

To:
Ms Céline Gauer
Deputy Secretary-General

Secretariat-General
European Commission
Brussels

By email:
celine.gauer@ec.europa.eu

Brussels, 10 September 2019

Re: Impact Assessment, 14th adaptation to technical progress (ATP) of the Classification and Labelling (CLP) Regulation – titanium dioxide (TiO₂)

Dear Ms Gauer,

We understand that the proposal to classify Titanium Dioxide (TiO₂) as a suspected carcinogen (cat. 2) by inhalation as a part of the 14th ATP to the CLP Regulation will be discussed as a delegated act on 18 September in the CARACAL Committee.

489 interested parties contributed to the [public consultation](#) on the 14th ATP and third countries made [submissions](#) via the WTO technical barriers to trade notification process. These parties have all raised similar concerns regarding the proposed delegated act, and the common questions relate to:

1. **The political sensitivity of the classification, and;**
2. **The potential unwarranted second order impacts, especially on circular economy.**

To resolve the questions raised, many of the interested parties have suggested to undertake an impact assessment before deciding on the proposed classification of TiO₂ to bring full clarity.

The Commission's position to date has been to suggest that the translation of the proposed classification by the European Chemical Agency's Risk Assessment Committee (RAC) should be automatically transposed into the CLP Regulation.

However, this position is not reflected in practice and in the text of the CLP Regulation. Firstly, the Commission Services have from time to time exercised their inherent discretion in taking forward individual classifications, confirming that there is no automaticity in taking forward the RAC's opinion and the text put forward in the ATP package (e.g. [2015](#) and [2016](#) ATPs). Secondly, the Commission has an affirmative duty under article 37(5) of the CLP Regulation to verify if CLP classification is the right action and to consider relevant classification and labelling elements, such as concentration limits etc.

In this regard, the Better Regulation Guidelines are clear that technical and secondary legislation, like delegated acts, can benefit from an impact assessment: “The lead DG should (in consultation with the Secretariat-General) consider whether the Commission's initiative would benefit from further analysis and a complementary IA due to its complexity, or the significance of the expected impacts or where the Commission is likely to deviate from the advice of the relevant agency or indeed where the Agency's work does not meet the Commission's usual standards” ([Better Regulation Toolbox, page 51](#)).

In this case, the impact assessment would be a useful instrument to determine the way forward:

- 1) The division in the views of the Member States shows, this issue is politically sensitive. Several Member States have raised questions about the impact of classification;
- 2) The second order impacts of the proposed classification are at best unanswered and unclear to many. The recent fitness check of the most relevant chemicals legislation (excluding REACH) highlighted the negative consequences of unintended second order impacts;
- 3) Due to the circular economy impacts, DG ENV is working on an update to EU waste guidance. The impact assessment can clarify whether it is adequate to avoid the unintended impacts on the circular economy highlighted by the affected sectors and the waste management industry.





The Commission has previously undertaken impact assessments for delegated acts in relation to issues around Endocrine Disruptors.

As shown by the many hundreds of comments on the 14th ATP, the public consultation is an important instrument to gather feedback from stakeholders. We now understand that the Commission intends to remove this important step from the CLP process, and it is claimed that the consultation on the 14th ATP was due to clerical error.


We are concerned about this approach, which would go against the letter and the spirit of Better Regulation. The Commission, the Member States, and MEPs all benefit from letting the people tell them what they think of the laws being passed in their name. To remove the public consultation for the ATP would deprive many of the opportunity give their feedback on the final proposal.

In the light of this, we ask that the Commission undertakes an impact assessment on the proposed classification for TiO₂ before proceeding with the delegated act. Even an expedited impact assessment would bring forward important information before making a decision on this file.

Sincerely,

<p>ACOPLÁSTICOS</p>	 <p>Plásticos · Química · Petroquímica · Cauchos · Pinturas · Tintas · Fibras</p>
<p>Advanced Chemical Specialties Ltd</p>	 <p>Protecting The Built Environment</p>
<p>AkzoNobel</p>	
<p>Alfred Clouth Lackfabrik GmbH & Co KG</p>	
<p>ALLIGATOR FARBWERKE GmbH</p>	 <p>macht's einfach.</p>
<p>Alpina Farben GmbH</p>	
<p>alsecco GmbH</p>	
<p>American Coatings Association</p>	
<p>ANAIP</p>	 <p>Asociación Española de Industriales de Plásticos</p>
<p>Annie Sloan Interiors</p>	
<p>APDCR - Asociatia Producatorilor si Distributorilor de Chimicale din Romania</p>	

