



ATIEL Position on proposed Amendment to CLP Revision October 2024

ATIEL welcomes the Commission’s revision of the EU Classification, Labelling and Packaging (CLP) Regulation. We support the objective of further improving the regulation, to ensure a high level of protection of human health and the environment as well as creating an efficient single market for chemicals.

ATIEL, as a professional association representing lubricating oil manufacturers, provided comments during the 2023 public consultation on the proposed CLP revision. These comments highlighted the benefits and opportunities resulting from the revised text and raised several concerns about the possible unintended consequences these changes will bring on our industry and supply chain. We would like to thank the Commission for taking our comments into consideration and partially addressing them during the negotiations held on the CLP revision text.

Based on the adopted text for the EU CLP revision dated 23rd of April 2024, ATIEL would like to draw your attention to the potential challenges the lubricant industry will encounter with the implementation of the new provisions. As no feasibility study was conducted in EU prior to CLP revision, implementation difficulties have to be considered for industry.

ARTICLE 30 – Updating information on labels within 6 months

The revised text states that ‘in the case of a change regarding the classification or labelling of a substance or a mixture, which results in the addition of a new hazard class or in a more severe classification, or which requires new supplemental information on the label in accordance with Article 25, the supplier of that substance or that mixture shall ensure that the label is updated without undue delay and no later than 6 months after the results of the new evaluation referred to in Article 15(4) were obtained by, or communicated to, that supplier.’

CHALLENGES in implementation

Updating labels within the 6-month timeframe can be a very challenging requirement to comply with. Here are some examples that illustrate the various obstacles the industry encounters:

Stakeholder Communication

- Coordinating changes across the entire supply chain, including suppliers and distributors can be complicated and time-consuming. The same substance can be sourced from many different suppliers, sometimes providing varying impurity profiles and hazard information. The timescales of when new information is received can vary between the suppliers. Verifying and integrating this data into the company's documentation and regulatory submissions adds to the complexity and delays in updating SDSs, labels and then further communication.

Relabelling challenges

- The process of opening cartons, taking out individual small packs, removing old labels and affixing new ones is intricate and time-consuming. Delays in this process can lead to disruptions in the supply chain and impact product availability.

Packaging challenges

- In cases where it is not possible to apply labels directly on the inner packaging thus the CLP text is printed directly onto the package such as aerosols, cartridges or cans, these types of products have numerous SKUs (stock keeping units) to accommodate the required languages/markets. Updating labels in these scenarios would mean disposal of the actual products if not sold within the 6 months resulting in excessive waste/write off.

Supply chain complexity

- If the expectation of the revised text is that all actors in the supply chain are impacted, there is the potential for a deficit in expertise and equipment for generating and applying new labels correctly. This would result in an increased likelihood of compliance issues.

Time constraints for language accommodation

- A more severe classification usually requires extra hazard and safety information to be displayed on the label where space is already limited. The number of languages that could be accommodated on the label would be potentially reduced, resulting in a need to create more SKUs. This further complicates the labelling process, prolonging the time required for compliance.

Management of fold-out labels

- Fold-out labels require more human and monetary resources and time to implement than single layer labels, as it is managed by external printing company, as the information on each page needs to be validated, the printing and application is also more complicated. To manage updates of these labels within the 6 months would be difficult to accommodate.

Reformulation requirements

- In cases where products need to be reformulated due to changes in classification severity, the 6-month timeline is insufficient. Reformulation processes often exceed this timeframe, involving extensive testing, regulatory approvals, and adjustments to

production processes. Failure to meet these requirements within the stipulated timeframe could result in loss of business as customers reject products with the updated classifications.

In conclusion while we acknowledge the importance of timely updates for ensuring consumer/users safety and regulatory compliance, the proposed 6-month timeline presents significant challenges for companies. We trust that the EU will consider the above implementation challenges.

A distinction needs to be made between products which are classified as hazardous, and products that are non-hazardous but with some supplemental label information (especially EUH208 and EUH210). The following situations occur frequently within the lubricants industry:

- A need to update non-hazardous products labels which carry supplemental label information such as EUH208 (sensitizer phrase “Contains xxx. May produce an allergic reaction”), when one sensitizing substance is replaced by another.
- Labelling of lubricants which do not require labelling according to CLP needs to be updated with EUH210 phrase (“Safety data sheet available on demand”).

