4-POINT ACTION PLAN FOR AN EFFECTIVE REVISION OF THE EU CLASSIFICATION, LABELLING AND PACKAGING REGULATION

The EU Classification, Labelling and Packaging (CLP) Regulation, together with the REACH Regulation, is the cornerstone of the EU chemical legislation. Changes to CLP will have an impact on regulatory management under REACH (e.g. identification of substances of very high concern, restriction & authorisation of chemicals) as well as on product-specific EU legislation (e.g., cosmetics, biocidal and plant protection products, toys etc.)

This 4-point Action Plan outlines how the current European Commission's proposal for the CLP Regulation can be further improved to make the EU chemicals legislation more effective.

ACTION 1: DO NOT RELY ONLY ON "STRUCTURAL SIMILARITY" TO CLASSIFY GROUPS OF SUBSTANCES

To speed up harmonised classification and labelling, the Commission aims to move away, where possible and relevant, from a substance-by-substance approach and proposes that group(s) of similar substances result in the "same classification". We appreciate the goal of faster decision making but this should not come at the expense of scientific evidence.

Substances with a similar molecular structure do not always behave the same way or have the same impacts on health and environment, so applying the "same classification" to "similar substances" may lead to incorrect classification. This, in turn, will have a knock-on effect on the use of a substance under product-specific legislation.

The assessment of "similarity" of substances should be based on a review of all available data on the substance's physico-chemical, ecotoxicological and toxicological properties in line with the established practices under REACH, including the weight of evidence approach. The European Chemicals Agency (ECHA) should develop guidance on how to justify "similarity" for groupings of substances under CLP and formalise a quality check of the harmonised classification proposal dossiers in their processes.

ACTION 2: KEEP DEFINITIONS ALIGNED WITH REACH AND ESTABLISHED PRACTICES

The Commission's proposal introduces a new definition for multi-constituent substances to clarify classification rules for substances that contain impurities, additives or individual constituents.

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This definition is not consistent with the one used for over a decade under REACH. This lack of cohesion will lead to regulatory uncertainty for manufacturers and confusion for all actors.

Therefore, we do not see the need to introduce this new definition. What is more important is to provide clear rules on when scientific evidence on constituents (impurities, additives or individual constituents) prevails and when the data on the substance "as a whole" can be used, in line with current classification practices. This can be done without introducing a new "multi-constituent substance" definition.

ACTION 3: 18-MONTH IMPLEMENTATION PERIOD FOR ALL LABEL UPDATES

The Commission's proposal sets a 6-month deadline to update labels in case a more severe classification is agreed or supplemental labelling information is needed. 6 months is not enough for the whole value chain to redesign, reprint and relabel packages. For example, formulators of mixtures need all new classification information on substances first before they can update their classification and labelling for mixtures, and there could be several mixture formulators in the downstream value chain.

ACTION 4: KEEP FORMATTING RULES FOR LABELS FLEXIBLE

The proposed rules introduce mandatory increased font sizes and spacing requirements for labels. These rules are impractical as they would make current label sizes unusable for the majority of products and would reduce the number of languages that can be placed on one label.

In addition, new or updated software would be required to manage those requirements. We propose to keep formatting rules flexible and move them from the core legislative text to the guidance document.