

Swedish input to the agenda point on labelling related aspects on the Ad-hoc Caracal meeting 6 December

In this document we have compiled the Swedish position concerning labelling submitted 15 November 2021 in the public consultation of the CLP revision.

Sweden supports the Commission's suggestions to simplify labelling rules but emphasize that they should not compromise the clear communication of hazards. To improve labelling even further, Sweden suggests several proposals to change the legal text (see Annex I). These changes are based on the Swedish Chemical Agency's experience as an enforcement authority and aim to clarify certain provisions.

Additionally, there is a link to an article on readability of labels in Annex II.

Double or contradicting labelling obligations

There are obligations to include information on allergens in more legislations than the CLP Regulation (Skin sens. 1/EUH208), e.g. in the Regulation (EC) on detergents, the Toy Safety Directive, or the Regulation on biocidal products. There are also different requirements on what substance-identity to use (INCI-name for toys and detergents).

Liquids for electronic cigarettes are regulated in both the CLP Regulation and the Directive concerning the manufacture, presentation and sale of tobacco and related products, with similar but not identical demands on information.

There are standards with requirements on symbols and safety-information for lighters.

Annex 1 – Text proposals regarding labelling questions

	<p>Sweden´s (SE)¹ comments on the Commission proposal to allow multilingual fold-out labels (for normally sized packaging)</p> <p>SE supports the idea of allowing multilingual fold-out labels for packaging with normal size and form in order to make it easier for the manufacturer, importer or downstream user to adhere to the labelling requirements. If so, this might need to be added in legislation, e.g. in Article 31 of the CLP Regulation.</p> <p>However, SE finds that it is equally important to make sure that the end user can read and understand the hazard communication without difficulty. In this regard, for both fold-out and regular labels, clear definitions of what is meant by “easily readable” and “stand out clearly from the background and be of such size and spacing to be easily read” are needed. The current guidance is unclear and focuses on what reduces readability. In addition, this guidance is difficult to follow and enforce. To ensure easily readable labels, guidance is not enough, and clear requirements should be set out in the legislation. This would ensure a level-playing field where the requirements are the same in all Member States. Similarly, clear requirements regarding minimum size and colors are set out in other legislation, e.g. in Article 13 of the Regulation on the provision of food information to consumers² and Article 9 of the Directive on the sale of tobacco products³.</p> <p>For the same reasons, the requirements for contents, quality and design of fold-out-labels should be set out in the legislation, e.g. in Article 32 of the CLP Regulation.</p> <p>If the requirements for readability cannot be clarified in the legislation, SE thinks it must be considered whether a maximum number of languages on a label (fold-out and regular) should be introduced, to ensure that it is not too hard for the user to find and read the right information.</p> <p>In order to ensure a clear hazard communication SE suggests:</p> <p>(i) the minimum size of the letters in labelling according to Article</p>
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¹ The following comments have been previously made by Sweden in response to the Inception Impact Assessment, but not as detailed as now.

² Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, available at [EUR-Lex - 32011R1169 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2011/1169/oj) [accessed on 1st November 2021]

³ See above footnote 11.

<p>17(1) of the CLP Regulation should be clarified in Article 31(3) of the CLP Regulation (similar to the size of pictograms in Article 31(4) of the CLP Regulation), and</p> <p>(ii) the colors of the letters and the background should be specified in Article 31(3) of the CLP Regulation to guarantee readability.</p> <p>(iii) the requirements of how to present the information in a fold-out-label should be specified in Article X and appendix 1 of the CLP Regulation.</p>			
<p>Current wording</p>			<p>SE proposal (added text in red letters and deleted text as crossed-out)</p>
<p>Art. 31(3) The label elements referred to in Article 17(1) shall be clearly and indelibly marked. They shall stand out clearly from the background and be of such size and spacing as to be easily read.</p>			<p>Art. 31(3) The label elements referred to in Article 17(1) shall be clearly and indelibly marked. They shall stand out clearly from the background and be of such size and spacing as to be easily read. The color and size of letters shall be as set out in section 1.2.1. of annex I</p>
<p>Annex I</p>			<p>Annex I 1.2.1.4 Text information referred to in article 17(1 e-h) shall be in sans-serif typeface e.g. Arial with black letters on a white background.⁴</p>
<p>Annex I 1.2.1.4.The dimensions of the label and of each pictogram shall be as follows:</p>			<p>Annex I 1.2.1.4.The size of letters, dimensions of the label and of each pictogram shall be as follows:</p>
<p>Table 1.3</p>			<p>Table 1.3 To be completed with a column for "minimum size of letter"</p>
<p>Capacity of the package</p>	<p>Dimensions of the label (in millimetres) for the information required by Article 17</p>	<p>Dimensions of each pictogram (in millimetres)</p>	<p>Minimum size of Letters (e.g.Arial)</p>