Grouping mixtures that are non-hazardous with supplemental label information together with hazardous mixtures when defining the timeline for updating labels is not deemed to be an appropriate course of action as:

- a) changing labels for products that are non-hazardous overall within a short timeframe will place an additional burden on companies and would lead to a waste of resources (e.g., disposal of existing pre-printed stocks of labels, workload pressure) with no real HSE benefit.
- b) the presence of this amendment will reinforce the incorrect interpretation by authorities in some member states where they believe these two categories of mixtures should be treated the same. This is a major challenge that the lubricant industry is facing today and one that needs to be clarified within this revision.
- c) in these cases, the type of the actor in the supply chain that will bear the burden of relabelling must also be considered. Relabelling of existing stocks cannot be practically achieved, placing an enormous burden on the industry.

It is essential to differentiate between the timeline requirements for updating labels of mixtures that are hazardous and mixtures that are non-hazardous with supplemental label information (changing EUH208/EUH210 sentences).

In the case of modifying labels with supplemental label information according to Article 25 of CLP (EUH210 and EUH208), a longer transition period of 18 months should be acceptable.

ANNEX I (1.2.1) - General rules for the application of labels required by Article 31 (font sizes, line spacing, white background)

The proposed amendment requires that the text on the label shall be printed with specific font sizes and line spacing and in black on a white background.

CHALLENGES in implementation

Whilst the formatting requirements will improve legibility, the implementation will prove to be extremely difficult. Examples of common scenarios are detailed below.

1) White backgrounds are common for CLP labels for large packages (20L and above). This is unfortunately not always the case for small packages where CLP text is printed after marketing text on the back of the package label (backgrounds of various colours). Also, in some cases, the text is printed directly on coloured packaging (for instance, aerosol cans); the consequences would therefore be a need to change the packaging entirely and not only the label. Furthermore, most packaging companies operate on a MOQ (minimum order quantity) resulting in most industries inevitably stockpiling stock. These changes will then lead to an increase in write-offs and disposal if products cannot be sold off in the short timeframe.

Clarification is needed on which CLP label elements (Art.17) must adhere strictly to black on white background requirements. (e.g. Pictograms, Signal word, H statements, P statements, Product name, Supplier info, UFI code, Supplemental information). The need to maintain branded colours is crucial for companies.

2) With regards to formatting rules for the label, a distinction between products which are classified as hazardous, and products that are non-hazardous but with some supplemental label information, especially EUH208 and EUH210 needs to be made. If the formatting requirements also applies to non-hazardous products with supplemental label information the impact is far reaching as a large majority of the products on the market would be impacted.

It is essential to clarify whether the formatting requirements apply to non-hazardous products with supplemental label information (e.g., EUH208 and EUH210), considering the impact on existing stock and supply chain logistics.

3) Additional implications of the formatting rules are described below.

Increased resources

- The proposed 24-month transition period to implement updated fold-out labels could be

insufficient considering that most companies/plants will not have the infrastructure or technical expertise to accommodate the new formatting requirements. An immense amount of work will be needed to modify internal/external processes and systems across various functions within the EU network simultaneously.

- Where fold-out labels are not a viable option (e.g., aerosols, cartridges, IBCs), the strict formatting rules will limit the space needed for multiple languages on labels, necessitating increased production of new SKUs. Existing systems and processes would need to be modified, new systems would need to be implemented in plants to cope with the demand of increased SKU count, leading to an associated increased environmental impact and production costs.

Negative environmental impact

- Increased number of SKUs result in higher energy consumption, increase in logistics and the need for more storage space, impacting the environment. Furthermore, where using pre-printed packaging, the increase in number of SKUs would lead to a huge amount of write-off, waste and pollution when triggered by label updates.

Complexity for plants and printing companies

- More SKUs lead to increased operational complexity adding to production costs, storage, and logistics challenges.
- Printing companies must adapt (simultaneously across the EU) to deliver pre-printed labels which could result in shortage in products due to labels being unavailable. Technical issues in attempting to accommodate the new requirements in the CLP revision further need to be managed accordingly by printing companies and plants. Overall, an increase in resources, production, storage, labelling costs, label and packaging material and waste. To manage formatting requirements on such a large scale in the proposed 24-month timeframe would be a major challenge for industry.

