



Downstream Users of Chemicals Co-ordination group

DOWNSTREAM USERS INPUT TO REVISED CLP

Consumers and professional users buy paints, detergents, glues, inks etc., not chemicals. They purchase products made by DUCC members or articles containing products made by DUCC members. Since its creation in 2001 DUCC has acted with a united objective to contribute to the successful implementation of the REACH and CLP Regulations.

DUCC, representing 11 EU downstream user sectors, raises the following points on the revised CLP text.

LABELS: FONT SIZE & DIGITALISATION

CLP labels are applicable to a wide array of different EU industry sectors, with diverging pack sizes, business models and supply chains. For sectors supplying small capacity packages which are supplied to multiple markets in the EU, it is important to continue being able to avail of multilingual labels, to have access to the Single Market, a cornerstone of the EU. Setting increased font size as part of minimum requirements for the formats for labels is going to lead to more waste and use of resources (due to trimming waste due to new sizes, change in equipment requirements, increased use of fold-out labels etc.).

DUCC thus draws inspiration to the food labelling legislation (REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL – Provision of Food Information to Consumers), where a font size of 0.9 mm is proposed for smaller packaging, and 1.2 mm is proposed for larger packaging. This range of font sizes is readable and therefore meets the objectives / requirements of the guidelines.

Minimum requirements need to be set with a balance in mind between the minimum that is readable and minimising the additional waste and resource generated by the changes that will have to be made. For this, DUCC still believes that setting these requirements in guidance would be more appropriate as a guidance would better take into account the variabilities of all the sectors in scope.

Beyond that, we believe that the option of transferring some of the required information to a digitized format would have provided a better way of solving the challenge of communicating all the additional information. This could be combined with a measured introduction of new minimum requirements in terms of physical labelling, subject to a sufficient transition period for implementation. We are disappointed as we find the section on digital labelling has missed opportunities. The current proposal imposes many requirements on companies and does not introduce any of the benefits of digitalisation.

TIMELINES AND TRANSITION PERIODS

We call for urgent further discussions on all transition periods. For example, a period of 6 months to implement the relabelling or reformulation of a product following a change in the hazard classification is operationally too short for suppliers of mixtures (article 30). The formulator of a mixture only becomes aware of the new classification for a self-classified substance contained in the raw material he uses when he receives the new Safety Data Sheet from his supplier. It is very important to consider when the new SDS is received by the downstream user, as this must be used as the reference point for communicating classification and labelling changes to the mixture. **DUCC ask for an 18-month period.**

Having a clear distinction in the text between substances and mixtures also allows legal clarity for the chemicals value chain. A distributor who does not modify the product nor the packaging should be exempted from the duty to update the label.



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MULTICOMPONENT SUBSTANCES (MOCS)

We fully support the deletion of multi-constituent substance definition in Article 2 – point 7a to avoid confusion with the REACH definition of substances as specified in ECHA guidance. When referring to such substances, we support using an alternative wording to ‘multi-constituent substances’ such as ‘substances containing more than one constituent’.

We agree that classification rules for mixtures can be applied when data on constituents are available (and the data on the substance is not available), unless there is solid scientific argumentation to demonstrate that data on the full substance is more pertinent to the classification than data on constituents: this is common practice under CLP already today and it can be applied on a case-by-case approach, also in alignment with the provisions of the UN GHS.

Major concerns arise with regards to the provisions for ‘derogation’ through Article 5.3. and Annex I.

- There has been no previous experience on the use of these provisions by any sector. In the proposed CLP legislative revision, neither the procedure nor the content of this derogation is described. This therefore creates a substantial legal and practical uncertainty with respect to the future requirements.
- Annex 1 implies submission of different scientific dossier(s) to ECHA to request the ‘derogation’. There is still no clarity as to under what basis the derogation(s) would be granted and what the requirements would be. DUCC fears that the requirements that will arise from this ‘derogation’ will be very difficult to fulfill (from an administrative, HR and scientific point of view).
- The ‘timing’ to get one or several derogations through is set as a minimum of a 4.5-year plan (including the submission of a dossier to the Commission, the mandate and publication of the ECHA/ RAC opinion, discussion in CARACAL meetings and finally the publication and entry into force of the Delegated Regulation). In the interim phase, how the continued use of these substances can be ensured is unknown. DUCC members express concern, as the CLP Delegated Regulation introducing new hazard classes has also been published and will trigger automatic restrictions and bans in downstream legislations under the Generic Risk Approach.



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About DUCC

DUCC is a joint platform of **11 European associations** whose member companies use chemicals to **formulate mixtures** (as finished or intermediary products) for professional and industrial users, as well as for consumers.

DUCC focuses on the downstream users' needs, rights, duties and specificities under **REACH** and **CLP**.

DUCC's membership represents several important industry sectors, ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, disinfectants, lubricants, crop protection, and chemical distributors industries. Altogether, their membership comprises more than **9.000 companies** across the respective sectors in Europe, **the vast majority being SMEs**. The calculated turnover of these companies is more than 215 billion euros in Europe.

For more information on DUCC: www.ducc.eu

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DUCC's public ID number in the **Transparency Register of the European Commission** is: **70941697936-72**