

ATIEL Opinion on multi-language labels on small packages

Version 4.2, December 2018

ATIEL is a European Economic Interest Grouping (EEIG) representing the combined knowledge and experience of leading European and international engine oil manufacturers and marketers. ATIEL seeks to enhance the reputation of the lubricants industry by providing expert advice to regulators, industry partners and end-users, and by promoting superior standards of lubricant technology and performance.

One of ATIEL's interests is in a practical solution to issues with multi-language labels. It is the purpose of this document to provide justification for the use of multi-language labels on small packages.

The use of fold-out labels and tie-on tags with information in multiple languages on small packages has been a long-standing practice in the lubricants industry, as often the final destination of the product is not known at the time when it is filled and labelled. This practice has been proven to allow users easy access to legible hazard information in their own language.

In 2008, the Globally Harmonised System was implemented in the EU by Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, also called CLP Regulation.

The objective of the regulation is to ensure a high level of protection of human health and the environment as well as the free movement of substances, mixtures and articles in scope of the regulation while enhancing competitiveness and innovation.

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.

However, trade in substances and mixtures is an issue relating not only to the internal market, but also to the global market. Enterprises should therefore benefit from the global harmonisation of rules for classification and labelling and from consistency between, on the one hand, the rules for classification and labelling for supply and use and, on the other hand, those for transport.

To ensure that customers receive information on hazards, suppliers of substances and mixtures should ensure that they are labelled and packaged in accordance with this Regulation before placing them on the market, according to the classification derived.

Substances and mixtures classified as hazardous should be labelled and packaged according to their classification, so as to ensure appropriate protection and to provide essential information to their recipients, by drawing their attention to the hazards of the substance or mixture.

www.atiel.org

ATIEL EEIG

Boulevard du Souverain 165 ● B-1160 Brussels ● Belgium ● **Tel** : +32 2 566 91 37 ● **Fax** : +32 2 566 91 36 ● **E-mail** : info@atiel.eu

VAT : BE 0455 894 555

Transparency register number : 673525317243-17

ATIEL Opinion on multi-language labels on small packages

Version 4.2, December 2018

Page 2 of 5

The content of the label is regulated in Article 17 (1) CLP. Art. 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.

According to Art. 32 (2) “the supplier may decide the order of the hazard statements on the label. However, all hazard statements shall be grouped on the label by language. (...)

The supplier may decide the order of the precautionary statements on the label. However, all precautionary statements shall be grouped on the label by language.”

Art. 32 (3) defines that groups of hazard statements and groups of precautionary statements shall be located together on the label by language.

Article 29 (1) of the CLP Regulation governs exemptions from labelling and packaging regulations:

“Where the packaging of a substance or a mixture is either in such a shape or form or is so small that it is impossible to meet the requirements of Article 31 for a label in the languages of the Member State in which the substance or mixture is placed on the market, the label elements in accordance with the first subparagraph of Article 17(2) shall be provided in accordance with section 1.5.1 of Annex I”

It is stated in section 1.5.1 of this Annex that the label elements in accordance with Art. 17 can be mounted onto fold or hang tags or on outer packaging.

There are no specific requirements available for the order of the languages on the multi-lingual label in the above references.

Article 29 (1) could theoretically be interpreted that the use of fold-out labels or hang-on tags is only allowed if it is impossible to meet the language requirements for one specific Member State where the product is put on the market, but not for multi-language labels in general.

For example: A product is classified as hazardous and is to be placed on the market in Belgium. The packaging of the product is of such a shape that it is impossible to put all three official languages (Flemish, French and German) on the label. Therefore, the supplier decides to use a fold-out label.

The supplier sells the product to a distributor in Belgium, who is located close to the French border and has a lot of French customers. This distributor then sells the product to a French customer.

