

#38



COMPLETE

Collector: Nano Consult - Industry (Web Link)

Started:

Last Modified:

Time Spent:

IP Address:

PAGE 2: Section I - Identification

Q1: Please provide the following details (*compulsory):

Organisation*:

Country*:

Brussels

Contact name:

Q2: Received contributions may be published on the Commission's website, with the identity of the contributor. Please state your preference with regard to the publication of your contribution:

My contribution may be published but should be kept anonymous

Q3: We might need to contact you to clarify some of your answers. Please state your preference below:

I am available to be contacted

Q4: Did your organisation participate in the online survey (undertaken by RPA/BiPRO for the European Commission in early 2014) on the administrative burden of the notification schemes?

No

PAGE 3: Section II - Organisation Information

Q5: Please indicate which of the following applies to you or your members (tick all that apply):

a) has to notify to the French Notification System

,

f) is a manufacturer of articles containing nanomaterials without intended release

Q6: Please indicate the four-digit NACE code of your primary and secondary business sector (if applicable). If you require information regarding NACE codes, please visit the European Commission Competition webpage at http://ec.europa.eu/competition/mergers/cases/index/nace_all.html

Respondent skipped this question

Q7: Please indicate the number of employees.

≥ 250 employees

Q8: Please indicate the approximate annual turnover of your organisation and the annual turnover which relates to nano-related products (where these include nanomaterials as well as mixtures and articles containing nanomaterials).

Annual turnover

≥ €50m

Nano-related annual turnover

€250k to €2m

Q9: Please indicate the number of nano-related products (where these include nanomaterials as well as mixtures and articles containing nanomaterials) that you place on the national market.

Respondent skipped this question

Q10: Please indicate the number of nano-related products (where these include nanomaterials as well as mixtures and articles containing nanomaterials) that you place on the EU market.

Respondent skipped this question

Q11: Please indicate the number of nano-related products (where these include nanomaterials as well as mixtures and articles containing nanomaterials) that you place on the global market.

Respondent skipped this question

Q12: Please indicate the number of customers and, if applicable, number of suppliers for all your nano-related products combined (where these include nanomaterials as well as mixtures and articles containing nanomaterials).

Respondent skipped this question

PAGE 4: Section III – Problem definition and objectives

Q13: Please rate the importance of the following objectives on a scale between 1 (not important at all) and 5 (very important).

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| a) Provide decision makers, regulatory authorities and professional users with information that allows for an appropriate response to health or environmental risks of nanomaterials | 5 |
| b) Provide consumers with relevant information on products containing nanomaterials on the market | 4 |
| c) Maintain competitiveness and innovation of businesses bringing nanomaterials or products containing nanomaterials to the market (including SMEs) | 5 |
| d) Ensure consumer trust in products containing nanomaterials | 4 |
| e) Ensure the availability of relevant information on the presence of nanomaterials or products containing nanomaterials on the market | 3 |
| f) Ensure the proportionality of the information requirements and the associated costs and administrative burden. | 5 |
| g) Protect confidential business information | 5 |

Q14: To what degree (from 1 - not at all to 5 - fully) does the current legislative framework (including the REACH and CLP Regulations and product-specific legislation) and the currently available databases (including the JRC web platform, see http://ihcp.jrc.ec.europa.eu/our_databases/web-platform-on-nanomaterials) meet the following objectives?

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| a) Provide decision makers, regulatory authorities and professional users with information that allows for an appropriate response to health or environmental risks of nanomaterials | 4 |
| b) Provide consumers with relevant information on products containing nanomaterials on the market | 3 |
| c) Maintain competitiveness and innovation of businesses bringing nanomaterials or products containing nanomaterials to the market (including SMEs) | 3 |
| e) Ensure the availability of relevant information on the presence of nanomaterials or products containing nanomaterials on the market | 1 |
| f) Ensure the proportionality of the information requirements and the associated costs and administrative burden. | 2 |
| g) Protect confidential business information | 3 |

Q15: To what extent do you agree with the following statements from 1 (strongly disagree) to 5 (strongly agree):

