



Reform of the CLP Regulation moves forward

26. November 2021

The European Commission is currently revising the so-called CLP Regulation (Regulation (EC) No 1272/2008) in the light of both sustainability and digitalisation > **(our post of 05 May 2021, only in German)**. In a consultation running until 16 February 2022, interested parties can now, in particular, express their views on how to improve the communication on the labels of chemicals.



What is subject to the CLP-Regulation?

The CLP Regulation harmonises the requirements for classification, labelling and packaging of chemical substances and mixtures throughout Europe. Manufacturers, importers and downstream users of substances or mixtures are required by the CLP Regulation to properly

classify, label and package their chemicals before placing them on the market.

To this end, the CLP Regulation also establishes the criteria for determining whether a substance or mixture has hazardous characteristics. The provisions of the CLP Regulation are based on the United Nations' Globally Harmonised System (GHS). Furthermore, the CLP Regulation complements other EU regulations concerned with chemical safety, inter alia the REACH Regulation.

What is the subject of the ongoing consultation round?

The public consultation, which runs from 24 November 2021 until 16 February 2022, is limited to only some aspects of the reform package. By questionnaire the European Commission aims to gather information on how to improve the communication about essential information on chemicals.

This initiative concerns labelling requirements for chemical products intended for daily use, e.g., paints, adhesives, lamp oils, solvents, detergents, and fertilising products.

Specifically, it concerns the information required to be provided on labels according to the CLP Regulation (Regulation (EC) No 1272/2008), the Regulation on Fertilising Products (Regulation (EU) No 2019/1009), and the Detergents Regulation (Regulation (EC) No 648/2004).

Which reform proposals are under discussion?

The main objective of the reform project is to improve the communication about chemicals for product users. This addresses, on the one hand, the **amount of information available on the labels**.

On the other hand, the European Commission wants to find out whether the labelling obligation could be facilitated through information available online (**digital label**) and whether consumers or rather commercial and non-commercial users would accept such digital offers.

A further aim of the reform is to **ensure homogeneous labelling**, as homogeneous labelling can ensure sufficient understanding between consumers and enable the free movement of goods in the EU's internal market. That is why the European Commission is also interested in whether there are certain discrepancies between the CLP Regulation, the Regulation on Fertilising Products and the Detergents Regulation.

How can interested parties participate in the political discussion?

The public consultation from the European Commission, which runs from 24 November 2021 to 16 February 2022, aims at consumers, commercial and non-commercial product users, the industry, non-governmental organisations, national authorities, and all other interested parties. The Commission has prepared a questionnaire for those so-called stake holders. However, it is also possible to submit an opinion independent of this.

The European Commission will take into account the feedback received during the preparation of the reform proposal. The adoption of the reform proposal by the European Commission is expected for the fourth quarter of 2022. After that, the European Parliament and the Council will still have to deal with the legislative proposal. The closure of the legislative process is planned for first quarter of 2023.

What about the reform of the CLP Regulation from a sustainability perspective?

At the same time, the CLP Regulation is being revised on the basis of the Chemicals Strategy for Sustainability (> **our post of 05 May 2021, only in German**). The public consultation on the Commission's initiatives ran from 9 August 2021 to 15 November 2021. The adoption of the reform proposal is planned for the second quarter of 2022.

> #produktsicherheit_kapellmann

Technology-related advice is at the heart of Kapellmann's activities and is a specific competence, both in the construction sector and beyond. Therefore, we are mandated on a regular basis when regulatory questions regarding product safety, quality assurance, and standardisation arise. Our advice is cross-sectoral and covers products (food / nonfood) as well as services.

Since the law firm has expertise in the relevant fields of law (public law, civil law, criminal law, public procurement law, EU law and antitrust law), we can offer our clients comprehensive legal solutions. According to the specific need, we explain the complex legal framework, examine different options, and represent clients in disputes concerning administrative or court proceedings.

> Factsheet on Product Safety

„European institutions, companies in the chemical industry and the Federal Ministry of Transport rely on practical experience of van der Hout“

JUVE Handbook 2020/21

„Recommended law firm for European law“

Handelsblatt/Best Lawyers® "Die besten Anwälte und Kanzleien Deutschlands 2021"

„One of the most recommended law firms by in-house counsels for European & international law“

kanzleimonitor.de 2021/2022