<p>Apollo Colours Limited</p>	
<p>APQuímica – Associação Portuguesa da Química, Petroquímica e Refinação</p>	
<p>Argacol – Tintas e Vernizes, S.A.</p>	
<p>ASCER</p>	
<p>ASEFAPI – ASOCIACIÓN ESPAÑOLA DE FABRICANTES DE PINTURAS Y TINTAS DE IMPRIMIR</p>	
<p>ASETER</p>	
<p>Asociación Colombiana de Técnicos en Recubrimientos- ACTR</p>	
<p>ASOCIACION DE FABRICANTES DE PINTURAS E INDUSTRIAS AFINES – (AFPIA)</p>	
<p>ASOCIACION NACIONAL DE FABRICANTES DE FRITAS, ESMALTES Y COLORES CERÁMICOS (ANFFECC)</p>	




<p>Asociación Nacional de Fabricantes de Pinturas y Tintas (ANAFAPYT)</p>	
<p>Asociación Nacional de Importadores de Materias Primas para Uso Cerámico</p>	 <p>Asociación Nacional de Importadores de Materias Primas para Uso Cerámico</p>
<p>Association of Andean Technicians in Coatings</p>	
<p>Association of Chemical and Pharmaceutical Industry of the Slovak Republic</p>	
<p>Association of Chemical Industry of the Czech Republic</p>	
<p>Association of Finnish Paint Industry</p>	
<p>Association of Paint Manufacturers of the Czech Republic</p>	
<p>Association of the German Wood-Based Panel Industry (VHI e.V.)</p>	
<p>ASSOVERNICI</p>	
<p>ASTURIANA DE TRANSFORMADOS PLÁSTICOS, S. A.</p>	
<p>Baden-Jensen A/S</p>	

Barbot-Indústria de Tintas S.A.	
Baril Coatings B.V.	Sustainable Coating Solutions 
BARPIMO, S.A.	
Base Resources Ltd	
BASF SE	
BDI – Federation of German Industries	
Beck & Jørgensen A/S	
BEISSIER S.A.U	
Benjamin Moore & Co.	
BERCEO CHEMICALS SL	
BERNARDO ECENARRO, S.A.	
BEVEPE BVBA	










<p>Boss paints</p>	
<p>Brazilian Coatings Manufacturers Association</p>	
<p>BRIGAL,S.A</p>	
<p>British Coatings Federation</p>	
<p>British Retail Consortium</p>	
<p>Bundesverband Glasindustrie e.V.</p>	
<p>Bundesverband Keramische Industrie e.V.</p>	
<p>BureauLeiding</p>	
<p>Caldic Ibérica S.L.U.</p>	
<p>Canadian Paint and Coatings Association</p>	

<p>Caparol España S.L</p>	
<p>Carlos Grollo S.A.</p>	
<p>CD- Color GmbH & Co. KG</p>	
<p>Centre Colours Ltd</p>	
<p>Cepe Is The European Council Of The Paint, Printing Ink And Artists' Colours Industry</p>	
<p>CEPI – Confederation of European Paper Industries</p>	
<p>CET Comité Européen de la Tréfilerie</p>	
<p>Chantry Chemicals Ltd</p>	
<p>ChemQuest Group, Inc.</p>	

CHROTEX SA	
Chugoku Paints B.V.	
CIN Valentine SAU	
CIRFS	
Clariant International Ltd	
COLOR MIXING ARGENTINA SRL	
Confederation of Danish Industry	 <p>Confederation of Danish Industry</p>
CONSORCIO NACIONAL DE INDUSTRIALES DEL CAUCHO	
Constructoquimica	

COTANCE	
Craig & Rose Ltd	
Cromology S.L.	
ČTP SusChem	
CWS Powder Coatings GmbH	
Czech Association of Applied Photocatalysis	
Czech Nanotechnology Industries Association	
Czech Plastic Cluster	
Czech technology platform PLASTICS	

<p>Danish Coatings and Adhesives Association</p>	 <p>Danish Coatings and Adhesives Association</p>
<p>DataLase Ltd</p>	 <p>DataLase® a AVTO company</p>
<p>DAW SE</p>	 <p>DEUTSCHE AMPHIBOLIN-WERKE VON ROBERT MURJAHN</p>
<p>Deifel GmbH & Co. KG Buntfarbenfabrik</p>	<p>Buntfarbenfabrik</p>  <p>DEIFEL GmbH & Co. KG</p>
<p>Dextūra Innentürsysteme GmbH</p>	 <p>Innentürsysteme</p>
<p>Disbon GmbH</p>	
<p>Divercol- Indústrias Químicas Lda</p>	
<p>Dörken MKS Systeme GmbH & Co.KG</p>	 <p>THE CORROSION EXPERTS</p>
<p>Dothée SA</p>	 <p>COATINGS</p>
<p>Dr. Demuth Derisol Lackfarben GmbH & Co. KG</p>	<p>DR. DEMUTH </p> <p>DERISOL LACKFARBEN</p>
<p>Dr. Willmar Schwabe GmbH & Co. KG</p>	

