufacturers indicated a short-term increase in costs, although all undertook training; this is likely to be due to the fact that training in relation to health and safety may be obligatory).

Manufacturers were most likely to have experienced no stated impacts at 32% (26) compared with 26% (11) of formulators and 23% (9) of distributors.

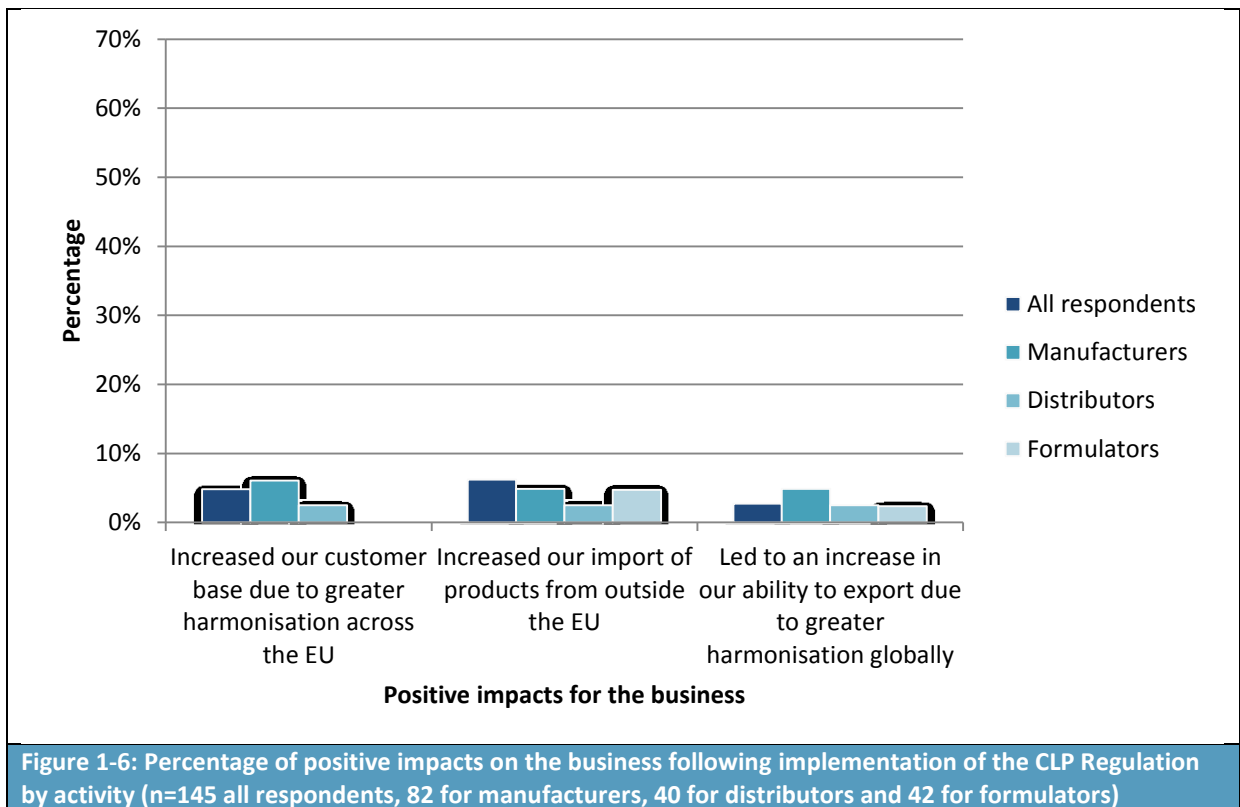
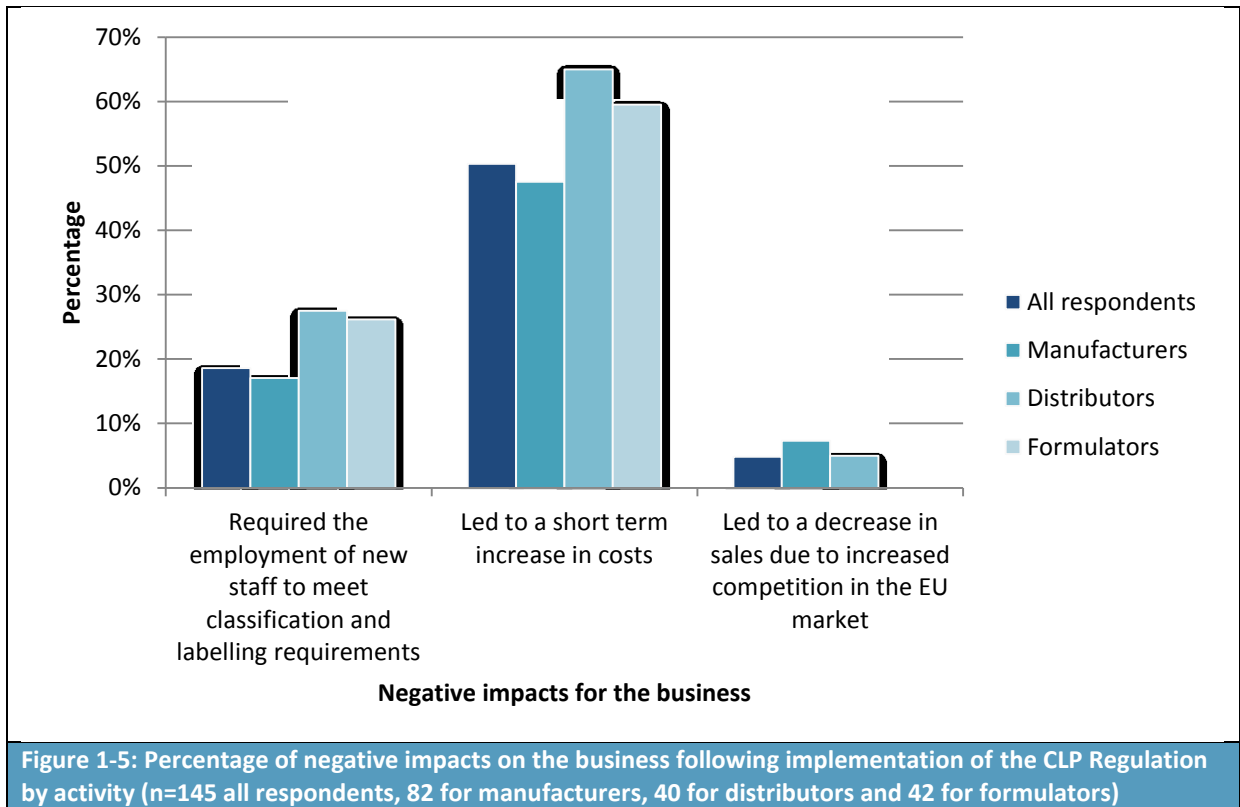


Table 2-12 and Figure 2-7 and Figure 2-8 present the breakdown of impacts by company size. These show that fewer companies with 1-9 employees identified that their business had been impacted by

implementation of the CLP Regulation than larger companies. Just 37% (11) of companies with 1-9 employees stated that there had been a short term increase in costs compared with 62% (40) of companies with 10-49 employees and 44% (21) of companies with 50-249 employees. Similarly, just 7% (2) of companies with 1-9 employees highlighted that they had had to employ new staff to meet classification and labelling requirements. This compares with 22% (14) of those with 10-49 employees and 21% (10) of those with 50-249 employees. The levels of positive impact are all at a low level, with the most responses (10% or 3) being from companies with 1-9 employees who said that they had increased import of products from outside the EU. This compares with 4% (2) of companies with 50-249 employees and 5% (3) with 10-49 employees.

Table 1-12: Number and percentage of responses by impacts on the business due to implementation of the CLP Regulation by company size (n=145)

Impact	Total across all types of activities (n=145)		1-9 employees (n=30)		10-49 employees (n=65)		50-249 employees (n=48)	
	No.	% ¹	No.	% ¹	No.	% ¹	No.	% ¹
Negative impacts for the business								
Required the employment of new staff to meet classification and labelling requirements	27	19%	2	7%	14	22%	10	21%
Led to a short term increase in costs	73	50%	11	37%	40	62%	21	44%
Led to a decrease in sales due to increased competition in the EU market	7	5%	0	0%	5	8%	2	4%
Positive impacts for the business								
Increased our customer base due to greater harmonisation across the EU	7	5%	0	0%	2	3%	5	10%
Increased our import of products from outside the EU	9	6%	3	10%	3	5%	2	4%
Led to an increase in our ability to export due to greater harmonisation globally	4	3%	1	3%	1	2%	2	4%
Other responses								
None of the above	45	31%	11	37%	15	23%	19	40%
Don't know	15	10%	4	13%	10	15%	1	2%
Other impacts	11	8%	4	13%	1	2%	6	13%
Notes:								
¹ Percentage is calculated over the number of responses (n) rather than the total number of impacts indicated to show the proportion of responses where this impact was felt by their company								