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| a) The current level of available information on the presence of nanomaterials and products containing nanomaterials on the market is insufficient for an adequate response to health and environmental risks | 2 |
| b) The current level of available information on the presence of nanomaterials and products containing nanomaterials on the market is insufficient for informed consumer choice | 2 |
| c) The current level of available information on the presence of nanomaterials and products containing nanomaterials on the market is detrimental to consumer trust | 4 |
| d) The available information on the presence of nanomaterials and products containing nanomaterials on the market is presented in an incoherent or ineffective way | 4 |
| e) The establishment of national registries and notification schemes causes market fragmentation and hampers trade within the internal market | 5 |

Please provide additional comments

Information on the presence of nanomaterials in products is a measure equivalent to negative labelling, and should be avoided

Q16: With regard to health and environmental hazards and risks of specific nanomaterials/types of nanomaterials, please tick the relevant boxes:

I am aware of health and/or environmental hazards of specific nanomaterials/types of nanomaterials

,

I am aware of specific nanomaterials that are classified as hazardous under Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

,

I am aware of DNELs/PNECs/OELs set for specific nanomaterials/types of nanomaterials

,

I am not aware of any significant exposure of workers/users/consumers to specific nanomaterials/types of nanomaterials

Q17: With regard to the past and current use of nanomaterials (tick the relevant box):

I am not aware of any health and/or environmental incidents which have occurred

Q18: The establishment of an EU nanomaterial registry (tick the relevant box):

Would not significantly contribute to reducing the health and/or environmental risks related to the use of nanomaterials

,

If appropriate, please explain further:
Nanomaterials can be addressed within the current safety scheme under REACH and CLP, additional measures can only add extra administrative burden to industries and do not contribute to consumers protection.

PAGE 6: Section V – Consumer trust

Q19: In case information on the presence of nanomaterials in your products were made available, what impact do you think this would have on your clients? (Please tick all that would apply)

b) They would try to avoid those products

Q20: Do you believe that the public availability of information on the presence of nanomaterials in products would be likely to...(choose one of the following answers)

c) generate insecurity or stigmatise such products, and thus have a negative effect on the market for the concerned products

PAGE 7: Section VI - Innovation and competitiveness

Q21: With regard to innovation, do you believe that information on nanomaterials and products containing nanomaterials that could be gathered in a nanomaterial registry would...(choose one of the following answers)

c) hamper innovation in the EU (e.g. through concerns about confidential business information or through additional costs related to providing information)

Q22: With regard to competitiveness of EU companies manufacturing nanomaterials or products containing nanomaterials, do you believe that information on nanomaterials and products containing nanomaterials that could be gathered in a nanomaterial registry would...(tick all that apply)

e) hamper intra-EU competitiveness,

f) hamper the competitiveness of European companies against extra-EU companies

,
Please explain

Extra measures on specific substances like nanomaterials increase the administrative costs and burden, will spread fears in consumers, and will be detrimental to competitiveness against non EU undertakings

PAGE 8: Section VII – Possible impact of a registry on your company/members of your association

Q23: Overall, how would a possible obligation to notify nanomaterials at the EU level affect your company/the members of your association, assuming that no exemptions were to be made from 1 (no impact) to 5 (significant impact):

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| a) with respect to nanomaterials on their own | 5 |
| b) with respect to nanomaterials in mixtures | 5 |
| c) with respect to articles with intended release of the nanomaterials | 5 |
| d) with respect to articles containing nanomaterials in general (i.e. in case also articles without an intended release of nanomaterials were to be covered) | 5 |

Q24: Would disclosure of the notified information conflict with the confidentiality of business information?

Yes, there would be a conflict with business information confidentiality

,
If yes, please elaborate; you may differentiate according to the different information that may be required in a notification scheme (e.g.: if a notification is only per substance and general use, or if the exact use needs to be disclosed): Nanomaterials might be used to impart special properties to plastic articles, such as mechanical properties or gas barrier. Disclosure of the presence of such technologies will give competition grounds for copy cat, patent infringement. Attention should be placed on companies not subjected to the EU regulations while importing into EU

Q25: Do you experience or expect any significant barriers for your company/members of your association from diverging registration obligations in the schemes in France/Belgium/Denmark?