⁴ Yazar et al (2014) *Readability of product ingredient labels can be improved by simple means: an experimental study*; Contact Dermatitis **71**, 233–241

Not exceeding 3 litres:	If possible, at least 52 × 74	Not smaller than 10 × 10 If possible, at least 16 × 16	X pt
Greater than 3 litres but not exceeding 50 litres:	At least 74 × 105	At least 23 × 23	X+4 pt
Greater than 50 litres but not exceeding 500 litres:	At least 105 × 148	At least 32 × 32	X+8 pt
Greater than 500 litres:	At least 148 × 210	At least 46 × 46	X+12 pt
<p>SE proposal: Amendment of Article 25(6)</p> <p>The obligation in Article 25(6) of the CLP Regulation to label with supplemental information according to part 2 of Annex II, presupposes that the mixture must include a (any) classified substance. This hinders the application of the labelling requirements of section 2.10 of part 2 of Annex II of the CLP Regulation when the obligation for a safety data sheet results from the inclusion of a substance for which there are community workplace exposure limits. It also hinders the application of the labelling requirements of section 2.12 of part 2 of Annex II of the CLP Regulation which relate to the inclusion of titanium dioxide (e.g. for the intended application of EUH212, titanium dioxide may not be in the classified form.)</p>			
Current wording		SE proposal (added text in red letters and deleted text as crossed out)	
<p>Art. 25(6) Where a mixture contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II.</p> <p>The statements shall be worded in accordance with Part 3 of Annex III and shall be placed in the supplemental information section of the label.</p>		<p>Art. 25(6) Where a mixture Mixtures contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II.</p> <p>The statements shall be worded in accordance with Part 3 of</p>	

<p>The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture.</p>	<p>Annex III and shall be placed in the supplemental information section of the label.</p> <p>The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture.</p>	
<p>SE proposal: Amendments to Article 29</p> <p>Amendments to Articles 29(1) and 29(2) (and part 1.5 of Annex I) of the CLP Regulation are needed to clarify the provisions for labelling derogations for small packagings and packagings with an awkward shape or form. Article 29(1) relates to the format of the label, e.g. how the information is presented (fold out, tie on, outer-packaging) while Article 29(2) relates to content of the label. According to the legal text of the CLP Regulation, Article 29(1) and 29(2) must apply sequentially. This means that the application of Article 29(2) requires that that it is <i>not possible</i> to apply Article 29(1), but it is not obvious if they can apply simultaneously.</p> <p>There are no clear criteria for concluding when it is not possible to provide the full labelling information in the way specified in Article 29(1), i.e to use an outer packaging, fold-out label or tie-on tag. For example, any packaging can be placed in an outer packaging, but is the supplier really obliged to place a small packaging (with not enough space for all labelling elements) in an outer packaging (containing all labelling elements)? Not having an outer packaging is not a breach of the CLP Regulation in itself. It is unreasonable to require the use of Article 29(1) in order to benefit from the labelling exemption in Article 29(2) for a small packaging (less than 125 ml). It also does not reflect how many suppliers apply the labelling exemptions for small packagings.</p> <p>SE suggests a rewording of Article 29(2) and Section 1.5 of Annex I to make it less strict and to allow the direct use of Article 29(2) without first applying Article 29(1). SE does not believe that guidance in this case can adequately remedy the shortcomings of unclear legislation.</p> <p>SE also proposes to add “signal word” as an obligatory label element on any inner packaging according to section 1.5.1.2 of the CLP Regulation, to alert the reader to a potential hazard. In addition, SE suggests replacing “the product identifier referred to in Article 18” with “trade name or the designation of the mixture” in the same section, as we consider it superfluous to list all the constituent names that give rise to the mixture classification on an inner packaging (as it can take up a lot of space in a limited area).</p>		