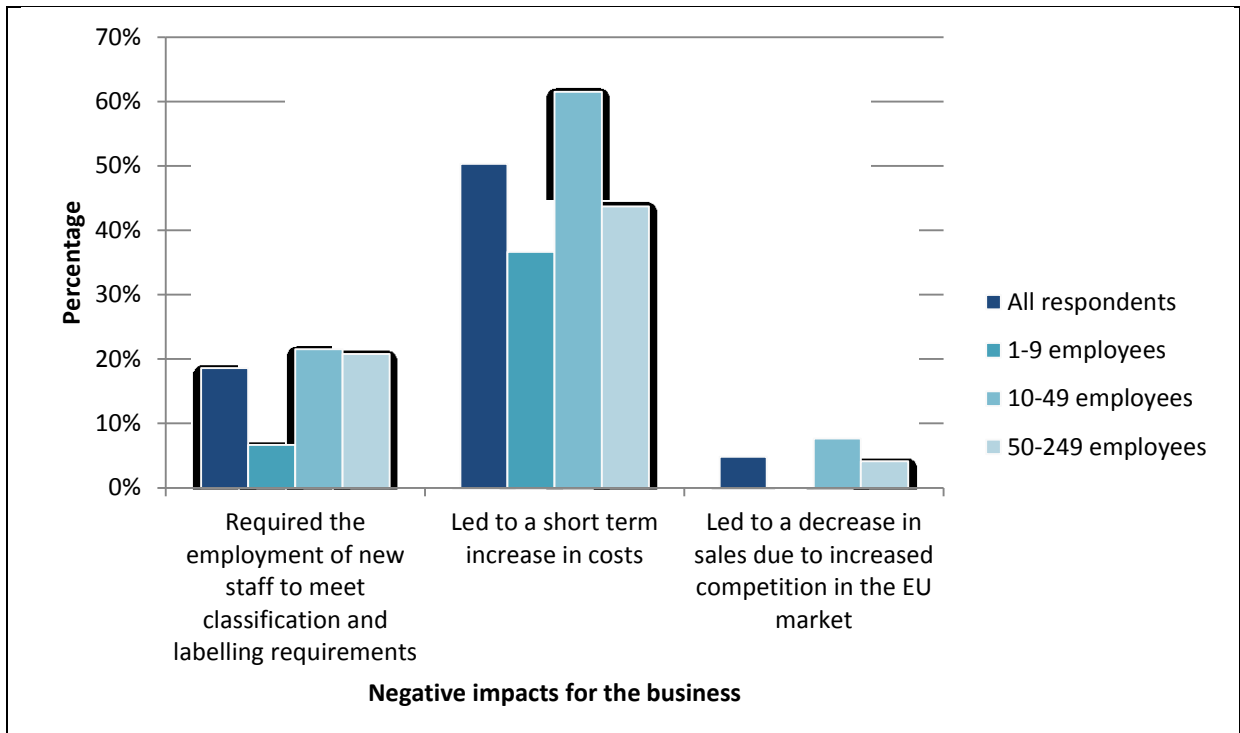


Figure 1-7: Percentage of negative impacts on the business following implementation of the CLP Regulation by company size (n=145 all respondents, 30 for 1-9 employees, 65 for 10-49 employees and 48 for 50-249 employees)

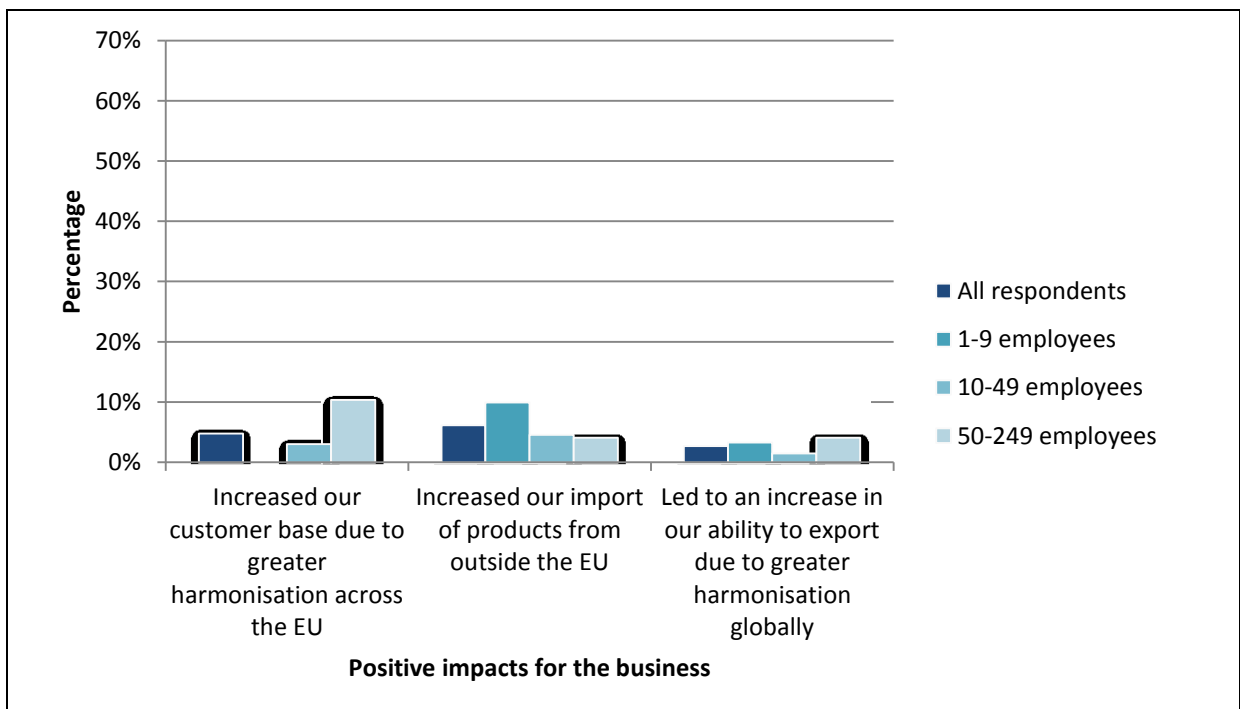


Figure 1-8: Percentage of positive impacts on the business following implementation of the CLP Regulation by company size (n=145 all respondents, 30 for 1-9 employees, 65 for 10-49 employees and 48 for 50-249 employees)

Some of those who identified that they had experienced other impacts provided further detail on what these impacts were:

- *There has been a general increase of costs as it now takes more time under CLP compared to DPD;*
- *New label printers had to be purchased, new Labels cause higher costs;*
- *Extra administration, uncertainty because of the permanent changes;*
- *Selection of suppliers;*
- *Management / disposal of packaging / labels for classification changes; and*
- *Non-productive implementation period [durée de mise en œuvre non productive], e.g. due to inspections conducted by the relevant authorities, which stopped a production.*

Three of the comments relate to time (two that more time is needed), while two refer to non-productive periods, during implementation and inspections. Also, two respondents not quoted above indicated that they rely upon external service providers.

1.4.3 Q8: If you are a downstream user of chemicals did implementation of the CLP impact on your business in any of the following ways?

There were 167 responses to this question, although many of these were by manufacturers and importers and thus have been removed from the analysis, leaving 79 formulators and downstream users. The results are summarised in Table 2-13 for all respondents and then by type of activity (manufacturers, importers, formulators, other downstream users and distributors).

Table 1-13: Number and percentage of downstream users of chemicals impacted due to implementation of the CLP Regulation by activity (n=168)

Impact	Total across all types of activities (n=167)		Activities of formulators (n=31)		Activities of other downstream users (n=48)	
	No.	% ¹	No.	% ¹	No.	% ¹
Required training of staff to ensure they understood the new pictograms and hazard & precautionary statements	109	65%	25	81%	31	65%
Increased the number of suppliers placing chemicals products on the EU market	6	4%	1	3%	1	2%
Decreased the price of chemical products due to increased competition	3	2%	1	3%	0	0%
Required a review of your risk assessments under the Chemical Agents Directive	79	47%	18	58%	30	63%
Required a re-labelling of your products	53	32%	16	52%	9	19%
Results in actions under other legislation	22	13%	5	16%	11	23%
None of the above	20	12%	0	0%	7	15%
Other	2	1%	0	0%	1	2%
Don't know	18	11%	2	6%	0	0%

Notes:

¹ Percentage is calculated over the number of responses (n) rather than the total number of impacts indicated to show the proportion of responses where this impact was felt by their company

Both the table and the figure show that training of staff was the most commonly mentioned impact on downstream users. This was mentioned by 81% of formulators and 65% of downstream users, who were more affected by this impact than the other activities. Other key activities include re-labelling and reviews of OSH risk assessments.

1.4.4 Q9: Have you ever submitted a proposal to ECHA or participated in a public consultation by ECHA?

There were 190 responses to this question, with results presented in Table 2-14 for all respondents and then by type of activity for submission of a proposal and Table 2-15 for participation in a consultation by ECHA.

Table 2-14 shows that the vast majority of all respondents had not submitted a proposal (95% or 180) nor responded to a public consultation by ECHA (93% or 176). There is very little variation between types of activities from a low of 92% (33) of formulators saying ‘no’ up to 98% of both other downstream users (48) and distributors (41) saying ‘no’ to submission of a proposal. The number of respondents reporting that they had submitted a proposal increases by company size, from 0% for companies with 1-9 employees to 5% (4) for those with 10-49 employees and to 7% (5) for those with 50-249 employees.

The range for not participating in a public consultation shown in Table 2-15 is from 83% (25) for importers to 98% (44) for other downstream users. Although the percentage of ‘no’ responses to participation in a public consultation by importers appears lower (83%), this is a small sample size with only 5 respondents (17%) saying ‘yes’ that they had participated in a public consultation by ECHA. The percentages involved by company size are all low with the maximum being 9% (6) for companies with 50-249 employees, decreasing to 5% (2) for those with 1-9 employees and 6% (5) for those with 10-49 employees.

Table 1-14: Number and percentage of respondents who had and had not submitted a proposal to ECHA by activity and by company size (n=190)						
Impact	Total across all types of activities (n=190)		Activities of manufacturers (n=97)		Activities of importers (n=29)	
	No.	%	No.	%	No.	%
No	180	95%	90	93%	27	93%
Yes	10	5%	7	7%	2	7%
Impact	Activities of formulators (n=36)		Activities of other downstream users (n=49)		Activities of distributors (n=42)	
	No.	%	No.	%	No.	%
No	33	92%	48	98%	41	98%
Yes	3	8%	1	2%	1	2%
Impact	1-9 employees (n=38)		10-49 employees (n=77)		50-249 employees (n=73)	
	No.	%	No.	%	No.	%
No	38	100%	73	95%	68	93%
Yes	0	0%	4	5%	5	7%

Table 1-15: Number and percentage of respondents who had and had not participated in a public consultation by ECHA (n=189)

Impact	Total across all types of activities (n=189)		Activities of manufacturers (n=92)		Activities of importers (n=30)	
	No.	%	No.	%	No.	%
No	176	93%	87	95%	25	83%
Yes	13	7%	5	5%	5	17%
Impact	Activities of formulators (n=39)		Activities of other downstream users (n=45)		Activities of distributors (n=43)	
	No.	%	No.	%	No.	%
No	38	97%	44	98%	41	95%
Yes	1	3%	1	2%	2	5%
Impact	1-9 employees (n=39)		10-49 employees (n=79)		50-249 employees (n=69)	
	No.	%	No.	%	No.	%
No	37	95%	74	94%	63	91%
Yes	2	5%	5	6%	6	9%

1.4.5 Q10: Does your company incur significant costs on an annual basis in complying with the CLP Regulation or other chemicals legislation (other than REACH)?

