



13 November 2020

CEPE & EDRA statement: Poison Centres harmonisation
The implementation of Annex VIII CLP warrants a postponement

On 13 November 2020, the European Commission (EC) published two delegated acts on Annex VIII to the Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures (CLP Regulation) in the EU Official Journal. These acts are the EC response to the identified workability issues following the Poison Centres harmonisation in 2017 and offer some sector specific solutions for i.e. bespoke paints formulated at the Point of Sale (mostly in DIY Stores). The acts will apply as of 1 January 2021. The short deadline makes compliance very difficult and for many companies impossible.

Despite paint manufacturers and retailers having already started to adapt their tinting machines and software to meet the requirements, the coatings sector has always underlined the fact that due to the short transition period meeting the deadline of 1 January 2021 was almost impossible. Although workability issues have been discussed since 2017, the specific harmonisation requirements of bespoke paints were discussed at technical level as of August 2019 and concluded with shortcomings only in August 2020. In other words: the basis for any change in our industry exists only since August 2020.

There are approximately 15,000 DIY stores across Europe and many more professional shops (mostly SMEs) of which the majority operates several mixing stations of several paint brands. The total number of Point of Sale paint mixing stations thought to be operational therefore runs in the hundreds of thousands. These mixing solutions are owned either by the paint manufacturer or by the retailer. To comply with the new requirements, every existing tinting machine in every DIY Store requires a physical visit to update and modify machines, printers and software. Considering the 2020 pandemic restrictions, in addition to the already challenging requirements, the actions necessary to ensure compliance will place employees and contractors at risk. It is therefore highly unlikely that the required actions are completed in time to meet the deadline.

Furthermore, guidance on the interpretation and application of the requirements is still being drafted by ECHA together with experts. This guidance aims to address some of the problems identified in the workability study where the numerous underlying conditions do not clarify the technical implementation particularly for customised and bespoke colours at Point of Sale (DIY stores). Our sector and the supply chain are relying on this guidance to facilitate the technical implementation. Yet, one and a half months before the legal deadline, the ECHA guidance is not available and the date of its finalisation, is also not known to the 800 members of CEPE and 140 members of EDRA.



Finally, it should be noted that many Member States have reported technical difficulties with the date and support a postponement of the deadline. The COVID-19 pandemic makes it also for Member States and industry more difficult to cope and deliver the expected adaptations. In the current situation, we ask for an adaptation of the date of entry into force of Annex VIII of the CLP Regulation and call on enforcement authorities to understand the practical difficulty that our sector is facing.