<p>Section 1.5.2.1 of Annex I of the CLP Regulation, lists the hazard classes that allow the application of the labelling exemption for small packaging. 'Flammable aerosol' is not one of them. Therefore, also small aerosol dispensers classified according to the hazard class 2.3 for 'flammable aerosols' must be labelled for that hazard and are not part of the labelling derogations in section 1.5.2.1 of Annex I of the CLP Regulation. SE therefore proposes to delete this part of section 1.5.2.1.1 of Annex I of the CLP Regulation.</p>		
Current wording	SE proposal (added text in red letters and deleted text as crossed-out)	
<p>Article 29</p> <p>Exemptions from labelling and packaging requirements</p> <p>1. 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.</p> <p>2. If the full label information cannot be provided in the way specified in paragraph 1 the label information may be reduced in accordance with section 1.5.2 of Annex I.</p>	<p>Exemptions from labelling and packaging requirements</p> <p>1. 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.</p> <p>2. If the full label information cannot be provided in the way specified in paragraph 1 the label information may be reduced in accordance with section 1.5.2 of Annex I.</p> <p>2.Label elements may be reduced in accordance with section 1.5.2 of Annex I.</p>	
<p>Annex I</p> <p>1.5. Exemptions from labelling and packaging requirements</p>	<p>1.5. Exemptions from labelling and packaging requirements</p>	

<p>1.5.1. Exemptions from Article 31 [(Article 29(1))]</p> <p>1.5.1.1. Where Article 29(1) applies, the label elements mentioned in Article 17 may be provided in one of the following ways:</p> <p>(a) in fold-out labels; or</p> <p>(b) on tie-on tags; or</p> <p>(c) on an outer packaging.</p> <p>1.5.1.2. The label on any inner packaging shall contain at least hazard pictograms, the product identifier referred to in Article 18 and name and telephone number of the supplier of the substance or mixture.</p>	<p>1.5.1. Exemptions from general labelling requirements in Article 31 [(Article 29(1))]</p> <p>1.5.1.1. Where Article 29(1) applies, the label elements mentioned in Article 17 may be provided in one of the following ways:</p> <p>(a) in fold-out labels; or</p> <p>(b) on tie-on tags; or</p> <p>(c) on an outer packaging.</p> <p>1.5.1.2. The label on any inner packaging shall contain at least hazard pictograms, signal word, the product identifier referred to in Article 18 trade name or the designation of the mixture and name and telephone number of the supplier(s) of the substance or mixture.</p>	
<p>1.5.2. Exemptions from Article 17</p> <p>1.5.2.1. Labelling of packages where the contents do not exceed 125 ml</p> <p>1.5.2.1.1. The hazard statements and the precautionary statements linked to the hazard categories listed below may be omitted from the label elements required by Article 17 where:</p> <p>(a) the contents of the package do not exceed 125 ml; and</p> <p>(b) the substance or mixture is classified in one or more of the following hazard categories:</p> <ol style="list-style-type: none"> 1) Oxidising gases of category 1; 2) Gases under pressure; 3) Flammable liquids of category 2 or 3; 4) Flammable solids of category 1 or 2; 5) Self-reactive substances or mixtures Types C to F; 	<p>1.5.2. Exemptions from labelling elements required in Article 17 [(Article 29(2))]</p> <p>1.5.2.1. Labelling of packages where the contents do not exceed 125 ml</p> <p>1.5.2.1.1. The hazard statements and the precautionary statements linked to the hazard categories listed below may be omitted from the label elements required by Article 17 where:</p> <p>(a) the contents of the package do not exceed 125 ml; and</p> <p>(b) the substance or mixture is classified in one or more of the following hazard categories:</p>	