There are two elements to this question. First, respondents were asked to identify which types of costs they incur on an annual basis. Second, they were asked to rank those costs from most significant (1) to least significant (10).

1.4.5.1 Types of costs incurred by respondents

There were 192 responses to the types of costs that were incurred. The results for all respondents and then by type of activity are provided in Table 2-16. A graphical representation of the results is provided in Figure 2-9.

Table 1-16: Number and percentage of respondents that had incurred costs on an annual basis in complying with the CLP Regulation or other chemicals legislation by activity (other than REACH) by company size (n=192)

Impact	Total across all types of activities (n=192)		Activities of manufacturers (n=94)		Activities of importers (n=31)	
	No.	%	No.	%	No.	%
CLP classification requirements for substances and mixtures	60	31%	36	38%	14	45%
Complying with CLP labelling and packaging requirements	81	42%	46	49%	21	68%
Complying with other chemicals legislation (other than CLP or REACH)	60	31%	30	32%	12	39%
Laboratory testing required to comply with chemicals legislation (other than REACH)	43	22%	28	30%	8	26%

Table 1-16: Number and percentage of respondents that had incurred costs on an annual basis in complying with the CLP Regulation or other chemicals legislation by activity (other than REACH) by company size (n=192)

Understanding and keeping up-to-date with changes in legal requirements	87	45%	44	47%	17	55%
Training staff to ensure compliance with legal requirements	93	48%	44	47%	18	58%
Inspections or audits by authorities and related administrative requirements	54	28%	30	32%	10	32%
Other (please describe in box below)	4	2%	3	3%	2	6%
We do not incur significant costs	56	29%	23	24%	9	29%
Don't know	20	10%	10	11%	1	3%
Impact	Activities of formulators (n=40)		Activities of other downstream users (n=46)		Activities of distributors (n=41)	
	No.	%	No.	%	No.	%
CLP classification requirements for substances and mixtures	24	60%	13	28%	16	39%
Complying with CLP labelling and packaging requirements	30	75%	11	24%	25	61%
Complying with other chemicals legislation (other than CLP or REACH)	16	40%	12	26%	16	39%
Laboratory testing required to comply with chemicals legislation (other than REACH)	9	23%	11	24%	4	10%
Understanding and keeping up-to-date with changes in legal requirements	26	65%	18	39%	20	49%
Training staff to ensure compliance with legal requirements	30	75%	22	48%	24	59%
Inspections or audits by authorities and related administrative requirements	14	35%	11	24%	12	29%
Other (please describe in box below)	1	3%	2	4%	1	2%
We do not incur significant costs	9	23%	14	30%	12	29%
Don't know	1	3%	8	17%	4	10%

In total, just over 60% of all respondents stated that they incurred costs on an annual basis in complying with the CLP Regulation. A further 29% of all respondents noted that they did not incur significant costs⁴, while 10% did not know. The proportion of respondents replying that they did not incur significant costs varies slightly by activity, with the highest proportion coming from downstream users at 30%, followed by importers and distributors at 29%, manufacturers at 24% and formulators at 23%.

There is considerable variation across the different cost types with a minimum of 22% (43) of all respondents (total respondents) reporting that they undertake laboratory testing to comply with chemicals legislation (other than REACH) up to a maximum of 48% (93) of all respondents who undertake training of staff to ensure compliance with legal requirements.

There is also variation across activities. The largest range is for costs associated of complying with CLP labelling and packaging requirements, where the minimum percentage incurring these costs is 26% (12) for other downstream users and the maximum is 75% (30) of formulators. The lowest percentage of any activity for any cost type is for distributors and laboratory testing where just 10% (4) incurred these costs. The highest is 75% for formulators to comply with CLP labelling and packaging requirements (as noted above) and also for formulators to train staff to ensure compliance, again at 75% (30).

The most common costs for manufacturers are associated with complying with CLP labelling and packaging requirements (49% or 46) and understanding and keeping up-to-date with changes in legal requirements and training of staff, both with 47% (44). The most common cost for importers is also complying with CLP labelling and packaging requirements (68% or 21). For other downstream users, the most common cost type is training of staff (48% or 22) and for distributors it is complying with CLP labelling and packaging requirements (61% or 25). Thus, complying with CLP labelling and packaging costs is the most common cost type for manufacturers, importers, formulators (equal top), and distributors.

The incidence of costs can also be broken down by company size, with the results presented in Table 2-17 and in Figure 2-10. There is reasonable consistency in terms of costs incurred across the different company sizes. The largest difference is for inspections or audits by authorities and associated administrative requirements. Here there is a clear pattern with smaller companies being more likely to incur these costs annually. A total of 45% (14) of respondents with 1-9 employees reported that they incurred such costs compared with 32% (24) of companies with 10-49 employees and 23% (15) of companies with 50-249 employees.

⁴ The definition of what was considered significant was left to the respondent to determine. There may, therefore, be some inconsistency between what each individual respondent considers to be significant. However, the key objective of this question was to identify what proportion of respondents felt they incurred significant costs, hence, it is their interpretation of what is significant that is considered to be the most relevant.

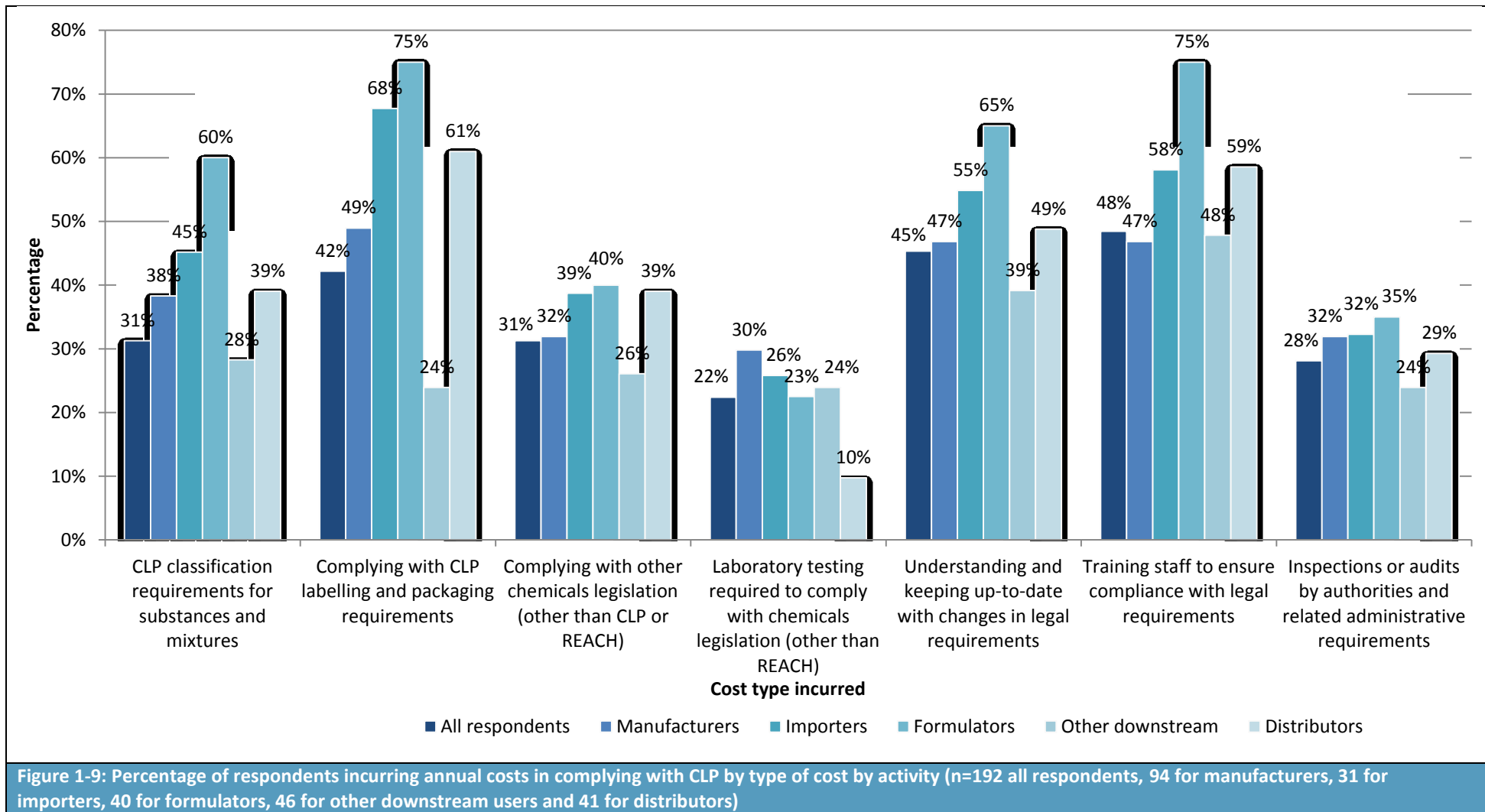


Table 1-17: Number and percentage of respondents that had incurred costs on an annual basis in complying with the CLP Regulation or other chemicals legislation (other than REACH) by company size (n=192)

