

EFCC position on the European Commission proposal for the revision of EU legislation on hazard classification, labelling and packaging of chemicals (CLP)

Brussels, 30 March 2023

EFCC fully supports the intention of the European Commission to improve identification and classification of hazardous chemicals and welcomes the opportunity to participate in the public consultation on the revised Regulation on CLP.

EFCC believes that the new formatting rules for the labels are unnecessarily inflexible and specific, and would not lead to significant improvement of the hazard communication. The re-design and re-labelling of packages takes time and costs money, and, if the removed and unused labels have to be disposed, this would have a negative impact on the environment.

EFCC welcomes the introduction of digital labelling for some elements of the labels, however, EFCC considers that the benefits of digitalisation were not fully explored in the proposal.

EFCC would like to raise concerns regarding the harmonised classification and labelling proposals for a group of similar substances, assuming that such similarity allows for similar classification of all substances in the group. EFCC calls for grouping to be done on the basis of sound scientific principles. Harmonised classifications should be assigned only where this is justified based on a comprehensive review of the weight of scientific evidence.

The construction chemicals industry calls for the allocation of sufficient time for implementing the changes of the labelling in accordance with the new CLP.

EFCC welcomes the intention of the European Commission to improve identification, classification of hazardous chemicals and to provide more clarity on labelling issues, such as readability and digital labelling. We support most elements of the proposal, but our concern is that the major objective, the simplification of the chemicals' legislative framework may not be achieved with the proposal in its current form.

Our members raised the following concerns regarding the proposal:

New labelling requirements

We are convinced that the labelling requirements of the current CLP would already ensure effective communication on hazards. They already include a series of requirement for easy and clear readability.

The planned provisions add a series of new requirements on the **minimum formatting rules** (font size, spacing requirements, background colour). We consider these unnecessarily inflexible and too specific and they would not lead to significant improvement of the hazard communication.

The proposed font size could result in very large labels, unusable for certain products. More flexibility should be allowed regarding the font size, allowing its adaptation to the product.

The introduction of provisions for a broader use of **fold-out labels** is welcomed by EFCC. Nevertheless, EFCC requests more flexibility concerning these labels, allowing industry to choose between the use of multiple languages on the fold-out label and the language(s) of the Member State in which the substance or mixture is placed on the market. The advantage of the label, featuring multiple languages, is that the label does not need to be redesigned and reprinted for each member state where the product is placed on the market. This saves not only costs for industry but also implies the use of less resources and would have lower impact on the environment and climate.

EFCC welcomes the introduction of **digital labelling** for some elements of the labels. However, in our view the benefits of digitalisation were not fully explored in the proposal. The use of digital means (QR codes) that some (non-mandatory) CLP information could be included to address the challenge of squeezing ever-increasing amounts of regulatory-related text on the current physical labels with limited space.

As the ECHA Guidance on Labelling and Packaging provides clear recommendations for label design and font size, our strong preference is not to change the currently applicable font size and design recommendations and, if changes are introduced, to keep the specific formatting rules in the **guidance documents** rather than in the legislative text.

Compliance with the new provisions requires the updating of the existing labels even when the classification remains unchanged. The **re-design and re-labelling of packages** takes time and is costly. The already labelled products would have to be re-labelled, and the removed and already printed labels would need to be disposed. This would generate more paper and adhesive waste and as such have a negative impact on the environment. Therefore, a derogation or, at the minimum a transition period, should be allowed for the stocks of products labelled in accordance with the current CLP requirements.

The construction chemicals industry calls for the **allocation of sufficient time** for implementing the changes of the labelling in accordance with the new CLP. The new legislative proposal requires labels to be updated within 6 months (self-classification) in case a new hazard class or a more severe classification needs to be assigned to a substance or a mixture or when new supplemental information on the label is required. Based on the experience gained from current practices, this timeline is much too short and at least a minimum of 18 months should be allocated for the label updates, in line with the timeline for ATPs when CLH becomes mandatory for specific substances.

Distance sales

The new Article 48a requires that any kind of distance sales platform shall clearly indicate the label elements with the aim of clarifying of the rules on responsibilities for economic actors involved in selling substances or mixtures via distance sales (to EU consumers).

Since business to business (B2B) platforms are not specifically excluded, this means these provisions are now extended to industrial and professional users. These requirements would imply additional efforts from companies with no increased level of protection of human health and environment.

EFCC requests to limit these provisions to consumer products and exclude industrial and professional users.

Grouping of substances

EFCC would like to raise concerns regarding the proposal of moving away from harmonised classification and labelling proposals for individual substances to proposals for a group of similar substances, assuming that such similarity allows for similar classification of all substances in the group.

Substances having a similar molecular structure may not have the same impacts on human health and the environment. Therefore, all available data on the substances' physico-chemical, ecotoxicological and toxicological properties should be assessed before harmonised classification to avoid regulating substances based on presumed properties.

Grouping should be based on sound scientific principles and harmonised classifications should be assigned only where this is justified based on a comprehensive review of the weight of scientific evidence.

EFCC, based in Brussels, is the European Federation for Construction Chemicals and is the European Association representing approximately 50% of the companies and national federations working in the Construction Chemicals Industry in Europe. The European construction chemicals market was valued at €15 billion in 2020.

Construction chemicals are mainly used for speeding up the work in construction projects that are under development or in new projects to improve the overall sustainability of the building or construction.

Construction Chemicals are all those chemicals that are used in the construction industry, from admixtures for concrete to mortar systems, flooring applications, sealants & adhesives, waterproofing systems, anticorrosion agents and many other additives & solutions aimed at improving performance, durability, energy efficiency and the overall sustainability of construction and buildings.

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