<p>6) Self-heating substances or mixtures of category 2; 7) Substances and mixtures which, in contact with water, emit flammable gases of categories 1, 2 or 3; 8) Oxidising liquids of category 2 or 3; 9) Oxidising solids of category 2 or 3; 10) Organic peroxides Types C to F; 11) Acute toxicity of category 4, if the substances or mixtures are not supplied to the general public; 12) Skin irritation of category 2; 13) Eye irritation of category 2; 14) Specific target organ toxicity — single exposure of category 2 or 3, if the substance or mixture is not supplied to the general public; 15) Specific target organ toxicity — repeated exposure of category 2, if the substance or mixture is not supplied to the general public; 16) Hazardous to the aquatic environment — Acute of category 1; 17) Hazardous to the aquatic environment — Chronic of category 1 or 2.</p> <p>The exemptions for labelling of small packages of aerosols as flammable laid down in Directive 75/324/EEC shall apply to aerosol dispensers.</p> <p>1.5.2.1.2. The precautionary statements linked to the hazard categories listed below may be omitted from the label elements required by Article 17 where:</p> <p>(a) the contents of the package do not exceed 125 ml; and (b) the substance or mixture is classified in one or more of the following hazard categories:</p> <p>1) Flammable gases of category 2; 2) Reproductive toxicity: effects on or via lactation; 3) Hazardous to the aquatic environment — Chronic of category 3 or 4.</p> <p>1.5.2.1.3. The pictogram, the signal word, the hazard statement, and the precautionary statement linked to the hazard categories</p>	<p>1) Oxidising gases of category 1; 2) Gases under pressure; 3) Flammable liquids of category 2 or 3; 4) Flammable solids of category 1 or 2; 5) Self-reactive substances or mixtures Types C to F; 6) Self-heating substances or mixtures of category 2; 7) Substances and mixtures which, in contact with water, emit flammable gases of categories 1, 2 or 3; 8) Oxidising liquids of category 2 or 3; 9) Oxidising solids of category 2 or 3; 10) Organic peroxides Types C to F; 11) Acute toxicity of category 4, if the substances or mixtures are not supplied to the general public; 12) Skin irritation of category 2; 13) Eye irritation of category 2; 14) Specific target organ toxicity — single exposure of category 2 or 3, if the substance or mixture is not supplied to the general public; 15) Specific target organ toxicity — repeated exposure of category 2, if the substance or mixture is not supplied to the general public; 16) Hazardous to the aquatic environment — Acute of category 1; 17) Hazardous to the aquatic environment — Chronic of category 1 or 2.</p> <p>The exemptions for labelling of small packages of aerosols as flammable laid down in</p>
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<p>listed below may be omitted from the label elements required by Article 17 where:</p> <p>(a) the contents of the package do not exceed 125 ml; and</p> <p>(b) the substance or mixture is classified in one or more of the following hazard categories:</p> <p>1) Corrosive to metals.</p> <p>1.5.2.2. Labelling of soluble packaging for single use</p> <p>The label elements required by Article 17 may be omitted from soluble packaging intended for single use where:</p> <p>(a) The content of each soluble packaging does not exceed a volume of 25 ml;</p> <p>(b) The classification of the contents of the soluble packaging is exclusively one or more of the hazard categories in 1.5.2.1.1 (b), 1.5.2.1.2 (b) or 1.5.2.1.3 (b); and</p> <p>(c) The soluble packaging is contained within outer packaging that fully meets the requirements of Article 17.</p> <p>1.5.2.3. Section 1.5.2.2 shall not apply to substances or mixtures within the scope of Directives 91/414/EEC or 98/8/EC.</p> <p>1.5.2.4. Labelling of inner packaging where the contents do not exceed 10 ml</p> <p>1.5.2.4.1. The label elements required by Article 17 may be omitted from the inner packaging where:</p> <p>(a) the contents of the inner packaging do not exceed 10 ml;</p> <p>(b) the substance or mixture is placed on the market for supply to a distributor or downstream user for scientific research and development or quality control analysis; and</p> <p>(c) the inner packaging is contained within outer packaging that meets the requirements of Article 17.</p> <p>1.5.2.4.2. Notwithstanding sections 1.5.1.2 and 1.5.2.4.1, the label on the inner packaging shall contain the product identifier and, where appropriate, the hazard pictograms “GHS01”, “GHS05”, “GHS06” and/or “GHS08”. Where more than two pictograms are assigned, “GHS06” and “GHS08” may take precedence over “GHS01” and “GHS05”.</p>	<p>Directive 75/324/EEC shall apply to aerosol dispensers.</p> <p>1.5.2.1.2. The precautionary statements linked to the hazard categories listed below may be omitted from the label elements required by Article 17 where:</p> <p>(a) the contents of the package do not exceed 125 ml; and</p> <p>(b) the substance or mixture is classified in one or more of the following hazard categories:</p> <p>1) Flammable gases of category 2;</p> <p>2) Reproductive toxicity: effects on or via lactation;</p> <p>3) Hazardous to the aquatic environment — Chronic of category 3 or 4.</p> <p>1.5.2.1.3. The pictogram, the signal word, the hazard statement, and the precautionary statement linked to the hazard categories listed below may be omitted from the label elements required by Article 17 where:</p> <p>(a) the contents of the package do not exceed 125 ml; and</p> <p>(b) the substance or mixture is classified in one or more of the following hazard categories:</p> <p>1) Corrosive to metals.</p> <p>1.5.2.2. Labelling of soluble packaging for single use</p> <p>The label elements required by Article 17 may be omitted from soluble packaging intended for single use where:</p> <p>(a) The content of each soluble packaging does not exceed a volume of 25 ml;</p> <p>(b) The classification of the contents of the soluble packaging is exclusively one or more of the hazard categories</p>