<p>Druckfarben Hellas S.A.</p>	
<p>DuPont de Nemours, Inc.</p>	
<p>Dutch Association of Adhesives & Sealants: VLK</p>	
<p>Dutch Association of the Paint and Printing ink industry: VVVF</p>	
<p>DVSI e.V.</p>	
<p>ECKART GmbH</p>	
<p>EDRA</p>	
<p>EEIG OF INORGANIC PIGMENTS</p>	
<p>EFCC (European Federation for Construction Chemicals)</p>	

<p>einza Lackfabrik GmbH</p>	
<p>EL NERVION, S.A. DE C.V.</p>	
<p>ELASTÓMEROS RIOJANOS S.A.U.</p>	
<p>Epple Druckfarben AG</p>	
<p>ER-LAC G.D. KOUTLIS S.A.</p>	
<p>ESTAL, European Association for Surface Treatment on Aluminium</p>	
<p>Estonian Chemical Industry Association (ECIA)</p>	
<p>ETRMA - European Tyre & Rubber Manufacturers Association</p>	










<p>Eulenspiegel Profi-Schminkfarben GmbH</p>	
<p>EUPINCA,S.A. (GRUPO TKROM)</p>	
<p>EuroCommerce</p>	
<p>Eurometaux</p>	
<p>European Aluminium</p>	
<p>European Association for External Thermal Insulation Composite Systems (EAE)</p>	
<p>European Coil Coating Association</p>	
<p>European Mortar Industry Organisation</p>	
<p>European Plastics Converters</p>	

<p>European PVC Window Profiles and related Building Products Association</p>	
<p>European Stress Information Service (Association of PC Wire & Strand producers)</p>	
<p>European Wood-based Panels Federation (EPF)</p>	
<p>Evonik Industries AG</p>	
<p>F. C. Nüdling Betonelemente GmbH + Co. KG</p>	
<p>Fábrica de Tintas 2000, SA</p>	
<p>Fachverband Werkzeugindustrie e. V</p>	
<p>FAPLISA</p>	
<p>Farrell-Calhoun Inc</p>	
<p>Farrow & Ball</p>	
<p>Federación Latinoamericana de Asociaciones de Técnicos y</p>	

Fabricantes de Pinturas y Tintas	
Fédération de la Plasturgie et des Composites	 <p>FÉDÉRATION DE LA PLASTURGIE ET DES COMPOSITES</p>
Fedustria	 <p>Fedustria</p>
FEICA – The Association of the European Adhesive & Sealant Industry	 <p>FEICA[®]</p>
Ferro GmbH	 <p>FERRO Where innovation delivers performance™</p>
FERROXON-Pigmente	 <p>GmbH & Co. KG FERROXON[®]-Pigmente</p>
Finnish Commerce Federation	 <p>KAUPAN LIITTO</p>
FIPEC	 <p>Fipec</p>
Gabriel-Chemie Ges.m.b.H.	 <p>GABRIEL-CHEMIE GROUP</p>

<p>Ganzlin Beschichtungspulver GmbH</p>	
<p>GEHOLIT+WIEMER Lack- und Kunststoff- Chemie GmbH</p>	 <p>LACK- UND KUNSTSTOFF- CHEMIE GMBH</p>
<p>German Pharmaceutical Industry Association e.V.</p>	
<p>Gesamtverband der deutschen Textil- und Modeindustrie e.V.</p>	
<p>GOMPLAST, S.A.</p>	
<p>GRAUTHOFF Türengruppe GmbH</p>	
<p>Guadiel Pinturas</p>	
<p>Hempel A/S</p>	
<p>Henkel AG & Co. KGaA</p>	

<p>Hijo de Guillermo Colom S.A.</p>	
<p>Hispanamer S.A.</p>	
<p>Homanit GmbH & Co. KG</p>	
<p>hubergroup</p>	
<p>Hungarian Paint Producers Association (MAFEOSZ)</p>	
<p>I&P Europe – Imaging and Printing Association e.V.</p>	
<p>IBERICA DE REVESTIMIENTOS S.L.U.</p>	
<p>Idealtom, Ida</p>	
<p>IGI – The Global Wallcoverings Association</p>	