Appendix 1 provides examples of label changes after application of new formatting requirements. The first example is representative for big packaging (drum of 208L) where a fold out label accommodating the same number of languages, after application of new formatting rules, increase from 3 pages to 12 pages. The second example correspond to small packaging (1 L) where the fold out label increases from 5 to 11 pages. Printing companies of fold out labels are not able to produce fold out labels with this number of pages, as per the examples, with their existing technologies. It simultaneously presents significant challenges in applying these labels to packaging.

ATIEL encourages the Commission to balance standardized formatting with practical multilingual labelling needs, considering the environmental, technical and cost implications.

ANNEX I (1.2.1.6) - Fold-out labels

ATIEL would like to express their appreciation for the recent amendment permitting the use of fold-out labels without restrictions to the size of packaging. This update demonstrates a positive step towards enhancing label clarity and the effectiveness of product labelling. Although we support this revision, we have some concerns regarding the strict formatting rules accompanying this amendment. Whilst the intention to ensure clear and consistent labelling is commendable, the more prescriptive requirements may inadvertently limit the practicality of implementing multiple languages on labels.

CHALLENGES in implementation

There is a particular need for clarity on rules governing non-hazardous mixtures containing supplemental information (e.g. EUH208 and EUH210) according to Article 25.

Ambiguity in this area leads to confusion among manufacturers, suppliers and regulatory bodies/authorities potentially hindering effective implementation of the CLP regulation. Local authorities in certain member states strongly object to these mixtures being treated differently to hazardous mixtures. This has led to disputes which have resulted in high costs to companies due to:

- product seizures
- fines
- reproducing new labels and packs
- increased SKU counts which result in limiting the marketability and free movement of goods between European markets.

It is crucial to establish clear guidelines on whether the rules associated with the use of fold-out labels (detailed in Annex I (1.2.1.6) and formatting requirements (Annex I (1.2.1)) apply to such mixtures to ensure consistency and facilitate compliance.

Therefore, we strongly recommend that the revision/guidance acknowledge the difference between hazardous mixtures and non-hazardous mixtures containing supplemental information (EUH208 and EUH210) and address this issue comprehensively to enhance clarity.

ARTICLE 48 - Advertising

As set up in Article 48, any advertisement for a substance or mixture classified as hazardous shall indicate the hazard pictograms, signal word, hazard statements and supplemental EUH statements set out in Annex II.

CLARIFICATION REQUIRED & CHALLENGES in implementation

The scope of advertisement in this context should be better defined, as advertisements today can be very broad, including printed materials, online advertisements, video, and audio advertisements. Accommodating the requirements from the CLP revision to certain types of advertisements can be challenging. For instance, in very short video clips of a few seconds, it is not obvious that the pictograms or H phrases would be read and understood by consumers. It is unclear if the benefit of including the CLP labeling elements would outweigh a generic recommendation to always read the label. Furthermore, adding these CLP elements to printed marketing brochures and flyers would create an exaggerated burden for the industry. In case of a change in product classification, this information would need to be updated, potentially leading to significant waste of paper and plastic materials, in addition to increased complexity on operational and human resources.

Please find below potential issues arising with revised CLP provisions:

Consumer Understanding and Impact on Safety

While the inclusion of hazard pictograms and statements could be valuable for certain types of advertisements (like online websites), the effectiveness of these elements in very short advertisements (e.g., brief video clips) is questionable. In the case of audio advertisements, it is hard to implement this requirement. It might be more beneficial to focus on clear, concise messaging that encourages consumers to read the full label for detailed information.

Digital vs. Print Media

Digital advertisements can be updated more easily and with less environmental impact compared to printed materials where a more flexible approach is needed.

Environmental Impact

Frequent updates to printed materials can lead to significant waste, which is counterproductive to broader environmental goals. The need to reprint brochures and flyers due to changes in product classification could exacerbate this issue.

Implementation Feasibility and burden on industry

The feasibility of implementing these requirements varies across different types of advertisements.

We also seek additional clarification on how these provisions apply to communications targeting professional users and what is qualified as advertisement for professionals. It is important to clarify the different needs and expectations for professional users versus

the general public. Professional users are likely to have a better understanding of hazard classifications and may not require the same level of detail in advertisements as the general public.