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<p>1.5.2.5. Section 1.5.2.4 shall not apply to substances or mixtures within the scope of Regulation (EC) No 1107/2009 or (EU) No 528/2012.</p>	<p>in 1.5.2.1.1 (b), 1.5.2.1.2 (b) or 1.5.2.1.3 (b); and (c) The soluble packaging is contained within outer packaging that fully meets the requirements of Article 17. 1.5.2.3. Section 1.5.2.2 shall not apply to substances or mixtures within the scope of Directives 91/414/EEC or 98/8/EC. 1.5.2.4. Labelling of inner packaging where the contents do not exceed 10 ml 1.5.2.4.1. The label elements required by Article 17 may be omitted from the inner packaging where: (a) the contents of the inner packaging do not exceed 10 ml; (b) the substance or mixture is placed on the market for supply to a distributor or downstream user for scientific research and development or quality control analysis; and (c) the inner packaging is contained within outer packaging that meets the requirements of Article 17. 1.5.2.4.2. Notwithstanding sections 1.5.1.2 and 1.5.2.4.1, the label on the inner packaging shall contain the product identifier and, where appropriate, the hazard pictograms “GHS01”, “GHS05”, “GHS06” and/or “GHS08”. Where more than two pictograms are assigned, “GHS06” and “GHS08” may take precedence over “GHS01” and “GHS05”. 1.5.2.5. Section 1.5.2.4 shall not apply to substances or mixtures within the scope of Regulation (EC) No 1107/2009 or (EU) No 528/2012.</p>
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<p>SE proposal: Incorporate Article 32(6) into Article 25</p> <p>SE suggests incorporating Article 32(6) of the CLP Regulation into Article 25 of the CLP Regulation so that all rules regarding the content of the “supplemental information” part of the label can be found in one place. From the enforcement experience in Sweden, there are many examples of companies failing to include relevant information resulting from other EU acts (e.g. the content of volatile organic compounds (VOCs) in accordance with Directive 2004/42/EC⁵) in that part of the label, since this requirement is not stated in Article 25 of the CLP Regulation. Instead, this information is given apart from the rest of the labelling elements. This incompliance may also have the consequence that supplemental information (from Article 32(6) of the CLP Regulation) is not given in section 2.2. (Label elements) of the SDS.</p>	
<p>Current wording</p>	<p>SE proposal (added text in red letters and deleted text as crossed out)</p>
<p>Art 25</p> <p>Supplemental information on the label</p> <p>1. Statements shall be included in the section for supplemental information on the label where a substance or mixture classified as hazardous has the physical properties or health properties referred to in sections 1.1 and 1.2 of Annex II.</p> <p>The statements shall be worded in accordance with sections 1.1 and 1.2 of Annex II and Part 2 of Annex III.</p> <p>Where a substance is included in Part 3 of Annex VI, any supplemental hazard statements given therein for the substance shall be included in the supplemental information on the label.</p> <p>2. A statement shall be included in the section for supplemental information on the label where a substance or mixture classified as hazardous falls within the scope of Directive 91/414/EEC.</p> <p>The statement shall be worded in accordance with Part 4 of Annex II and Part 3 of Annex III to this Regulation.</p> <p>3. The supplier may include supplemental information in the section for supplemental information on the label other than that referred to in paragraphs 1 and 2, provided that that information does not make it more difficult to identify the label elements referred to in Article 17(1) (a) to (g) and that it provides further details and does not contradict or cast doubt on the validity of the information specified by those elements.</p>	<p>Art 25</p> <p>Supplemental information on the label</p> <p>1. Statements shall be included in the section for supplemental information on the label where a substance or mixture classified as hazardous has the physical properties or health properties referred to in sections 1.1 and 1.2 of Annex II.</p> <p>The statements shall be worded in accordance with sections 1.1 and 1.2 of Annex II and Part 2 of Annex III.</p> <p>Where a substance is included in Part 3 of Annex VI, any supplemental hazard statements given therein for the substance shall be included in the supplemental information on the label.</p> <p>2. A statement shall be included in the section for supplemental information on the label where a substance or mixture classified as hazardous falls within the scope of Directive 91/414/EEC.</p> <p>The statement shall be worded in accordance with Part 4 of Annex II and Part 3 of Annex III to this Regulation.</p> <p>3. The supplier may include supplemental information in the section for supplemental information</p>