<p>IK Industrievereinigung Kunststoffverpackun- gen e.V.</p>	 <p>IK Industrievereinigung Kunststoffverpackungen e.V.</p>
<p>Indestructible Paint</p>	
<p>Industrial Minerals Association Europe (IMA-Europe)</p>	
<p>Industrias Juno S.A</p>	
<p>INDUSTRIAS QUIMICAS CARPO SL</p>	
<p>INDUSTRIAS QUÍMICAS SATECMA</p>	
<p>Industrias Titan, S.A.U.</p>	
<p>Industrievereinigung Chemiefaser e.V. (IVC)</p>	
<p>INTERCAUCHOS DEL VALLES S.A.</p>	 <p>Intercauchos del Vallés S.A.</p>
<p>International Carbon Black Association</p>	

<p>Irish Decorative Surface Coatings Association (IDSCA)</p>	 
<p>Iron Platform Services Ltd.</p>	
<p>ISOMAT SA</p>	
<p>IVP-Coatings</p>	
<p>Jänecke+Schneemann Druckfarben GmbH</p>	
<p>Japan Business Machine and Information System Industries Association</p>	
<p>Jeld Wen Central Europe</p>	
<p>JONAS Farbenwerke GmbH & Co. KG</p>	
<p>JOTUN A/S</p>	
<p>Karl Bubenhofer AG</p>	
<p>Karl Wörwag</p>	

Lack- und Farbenfabrik GmbH & Co. KG	
KEIMFARBEN GmbH	
Kelheim Fibres GmbH	
KLEIN S.A.	
Kluthe Ibérica, SAU	
Lesol, S.A.	
Lifocolor Farben Group	
Likale Caucho Industrial	
Little Greene Paint Company	
Lyondellbasell	
Magyar-Lakk Kft.	

maleco Farbwerk GmbH	
Mankiewicz Gebr. & Co.	
Martin Mathys NV	
Medicines For Europe	
Meffert AG Farbwerke	
Merck KGaA	
MIJU, S.A.	
MIPA SE	
Miyoshi Europe	
MONOPOL LTDA	
Monosuisse	
Montana Air, S.L.	

<p>MOTIP DUPLI GmbH</p>	
<p>N. KRALLIS S.A.</p>	
<p>NEOKEM S.A.</p>	
<p>New Zealand Paint Manufacturers Association</p>	
<p>NORDCOLL A/S</p>	
<p>NORDIA S.A. – MARMOLINE</p>	
<p>Norwegian Coatings Association</p>	
<p>NOVO-TECH GmbH & Co. KG</p>	
<p>OMAR COATINGS, S.A.</p>	

<p>PAON-LIN</p>	
<p>Paragon Inks (Holdings)Ltd</p>	
<p>Paramount Powders (UK) Ltd</p>	
<p>Pelikan PBS- Produktionsgesellsch aft mbH & Co.KG</p>	
<p>Pemarsa</p>	
<p>Penn Color</p>	
<p>PHARMORGANA GmbH</p>	
<p>Picon Ltd</p>	
<p>Pinturas Berel, S.A de C.V</p>	
<p>PINTURAS BLATEM S.L.</p>	
<p>PINTURAS EUROTEX, S.A.</p>	











<p>PINTURAS FIERRO, S.L.</p>	
<p>Pinturas Isaval</p>	
<p>PINTURAS LEPANTO S.A</p>	
<p>Pinturas Montó S.A.U.</p>	
<p>PLP Coatings</p>	
<p>POLICHEMI S.L.</p>	
<p>Poli-Farbe Vegyipari Kft.</p>	
<p>POLIFARB-LODZ</p>	
<p>Polish Association of Paints and Adhesives Industry</p>	
<p>Polyplast Müller GmbH</p>	

<p>Portuguese Paint Association - APT</p>	
<p>PPG</p>	
<p>PRODUCERS AND IMPORTERS OF FRITS, EEIG</p>	
<p>Productos Jafep, S.L.</p>	
<p>Pronto Industrial Paints Ltd</p>	
<p>Protec Systempasten GmbH</p>	
<p>Quijano Bedding & Seating</p>	
<p>Quimica Marel SA de CV</p>	
<p>Reacciones Químicas S.A de C.V</p>	

