

1. Incomplete information about hazards to human health and the environment?

Introduction of new hazard classes (such as for endocrine disruptors) and associated hazard categories.

Given the variety of substances we would like to highlight the potential high future impact of the proposed intention to create new hazard classes under CLP, especially ED. It is indeed unclear how many substances will be deemed to have endocrine properties which creates a huge uncertainty on the potential impact of this intention. However, according to initial estimates by coatings and printing ink companies, up to 2/3 of their raw material portfolio could be affected by the Chemicals Strategy for Sustainability.

Hazard classes in the UN GHS and the CLP Regulation should continue to be reserved for hazards according to the OECD "hazard" definition, i.e. they should be defined exclusively for relevant intrinsic hazard properties. Also, the definition of new hazard classes, if necessary at all, should first be done within the framework of the UN GHS.

Endocrine disruption is a mode of action and not a toxicological endpoint. The existing chemicals legislation is basically suitable for identifying and regulating endocrine disruptors. The precautionary principle is already anchored here and there are comprehensive regulations in European and national legislation to protect workers from hazardous substances.

We believe that if CLP has so far missed the identification of critical effects then this should be remediated. However, we fail to understand why new hazard classes for ED would be necessary. Indeed, our understanding is that CLP already captures adverse (disruptive) effects through the existing and UN GHS harmonized hazard classes (CMR, STOT, environmental hazards...). Whether the adverse effects are mediated through the endocrine system or not does not change the outcome. And our understanding as well is that there is generally a threshold level under which safe use can be demonstrated.

We agree with the importance of addressing adverse effects mediated through the endocrine system. But this can already be addressed through existing legislation such as REACH, BPR or PPPR, which can regulate the use of these chemicals in balanced ways for the benefit of our EU Society. EU has the most sophisticated chemical legislation of the world and can be proud of it. Creating new hazard classes for EDs under CLP is not appropriate and could lead to double classification and may even have a black listing effect. Instead, we believe that a new and dedicated note in existing classes would be favoured such as 'this adverse effect has been mediated by an endocrine mode of action. The same could apply to other substances having another mode of action. Such significant improvement should only be added after thorough scientific assessment and only when a satisfactory level of certainty exists (no 'suspected').

Persistence, bioaccumulation or mobility properties also do not in themselves justify the definition of new hazard classes. Persistence and bioaccumulation are parameters that contribute to the weighting according to the fate of a substance in the environment. For the

restriction of PBT substances as well as substances with other critical hazard properties (such as immunotoxicity, neurotoxicity, organ toxicity, respiratory sensitisation), the regular restriction procedure is also applicable in principle.

The removal of hazardous chemicals from the EU market simply based on hazard and not on risk could be very detrimental for the EU Society and be against some objectives of the Green Deal. For instance, a hazardous substance could make a coating very durable, its substitution could lead to less durable coatings, which would mean the need to re-coat more often and hence have as consequence the use of more raw materials, energy, water and higher greenhouse gas emissions.

Clarification of obligations for the classification of mixtures and some complex substances.

The classification of mixtures is comprehensively described in the UN GHS. Any clarifications should therefore be consistent with the requirements described there. In addition, the different classification criteria under the UN GHS for substances and mixtures should of course also be taken into account. These new hazard classes additionally will determine a significant deviation from GHS, which negatively impacts on the hazard communication globally which is clearly acknowledged in the European commission IIA. Therefore, we wonder which benefit this new classification would bring, also in on the standpoint of the competitiveness of the EU industry.

Introduction of specific rules for online sales and clarification of responsibilities

Clarification of responsibilities for compliance with regulations for online sales is certainly to be welcomed, but should take place in close dialogue with industry.

Require importers and downstream users to submit information on substances classified for physical effects or health hazards to poison centres and clarify obligations for distributors to submit such information, through an only representative or other means

Downstream users already have to report data on relevant mixtures to poison information centres. However, we welcome the clarification of the position of distributors in the supply chain with regard to reporting relevant mixtures to poison centres. We also support the inclusion of the role of an Only Representative in the CLP Regulation.

2. Hindrance of the free circulation of chemicals in the internal market and/or undue administrative burden.

Allow multilingual fold out labels

We welcome this initiative to allow the use of multilingual folding labels in order to facilitate their more practical use within the European Union (EU). This applies in particular to smaller containers that have to be labelled in several languages.

Introduce tailored labelling rules where there is not enough space on packaging

We welcome this initiative as there are many examples of small packaging in our industry where space is lacking for labelling.

3. Insufficient public resources and/or risk of inefficient use of them

Introduce a mandate for European Commission to request ECHA to develop new harmonised classification and labelling ('CLH') dossiers

We cannot support this proposal. According to Article 37 (5), CLP, the European Commission has the task to assess whether a proposed harmonised classification is "appropriate" or not. This obligation gives the European Commission a certain margin of discretion, which requires an assessment of appropriateness beyond the fulfilment of the classification criteria as assessed by the RAC. Consequently, if the European Commission itself is the submitter of the proposed harmonisation, it would have to assess and evaluate its own proposal. An independent assessment of appropriateness beyond the submitter's intention to harmonise cannot be safely guaranteed in this way.

The current capacity of ECHA to evaluate harmonized classification of substances seems limited to about 40-50 substances/year, half of which come from the pesticide and biocide legislation. We question whether the possibility for COM to initiate new classification will help improving this rate, hence we wonder what the benefit would be.

When substances go through a new evaluation by the RAC committee of ECHA it usually ends up with more adverse classification. This creates uncertainty for the business, especially with regard to substitution. REACH Registered substances should have undergone such evaluation before regulatory measures are taken. It would be more relevant to increase the capacity to speed up the evaluation.

Simplify and reduce unnecessary administrative costs

The main objective of the CLP Regulation is to inform actors in the supply chain about possible hazards of substances and mixtures. This is done through appropriate classification and labelling. For data collection, identification, evaluation and regulation of substances of very high concern (SVHC) and endocrine disruptors, the REACH Regulation provides the right framework and has proven its worth.

A mixing of the tasks of REACH and CLP should be avoided. The introduction of new hazard classes threatens unintended and avoidable legal consequences and an enormous bureaucratic burden for the paints, coatings and printing inks industry. In practice, this could lead to substances being identified in the future via new hazard classes/categories in order to automatically restrict (e.g. REACH restriction) or even ban them as part of the "general risk approach".

Opportunities of new digital tools

We welcome this initiative but wonder why digital labelling is not included. Indeed, discussions have started but only for some categories of chemicals and chemical products and a roadmap is only in preparation. Digitalization would increase the reactivity of our industry to adapt its labelling and therefore bring a better information for the consumers.

Additional topics

- 1) CLP should be accepted in other legislation to be sufficient to communicate hazard. This revision of CLP should be an opportunity to evaluate whether it is fit for purpose. Indeed, the biocide Competent Authorities consider that CLP is not sufficient to inform consumers on the hazard caused by the presence of some skin sensitizing substances in treated articles like paint. This is not coherent with the objective of hazard information provided by CLP. The H317 hazard statement associated with the hazard pictogram should be sufficient as a Risk Management Measure but if it is not the case an analysis should be made.
- 2) Addressing the complexity of the supply chain to tackle to need for re-labelling products following the publication of an ATP. The deadline is manageable for the first placing on the market but is too short for products that remain in the distribution chain for long periods.

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