⁵ Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC, available at [EUR-Lex - 32004L0042 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dir/2004/42/oj) [accessed on 1st November 2021]

<p>4. Statements such as ‘non-toxic’, ‘non-harmful’, ‘non-polluting’, ‘ecological’ or any other statements indicating that the substance or mixture is not hazardous or any other statements that are inconsistent with the classification of that substance or mixture shall not appear on the label or packaging of any substance or mixture. ▼B</p> <p>▼B</p> <p>6. Where a mixture contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II.</p> <p>The statements shall be worded in accordance with Part 3 of Annex III and shall be placed in the supplemental information section of the label.</p> <p>The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture. ▼M21</p> <p>7. Where under Annex VIII the submitter creates a unique formula identifier, it shall be included in the supplemental information on the label in accordance with the provisions of Section 5 of Part A of that Annex. ▼</p> <p>8. In the case of a bespoke paint for which no submission in accordance with Annex VIII has been made and no corresponding unique formula identifier has been created, the unique formula identifiers of all the mixtures contained in the bespoke paint in a concentration exceeding 0,1 % which themselves are subject to notification under Article 45 shall be included in the supplemental information on the label of the bespoke paint, located together and listed in descending order of the mixtures’ concentration in the bespoke paint, in accordance with the provisions of Section 5 of Part A of Annex VIII.</p> <p>In a case falling within the first subparagraph, where the concentration of a mixture with a unique formula identifier in the bespoke paint exceeds 5 %, the concentration of that mixture shall also be included in the supplemental information on the label of the bespoke paint next to its unique formula identifier, in accordance with Section 3.4 of Part B of Annex VIII.</p> <p>For the purposes of this paragraph, ‘bespoke paint’ means a paint that is formulated in limited amounts on a tailor-made basis for an individual consumer or professional user at the point of sale by tinting or colour mixing.</p>	<p>on the label other than that referred to in paragraphs 1 and 2, provided that that information does not make it more difficult to identify the label elements referred to in Article 17(1) (a) to (g) and that it provides further details and does not contradict or cast doubt on the validity of the information specified by those elements.</p> <p>4. Statements such as ‘non-toxic’, ‘non-harmful’, ‘non-polluting’, ‘ecological’ or any other statements indicating that the substance or mixture is not hazardous or any other statements that are inconsistent with the classification of that substance or mixture shall not appear on the label or packaging of any substance or mixture. ▼B</p> <p>▼B</p> <p>6. Where a mixture contains any substance classified as hazardous, it shall be labelled in accordance with Part 2 of Annex II.</p> <p>The statements shall be worded in accordance with Part 3 of Annex III and shall be placed in the supplemental information section of the label.</p> <p>The label shall also include the product identifier referred to in Article 18 and the name, address and telephone number of the supplier of the mixture. ▼M21</p> <p>7. Where under Annex VIII the submitter creates a unique formula identifier, it shall be included in the supplemental information on the label in accordance with the provisions of Section 5 of Part A of that Annex. ▼</p> <p>8. In the case of a bespoke paint for which no submission in accordance with Annex VIII has been made and no corresponding unique formula identifier has been created, the unique formula identifiers of all the mixtures contained in the bespoke paint in a concentration exceeding 0,1 % which themselves are subject to notification under Article 45 shall be included in the supplemental information on the label of the bespoke paint, located together and listed in descending order of the mixtures’ concentration in the bespoke paint, in accordance with the provisions of Section 5 of Part A of Annex VIII.</p>
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	<p>In a case falling within the first subparagraph, where the concentration of a mixture with a unique formula identifier in the bespoke paint exceeds 5 %, the concentration of that mixture shall also be included in the supplemental information on the label of the bespoke paint next to its unique formula identifier, in accordance with Section 3.4 of Part B of Annex VIII.</p> <p>For the purposes of this paragraph, 'bespoke paint' means a paint that is formulated in limited amounts on a tailor-made basis for an individual consumer or professional user at the point of sale by tinting or colour mixing.</p> <p>9. Label elements resulting from the requirements provided for in other Community acts shall be placed in the section for supplemental information on the label</p>	
<p>Art 32</p> <p>Location of information on the label</p> <p>1. The hazard pictograms, signal word, hazard statements and precautionary statements shall be located together on the label.</p> <p>2. The supplier may decide the order of the hazard statements on the label. However, subject to paragraph 4, all hazard statements shall be grouped on the label by language.</p> <p>The supplier may decide the order of the precautionary statements on the label. However, subject to paragraph 4, all precautionary statements shall be grouped on the label by language.</p> <p>3. Groups of hazard statements and groups of precautionary statements referred to in paragraph 2 shall be located together on the label by language.</p> <p>▼ B</p> <p>4. The supplemental information shall be placed in the supplemental information section referred to in Article 25, and shall be located with the other label elements specified in Article 17(1)(a) to (g).</p> <p>5. In addition to its use in hazard pictograms, colour may be used on other areas of the label to implement special labelling requirements.</p> <p>6. Label elements resulting from the requirements provided for in other Community acts shall be placed in the section for supplemental information on the label referred to in Article 25.</p>	<p>Art 32</p> <p>Location of information on the label</p> <p>1. The hazard pictograms, signal word, hazard statements and precautionary statements shall be located together on the label.</p> <p>2. The supplier may decide the order of the hazard statements on the label. However, subject to paragraph 4, all hazard statements shall be grouped on the label by language.</p> <p>The supplier may decide the order of the precautionary statements on the label. However, subject to paragraph 4, all precautionary statements shall be grouped on the label by language.</p> <p>3. Groups of hazard statements and groups of precautionary statements referred to in paragraph 2 shall be located together on the label by language. ▼ B</p> <p>4. The supplemental information shall be placed in the supplemental information section referred to in Article 25, and shall be located with the other label elements specified in Article 17(1)(a) to (g).</p> <p>5. In addition to its use in hazard pictograms, colour may be used on other areas of the label to implement special labelling requirements.</p> <p>6. Label elements resulting from the requirements provided for in other Community acts shall be placed in the</p>	

