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COMPLETE

Collector: Nano Consult - Non-Industry (Web Link)
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PAGE 2: Section I - Identification

Q1: Please provide the following details (*compulsory):	
Your name:	Kris Van Eyck
Name of organisation* (if applicable):	ACV-CSC
Town/City:	Brussels
Country*:	Belgium
E-mail address:	
Q2: Please indicate if you are responding to this questionnaire on behalf of/as:	d) a consumer organisation/trade union/environmental organisation/non-governmental organisation
Q3: Received contributions may be published on the Commission's website, with the identity of the contributor. Please state your preference with regard to the publication of your contribution:	My contribution may be published under the name indicated
Q4: We might need to contact you to clarify some of your answers. Please state your preference below:	I am available to be contacted

PAGE 3: Section III – Problem definition and objectives

Q5: 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	5
c) Maintain competitiveness and innovation of businesses bringing nanomaterials or products containing nanomaterials to the market (including SMEs)	4
d) Ensure consumer trust in products containing nanomaterials	5
e) Ensure the availability of relevant information on the presence of nanomaterials or products containing nanomaterials on the market	5
f) Ensure the proportionality of the information requirements and the associated costs and administrative burden.	3
g) Protect confidential business information	4
Please provide additional comments	The problem definition puts the focus on consumers. This information will also be useful at the workplace, hence the problem definition is too narrow. Exposure and potential risks for workers at the workplace are often much higher as compared to consumers (general population)

Q6: 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	1
b) Provide consumers with relevant information on products containing nanomaterials on the market	1
c) Maintain competitiveness and innovation of businesses bringing nanomaterials or products containing nanomaterials to the market (including SMEs)	4
d) Ensure consumer trust in products containing nanomaterials	1
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.	5
g) Protect confidential business information	4
Please provide additonal comments	On confidentiality: Confidential Business Information is a standard operating procedure for companies and few people know that that research exists, therefore this inhibits transparency. Many studies undertaken by companies are never given to authorities (such as the ECHA), and health and safety information cannot be classified as confidential and hidden form authorities, workers or the public. There should be a way to address this problem and clarify the criteria for authorities to validate CBI confidentiality claims.

Q7: 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	5
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	5
c) The current level of available information on the presence of nanomaterials and products containing nanomaterials on the market is detrimental to consumer trust	5
d) The available information on the presence of nanomaterials and products containing nanomaterials on the market is presented in an incoherent or ineffective way	5
Please provide additional comments	The current level of information is not sufficient to provide workers with enough information about the risks they may encounter. Without this information, employers can't fulfill their legal obligation to protect workers' health and safety.

PAGE 4: Section IV – Health and environmental aspects

Q8: 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 not aware of any DNELs/PNECs/OELs set for specific nanomaterials/types of nanomaterials

,

I am aware of significant exposure of workers/users/consumers to specific nanomaterials/types of nanomaterials

Q9: With regard to the past and current use of nanomaterials (tick the relevant box):	I am aware of health and/or environmental incidents which have occurred , Please explain (if any, please report the events and any scientific publication): JOURNEAY, S. et al (2014) Occupational handling of nickel nanoparticles: A case report American Journal of Industrial Medicine. SONG Y, et. al (2009) « Exposure to nanoparticles is related to pleura effusion, pulmonary fibrosis and granuloma ». Eur Respir J 34:559-567. WO LINSKI, H (2006) « Nanoregulation: A recent scare involving nanotech products reveals that the technology is not yet properly regulated ». EMBO Rep 7(9): 858–861.
Q10: The establishment of an EU nanomaterial registry (tick the relevant box):	Would significantly contribute to reducing the health and/or environmental risks related to the use of nanomaterials

PAGE 5: Section V – Consumer trust

Q11: In case information on the presence of nanomaterials in specific products were made available, what impact do you think this would have on consumers? (Please tick all that would apply)	d) They would search for more information, Please explain: Consumers request more information on nanomaterials and nanotechnologies to make informed and conscious choices. This is reinforced by the 'right to know' principle. The same goes for workers.
Q12: 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)	a) generate trust among consumers and the broad public, and thus have a positive effect on the market for the concerned products , Comments: It will help to make a more informed choice.

PAGE 6: Section VI - Innovation and competitiveness

Q13: 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)	b) have no significant impact on innovation, Comments: Regardless of the measures, research and innovation will continue to be among the main activities of industry.
Q14: 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)	a) stimulate intra-EU competitiveness

PAGE 7: Section VIII – Possible options and exemptions

Q15: 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.