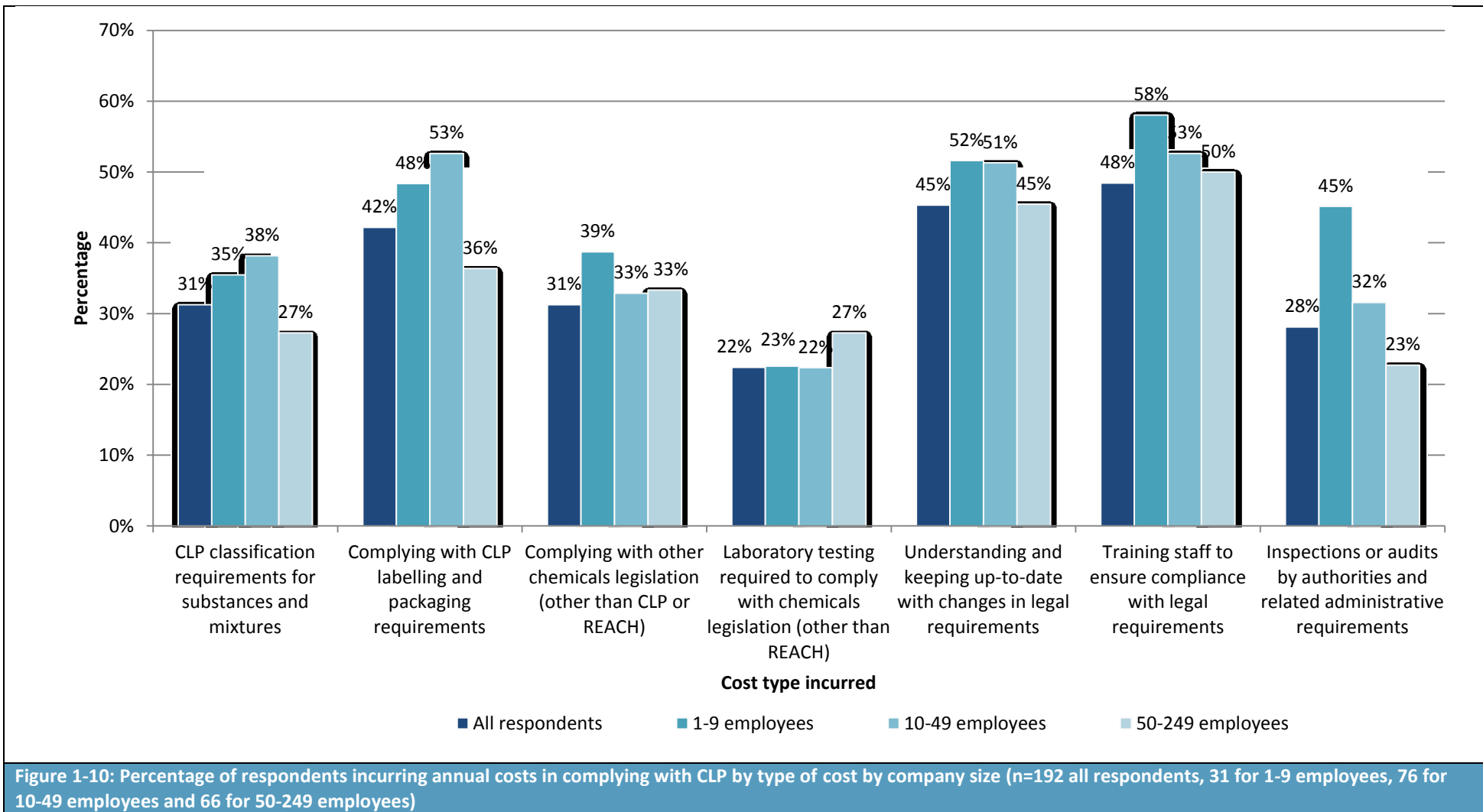
Impact	Total across all types of activities (n=192)		1-9 employees (n=31)		10-49 employees (n=76)		50-249 employees (n=66)	
	No.	%	No.	%	No.	%	No.	%
CLP classification requirements for substances and mixtures	59	31%	11	30%	29	37%	18	25%
Complying with CLP labelling and packaging requirements	80	42%	15	41%	40	51%	24	33%
Complying with other chemicals legislation (other than CLP or REACH)	59	31%	12	32%	25	32%	22	30%
Laboratory testing required to comply with chemicals legislation (other than REACH)	42	22%	7	19%	17	22%	18	25%
Understanding and keeping up-to-date with changes in legal requirements	85	45%	16	43%	39	49%	30	41%
Training staff to ensure compliance with legal requirements	92	48%	18	49%	40	51%	33	45%
Inspections or audits by authorities and related administrative requirements	53	28%	14	38%	24	30%	15	21%
Other (please describe in box below)	4	2%	1	3%	1	1%	2	3%
We do not incur significant costs	56	29%	9	24%	22	28%	24	33%
Don't know	20	11%	7	19%	4	5%	8	11%

Notes: the total across all activities is not always the sum of responses across the three bands of employees due to one response from 'self-employed'.

There were seven respondents who provided further details on the nature of the significant costs that they incur. These are as follows with some being one-off costs and others being annual costs:

- *"*Other: Biocide register, such as tax, laboratory testing, risk assessments"*
- *"især udskiftning af etiketter har været meget dyr.[especially the replacement of labels has been very expensive]*
- *We inform our customers when public consultations on certain substances are open.*
- *achat logiciel [software purchase]*
- *3000€ per year*
- *Topics "Understanding and keeping..." and "Training staff" are carried out by service provider*

Each response gives a different type of cost or comment. The comment '3000€ per year' relates to costs associated with training of staff to ensure compliance with legal requirements as this was the only cost type selected by that respondent.



1.4.5.2 Ranking of costs from most to least significant

As part of question 10, respondents were asked to rank the costs from most to least significant, with most significant assigned a rating of 1 and the least significant assigned a rating of 10.

The number of respondents varies by cost type from 55 (for laboratory testing) to 86 (for understanding and keeping up-to-date with changes in legal requirements and training staff to ensure compliance with legal requirements). Table 2-18 presents the number of scores assigned to each cost type by activity, where 1 is most significant and 10 is least significant. The scores are colour coded to give a visual presentation of where the most common responses were (darker shading) to the least common responses (light shading).

The table shows that the most significant costs are identified as being associated with complying with CLP labelling and packaging requirements (with 24 respondents scoring this 1, most significant and 20 scoring it a 2).

'Other' scores very highly for companies with 50-249 employees. However, none of the companies of this size who score 'other' as most significant provided further comments to explain their responses.

Table 1-18: Number of respondents assigning each score relating to the most (1) to least significant (10) cost types (n=55 to 86, depending on cost type, excluding other where n=10)

Cost type	Score assigned (1 = most significant, 10 = least significant)									
	1	2	3	4	5	6	7	8	9	10
CLP classification requirements for substances and mixtures	20	7	12	10	7	6	1	1	0	0
Complying with CLP labelling and packaging requirements	24	20	17	8	6	1	0	1	0	0
Complying with other chemicals legislation (other than CLP or REACH)	11	12	13	8	11	4	3	2	0	0
Laboratory testing required to comply with chemicals legislation (other than REACH)	14	11	14	6	1	3	3	3	0	0
Understanding and keeping up-to-date with changes in legal requirements	19	24	13	13	3	8	4	2	0	0
Training staff to ensure compliance with legal requirements	16	28	16	10	5	7	3	1	0	0
Inspections or audits by authorities and related administrative requirements	11	9	14	6	9	0	5	2	0	0
Other	4	0	2	1	0	0	0	3	0	0

1.5 Section 1.3: Hazard classification and communication

1.5.1 Q11: Indicate the extent to which you agree with the following statements relating to hazard communication measures enforced by CLP

Question 11 asked respondents to indicate whether they strongly disagree, disagree, agree or strongly agree with twelve different statements. The number of responses by impact is presented in Table 2-19 for all respondents.

Table 1-19: Number of responses and level of agreement with statements related to hazard communication measures enforced by CLP (n=147 to 199 depending on statement)						
Impact	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
CLP hazard pictograms are generally representative of the actual hazard (n=199)	2	21	20	135	21	0
Employers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals (n=196)	4	29	35	112	16	0
The CLP classification of a chemical product influences the choice of employers to buy it for use by their workers (n=186)	8	37	38	72	31	0
Workers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals (n=197)	1	31	39	111	15	0
Consumers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals (n=157)	17	47	48	43	2	0
Workers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products) (n=171)	8	31	53	67	12	0
CLP labelling requirements should be complemented by voluntary industry initiatives to promote the safe use of chemicals (n=182)	5	31	35	83	28	0
Consumers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products) (n=147)	9	49	52	36	1	0

Table 1-19: Number of responses and level of agreement with statements related to hazard communication measures enforced by CLP (n=147 to 199 depending on statement)

Impact	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Consumers generally do not look beyond the label for hazard information and information on safe use (n=169)	9	31	23	88	18	0
The information currently required to be included on labels is necessary and appropriate (n=195)	6	11	30	114	34	0
The hazard classification of a chemical product influences the choice of a consumer (n=176)	9	33	39	77	18	0
Providing information on chemical hazards to consumers should rely more on novel tools, such as QR-codes, apps and websites (n=168)	5	26	35	60	42	0

The results following application of a rating of -2 to strongly disagree, -1 to disagree, 0 to neither agree not disagree, 1 to agree and 2 to strongly agree are presented in Table 2-20 by activity and in Table 2-21 by company size. In this way, a weighted score can be determined that shows the extent to which all respondents agree or otherwise to each statement. The same information is presented for each type of activity. Where scores are greater than 0, this shows that respondents overall are in agreement with the statement. The higher the score, the more the strongly that respondents agree with the statement. Conversely, negative scores mean respondents overall disagree with the statement. The more negative the score, the more strongly they disagree.

