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COMPLETE

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

Q1: Please provide the following details (*compulsory):	
Organisation*:	European Crop Protection Association
Town/City:	Brussels
Country*:	Belgium
Contact name:	Lukasz Wozniacki
E-mail address:	
Transparency Register ID number (if applicable)	0711626572-26
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 under the name indicated
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):	e) is a formulator of mixtures containing nanomaterials
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	
Primary business sector (NACE 4 digit code):	20.2
Secondary business sector (NACE 4 digit code):	20.2.0
Q7: Please indicate the number of employees.	10-49 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).	*Respondent skipped this question*

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	3
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	5
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
Please provide additional comments	Nanomaterials should be regarded as any other substance. The safety of plant protection products is evalu-ated within the current scientific assessment under existing regulation of Plant Protection product use, ensur-ing safety to humans and the environment, irrespective of whether or not they contain nanomaterials. Fur-thermore, as recognised in the Commission Q&A Document which accompanied the

Q&A Document which accompanied the Recommendation on the definition of nanomaterial, “there is no consistent causal link between nano size alone and hazards”, also rec-ognised by the SCENIHR. Plant protection products are regulated and widely tested through strict safety assessments under the existing regulatory framework (Regulation 1107/2009). To be authorised for use in the EU, it is mandatory that plant protection products pass a range of stringent scientific tests and assessments to comply with the highest safety standards. These testing regimes include short and long term safety to human health, including potential exposure to food residues (i.e. consumer health) and the environment (incl. aquatic life, plants, birds and mammals). Initially evaluated by a rapporteur Member State, subsequently peer-reviewed by the European Food Safety Authority (EFSA) and finally agreed by all Member States, the EU legally binding assessment ensures the highest standard of protection of human health and the environment. Only after having successfully met these safety requirements can a plant protection product be authorized for use on the EU market. In ECPA`s view, an inventory is not the right tool for consumer communication.

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	5
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
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	4
f) Ensure the proportionality of the information requirements and the associated costs and administrative burden.	4
g) Protect confidential business information	4
Please provide additonal comments	In the view of ECPA, current legislation/testing allows for an appropriate response to health or environmental risk of nanomaterials in agriculture. Additional requirements would burden the entire agricultural industry supply chain without improving the safety of products for people or the environment.

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	1
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	3
c) The current level of available information on the presence of nanomaterials and products containing nanomaterials on the market is detrimental to consumer trust	2
d) The available information on the presence of nanomaterials and products containing nanomaterials on the market is presented in an incoherent or ineffective way	2
e) The establishment of national registries and notification schemes causes market fragmentation and hampers trade within the internal market	5
Please provide additional comments	The adequate response to health and environmental risk is not linked to the information on the presence of nanomaterials in products but on an effective and reliable risk assessment carried out for the whole life-cycle of the substance (as foreseen by REACH and product/use-specific regulation – 1107/2009).

PAGE 5: Section IV – Health and environmental aspects

Q16: With regard to health and environmental hazards and risks of specific nanomaterials/types of nanomaterials, please tick the relevant boxes:	*Respondent skipped this question*
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: ECPA believes that the current regulatory framework with REACH and specific industry regulation is sufficient to control risk to health and/or environment associated with chemicals, including those in nanoform.

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)	f) hamper the competitiveness of European companies against extra-EU companies , Please explain Asking companies to register would create additional burden for those companies producing, importing or using nanomaterials. Already we see different approaches between countries causing confusion and extra work.

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):

b) with respect to nanomaterials in mixtures	4
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)	4
Please explain:	A register would be a list of items to avoid for the general public related to the perceived risk. The current regulatory framework within the EU already addresses that materials can only be placed on the market that are safe for people and the environment. New “tools” will not help in this regard.

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): Yes, in the event that an inventive step was found with nano size this could be confidential business information of use to a competitor.
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? ECPA member companies experienced problems in France as the scope of the register was not clearly set and suppliers did not behave in a consistent way toward ECPA member companies. Additional registers in Belgium, Denmark, etc. with different requirements for notification will only serve to confuse downstream users and consumers across the one EU market. It will place an undue burden on industry to track and report specific labelling and reporting requirements in each EU country without improving safety to people or the environment. The lack of consistency in approach is confusing. An EU down approach would have been better.
Q26: Is the market for your nanomaterials/products containing nanomaterials significantly different from Member State to Member State?	No, there is not any significant difference in the national markets for our products

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"?

- Ensure proper transmission of the notifications along the supply chain in order to minimize the burden for companies and protect confidential information
- Create a nanomaterial definition that can be easily and cost effectively measured with accepted and approved test methods whose results will not later be questioned.
- Consumers and downstream users must be educated to not associate nano with high risk otherwise perfectly safe, effective and environmentally efficient technologies may be shunned or banned at a overall detriment to people and the environment.

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.

All products bought to market must be safe for the specific use under REACH and other industry specific regulations. The current scheme has the authority and ability to address any safety issues and a further burden on industry would only decrease the competitiveness of European products.

Q29: Which actors along the supply chain should be subject to notification requirements? (tick all that apply):	Please explain: As already required under REACH, the burden should be placed on the manufacturers and importers since they are bringing the materials to market within the EU. Current legislation already addresses this.
Q30: The following should be subject to notification requirements (tick all that apply):	Please explain: Materials are already notified under REACH and industry specific regulations with very specific requirements to ensure efficacy and safety to workers, consumers and the environment. Further notification with differing reporting requirements would only confuse the entire supply chain and cause undue burden.
Q31: Is there a need to exempt certain types of nanomaterials?	Yes, certain types of nanomaterials should be exempted from a notification system , If yes, which types should be exempted and why? (in terms of specific properties, available knowledge, absence of hazards, etc.) Pesticides are already tested thoroughly under REACH and specific legislation during development and the current testing should capture any tox/ecotox/consumer safety concerns. The Danish government recognised that, by excluding pesticides from the Danish register.
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.) If yes, which uses should be exempted and why? (in terms of specific exposure scenarios, available knowledge, absence of hazards, etc.) Notification systems are already in place. Where existing legislation already covers testing of usage of nano-materials, then additional notification system should not be needed (as recognised by Denmark).

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)	a) Information from existing notification systems, b) Information from market studies on nanomaterials and products containing nanomaterials , c) Information on the use of nanomaterials across Europe , e) Information on the hazards and risks of nanomaterials

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

Respondent skipped this question

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):

Respondent skipped this question

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):

Respondent skipped this question

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

No added value.

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

Respondent skipped this question