Yes, we foresee significant barriers,

If yes, please describe these barriers?
Administrative burden, not justified by additional safety.

Q26: Is the market for your nanomaterials/products containing nanomaterials significantly different from Member State to Member State?

Yes, the markets differ at national level,

If yes, please describe these differences
The market of nanomaterial in plastics is rather reduced, due to costs of the materials and fears that the regulatory burden will increase, leading to other costs.

Q27: In case the European Commission were to recommend a best practice model for national notification schemes based on the experiences in France, Belgium and Denmark, which elements of these systems can be considered as “best practice”?

We believe that notification of quantity and a Safety Data Sheet can be sufficient, although we do not believe that this measure is worth to be adopted

PAGE 9: Section VIII – Possible options and exemptions

Q28: What would be the added value of a notification per use (i.e. for each mixture/article) compared to a notification per substance? – Please consider the usefulness of the information for public authorities, downstream user companies, workers and consumers.

Although we are not supportive of a notification measurer, we could say that if a notification is done, this should be done by use. In facts notification per use done by manufacturers/importers may allow authorities and downstream users to evaluate likelihood of exposure and potential environmental impact upon end of life of goods. Such information may be better obtained via consultation tables with industry.

Q29: Which actors along the supply chain should be subject to notification requirements? (tick all that apply):

- a) Manufacturers of nanomaterials,
- b) Importers of nanomaterials

Q30: The following should be subject to notification requirements (tick all that apply):

- a) Substances,
- Please explain:
If adopted, the measure should help evaluating the exposure to nanomaterials as derived by their use in various applications

Q31: Is there a need to exempt certain types of nanomaterials?

- No, all kinds of nanomaterials should be subject to notification obligations
- ,
- If yes, which types should be exempted and why? (in terms of specific properties, available knowledge, absence of hazards, etc.)
Again, although not supportive of notification we believe that the measure should allow to evaluate also Nanomaterials that are embedded in matrices and are not released during the serving time of the relevant goods, in order to evaluate release in the environment at the end of the life.

Q32: Is there a need to exempt certain uses of nanomaterials?

- Yes, certain uses of nanomaterials should be exempted from a notification system
- ,
- If yes, which uses should be exempted and why? (in terms of specific exposure scenarios, available knowledge, absence of hazards, etc.)
There is no need to notify uses where nanomaterials are not released until the end of life of the relevant goods

PAGE 10: Section IX – Nanomaterials Observatory

Q33: If a Nanomaterials Observatory is established instead of an EU-wide registry, what type of information should be collected? (please tick all that apply)

- c) Information on the use of nanomaterials across Europe
- ,
- d) Information concerning products containing nanomaterials
- ,
- e) Information on the hazards and risks of nanomaterials
- ,
- f) Other (please explain):
Information on workers and consumers exposure.

Q34: How should the information in a Nanomaterials Observatory be presented in order to reach the consumers, workers and authorities?

Use of web resources

PAGE 11: Section X - Potential use and benefits of a nanomaterial registry

Q35: In what ways could the information on nanomaterials from registries be potentially useful (tick all that apply):

- a) Risk assessment and/or risk management,
- b) Enforcement of worker protection

Q36: Please give a justification for your views (presented in the previous question) and describe which data would be necessary to allow the desired use (e.g. would information on substances alone be enough for informed consumer purchase decisions, or would this require information for each concerned product):

The use of nanomaterials is sufficiently addressed by REACH and CLP. It might be advisable that an Observatory is established that would allow to perform a closer evaluation of exposure to these substances of various sectors of the population (workers, infants, adult consumers, certain countries etc). This may allow to decide whether further specific measures are necessary. The Observatory could make use of public experts, industry experts as well as independent experts, but should be such as not to increase the economic or administrative burden for industry. A general register does not serve the objective of increasing safety, however we will be totally supportive of any measure that would address new risks for the use of nanomaterials, once identified.

Q37: What would be the added value of a European nanomaterial registry beyond the current framework of chemicals legislation, including REACH registration?

We do not believe that a register would add any value to the existing measures under REACH

Q38: Please provide any other comments that you would like to share regarding transparency measures for nanomaterials on the market.

Respondent skipped this question