Table 1-20: Weighted scores by agreement with statements related to hazard communication measures enforced by CLP by activity (n=147 to 199 depending on statement)

Impact	All activities (n=147 to 199)	Manufacturers (n=76 to 97)	Importers (n=20 to 30)	Formulators (n=26 to 42)	Other downstream users (n=32 to 49)	Distributors (n=33 to 46)
CLP hazard pictograms are generally representative of the actual hazard	0.8	0.8	0.8	0.6	0.8	0.7*
Employers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals	0.5	0.6	0.7	0.5	0.7	0.5
The CLP classification of a chemical product influences the choice of employers to buy it for use by their workers	0.4	0.6	0.4	0.5	0.4	0.2

Table 1-20: Weighted scores by agreement with statements related to hazard communication measures enforced by CLP by activity (n=147 to 199 depending on statement)

Impact	All activities (n=147 to 199)	Manufacturers (n=76 to 97)	Importers (n=20 to 30)	Formulators (n=26 to 42)	Other downstream users (n=32 to 49)	Distributors (n=33 to 46)
Workers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals	0.5	0.6	0.7	0.6	0.5	0.4
Consumers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals	-0.2	-0.2	0.2	-0.4	-0.2	-0.4
Workers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products)	0.3	0.2	0.4	0.3	0.3	-0.1
CLP labelling requirements should be complemented by voluntary industry initiatives to promote the safe use of chemicals	0.5	0.4	0.5	0.5	0.7	0.5
Consumers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products)	-0.2	-0.1	-0.1	-0.2	-0.3	-0.2
Consumers generally do not look beyond the label for hazard information and information on safe use	0.4	0.4	0.2	0.1	0.8	0.4
The information currently required to be included on labels is necessary and appropriate	0.8	0.8	0.9	0.7	0.8	0.8
The hazard classification of a chemical product influences the choice of a consumer	0.4	0.4	0.3	0.3	0.2	0.1
Providing information on chemical hazards to consumers should rely more on novel tools, such as QR-codes, apps and websites	0.6	0.5	0.3	0.8	0.8	0.4
*Note that of the 19 distributors answering this question,						

Table 1-21: Weighted scores by agreement with statements related to hazard communication measures enforced by CLP by company size (n=192)

Impact	All activities (n=147 to 199)	1-9 employees (n=26 to 40)	10-49 employees (n=65 to 82)	50-249 employees (n=54 to 76)
CLP hazard pictograms are generally representative of the actual hazard	0.8	0.8	0.7	0.8
Employers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals	0.5	0.8	0.4	0.6
The CLP classification of a chemical product influences the choice of employers to buy it for use by their workers	0.4	0.4	0.3	0.6
Workers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals	0.5	0.5	0.4	0.7
Consumers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals	-0.2	-0.1	-0.4	-0.1
Workers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products)	0.3	0.4	0.1	0.4
CLP labelling requirements should be complemented by voluntary industry initiatives to promote the safe use of chemicals	0.5	0.5	0.6	0.6
Consumers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products)	-0.2	-0.1	-0.3	-0.1
Consumers generally do not look beyond the label for hazard information and information on safe use	0.4	0.6	0.4	0.4
The information currently required to be included on labels is necessary and appropriate	0.8	0.9	0.7	0.8
The hazard classification of a chemical product influences the choice of a consumer	0.4	0.4	0.3	0.4
Providing information on chemical hazards to consumers should rely more on novel tools, such as QR-codes, apps and websites	0.6	0.4	0.7	0.8

Table 2-20 shows that there is general agreement across activities in terms of the level of agreement and disagreement to each statement. The two statements most strongly agreed with are:

- CLP hazard pictograms are generally representative of the actual hazard: all respondents = 0.8 (n=199); range of activities from 0.6 for formulators (n=41) to 0.8 for manufacturers (97), importers (30) and other downstream users (49);
- The information currently required to be included on labels is necessary and appropriate: all respondents = 0.8 (n=195); range of activities from 0.7 for formulators (n=42) to 0.9 for importers (30). Manufacturers (95), other downstream users (48) and distributors (41) all score 0.8.

The statements with the lowest level of agreement, and overall slight disagreement are:

- Consumers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals: all respondents = -0.2 (n=157); range of activities from -0.4 for formulators (n=31) and distributors (33) to -0.2 for manufacturers (84) and other downstream users (35). Responses from importers result in an overall score of +0.2 (n=24) and is the only activity to agree (slightly) with this statement. The overall range for this statement from low to high is 0.7;
- Consumers understand the additional voluntary safe use icons that are included on certain products (e.g. cleaning products): all respondents = -0.2 (n=147); the scores across activities range from -0.3 for other downstream users (32) to -0.1 for manufacturers (76) and importers (20). Formulators (26) and distributors (33) to both have a score of -0.2. All activities disagree (slightly) with this statement.

The largest difference in scores is for the statement: Consumers generally do not look beyond the label for hazard information and information on safe use with a low score of 0.1 for formulators (n=32) and a high score of 0.8 for other downstream users (n=38). The score across all respondents is 0.4 (n=169), with this also the score for distributors (n=37) and manufacturers (n=85). The overall score for importers is 0.2 (n=23).

Table 2-21 shows that there is also general agreement across the statements by company size. The largest range by company size is 0.4, for two statements:

- Employers understand the CLP pictograms and information provided on labels regarding the safe use of chemicals, with a high score of 0.8 (companies with 1-9 employees) and a low score of 0.4 (companies with 10-49 employees). Responses from companies with 50-249 employees give a score of 0.6;
- Providing information on chemical hazards to consumers should rely more on novel tools, such as QR-codes, apps and websites. Here there is a trend with companies with 1-9 employees only scoring this statement at 0.4, with the score increasing by company size up to 0.7 (10-49 employees) and then to 0.8 (50-249 employees). This is the only statement where there appears to be a trend, with larger companies more likely to agree with the statement than smaller companies.

1.5.2 Q12: Could tools and mechanisms used for communicating the hazards of substances and mixtures be simplified and/or improved?

There were 94 responses to this question, with 58 of all respondents (33%) answering 'yes' and 36 (21%) replying 'no'. There were also 81 'don't know' answers to this question (46%). Table 2-22 also provides a summary of the responses by activity and by company size. Note that the question could

be considered as a leading one, in that responses will tend to reflect the fact that activities can always be improved.

Table 1-22: Responses to whether tools and mechanisms for communicating the hazards of substances and mixtures could be simplified and/or improved (n=175)

Response	Number/%	All activities (n=175)	Manufacturers (n=92)	Importers (n=29)	Formulators (n=37)	Other downstream users (n=38)	Distributors (n=40)
	%	33%	33%	31%	41%	42%	35%
No	Number	36	20	8	11	5	4
	%	21%	22%	28%	30%	13%	10%
Don't know	Number	81	42	12	11	17	22
	%	46%	46%	41%	30%	45%	55%

Response	Number/%	All activities (n=175)	1-9 employees (n=38)	10-49 employees (n=72)	50-249 employees (n=64)
	%	33%	26%	29%	41%
No	Number	36	7	15	14
	%	21%	18%	21%	22%
Don't know	Number	81	21	36	24
	%	46%	55%	50%	38%

The table shows that the 'yes' responses across all activities outnumber 'no' responses. However, the highest response for all activities except formulators is 'don't know', where the range is from 45% for other downstream users (n=17) to 55% for distributors (n=22). A total of 41% (15) of formulators replied 'yes', compared with 30% (11) who said 'no' and 30% (11) who said 'don't know'. The highest proportion of 'yes' responses come from other downstream users at 42% (16). Responses from both manufacturers and importers resemble those of all responses more closely.

The responses show that larger companies are more likely to reply 'yes', that tools and mechanisms used for communicating hazards of substances and mixtures could be simplified and/or improved. In total, 41% (26) of companies with 50-249 employees replied 'yes' compared with 29% (21) of companies with 10-49 employees and 26% (10) with 1-10 employees. It is the number of 'don't know' responses that reduces with company size, from 55% (21) for 1-10 employees to 50% (36) for 10-49 employees and 38% (24) for 50-249 employees. The proportion of 'no' responses increases slightly with company size from 18% (7) for 1-10 employees through 21% (15) for 10-49 employees to 22% for companies with 50-249 employees.

There were 49 suggestions as to what these simplifications and/or improvements could involve. The comments have been grouped into four main types of comments: issues and problems, suggested solutions, more general comments, and other. Table 2-23 presents the key themes from the comments.

Table 1-23: Key themes from comments on how to simplify/improve the tools and mechanisms (n=49)

Issues and problems	Recommendations from respondents
<ul style="list-style-type: none"> • Pictogram are not clear or informative enough • There is too much text • CLP has made attaining warning more 	<ul style="list-style-type: none"> • Hazard and precautionary statement should be made clearer and simpler • Pictograms should be made instinctively

Table 1-23: Key themes from comments on how to simplify/improve the tools and mechanisms (n=49)

Issues and problems	Recommendations from respondents
<p>complicated than before</p> <ul style="list-style-type: none"> • There are too many H and P sentences and they are not clear • Long chemical names are not meaningful to non-professional users 	<p>comprehensible</p> <ul style="list-style-type: none"> • Pictograms should be extended and more accurately show the risks • Add product composition • Use QR codes • Number of risk indications should be reduced • Amount of text should be reduced • A traffic light system should be used • Type of hazard and to whom it is toxic should be indicated • An explanatory leaflet explaining pictograms should be included • Information should be better disseminated • More attention should be given to hazards of mixtures
General comments	Other
<ul style="list-style-type: none"> • Safety data sheets should be provided for every delivery of chemicals • Technical characteristics of PPE must be better specified in safety data sheets • Instruments and mechanisms are appropriate but classification should be simplified • Should be more simplification 	<ul style="list-style-type: none"> • Advertising in media • The permanent change of the rules is not necessary. The most important is predictability. Or if a change is needed the cost should be borne by the legislature • The harmonization of the ADR and KRESZ(rule of the road) • easy collection

1.5.3 Q13: Indicate the extent of the impacts of the CLP Regulation and other EU hazard communication requirements

This question asks respondents to identify the extent of impact (from large negative to large positive) for eight different statements. The number of responses by level of impact across all respondents is set out in Table 2-24.