Following the interpretation above the fold-out label would be at the same time in compliance with the legislation, if the product is placed on the market in Belgium, and not in compliance with the legislation, if the product is placed on the market in France or other EU Member States that only have one official language. In this case, a fold-out label would not be in compliance with the CLP regulation.

This is the reason why, in ATIEL’s opinion, this interpretation is contradictory to the objective of the regulation with regards to free movement of goods. This position is also supported by:

ATIEL Opinion on multi-language labels on small packages

Version 4.2, December 2018

Page 3 of 5

- ECHA's¹ "Guidance on labelling and packaging in accordance with Regulation (EC) 1272/2008 (July 2017, Version 3.0)". This document has been developed with the participation of many stakeholders: Industry, Member States and NGOs and aims to facilitate the implementation of the CLP requirements by describing good practice on how to fulfil the obligations.
- GHS² 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 state "where the product is put on the market".
- GHS Rev. 7 (2017) Annex VII, Example 9, which 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)".

The ECHA guidance document specifies in sections 3.2 and 3.3:

- CLP requires the label to be written in the official language or languages of the Member States where the substance or mixture is placed on the market unless the Member State concerned provides otherwise. Suppliers may accomplish this either by producing multi-language labels covering the official languages of several of the countries where the substance or mixture is supplied, or by producing separate labels for each country, each with the appropriate language or languages. Suppliers may use more languages than those required on their labels if they wish, provided that the same details appear in all languages. However, this should not impact the legibility of the obligatory labelling information nor can it trigger exemptions from the labelling requirements, (sub-section 5.3.1 of this guidance).
- In case more than one language is used on the label, the hazard and precautionary statements of the same language must be grouped together on the label. Where the supplier needs to use alternative means to meet the requirements of CLP Article 31 in relation to the language(s) required in a particular Member State, he may choose whether to accomplish this using fold-out labels, tie-on tags or on an outer packaging, in accordance with section 1.5.1 of Annex I.

Section 5.2 defines requirements for the size of the label and of the label elements:

- (..) A label may accommodate more language(s) than those required by the Member State where the substance or mixture is placed on the market. As long as the label complies with the (minimum) dimensions set out in section 1.2 of Annex I to CLP and as long as legibility of the text elements is warranted, the decision on the number of languages is at the discretion of the respective supplier.

¹ European Chemicals Agency

² Globally Harmonised System of Classification and Labelling of Chemicals

ATIEL Opinion on multi-language labels on small packages

Version 4.2, December 2018

Page 4 of 5

Section 5.3.1 specifies requirements for the use of fold-out labels, tie-on tags and outer packaging, as well as for the content, quality and design of fold-out labels:

- The packaging of a substance or mixture can be so small or in such a shape or form that it is impossible to display the label elements in line with the requirements of CLP Article 31. This could either be because the Member States where the substance or mixture is being placed on the market require more than one language on the label, or simply because the packaging is too small or difficult to label because of its form/shape so that the full range of labelling elements even in a single language cannot be displayed. In particular, it may be impossible for the label to be read horizontally when the package is set down normally or the label elements are of insufficient size and spacing as to be easily read. In this situation, the label elements defined under CLP Article 17 may be provided either on
 - fold-out labels; or
 - tie-on tags; or
 - outer packaging.
- Where one of the above-mentioned alternatives is used, the label on any inner packaging or the part of the fold-out label which is directly attached to the packaging must contain at least: the hazard pictogram(s), the product identifier referred to in CLP Article 18 and the name and telephone number of the supplier of the substance or mixture. In this case the signal word, the hazard and precautionary statements as well as the supplemental label information may be omitted. However, the use of the alternatives given in the above in bullet points is not allowed where a label becomes unreadable only because the supplier wishes to add more languages on a label than are required in the Member States where the substance or mixture is placed on the market.

