

JBCE's views on the feedback for the revision of EU legislation on hazard classification, labelling and packaging of chemicals

Being a cross-sector association with member companies operating in different industries and stages in the supply chain, JBCE welcomes the opportunity to submit its views on the feedback for the revision of EU legislation on hazard classification, labelling and packaging of chemicals.

1. Introduction

Chemical substances enrich human life when properly and appropriately used. JBCE strongly supports the concepts and objectives of REACH and CLP to contribute to human health and the environment. JBCE also believes that a risk management approach should be used when regulating chemical substances. This is fundamental to feasibility and practicality when handling chemical substances in international supply chains. As for the feedback call on the revision on EU CLP, JBCE would like to share its views and insights below.

2. Details

i. Consistency between CLP and UN GHS

CEFIC and other industry groups have already expressed their concern concerning the issue of CLP-UN GHS consistency. We, too, are concerned that the EU is proceeding with revising the EU CLP Regulation without considering its consistency with the existing UN GHS. We would like to remind you once again that chemical products are not only manufactured and distributed in Europe, but are already integrated into the global supply chain, including exports to and imports from outside Europe. In addition, the UN subcommittee will consider introducing a new hazard class in 2023-2024. We would like to emphasise that the EU CLP Regulation should be aligned and harmonised with the UN GHS.

As in the EU CLP Regulation, there are cases where some countries and/or regions have adopted their compulsory classification in accordance with specific regional laws and regulations. Therefore, even though the product is the same, stakeholders have to create new labels and SDSs depending on the destination. Stakeholders have to create new product labels and SDSs for each revision, generating a lot of administrative burden, cost and unnecessary packaging. Unnecessary waste would also conflict with the policy of the Packaging and Packaging Waste Regulation.

We understand that conventional flammable liquids and poisonous substances have usually been managed by the regional laws and regulations in each country and/or region in anticipation of the harmonisation of UN GHS. However, ED, PMT, vPvM, PBT, and vPvB are new hazard classifications which will be introduced for the first time. We strongly believe that this would be a great opportunity to implement new, globally harmonised standards.

<p>It is strongly suggested again that these issues be fully discussed in a transparent manner from an international perspective in order to avoid disruption to global supply chains.</p>
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ii. **Classification and Transition Period**

With regard to the expansion process of the new hazard classes, we must take the following factors into account:

- ✓ Is there clear guidance for judging new hazard classifications?
- ✓ Is it possible to appropriately make clear classification of new hazard classes, especially for mixtures?
- ✓ Is there a good enough system for creating label designs and SDSs on time?
- ✓ Do the people in charge have sufficient understanding to create the labels and SDSs?

The transition period must be determined with due consideration of these factors.

Chemical products are made not only of just a chemical substance, but are often composed as mixtures. The new hazard classifications for mixtures should be taken into account for the SCL (specific concentration limit) with careful consideration.

Preparing the labels of the products has a greater impact than the labels of SDSs. Stakeholders have been controlling the product inventories so that they do not use unnecessary packaging materials and can prevent increases in waste as much as possible. At present, we are forced to create new label designs each time safety data is updated. Even for the same product, multiple packaging materials are required for different capacities. This update usually takes several months. Simultaneous updating of SDSs depends on the number of products, but it will be essential to create new SDSs and respond to product labels for several years. In some cases, the transition period may not be sufficient.

We would strongly suggest that the Commission issue clear guidance documents addressing these critical issues prior to the adoption of the legal text. Otherwise, longer transition periods might be needed than estimated by authorities.

iii. **Hazard Classes**

The objective of introducing new hazard classes is to maintain a science-based approach and emphasise the need to evaluate the various properties of chemicals and compounds based on reliable data. In addition, as already mentioned, we support consistency with global systems such as GHS.

iv. **On-line Sales**

In order to deal with non-compliance of products sold online, we support measures to ensure that platformers and suppliers fulfil their labelling obligations. We believe that EU CLP harmonising with the global standards of UN GHS classifications will be effective for ensuring thorough compliance with the obligations relating to products labels.

v. **Digital Labels**

Since it is unclear how the digital label will be linked to the requirements of ecodesign information, we expect clear guidelines and consistency in this.

vi. **Exemption for Substances and Mixtures for Scientific Research and Development**

Labelling for Substances and Mixtures for Scientific Research and Development (SR&D) should be in a language easily understood and not in the local language. Substances and Mixtures for Scientific Research and Development are used by professionals (not by consumers) for analysis or chemical research carried out under controlled conditions. They are, for example, used in research institutions or universities where professionals from all over the world work. Labelling in the local language does not help international professionals but rather forms an obstacle for them because they mostly do not have a good command of the local language. Therefore, we suggest introducing a derogation for the labelling for substances and mixtures for SR&D and professional use that the labelling does not have to be in the local language, but in a language which is easily understood.

vii. Impact of CLP Changes on Other Manufacturing Sectors

We are concerned that the introduction of new CLP hazard classes will affect various downstream sectors. As a matter of fact, this expansion of the CLP is already affecting current discussions about the role of Generic Risk Approach (GRA) - meaning the regulatory use more hazard classes and in effect a hazard-based approach to chemical management - in a revised REACH Regulation and in relation to Substances of Concern related definitions and requirements in the proposed Eco-Design for Sustainable Products Regulation. Therefore, this is a major concern not only for the chemical sector but also for the downstream sectors.

If not properly implemented, this could lead to the restriction of market-relevant products that do not pose a risk for human health or the environment, without previous risk characterisation or socio-economic assessment. We believe that the determination of risk should be a pre-requisite for assessing the proportionality of any regulatory action and for cost/risk-benefit analysis.

Another concern relates to the impact on products already placed on the market. If the new classifications were introduced in EU CLP at this time, all existing chemical products would need to be reclassified in accordance with the newly identified criteria. Chemical products are hardly used as a single chemical substance, but are provided as a mixture or incorporated into articles. If the classification and regulation based on the evaluation of individual substances takes precedence, there is a risk that deviation from the actual situations of use and specifications of the product would increase.

3. Conclusion

JBCE supports the risk management approach based on chemical substances and mixtures. Although the use of higher-hazard substances and mixtures should be restricted, a sufficient scientific evaluation and transition period should be considered. In addition, in order to avoid confusion in the global supply chain, these evaluations should be made taking into consideration practicality and feasibility from an international perspective, and we would expect clear guidance documents to be presented to avoid wrong and inadequate interpretations of the newly introduced criteria. When chemical products are used correctly, EU citizens are safe and benefit from their use.

About JBCE

Created in 1999, the Japan Business Council in Europe (JBCE) is a leading European organisation representing the interests of more than 95 multinational companies of Japanese parentage active in Europe.

Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceutical, steel, textiles and glass products.

Building a new era of cooperation between the European Union (EU) and Japan is the core of our activities, which we perform under several committees focusing on Corporate Policy, Corporate Social Responsibility, Digital Innovation, Environment & Energy, Standards and Conformity, and Trade.

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