Table 1-24: Number of responses by level of impacts of the CLP Regulation and other EU hazard communication requirements (n=200 to 203)

Impact	Large negative impact	Low negative impact	Neutral / No change	Low positive impact	Large positive impact	Don't know
Increased access to classification data for substances (n=203)	3	5	48	68	61	18
More consistent hazard classifications across substances (n=202)	2	8	43	75	59	15
Safe use of chemicals by workers (n=203)	2	7	60	73	54	7
Safe use of chemicals by consumers (n=203)	3	7	70	47	47	29
Changes in packaging requirements (n=203)	5	16	81	48	23	30
Preparedness for industrial	1	2	66	62	44	26

Table 1-24: Number of responses by level of impacts of the CLP Regulation and other EU hazard communication requirements (n=200 to 203)

Impact	Large negative impact	Low negative impact	Neutral / No change	Low positive impact	Large positive impact	Don't know
accidents (n=201)						
Increased awareness of the potential health impacts of chemical products (n=203)	2	3	54	68	65	11
Increased awareness of the potential environmental impacts of chemical products (n=200)	2	5	55	73	60	5

The table shows that the majority of comments suggest a positive impact (low to large) across almost all of the statements. The only exception is ‘changes in packaging requirements’ where 81 responses were neutral/no change compared with 71 for a positive impact (low plus large). This is also the statement with the largest number of negative responses (21). In all cases, these ignore ‘don’t know’ responses.

Differences between the activities can also be presented. This is most easily expressed when a score is assigned to each of the choices from -2 for a large negative impact to +2 for a large positive impact. Table 2-25 presents the results for all respondents and then by activity, with the breakdown of results by company size given in Table 2-26.

Table 1-25: Weighted scores by agreement with statements related to extent of impacts of the CLP Regulation and other EU hazard communication requirements by activity (n=200 to 203)

Impact	All activities (n=200 to 203)	Manufacturers (n=101 to 102)	Importers (n=27 to 29)	Formulators (n=40 to 41)	Other downstream users (n=48 to 49)	Distributors (n=43 to 45)
Increased access to classification data for substances	1.0	0.9	1.0	1.1	1.1	0.9
More consistent hazard classifications across substances	1.0	1.0	1.2	0.9	0.9	0.9
Safe use of chemicals by workers	0.9	0.9	0.7	0.7	1.1	0.6
Safe use of chemicals by consumers	0.7	0.8	0.6	0.6	0.9	0.5
Changes in packaging requirements	0.4	0.4	0.3	0.3	0.5	0.3
Preparedness for industrial accidents	0.8	0.9	0.7	0.6	0.9	0.8
Increased awareness of the potential health impacts of chemical products	1.0	0.9	1.0	0.8	1.1	0.8
Increased awareness of the potential environmental impacts of chemical products	0.9	0.9	0.9	0.8	1.0	0.8

Table 1-26: Weighted scores by agreement with statements related to extent of impacts of the CLP Regulation and other EU hazard communication requirements by company size (n=200 to 203)

Impact	All activities (n=200 to 203)	1-9 employees (n=40 to 41)	10-49 employees (n=81 to 83)	50-249 employees (n=75 to 76)
Increased access to classification data for substances	1.0	0.6	1.1	1.1
More consistent hazard classifications across substances	1.0	0.5	1.1	1.1
Safe use of chemicals by workers	0.9	0.6	0.9	1.0
Safe use of chemicals by consumers	0.7	0.7	0.7	0.8
Changes in packaging requirements	0.4	0.4	0.3	0.6
Preparedness for industrial accidents	0.8	0.7	0.9	0.9
Increased awareness of the potential health impacts of chemical products	1.0	0.7	1.0	1.2
Increased awareness of the potential environmental impacts of chemical products	0.9	0.6	0.9	1.1

Table 2-27 shows that there is general agreement across all activities with the range of scores not exceeding 0.5 for any of the impacts. The highest scores are attributed to⁵:

- More consistent hazard classifications across substances: with a highest score of 1.2 from importers (n=26). The lowest score for this impact is 0.9 from formulators (n=40), other downstream users (n=44) and distributors (n=42). Manufacturers assigned this impact a score of 1.0 (n=94);
- Increased access to classification data for substances: the highest score here is 1.1 from formulators (n=40) and other downstream users (n=45). The lowest score is 0.9 from both manufacturers (n=93) and distributors (n=40) with importers assigning an overall score of 1.0 (n=26); and
- Increased awareness of the potential environmental impacts of chemical products: the high score is 1.1 from other downstream users (n=46) with the lowest score of 0.8 from both formulators (n=41) and distributors (n=42). Manufacturers (100) and importers (27) both assigned an overall score of 0.9.

The lowest score based on the responses is for changes in packaging requirements. This was assigned responses giving a score of 0.3 from importers (26), formulators (38) and distributors (39).

⁵ Number of responses excludes 'don't know' as these have not been included when estimating a score for each statement

The responses resulting in the highest score were from other downstream users with a score of 0.5 (39) while responses from manufacturers result in a score of 0.4 (90).

The impact with the greatest range in score across the activities is safe use of chemicals by workers. The score based on all responses is 0.9 (196) but this declines to 0.6 for distributors (40) and increases to 1.1 for other downstream users (43). Responses from importers (27) and formulators (36) both result in a score of 0.7 while responses from manufacturers (99) give a score of 0.8.

There is again a clear distinction between the responses from companies with 1-9 employees and the larger companies (10-49 and 50-249 employees). For all statements except changes in packaging requirements, the score estimated from the responses from companies with 1-9 employees is consistently lower than that for larger companies. A review of responses shows that companies with 1-9 employees are much less likely to assign a score of 'large positive impact' than companies with 1-49 or 50-249 employees. Taking the statement with the largest range in scores (more consistent hazard classifications across substances), it can be seen that:

- Responses from companies with 1-9 employees result in a score of 0.5, compared with scores of 1.1 for companies with 10-49 employees and with 50-249 employees
- Only 16% (6) of companies with 1-9 employees identified that this statement has a large positive impact compared with 37% (28) of companies with 10-49 employees and 32% (23) of companies with 50-249 employees
- Conversely, 5% (2) of companies with 1-9 employees indicated that this statement resulted in a large negative impact, compared with 0% of both companies with 10-49 and 50-249 employees. In fact, none of the 75-76 respondents from companies with 50-249 employees assigned 'large negative impact' to any of the statements.

1.5.4 Q14: Are you aware of any other legal requirements under other legislation that were triggered by a CLP classification and that have affected your business?

There were 179 responses to this question, with 49 of all respondents (27%) answering 'yes' and 74 (41%) replying 'no'. A further 56 (31%) replied 'don't know'. Table 2-27 provides a summary of the responses by activity and by company size.

The table shows some differences in opinion across activities. For example, 51% (20) of other downstream users replied 'no' while 46% (16) of formulators answered 'yes' and just 29% (10) answered 'no'. For distributors the most common response was 'don't know' at 45% (18). Excluding 'don't know' responses, the overall response from each activity would be:

- Yes: formulators (46%)
- No: manufacturers (37%), importers (41%), other downstream users (51%), distributors (35%)

Table 1-27: Whether respondents are aware of other legal requirements under other legislation that were triggered by a CLP classification and that have affected their business by activity and company size (n=179)

Response	Number/%	All activities (n=179)	Manufacturers (n=89)	Importers (n=27)	Formulators (n=35)	Other downstream users (n=39)	Distributors (n=40)
	%	27%	34%	30%	46%	23%	20%
No	Number	74	33	11	10	20	14
	%	41%	37%	41%	29%	51%	35%
Don't know	Number	56	26	8	9	10	18
	%	31%	29%	30%	26%	26%	45%
Response	Number/%	All activities (n=179)	1-9 employees (n=37)	10-49 employees (n=71)	50-249 employees (n=69)		
						Yes	Number
	%	33%	14%	24%	39%		
No	Number	36	16	29	29		
	%	21%	43%	41%	42%		
Don't know	Number	81	16	25	13		
	%	46%	43%	35%	19%		

There is a clearer pattern from the responses by company size, with the number of 'yes' responses increasing as company size increases. A total of 14% (5) of respondents from companies with 1-9 employees replied 'yes', increasing to 24% (17) for companies with 10-49 employees and to 39% for companies with 50-249 responses. The number of 'no' responses remains roughly constant from 43% (16) for companies with 1-9 employees through 42% (29) for companies with 50-249 employees to 41% (29) for companies with 10-49 employees. It is the number of 'don't know' responses that declines, suggesting larger companies are better able to identify other legal requirements under other legislation that are triggered by a CLP classification that may impact on their business.

Those answering 'yes' were asked to provide further explanation. A total of 39 additional comments were provided. Table 2-28 presents a summary of the responses, based on the number of times other legislation was suggested.

Table 1-28: Comments on other legislation triggered by a CLP classification (n=49)

Legislation/legislative area	Number of mentions
Seveso	8
Waste	8
Biocides	6
Transport	6
REACH	4
Health and safety at work	3
RoHS	2
Cosmetics	1
Requirement to notify the Chemicals Inspector on hazardous mixtures brought to Poland	1
Dangerous goods	1
Aerosols	1
Water legislation	1

1.6 Section 1.4: Regulatory fitness of the chemicals legalisation framework (excluding REACH)

1.6.1 Q15: Indicate the extent to which you agree with the following statements relating to the EU chemicals legislation framework overall

Respondents to this question were asked to indicate the extent to which they agreed or disagreed with five statements. The number of responses varies between 200 and 204 depending on the statements. Table 2-29 presents the results across all respondents.

Impact	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	I don't know
Chemicals legislation is sufficiently harmonised across Member States for the proper functioning of the European single market (n=202)	8	23	32	93	5	41
The EU chemicals legislation framework is coherent (n=204)	5	22	47	89	4	37
The EU chemicals legislation framework contains gaps (n=201)	2	29	53	44	11	62
The EU chemicals legislation framework has overlaps (n=202)	0	17	65	36	8	76
The EU chemicals legislation framework is consistently enforced by Member States (n=200)	8	35	39	49	5	64

The table shows that there is a spread of opinion from strongly disagree to strongly agree on almost all of the statements. The number of agree and strongly agree responses outweigh other responses (including neutral but excluding don't know) for two of the statements:

- Chemicals legislation is sufficiently harmonised across Member States for the proper functioning of the European single market: 98 agree or strongly agree compared with 32 neutral and 31 who disagree/strongly disagree (there are also 41 don't know responses)
- The EU chemicals legislation framework is coherent: 93 agree or strongly agree compared with 47 neutral and 27 who disagree/strongly disagree (there are also 37 don't know responses).

