

Problems with new formatting rules in CLP Regulation

The Spanish Association of Paint and Printing Ink Manufacturers (ASEFAPI) wishes to express its position on the new format rules established in Regulation (EU) 2024/2865 of the European Parliament and of the Council of 23 October 2024, amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

We believe that the Regulation does not address the significant **economic and environmental costs** arising from the modifications, and therefore, it is not aligned with the European Union's priorities. We specifically refer to the amendment of **Article 31(3) of the CLP Regulation and section 1.2.1.4 of Annex I**, which introduces the obligation to comply with new format rules that had until then been recommended by ECHA, specifically a **minimum font size**. This amendment will make it challenging for the industry to accommodate the substantial amount of text mandated by the legislation on labels, especially for smaller containers.

The use of **fold-out labels** is offered as a solution to the lack of space on the label: although there are technological advances in the sector that allow greater flexibility in the use of fold-out labels, this measure **does not adequately address the economic and environmental costs that it will entail**. This option has not been sufficiently analysed and is actually **not a viable solution**, as there are many elements that must appear on the first page and must comply with the new format. Additionally, the fold-out label is more likely to tear after the first use of the container, so it does not guarantee that the product is well-labelled throughout its useful life.

Despite the studies conducted during the review process at the Commission's request, ASEFAPI consider this matter has not been taken into account properly. The explanatory memorandum highlights the need to enhance communication about the dangers of chemicals and to provide better protection for consumers, human health, and the environment. This was based on a 2017 study indicating that 55% of EU citizens felt insufficiently informed about the potential hazards of chemicals in consumer products. In this context, it is important to note that **the goal of improving communication, regarding label readability for consumers, is not necessarily about font size, but rather about effectively conveying the information**. Therefore, increasing the font size does not appear to be the most appropriate method to achieve this objective.

The Impact Assessment Report **failed to provide a thorough evaluation of the immediate impacts**, which could potentially weaken the effectiveness of this new measures. We highlight the following: a) It **lacks explicit reference to studies demonstrating how the amendment would enhance label readability**. Consequently, it's challenging to discern the rationale behind the Commission's legislative decision; and b) There's a glaring **absence of evidence indicating the Commission's consideration of the estimated costs associated with adopting fold-out labels**. These costs encompass additional expenses for inks, adhesives, papers, waste management linked to repackaging, machinery reconfiguration, and human resources. **Estimated at over 150 million euros in EU**, this could potentially result in a 5-10% (if not more) escalation in the total product costs, **which might ultimately be transferred to end consumers**.

It should also be considered that Article 17(2) of the CLP Regulation requires labels to be written in the official language(s) of the Member States. **In countries where there is more than one official language, such as Belgium, which has three languages, increasing the font size makes it difficult to include all the mandatory information**.

The exclusion of languages from the label **may unjustifiably restrict the free movement of goods between member states**, as established in Article 28 of the TFEU. **This would particularly affect smaller language markets**, requiring companies to produce separate labels per country and thereby contradicting internal market principles.

Another issue that should be considered is the **increase in Stock Keeping Units ("SKUs")** that will result from the rapid implementation of new packaging and fold-out labels in compliance with the proposed changes. Now: a) **the increase in SKUs makes the storage and transportation process more complex**, resulting in substantially higher logistics costs. b) **the introduction of new packaging and fold-out labels leads to increased waste production**, which requires more effort to manage, from collection to recycling, generating additional costs for companies.

In light of the above, ASEFAPI respectfully proposes **two realistic and proportionate alternatives** to mitigate the unintended consequences of the current Regulation, while still pursuing the goal of improved consumer information:

1. **Eliminate the mandatory minimum font size requirement**, reverting to the previous system where such specifications were merely recommendations by ECHA. This would restore flexibility to the industry, allowing each company to adapt label formats according to container size and multilingual needs, while continuing to respect legibility principles.
2. **Expand the list of labelling elements that may appear exclusively in digital format**, using QR codes or similar mechanisms.

The concern that the general population is not digitally prepared is no longer valid. The European Commission itself is actively developing the Digital Product Passport, which will be mandatory for a wide range of goods in the near future. Furthermore, since the COVID-19 pandemic, **the use of QR codes has become mainstream**, particularly in hospitality, where consumers across all age groups have adapted to accessing menus and services via digital formats. This widespread digital literacy demonstrates that consumers are capable of retrieving essential product information through QR technologies.

These two alternatives would strike a better balance between consumer protection, legislative effectiveness, and the sustainability and competitiveness of the European manufacturing sector.

We trust that, through open and collaborative dialogue, we can find solutions that promote the common interest and well-being of all involved.

ASEFAPI

The Spanish Association of Paint and Printing Ink Manufacturers (ASEFAPI) is a private, independent, and non-profit organization, recognized both nationally and internationally. Its core mission is to represent and defend the common interests of its members before public and private bodies, as well as to keep them informed of any developments affecting the sector. Currently, the association comprises over 100 companies, representing 85% of the paint and printing ink market in Spain and generating more than 8,000 jobs.