

Position paper of Deutsche Bauchemie on the Commission proposal for the revision of the CLP Regulation

Background

The CLP Regulation regulates the classification, labelling and packaging of substances and mixtures in the European Union. During a review process and an impact assessment, the European Commission identified a need for improvement and, against this background, presented a proposal for the revision of the CLP Regulation. Among other things, the Commission proposal aims to improve the hazard communication in the supply chains.

Deutsche Bauchemie comments on individual aspects of the CLP revision as follows:

New requirements for the layout of CLP labels (minimum font sizes, distance between two lines and white background colour)

Already with the current version of the CLP Regulation, requirements are made for the layout of labels that have proven themselves in practice and ensure effective hazard communication. These include, among other things, specific minimum dimensions of hazard pictograms as well as the requirement for clear readability, clear distinction from the background and sufficient dimensioning of the labelling elements.

The even stricter provisions on minimum font sizes, line spacing and background colour (new version of Annex I Sections 1.2.1.4 and 1.1.2.5) presented in the Commission proposal represent an unnecessary restriction of flexibility without any significant improvement in the communication of hazardous substances being to be expected.

For affected manufacturers of mixtures, labelling the products for marketing in Europe in the relevant national languages in accordance with the CLP Regulation is a fundamental challenge that should not be underestimated. To ensure the necessary practicability, multilingual labels are used for groups of several Member States and storage and transport logistics are adapted accordingly. The proposed specifications on minimum font sizes and minimum space between two lines increase the space required for the CLP label significantly. This would mean that existing best practice must be converted at enormous expense, without any significant improvements in hazard communication being expected. In some cases, the requirements cannot even be implemented. For example, in some Member States several languages are required, which would not fit into the space available for labelling in the required formatting. The negative effects are not limited to small packaging, neither. The packaging-size-dependent requirements mean that in some cases the space provided for the label on 1000 l containers (IBCs) is not sufficient to apply the labelling in the 20 pt. font size required in these cases. Good readability of these CLP labels would also be ensured with significantly smaller font sizes and smaller distances between two lines. Previous practice has not led to problems that would justify such a far-reaching change.

The proposed provisions on the layout of labels would result in a multitude of label variants having to be generated and applied in the respective language versions for each individual product. The effort involved as well as the negative consequences would be immense. Many products that are currently labelled with multilingual labels would have to be produced, labelled, stored and delivered in three or more language versions in the future. In addition, there would be an increased volume of overstocked goods, since the products could only be sold in certain submarkets, which would make planning more difficult and greatly reduce flexibility. In addition to the considerable additional costs for manufacturers, a corresponding increase in energy and resource consumption, emissions and waste generation is to be expected, which is in obvious contrast to the goals of the Green Deal.

The change of the label layout, which would be necessary even if the CLP classification remained unchanged, would entail a very high administrative burden and considerable negative consequences for the companies concerned.

In addition, the requirement for a white background restricts the design of labels considerably and unnecessarily. For example, it is common practice to print coloured packaging directly, whereby readability is ensured due to a high contrast between the background and the labelling (requirement of the current CLP Regulation).

As the above remarks show, the proposed provisions on the layout of the CLP label would lead to an immense burden, considerably restrict the urgently needed flexibility, whereas they are not necessary for a functioning of hazard communication. To promote the free trade of goods in Europe and to maintain the competitiveness of European manufacturers of mixtures, the excessive requirements should be dropped, and the existing regulations should continue to apply unchanged in the future.

Application of fold-out labels

Deutsche Bauchemie welcomes the European Commission's proposal to enable and support the wider use of fold-out labels. However, foldout labels should remain a possible option and not become the rule as it is the only way to respond to increased space requirements for CLP labels. Fold-out labels are helpful but cannot be used in every case.

The proposed equivalence of labels and fold-out labels according to the proposed amendment to Article 29(1) is the right way forward. This would mean that fold-out labels are no longer an exception for small packaging, but an option for the standard case. In conjunction with the possibility of using several languages on the label (Art. 17(2)), the option of multilingual fold-out labels opens up.

In this context, it is essential for practical application that the order of the languages on the fold-out label of a product is independent of the Member State in which the product is placed on the market. Otherwise, the advantages of a multilingual fold-out label would be completely nullified. Requirements on the order of languages depending on the Member State would have the same negative consequences as the introduction of separate language versions for each Member State. In order to increase the clarity of the new rules on fold-out labels and to ensure coherence within the Regulation, it would be beneficial to clarify the rules on the application of fold-out labels in this sense and to include additional references to fold-out labels in Articles 17 and 31.

Deutsche Bauchemie e.V.
Frankfurt, 10 March 2023

As an industry association, Deutsche Bauchemie represents the entire construction chemicals industry in Germany. In 2022, the more than 130 member companies with around 32.000 employees generated sales of 8.9 billion euros. This corresponds to half of the European market volume and about a quarter of the world market. Under the umbrella of the German Chemical Industry Association (VCI), Deutsche Bauchemie has been representing the interests of its member companies for 75 years, to the public, political actors, authorities, other industry sectors, science and the press.