Using a scoring systems of +2 or strongly agree to -2 for strongly disagree allows differences between the responses from the activities to be identified. Table 2-30 presents the results from applying such a scoring system with the breakdown by company size presented in Table 2-31.

Table 1-30: Weighted scores by agreement with statements related to EU chemicals legislative framework overall and by activity (n=200 to 204)

Impact	All activities (n=200 to 204)	Manufacturers (n=99 to 100)	Importers (n=29 to 31)	Formulators (n=40 to 41)	Other downstream users (n=49)	Distributors (n=43 to 46)
Chemicals legislation is sufficiently harmonised across Member States for the proper functioning of the European single market	0.4	0.4	0.3	0.5	0.4	0.2
The EU chemicals legislation framework is coherent	0.4	0.5	0.2	0.4	0.4	0.2
The EU chemicals legislation framework contains gaps	0.2	0.2	0.3	0.1	0.5	0.3
The EU chemicals legislation framework has overlaps	0.3	0.2	0.6	0.3	0.4	0.3
The EU chemicals legislation framework is consistently enforced by Member States	0.1	-0.1	-0.2	-0.1	0.2	0.0

Table 1-31: Weighted scores by agreement with statements related to EU chemicals legislative framework overall and by company size (n=200 to 204)

Impact	All activities (n=200 to 204)	1-9 employees (n=10 to 41)	10-49 employees (n=81 to 83)	50-249 employees (n=75 to 77)
Chemicals legislation is sufficiently harmonised across Member States for the proper functioning of the European single market	0.3	0.0	0.4	0.6
The EU chemicals legislation framework is coherent	0.3	0.1	0.3	0.6
The EU chemicals legislation framework contains gaps	0.2	0.3	0.4	0.1
The EU chemicals legislation framework has overlaps	0.2	0.3	0.3	0.3
The EU chemicals legislation framework is consistently enforced by Member States	0.0	0.3	0.0	0.1

The table shows that there is reasonable similarity across activities with the results being that the answers result in scores that are closer to neutral (0) than to agree (1) with the exception of the following where the responses are closer to agree (1) than to neutral (0):

- Chemicals legislation is sufficiently harmonised across Member States for the proper functioning of the European single market: formulators responses result in a score of 0.5 (n=41). This is also the statement with the largest range with a lowest score of 0.2 (distributors, 44). Responses from manufacturers (99) and other downstream users (49) result in a score of 0.4, while importers have a score of 0.3 (30). The score over all responses is 0.4 (202);

- The EU chemicals legislation framework has overlaps: importers responses result in a score of 0.6 (n=30) with all responses resulting in a score of 0.3 (n=202). The other activities scores are 0.2 for manufacturers (100) and 0.3 for formulators (30) and other downstream users (49).

The EU chemicals legislation framework is consistently enforced by Member States is the only statement with negative scores across some activities. Responses from manufacturers (n=99), and formulators (n=41) result in a score of -0.1 while results from importers (30) result in a score of -0.2. Responses from other downstream users result in a score of 0.2 (n=49) and is the only positive (agree) score across all activities against this statement, with the score from distributors being neutral (n=44). The overall score for this statement is 0.1 (slightly positive). This occurs due to the majority of respondents who are involved in two or more activities being more likely to give a negative response for this statement. This means that the individual activity scores tend to be more negative than the overall score.

Unlike in previous questions, there is no clear pattern where smaller companies are less likely to disagree with the statements than larger companies. There is an increase in agreement with company size for two of the statements:

- Chemicals legislation is sufficiently harmonised across Member States for the proper functioning of the European single market with a neutral score (0) for companies with 1-9 employees (41) increasing to 0.4 for companies with 10-49 employees (81) and then to 0.6 for companies with 50-249 employees (77);
- The EU chemicals legislation framework is coherent with a score of (0.1) for companies with 1-9 employees (41) increasing to 0.3 for companies with 10-49 employees (83) and then to 0.6 for companies with 50-249 employees (77).

For the statement ‘The EU chemicals legislation framework is consistently enforced by Member States’, it is companies with 1-9 employees who give the highest score of 0.3 (40) compared with 0.1 for companies with 50-249 employees (75) and a neutral score (0) for companies with 10-49 employees (82).

1.6.2 Q16: Please indicate any specific cases of incoherence between different pieces of chemicals or chemicals-related legislation

There were 20 responses to this question that provided specific comments. They have been grouped into key themes in Table 2-32. Full comments are provided in Table B in Annex 1.

Table 1-32: Themes on specific cases of incoherence between different pieces of chemicals and chemicals-related legalisation (n=20)	
Legislation/legislative area	Comments
Safety data sheets	<ul style="list-style-type: none"> • Preparations and mixtures do not always declare all components • WEA rules are not harmonised • Norway’s interpretation of SDS is strange • Requirements for under 18s are too precautionary (e.g. cannot work with certain hand dishwashing detergents)
CLP and biocides/plant protection products	<ul style="list-style-type: none"> • There is an inconsistency between CLP and biocides • Plant protection products are allowed in some Member States but not others • Overlaps between regulations can only be understood by experts when same substance is used for different purposes

Table 1-32: Themes on specific cases of incoherence between different pieces of chemicals and chemicals-related legislation (n=20)

Legislation/legislative area	Comments
Waste	<ul style="list-style-type: none"> • End of Waste not yet standardised with incoherence with REACH • Confusion between hazardous waste to the environment arising from non-hazardous substances • Regulations are too complicated • No proper alignment with legislation on waste classification
Transport	<ul style="list-style-type: none"> • Partially inconsistent with ADR • Products that do not match pictograms of CLP label with those of transport • Definition of flammable substance in APQ (up to 55°C) compared with ADR and CLP (up to 60 °C)
Cosmetics	<ul style="list-style-type: none"> • No indication in Cosmetics Regulation if SDS has to be made available • Cosmetics legislation prohibits use of raw materials that have been tested on animals, but CLP and REACH requires DDL tests on animals to be indicated
Food	<ul style="list-style-type: none"> • Food does not fall under scope of CLP but aromas are dangerous mix that must be labelled
REACH	<ul style="list-style-type: none"> • Overlap between REACH and notifies ISS
Other	<ul style="list-style-type: none"> • The deviancy of the special authority's opinion within the country • VOC • See Point 18. There is no easy access to legislation of different countries in relation to thresholds of professional expositions, contact information of Poison centres and Rescue services • WGK (engl. WHC, Water Hazard Class) is a German obligation

1.6.3 Q17: How do you keep up-to-date with changes in regulatory requirements under EU chemicals legislation?

This question allowed respondents to select one of six possible statements. There were 205 responses to this question. Table 2-35 presents the results across all respondents and then by each activity, with the breakdown of results by company size provided in Table 2-33. Figure 2-11 provides a visual representation of the results by activity with the results by company size in Figure 2-12.

Table 1-33: Percentage of respondents using each approach to keep up-to-date with changes in regulatory requirements under EU chemicals legislations by activity (n=205)

Impact	All activities (n=205)	Manufacturers (n=102)	Importers (n=30)	Formulators (n=42)	Other downstream users (n=49)	Distributors (n=45)
My company monitors the conclusions of ATPs	25%	26%	23%	45%	20%	27%
We rely on an external service provider to tell us of changes introduced by ATPs	23%	23%	17%	24%	29%	20%
We rely on our national association to tell us of changes introduced by ATPs	16%	20%	20%	7%	16%	18%
We rely on our suppliers to inform us of any changes that impact on us	27%	22%	33%	17%	33%	24%
None of the above / other (please describe below)	3%	1%	3%	7%	2%	2%

Table 1-33: Percentage of respondents using each approach to keep up-to-date with changes in regulatory requirements under EU chemicals legislations by activity (n=205)

Impact	All activities (n=205)	Manufacturers (n=102)	Importers (n=30)	Formulators (n=42)	Other downstream users (n=49)	Distributors (n=45)
Don't know	5%	9%	3%	0%	0%	9%

Table 1-34: Percentage of respondents using each approach to keep up-to-date with changes in regulatory requirements under EU chemicals legislations by company size (n=205)

Impact	All activities (n=205)	1-9 employees (n=42)	10-49 employees (n=83)	50-249 employees (n=77)
My company monitors the conclusions of ATPs	25%	19%	20%	34%
We rely on an external service provider to tell us of changes introduced by ATPs	23%	19%	24%	25%
We rely on our national association to tell us of changes introduced by ATPs	16%	12%	18%	16%
We rely on our suppliers to inform us of any changes that impact on us	27%	33%	31%	19%
None of the above / other (please describe below)	3%	2%	2%	4%
Don't know	5%	14%	4%	3%