It is important to acknowledge that this requirement applies only to chemicals that are classified as hazardous and not to non-hazardous with supplemental information (e.g., EUH210, EUH208).

There is a lack of detail on what can be considered an advertisement that needs to be addressed. This is with respect to practical implementation and the extent of these CLP provisions. Question being asked: Does this concern only online and video advertisement?

In keeping with our previous comments for the other CLP revised articles, we request the Commission to consider the difference between hazardous mixtures and non-hazardous mixtures labeled just with supplemental information (EUH208 and EUH210). Those two cases should not be treated at the same level of importance when considering advertising.

ECHA Guidance

According to information communicated by ECHA, the guidance is anticipated to be released in Q2 2025. The impact of the CLP amendments to the industry is major, therefore it is crucial that the guidance highlighting the practical implementation is to be available without undue delay.

ATIEL is hopeful that our comments provided perspective on the challenges faced by the lubricants industry in Europe and our respective customers in implementing the revised amendments to CLP. Addressing these concerns is crucial to ensure regulatory compliance without hindering industry innovation and competitiveness. Your attention to these matters will help balance safety and sustainability with practical feasibility for businesses within the industry. As ATIEL, we are willing and supportive of a collaborative approach with the Commission to progress the changes to CLP revision as recommended above.

Appendix 1

Example 1 Drum 208L / Fold-out label with 31 languages


Current label (3 pages)

Formatting requirements: EMprint regular, size 5 pt, line spacing 6 pt, vertical scale 135%, horizontal scale 100%, line spacing 100%.



Label with new formatting requirements (Increase to 12 pages)

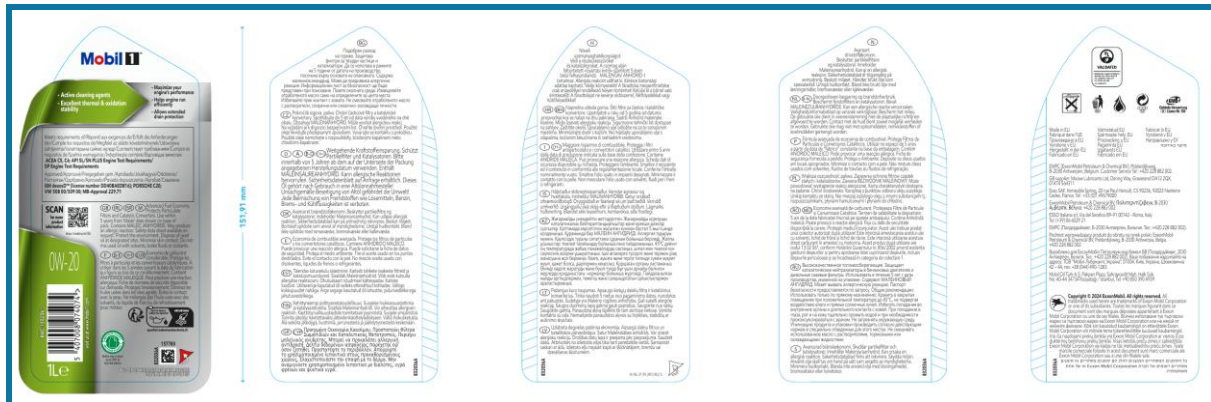
Formatting requirements: EMprint regular, size 11.5 pt, line spacing 11.5 pt, vertical scale 100%, horizontal scale 100%, line spacing 120%.

<p>UNWV™-HN 12 CLP EC 1272/2008 UN WTD 2004 0001 0200</p> <p>164812</p>  <p>UNWV™-HN 12 CLP EC 1272/2008 UN WTD 2004 0001 0200</p>	<p>UNWV™-HN 12 CLP EC 1272/2008 UN WTD 2004 0001 0200</p> <p>164812</p> <p>UNWV™-HN 12 CLP EC 1272/2008 UN WTD 2004 0001 0200</p>	<p>UNWV™-HN 12 CLP EC 1272/2008 UN WTD 2004 0001 0200</p> <p>164812</p> <p>UNWV™-HN 12 CLP EC 1272/2008 UN WTD 2004 0001 0200</p>
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Example 2 (1L pack/Fold-out label with 24 languages)

