FEICA The European voice of the **adhesive** and **sealant industry**

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FEICA position on the revision of the CLP Regulation

Background

The European Commission has adopted a proposal to revise the Classification, Labelling, and Packaging (CLP) Regulation, confirming the ambitions laid out in the proposal's inception impact assessment by including provisions aiming at better identifying and classifying hazardous chemicals, and improving communication on chemical hazards, including that by online suppliers.

Revising the CLP means changing the foundation of one of the most comprehensive pieces of hazard communication legislation in the world, and it is important to consider sectorial implications. FEICA would like to make comments on the following points of the revision:

New rules regarding labelling layout

The European Commission is proposing new rules regarding labelling, some of which will be challenging for industry.

One of the goals of the European Union is free movement of goods. On the other hand, the requirement to provide CLP-based content in each of the 24 official languages for an individual product limits its marketability to the number of languages that can fit on its label.

Today companies can design product labels for a group of several countries and thus streamline warehousing and logistics.

With the proposed minimal print sizes and spacing requirements, the CLP label elements even for one language may exceed the available space on a label or on even the whole packaging.

Some, often rather small, countries have more than one official language and could no longer be served with the same product.

This challenge applies to very small packaging sizes, but with the new proposal up to 20 pt print size also to medium-sized and large packaging. Even on 1,000 litre containers (IBCs), which are predominantly used within industrial settings, the CLP information in a single language at 20 pt print size may no longer fit within the available space. All manually handled products are within arm's length of the operator, making print sizes of 8 pt for small and 6 pt for very small packaging easily legible. Legibility, therefore, is not an argument to ask for up to 20 pt print size. Furthermore, it is not necessary to require that font size increase with packaging size.

Splitting of the same product into a multitude of language versions causes a plethora of negative impacts ranging from replacement of printers to accommodate larger sizes, to larger warehouses for more product types, to increased waste due to expired shelf life, to name a few.

The requirement to have a white background ignores common practices, as when text is printed directly on coloured packaging. At the same time, the benefits for the users are questionable. The requirement will also make it more challenging to use recycled materials for packaging and labels. To achieve the goal of good legibility, the contrast between background and print should be defined but not the specific colour.

The new requirements on label design will trigger updates of existing labels even when products have not changed classification. There will be a need after the transition period to empty out stores of packaging with pre-printed label elements designed in accordance with the current CLP requirements. This will lead to the scrapping of packaging, thus generating waste, although the classification of the product is unchanged, and the labels are easily legible within the meaning of the CLP.

In consideration of the above, retaining the currently applicable CLP provisions and guidance regarding the formatting rules for labels is considered the best option. No strong evidence exists that such provisions have not been effective. The prevailing method builds on long-standing practices and helps the industry to retain its competitiveness.

Broader use of fold-out labels

The European Commission has acknowledged the benefits of fold-out labels in its proposal. However, the Member State's language is normally required to appear in the first place in each Member State. This would allow the use of fold-out labels only on a country-specific basis. This contrasts with the objective of the EU Single Market and will not allow for a broader use of fold-out labels when needed. On the outer page of a fold-out label the most important information, preferably in the form of language-independent symbols, should be sufficient, and language-dependent text should be on the inner pages of the label.

The use of fold-out labels should remain optional for multi-language labels, not triggered by the new layout requirements.

Updating information on labels

Production of mixtures is a complex process. Finished product mixtures are often made with other intermediate mixtures, and formulators need all new classification information on substances before they can update safety information for a mixture. Members need transition periods to allow sufficient time for changes to be implemented to the classification and labelling of their portfolios.

The time frame of 6 months for updating a label is simply impossible to meet. The transition period for implementation should be 18 months.

This longer time frame will ensure that the more complicated label updates can also be completed within the regulatory deadline. For example, in case of pre-printed labels or packaging with label elements pre-printed on it, having new labels designed, ordered, produced, and supplied to the production plants takes approximately 12 months. In rare cases it may take even longer. Hence there is the request for 18 months to ensure that certain label update scenarios are not inadvertently out of compliance due to their complexity. Please note this does not mean that all labels will routinely take 18 months to update; this is just the maximum time frame to allow accommodating all possible scenarios.

Furthermore, provisions are suggested to clarify that labels on products which have been placed on the market do not have to be updated.

Advertisement

The revised requirements of CLP Art. 48 to include in any advertisement the key elements of CLP labels imply an enormous increase of administrative efforts and can have severe practical consequences. TV commercials, Internet videos, company and distributor websites, all kinds of leaflets and even weekly supermarket ad circulars will be impacted. Aside from the significant administrative burden to include and keep the label information up to date across all kinds of advertising materials for all kinds of end users, the omnipresence of the label information will potentially increase the risk of users of chemicals (in particular consumers) growing indifferent towards CLP labels.

The revised requirements of CLP Art. 48 are disproportionate, and we urge consideration of an alternate solution that would limit the requirement to consumer products and reformulate it to require that consumers be requested in the advertisements to 'always read and follow product label information', by analogy to advertisements of medicinal products.

Distance sales

Proposed Article 48a requires that any kind of distance sales platform or solution for hazardous substances and mixtures include a copy of a CLP label. Consequently, it seems to include also business-to-business (B2B) platforms.

Having the provisions extended to industrial and professional users, as currently proposed, is adding unnecessary administrative burdens to companies, with no added value to human health and environment protection.

Under the current provisions, industrial and professional users must be provided with a Safety Data Sheet at the latest with the first delivery, and this meets the protection goal. Furthermore, in everyday business-to-business practice, providing a copy of a Safety Data Sheet during the procurement process, and thus well in advance of the first delivery, is a standard practice. In addition, the B2B ordering platforms are often used by purchasing agents of the buying company, and not by the actual users of the purchased substances and mixtures or by the environment, health and safety (EHS) personnel responsible for workplace and environmental safety. In this case presenting a copy of the label on the platform is effectively irrelevant.

Digital labels and simplification of labels

We welcome the digitalisation of hazard communication. However, the proposed changes in the space of digitalisation and simplification of labels are very cautious and in the current form allow moving to the digital part of the label merely the voluntarily provided information.

We believe there are further opportunities to explore already now the potential for digitalisation and simplification of labels with no risk of reducing the protection of human health or the environment, while providing companies with alternate means to communicate the label information. For example, in the case of mixtures for industrial use that are not classified as hazardous and that require labels in accordance with CLP Annex II only (EUH statements), such labels could be communicated digitally or by means of a Safety Data Sheet. This would bring significant relief in certain supply chains.

Contact

FEICA, the Association of the European Adhesive & Sealant Industry, is a multinational association representing the European adhesive and sealant industry. Today's membership stands at 16 National Association Members (representing 17 countries), 25 Direct Company Members and 25 Affiliate Company Members. The European market for adhesives and sealants is currently worth more than 17 billion euros. With the support of its national associations and several direct and affiliated members, FEICA coordinates, represents and advocates the common interests of our industry throughout Europe. In this regard, FEICA works with all relevant stakeholders to create a mutually beneficial economic and legislative environment.

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FEICA is registered in the **EU Transparency Register** with ID no. **51642763262-89**

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