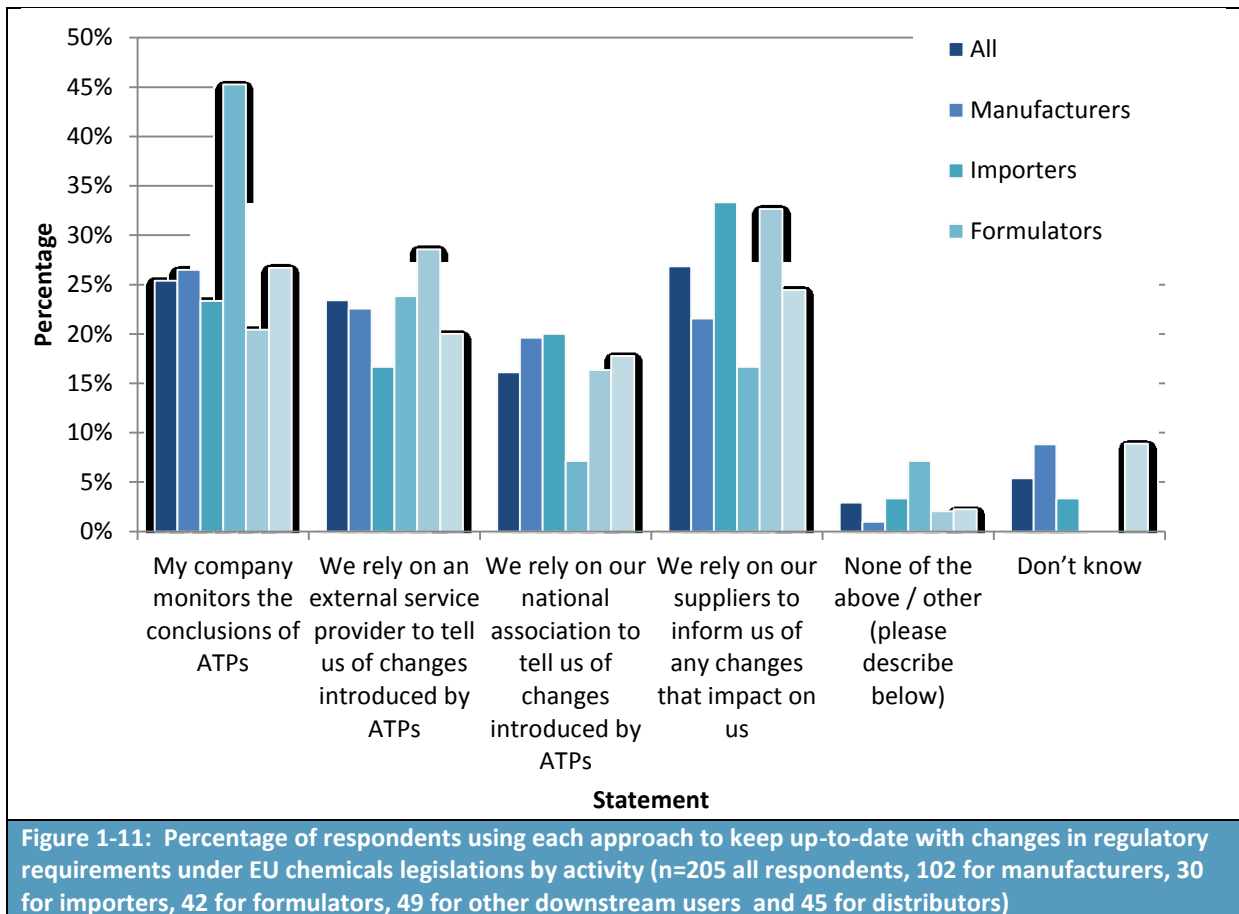
The most common approach across all respondents is to rely on suppliers (27% or 55), followed by the company monitoring the conclusions of ATPs themselves (25% or 52) and rely on external service providers (23% or 48). Reliance on national associations is lower at 16% (33).

The table and figure show that there is reasonable consistency in terms of the approaches used by companies undertaking different activities. There are some differences though, for example:

- many more formulators monitor the conclusions of ATP themselves (45% or 19) than for other activities, for other downstream users this is just 20% (10), 23% for importers (7), 26% for manufacturers (27) and 27% for distributors (12).
- Other activities rely more on national associations, with only 7% (3) formulators using this approach compared with 20% of manufacturers (20) and importers (6), 18% of distributors (8) and 16% of other downstream users (8)
- other downstream users rely more on an external service provider (29% or 14) compared with importers (17% or 6), distributors (20% or 9), manufacturers (23% or 23) and formulators (24% or 10)
- importers (10) and other downstream users (16) rely more on suppliers with both at 33%. This compares with 17% (7) of formulators, 22% (22) of manufacturers and 24% (11) of distributors.

The results by company size show some difference in approach:

- larger companies (50-249 employees) are much more likely (34% or 26) to monitor the conclusions of ATPs than companies with 1-49 employees (20% or 17) or companies with 1-9 employees (19% or 8)
- smaller companies with 1-9 employees (33% or 14) or 10-49 employees (31% or 26) are more likely to rely on suppliers than companies with 50-249 employees (19% or 15)
- companies with 1-9 employees were much more likely to answer 'don't know' to this question with this accounting for 14% of responses (6) compared with just 4% from companies with 10-49 employees (3) and 3% for companies with 50-249 employees (2).



Two respondents (one manufacturer and formulator, and one formulator) provided further details:

- "Vi er tilknyttet en national sammenslutning, der fortæller os om ændringer i tilpasninger til den tekniske udvikling. [We are affiliated with a national association that tells us about changes in adaptation to technical progress]"
- "Vi er tilknyttet en ekstern tjenesteyder, der fortæller os om ændringer i tilpasninger til den tekniske udvikling. [We are affiliated with an external service provider who tells us about the changes in adaptations to technical progress]."

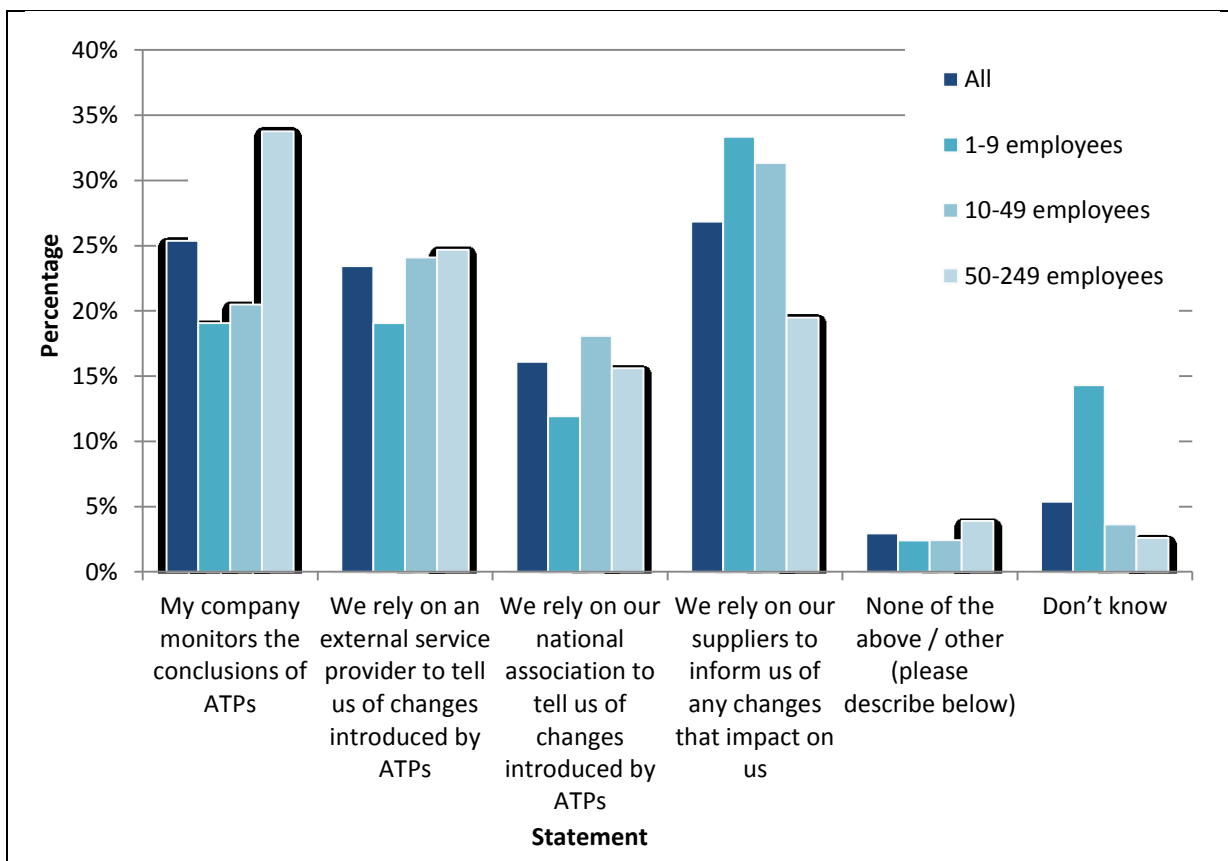


Figure 1-12: Percentage of respondents using each approach to keep up-to-date with changes in regulatory requirements under EU chemicals legislations by company size (n=205 all respondents, 42 for 1-9 employees, 83 for 10-49 employees and 77 for 50-249 employees)

1.6.4 Q18: Do you have any final comments you wish to make about the implementation of chemicals legislation including REACH?

There were 17 comments provided to question 18. The key themes extracted from these comments are presented in Table 2-35, with full comments under each of these themes provided in Table C (Annex 1).

Issues with costs	Issues with knowledge and understanding
<ul style="list-style-type: none"> Biocides legislation involves expensive costs for companies if you wish to sell in several countries you have to pay fees Changes require large amount of time and human resources 	<ul style="list-style-type: none"> Users do not always have the knowledge need to prevent emergency situations Pictograms do not show serious risks It can be difficult to get information on human health and environmental safety because information is not translated
Wider issues for SMEs	Issues with sources of information
<ul style="list-style-type: none"> Move to more single entrepreneurs without employees SMEs are at the mercy of big companies who hold the decisions behind labelling 	<ul style="list-style-type: none"> Information can be downloaded from lots of different places Having SDS in language of each country is difficult but understandable, but this is disproportionate for exposition scenes

Table 1-35: Key themes from final comments on the implementation of chemicals legislation excluding REACH (n=17)

Issues with costs	Issues with knowledge and understanding
<ul style="list-style-type: none"> Inspectors are not sufficiently aware of the problems of the industrial world 	<ul style="list-style-type: none"> More training and informative events are required
Issues with classification	Other issues
<ul style="list-style-type: none"> Classification is too complicated and unclear Classification has not resulted in harmonised labelling 	<ul style="list-style-type: none"> Chaos of past three years has made it almost impossible for SMEs to work Human and environmental protection is not complete as too many substances are not covered by REACH and CLP