



ATIEL Position Statement on the use of Multi-lingual fold-out labels 8 November 2022

BACKGROUND

The purpose of this document is to provide support for the use of multi-lingual fold-out labels on packages improving current hazard communication and labelling provisions. The objective of the Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 (CLP) is to ensure a high level of protection of human health and the environment as well as the free movement of substances, and mixtures and articles in scope of the regulation. Suppliers must therefore label and package substances and mixtures placed on the market in accordance with CLP.

Article 31 in Title III of CLP outlines the general rules for the application of labels referring to the label elements required in Article 17 including the language requirements. Article 17(2) specifies that the label shall be written in the official language(s) of the Member State(s) where the substance or mixture is placed on the market, unless the Member State(s) concerned provide(s) otherwise. Suppliers may use more languages on their labels than those required by the Member States, provided that the same details appear in all languages used.

With regards to the use of multi-layer fold-out labels, Article 29 provides an exemption to Article 31 relevant for small packaging allowing the use of multi-layer fold-out or tie-on labels (referencing Annex 1, section 1.5). This Article and Annex section includes restrictions which need to be considered where this exemption is used.

It is interpreted that the use of multi-layer fold-out labels or tie-on tags is only allowed if it is impossible to meet the general rules for the application of a label in the language requirements for one specific Member State where the product is placed on the market. Once this condition to use a multi-layer label is met, only then can more languages be accommodated onto the label maintaining reasonableness.



PROBLEM STATEMENT CONSIDERED

EU CLP does not allow multi-layer fold-out labels to be used for the sole purpose of multi-language labelling. This restriction poses enormous challenges in many companies and industries.

This limitation contradicts the purpose in which the EU CLP was written by restricting the free movement of goods in the single market. The implications of having a single-layer label and thus a single product for each EU Member State is an extraordinary burden. The need to have the resources in terms of staff, storage, logistics and cash availability to achieve this is huge. Additionally due to highly complex supply chains usually consisting of more than one supplier, often the final destination of the product is not known at the time of filling and labelling.

As each EU country is becoming more and more multi-cultural, limiting the number of languages is counterproductive as fewer consumers would be able to read important information regarding products.

Furthermore, ECHA's guidance on labelling and packaging in accordance with Regulation (EC) 1272/2008 (July 2017, Version 3 and 4.2) misperceives how this provision in CLP maybe used. This has resulted in many industries applying multi-layer fold-out labels in many languages on small packages often leading to seizures and fines given by local authorities. This is made even more complicated by conflicting advice being given by the National Helpdesks on their interpretation of this provision in CLP and in the ECHA guidance.

PROPOSAL

One of the main objectives of EU CLP is that the safety information on a label should be easily accessible to all consumers.

The efficient functioning of the internal market for substances, mixtures and those articles can be achieved only if the requirements applicable to them do not differ significantly between Member States and Global Markets. EU CLP is based on the United Nation Globally Harmonised System of Classification and Labelling (GHS) which is a well-functioning process for ensuring consistent communication of safety of chemicals all over the world.

GHS Rev. 7 (2017): Part 1 document allows in 1.4.10.5.4.4. (b) the use of fold-out labels where there is a "need to for label elements to appear in more than one official language", without making the reference to the statement "where the product is put on the market".

Annex VII, Example 9, is also in line with ECHA's Technical Guidance Document "Guidance on labelling and packaging in according with Regulation (EC) 1272/2008 (July 2017, Version 3.0)".

EU CLP should be aligned with the UN process so that all markets have the same requirements when it comes to the provision of using multi-lingual fold-out labels hence allowing the free movement of goods thus easing the logistical burden, extraordinary workload pressure, lowering costs and reducing our carbon footprint.

This is an area where improvement is crucial to support the goals of chemical strategy for sustainability.

CONCLUSION

ATIEL fully supports the use of multi-lingual fold-out labels and believes that their usage should not be restricted to the size of the package, and neither should the number of languages displayed be limited.

- Multi-lingual fold-out labels are extremely beneficial as the safety information is available in many native languages thus reaching a far wider audience.
- It offers many advantages in terms of resources and CO2 emissions savings. Due to the increased storage (stockpiling for each member state) and the destruction of products (non sale before the expiry date), the current procedure (single layer label) involves a higher volume of waste and consequently higher CO2 emissions.
- Most industries have highly complex supply chains and creating single layer labels for each market massively increases the workload pressure on each part of that chain. This leads to an increase in costs, storage spaces, paper usage which often leads to label shortages, increase in logistics thus increasing our carbon footprint.
- The examples presented in the ECHA and GHS guidance illustrates how multi-lingual fold out labels can include all the label elements in various languages without compromising on the quality of safety information or readability. In fact the use of fold out labels offers suppliers flexibility on how they can clearly structure all the labelling information in various languages using different pages thus allowing easy access for the user, something which cannot be achieved by a single layer label.
- The option of digital labels should also be encouraged as it can provide specific users with additional information in various languages online and can be highly beneficial in the case of very small volumes where labelling exemptions apply, however it should not be used to replace the valuable role that a physical label plays which has a far wider reaching audience and is accessible to all.

ATIEL fully supports the revision of EU CLP to further improve the rules on the use of multi-lingual fold-out labels. This change is deemed critical towards reaching our sustainability goals and reducing our carbon footprint. By posing restrictions on the use



of multi-lingual fold out labels it is defeating the objective of EU CLP on the free movement of goods and thus is highly detrimental in reaching our goals.

About ATIEL:

ATIEL is a not-for-profit association (ASBL) representing the combined knowledge and experience of leading European and international engine oil manufacturers and marketers.

By drawing on the technical know-how of its membership, ATIEL promotes consensus on key technical, product stewardship and sustainability issues, ensuring that engine oils continue to contribute to improved wear protection, deposit control, lower emissions, and fuel economy CO2 emissions efficiency¹.

Website: <https://atiel.eu/>

¹ The lubricants industry researches, develops and delivers products for a wide variety of globally important applications:

- Automotive transport lubricants contribute to reducing vehicle emissions and costs of operation
- Off-highway applications such as construction, mining and quarrying or agriculture, lubricant products extend working time and durability of machinery and vehicles often in hostile environments
- Food and manufacturing industries rely on correct lubricants for metalworking, machinery operation and numerous processes
- Rail, shipping and aviation also uses many specialist lubricant products in safe and reliable fulfilment of their business