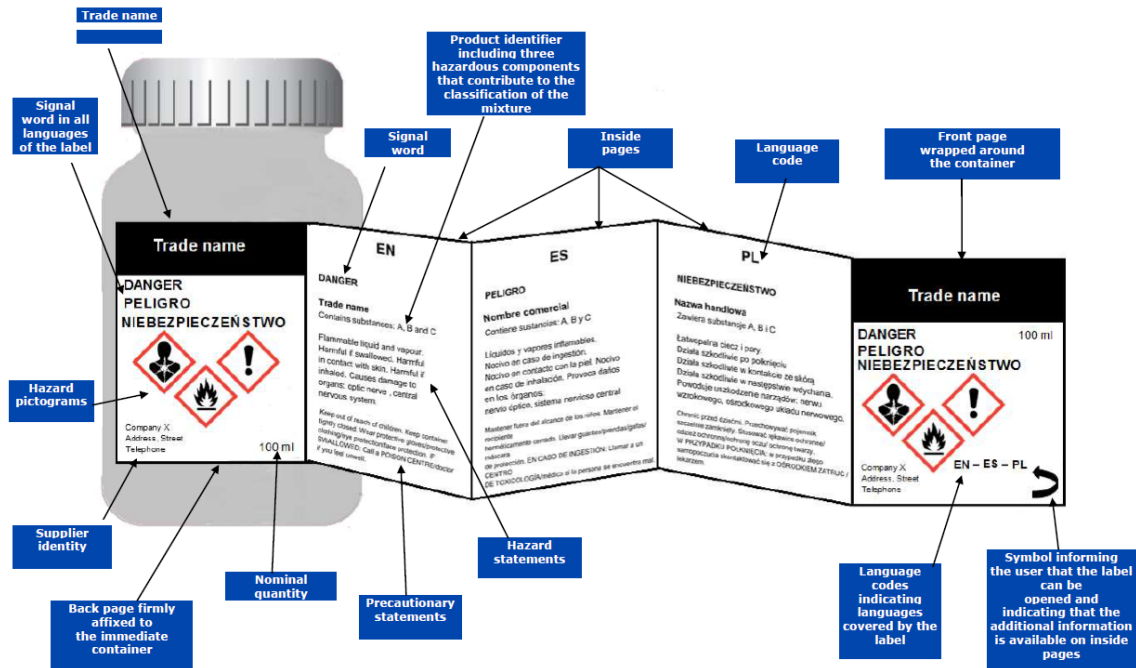
In section 6, the guidance document includes the new example (Example 6) for fold-out labels for a mixture supplied to the general public.

- The label for the mixture in this example is required to bear a large number of obligatory CLP label elements, namely three hazard pictograms, three hazard statements and numerous precautionary statements subject to the principles of precedence. It is impossible to put all these label elements on the immediate container due to its shape and size (plastic container of 100 ml capacity). The supplier cannot accommodate on a standard label the required information in the official language of the Member State where the product is placed on the market (Poland).
- Therefore, the supplier has chosen to use a fold-out label. The supplier also wants to include two additional languages.

ATIEL Opinion on multi-language labels on small packages

Version 4.2, December 2018

Page 5 of 5



Source: ECHA's "Guidance on labelling and packaging in accordance with Regulation (EC) 1272/2008 (July 2017, Version 3.0)

Conclusion

Having considered all the above points, ATIEL Member Companies consider their current practice of using multilingual fold-out labels is in line with the major requirement and purpose of the CLP Regulation – to provide legible hazard information to users.

They also consider other types of multi-layer labels (booklets, peel-and-read labels, etc.) being the equivalent of fold out labels that are currently mentioned by CLP.

ATIEL supports the recommended specification for the content, quality and design of fold-out labels in the ECHA Guidance Document. It will improve the hazard communication, facilitate the free trade of goods within the European Union and it will help to avoid re-labelling of small packages which would cause unnecessary waste generation and potential for mis-labelling. However, ATIEL believes that the legal text of Art. 29 (1) CLP needs some modifications in order to clarify the requirements and ensure consistency with the ECHA guidance document.