The added value of a notification per use is the availability of information on both uses of, and exposure to, nanomaterials in different situations. Exposure, type of risk a risk level depend strongly on the specific use of a nanomaterial. At the workplace different uses depend on: the activities performed (spraying, mixing, painting, sanding, welding, etc.); and how substances should and should not be used.
Public disclosure encourages the responsible actors to manage the risks and generate more interest in the company in assessing safety.

Q16: Which actors along the supply chain should be subject to notification requirements? (tick all that apply):	a) Manufacturers of nanomaterials, b) Importers of nanomaterials, c) Downstream users (e.g. re-formulators, manufacturers of products containing nanomaterials) , d) Distributors to professional users (e.g. wholesalers) , e) Distributors to consumers (e.g. retailers)
Q17: The following should be subject to notification requirements (tick all that apply):	a) Substances, b) Mixtures containing nanomaterials, c) Articles with intended release of nanomaterials , Please explain: Further explanation is needed regarding what is meant by intended and non-intended release.
Q18: Is there a need to exempt certain types of nanomaterials?	No, all kinds of nanomaterials should be subject to notification obligations
Q19: Is there a need to exempt certain uses of nanomaterials?	No, all uses of nanomaterials should be subject to notification obligations

PAGE 8: Section IX – Nanomaterials Observatory

Q20: If a Nanomaterials Observatory is established instead of an EU-wide registry, what type of information should be collected? (please tick all that apply)	f) Other (please explain): This document does not fully describe the objectives of the Nanomaterials Observatory , therefore it is difficult to understand what the purpose is.
Q21: How should the information in a Nanomaterials Observatory be presented in order to reach the consumers, workers and authorities?	*Respondent skipped this question*

PAGE 9: Section X - Potential use and benefits of a nanomaterial registry

Q22: 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,

c) Promotion of safe use of nanomaterials in products
,

d) Development of strategies to ensure the safe use of nanomaterials
,

e) Informed purchasing decisions by consumers,

f) General education of the public

Q23: 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):

A registry should include clear information about the substance/ article and its uses. This should include: advice on proper use and disposal of specific nanomaterials (whether used individually, in mixtures or in finished products); understandable information about possible risks (for both non-specialised workers and consumers): type of hazards, possible types of exposure, health and safety risks of this exposure, and information about protective measures, clothing and equipment to be used when manipulating nanomaterials. Since using products that contain nanomaterials can lead to a release of such materials into the environment, more information should be available.

Q24: What would be the added value of a European nanomaterial registry beyond the current framework of chemicals legislation, including REACH registration?

The added value of a nanomaterial registry is that it will provide a harmonised information to the governments of precise information about the formulation of the product or mixture containing nanomaterials along the suppliers chain. In this way uncertainties regarding the hazardous properties of nanomaterials could be minimized at the level of risk assessment and risk management of the products and their ingredients, and have a better view of the life cycle of the product/substance.

Additionally the registry will provide essential information to identify exposure of workers to nanomaterials. Without this information adequate health and safety protection of these exposed workers will not be possible.

Finally it involves the application of the cradle-to-cradle life cycle perspective to the design, manufacture and use of the nanomaterials.

On its 2nd Resolution on Nanotechnologies and Nanomaterials in 2010, the ETUC called for transparency and traceability of nanomaterials to help anticipate possible problems.
Society cannot afford to wait for a disaster, a failure, or the unforeseen effects of nanomaterials. Establishing a nanomaterial registry in the EU is crucial to ensure traceability and to guarantee to all citizens their right to know what they work with, what they buy, what they consume and how their choices affect society and the environment.

Q25: Please provide any other comments that you would like to share regarding transparency measures for nanomaterials on the market.

Civil society strongly supports specific and clear regulation for nanomaterials and supports the Commission in its role to protect health and the environment. It is widely recognised that the current regulatory system does not work for nanomaterials.
Nanotechnology products and processes are already interacting with society and with workers in particular, but this is in the absence of sufficient knowledge of the detrimental effects to individuals. Furthermore, history has shown us that the misuse of technology can escape attempts to regulate it.

Taking into consideration the French notification scheme and the initiatives of the Belgian and Danish governments on the implementation of national registries for a better traceability of nanomaterials, the ETUC considers that the European Commission must develop a harmonised mandatory registry of substances/articles containing nanomaterials and its uses, including a life-cycle assessment of the articles. This registry should be the base for traceability, market surveillance and securing knowledge for better risk prevention and for improvement of the legislative framework.

The ETUC does not want to see another asbestos-like disease, which is responsible for hundreds of thousands of deaths worldwide, and it does not want to see workers dying or suffering from unusual conditions. The EU needs meaningful regulation and traceability schemes to further prevent disease and death. What do we know about the toxic or possible toxic effect of the nanomaterials which are on the market but not registered anywhere?