

REVISION OF EU LEGISLATION ON HAZARD CLASSIFICATION, LABELLING AND PACKAGING OF CHEMICALS

A.I.S.E. input to consultation on Inception Impact Assessment

31 May 2021

A.I.S.E. appreciates the acknowledgment of the CLP Regulation as one of the cornerstones of EU chemicals legislation, along with REACH, and thanks the European Commission for the opportunity to provide the following comments on the roadmap for its revision.

Process and procedures

A.I.S.E. recognises the political commitments made in the Chemicals Strategy for Sustainability to protect human health and the environment, but ambitious policy goals need to be supported by **robust legislation**, providing predictability to drive investment, and a sound process to enable the transition. A.I.S.E. urges the Commission **not to rush decision-making processes** for CLP (or any other legislation) in order to meet unrealistic deadlines set in the Strategy, but to ensure that these are conducted properly in line with the principles of Better Regulation¹.

The **impact** of all changes must also be robustly assessed, in conjunction with all relevant stakeholders. According to the Commission's Cumulative Cost Assessment study (2016) the overall cost of chemicals legislation to the detergents and maintenance products industry is approximately €670 million, corresponding to 33.4% of profits². The sector is disproportionately impacted by administrative burden (representing 28% of total costs), so A.I.S.E. welcomes measures that will minimise such burden.

Businesses, as well as authorities, need realistic **transition periods** to implement any changes to CLP – both for major revisions of the hazard classes and criteria, as foreseen in this case, and for periodic delegated acts. In the event of changes in classification and labelling, the artwork re-design process alone can take 6-11 months, in addition to identification/generation and evaluation of new data and any research and development work required to re-formulate products. Furthermore downstream users (formulators) rely to an extent on information from upstream suppliers, so consideration should be given to sequential application deadlines and/or grace periods to sell stocks, as provided for in the original transition to CLP from the former EU Directives on dangerous substances and preparations.

To meet the objectives of the Green Deal it is important that supply chains can be exhausted **sustainably**, avoiding waste, product re-work and unnecessary transport of goods. This would be supported by leveraging the benefits of **digital tools** to enable constant access to up-to-date information on safe and sustainable product use, thus avoiding the need to make physical changes to, or to withdraw, goods already in the supply chain.

¹ Commission [Communication on Better Regulation](#) published 29 April 2021

² A.I.S.E. [factsheet](#) on the Cumulative Cost Assessment for the EU Chemical Industry, October 2016

In similar vein, A.I.S.E. calls on the Commission to implement the (hitherto unused) possibility in Article 29(4) of CLP to adopt exemptions or special provisions on environmental labelling of **products with reduced environmental impact**. A.I.S.E. and its members have a strong track record in improvement of sustainability through product compaction³, the benefits of which are currently offset by more severe hazard labelling due to higher concentration.

A.I.S.E. supports harmonised enforcement of the chemicals legislation framework to protect and strengthen the European Single Market. We therefore welcome measures that reinforce this, such as clarifying rules on **online sales** to help prevent imports of non-compliant and unsafe products into the EU market.

A.I.S.E. also welcomes the intention to clarify obligations related to **submission of information to poison centres**, in particular concerning the role of distributors. This will provide greater certainty to all supply chain actors whilst helping to ensure that poison centres in all Member States receive information on hazardous products on their respective market.

Hazard classification

The EU's standards of chemicals regulation are among the highest in the world. It should show leadership by making proposals for any new hazard classes and criteria to be discussed by experts on the UN **Globally Harmonised System** of classification and labelling of chemicals. Divergence from the global framework in the short or longer term may lead to practical problems, both geographically and between classification systems: e.g. confusion between supply and use labelling and classification for transport of dangerous goods (for example, a product that displays an environmental hazard pictogram associated with an EUH hazard statement but is not classified as Class 9 for transport). Any new hazards (proposed for GHS then CLP) must serve to communicate an identified adverse effect – not merely a mode of action – and avoid duplication with existing hazard classes.

Classification must be based on sound scientific methods and data and internationally-recognised standards. In the classification of substances and mixtures it is imperative that new animal testing should be avoided to the maximum extent possible. It should be a priority of the Commission to establish and promote acceptance of **alternative methods**, including the realistic and appropriate application of *in vitro* testing methods, Weight of Evidence approach and bridging principles.

Downstream users of chemicals rely on classification information and endpoint test data for substances available in the supply chain to inform the classification and labelling of the products (mixtures) in which the substances are used, as well as to conduct risk assessments on their use and ultimately to define requirements for safe storage, use and disposal. It is therefore essential that substances are classified and labelled using **relevant, reliable and robust scientific data**, prior to this information being communicated down the supply chain. There is no rationale to apply rules for classification of mixtures to substances where data exist on the substance as such. This should be taken into account in any initiative to clarify the obligations to classify complex substances.

Clearer and more effective hazard communication

A.I.S.E. calls on the Commission to use the opportunity of this revision of CLP to achieve safer use of chemicals, particularly by consumers, through **simplification of labels** – not only where space is lacking but on products more generally. Over-communication can impair clarity and be detrimental to proper understanding of risks and safe behaviours. Examples of improvements

³ <https://www.aise.eu/our-activities/sustainable-cleaning-78/resource-efficiency.aspx>

that could be explored include replacing precautionary statement text with pictograms (identified as potentially effective in consumer research commissioned by A.I.S.E.⁴), removal of names of ingredient substances driving the classification of mixtures (but of little value or meaning to consumers) and reducing overlaps and duplication with the labelling requirements of other legislation, such as the Regulations on Detergents and on Biocidal Products. It should be noted that new hazard classes and classification criteria proposed for CLP will add even more content to labels and further exacerbate the need for streamlining.

A.I.S.E. welcomes the proposal to allow **multi-lingual fold-out labels**, in coherence with provisions for standard labels. The use of such labelling solutions is important in enabling free movement of goods in the Single Market, particularly for small and medium-sized enterprises. It is also beneficial to safety by offering the possibility to improve layout and readability, as well as allowing a greater number of consumers/users to receive label information in their native language. Last but by no means least, multi-lingual labels support sustainability goals by enabling reduction in stock-keeping units, inventory and waste.

The use of **digital communication tools**, as previously mentioned, would help to deliver all of the objectives mentioned above. A.I.S.E. hopes therefore that the findings of the parallel study on label simplification and e-labelling will be implemented effectively in the upcoming revision of CLP.

A.I.S.E. and its members are committed to successful implementation of CLP and other chemicals legislation and remain at the disposal of the Commission for further dialogue on all aspects.

⁴ <https://www.aise.eu/newsroom/aise-news/industry-research-on-how-consumers-understand-and-read-labels.aspx>