<p>REHAU AG + Co.</p>	
<p>Rembrandtin Powder Coating GmbH</p>	
<p>Resino Trykfarver A/S</p>	
<p>Rio Tinto Iron & Titanium</p>	
<p>Romanian Paint Industry Association (Asociatia Industriei Vopselelor Din Romania)</p>	
<p>Rust-Oleum</p>	
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<p>Salmon & Ca. Lda.</p>	
<p>Sampaio & Castro, Lda. Portugal</p>	<p>No logo available</p>
<p>Schjerner Farver A/S</p>	

<p>Schlieper & Heyng GmbH & Co.KG</p>	 <p>Schlieper & Heyng GmbH & Co. KG FERROXON®-Pigmente</p>
<p>Schoeller Technocell GmbH & Co. KG</p>	 <p>Felix Schoeller Group Best Performing Papers. Worldwide.</p>
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<p>SHERWIN WILLIAMS COMPANY</p>	 <p>SHERWIN-WILLIAMS®</p>
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<p>Siegwerk</p>	 <p>SIEGWERK</p>
<p>Sika Technology AG</p>	 <p>BUILDING TRUST Sika®</p>
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<p>Sonae Arauco Deutschland GmbH</p>	 <p>SONAE ARAUCO Taking wood further</p>
<p>SPAIN RUBBER, S.L.</p>	 <p>SPAIN RUBBER MEZCLAS DE CAUCHO</p>
<p>SPS BV</p>	 <p>SPS</p>
<p>Steelpaint GmbH</p>	 <p>STEELPAINT®</p>

<p>Steyport Ltd</p>	
<p>Sto SE & Co. KGaA</p>	
<p>Stowarzyszenie na rzecz Systemów Ociepleń/ Polish Association of ETICS</p>	
<p>Sun Chemical Group GmbH</p>	
<p>SVEFF, The Swedish Paint and Adhesives Association</p>	
<p>Synthomer (UK) Limited</p>	
<p>T & R Williamson Ltd</p>	
<p>Teknos UK Ltd</p>	
<p>TER AS Portugal Unipessoal Lda</p>	

<p>The Association of Danish Detergents and Cosmetics Industries</p>	 <p>The Association of Danish Detergents and Cosmetics Industries</p>
<p>The Danish Plastic Federation</p>	 <p>Plastindustrien. The Danish Plastics Federation</p>
<p>The Titanium Dioxide Manufacturers Association</p>	 <p>TDMA</p>
<p>Tikkurila Oyj</p>	 <p>TIKKURILA</p>
<p>TINTAS ARZUBIALDE S.L.</p>	 <p>arzubialde</p>
<p>Tintas Titan</p>	 <p>TITAN</p>
<p>Tor-Coatings Ltd.</p>	 <p>TOR COATINGS</p>
<p>Toupret Benelux bvba</p>	 <p>TOUPRET®</p>
<p>Toyo Ink Europe NV</p>	 <p>TOYO INK</p>
<p>Trenzas y Cables de Acero, S.A. (TYCSA)</p>	 <p>TYCSA PSC</p>

<p>Trevira GmbH</p>	
<p>Unión de Industrias C.A., S.A. (UNICA)</p>	
<p>UNIPAK A/S</p>	
<p>Valresa Coatings S.A.</p>	
<p>VDMA - Technical, Environmental Affairs and Sustainability</p>	
<p>Verband der Chemischen Industrie e.V.</p>	
<p>Verband der Deutschen Feuerfest-Industrie</p>	
<p>Verband der deutschen Lack- und Druckfarben-industrie e.V. (VDL)</p>	
<p>Verband der Mineralfarbenindustrie e.V.</p>	
<p>Verband für Dämmsysteme, Putz und Mörtel e.V</p>	

<p>Vernilac S.A.</p>	
<p>VSLF-USVP Verband der Schweizerischen Lack- und Farbenindustrie Union Suisse de l'Industrie des Vernis et Peintures</p>	 <p>VSLF VERBAND DER SCHWEIZERISCHEN LACK- UND FARBENINDUSTRIE</p> <p>USVP UNION SUISSE DE L'INDUSTRIE DES VERNIS ET PEINTURES</p>
<p>Watco Ltd.</p>	
<p>WEILBURGER Coatings GmbH</p>	
<p>West & Senior Ltd</p>	
<p>Wood Panel Industries Federation</p>	
<p>World Coatings Council</p>	
<p>WSM Wirtschaftsverband Stahl- und Metallverarbeitung e.V.</p>	
<p>XEIKON MANUFACTURING NV</p>	

Zeller+Gmelin GmbH&Co KG	 ZELLER + GMELIN
Zentralverband Oberflächentechnik e.V	

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