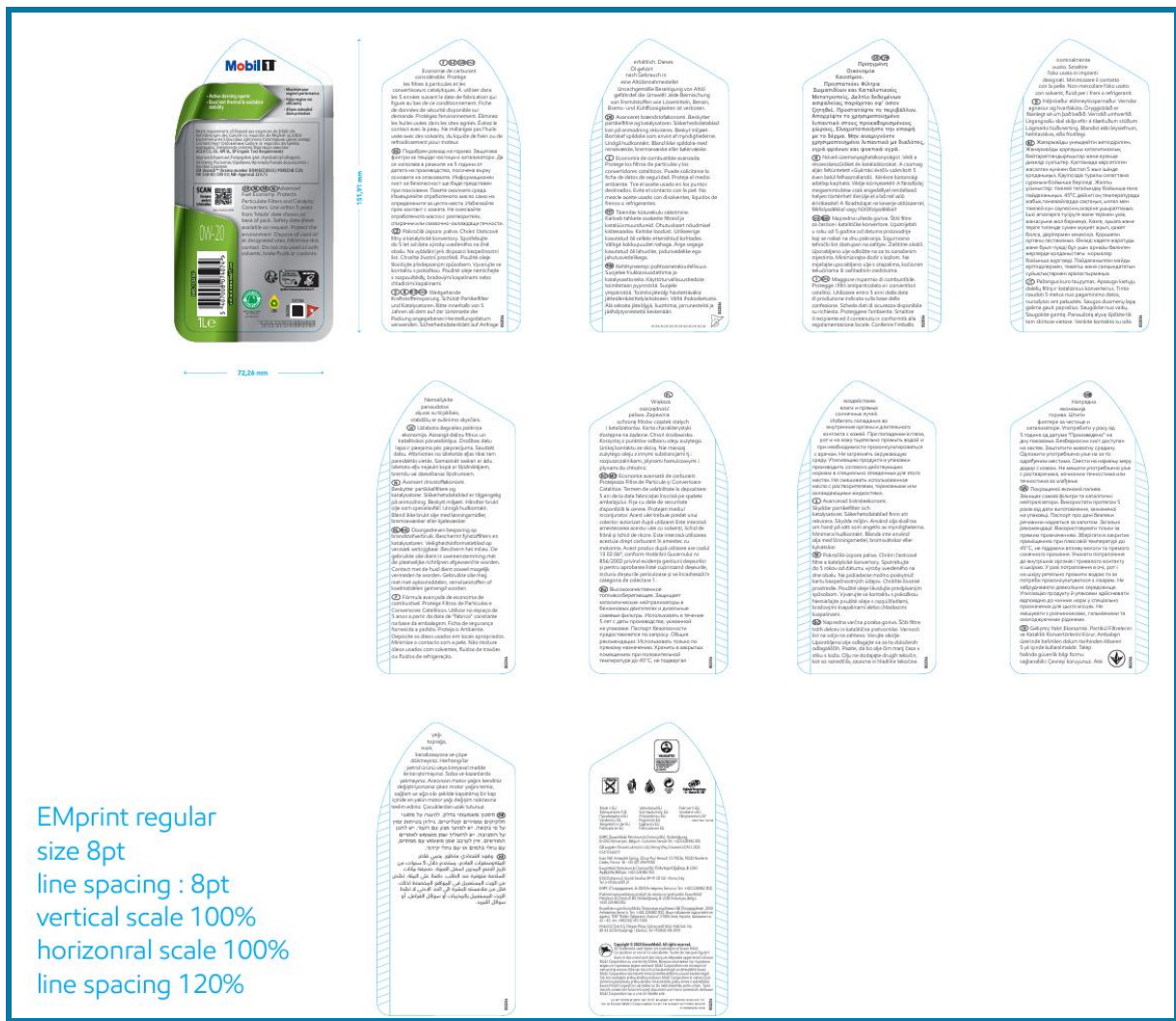
Current label (5 pages)

Formatting requirements: EMprint regular, size 5 pt, line spacing 6 pt, vertical scale 135%, horizontal scale 100%, line spacing 100%.



Label with new formatting requirements (Increase to 11 pages)

Formatting requirements: EMprint regular, size 8 pt, line spacing 8 pt, vertical scale 100%, horizontal scale 100%, line spacing 120%.



EMprint regular
size 8pt
line spacing : 8pt
vertical scale 100%
horizontal scale 100%
line spacing 120%