	section for supplemental information on the label referred to in Article 25.	
<p>SE proposal: Revision of Article 48</p> <p>Article 48 of the CLP Regulation regarding advertisement is unclear and needs to be clarified, especially since internet sales are expanding rapidly. Article 48(1) of the CLP Regulation addresses substances to all customers and Article 48(2) of the CLP Regulation addresses mixtures to the general public only. In the general labelling requirements in the CLP Regulation, there are no such distinctions, and SE cannot see why this would be justified for these distance purchases. SE proposes that information requirements should be the same regardless of substance/mixtures or user groups also for distance purchases.</p> <p>Neither Article 48(1) or 48(2) of the CLP Regulation are specific enough as to what hazard information is required, e.g., what is meant by “the type or types of hazard indicated on the label”. These paragraphs need to be more precise.</p> <p>There is also a need to define what is meant by “advertisement” in the context of Article 48 of the CLP Regulation. In Article 48(1) for substances any advertisement is included, but in Article 48(2) for mixtures, only advertisement which allows a contract to be concluded without first having sight of the label is included. If there is a need to regulate advertisement when purchases are not possible, SE suggests that substances and mixtures are regulated in the same way. SE cannot see why this would be justified (and it adds an unnecessary burden to the companies) and suggests to only include advertisement where a contract can be concluded without first having sight of the label. To make it more clear in what situations Article 48 of the CLP Regulation applies to, we suggest replacing “advertisement” with “distance contracts”.</p> <p>It could also be considered to move this article to Title III chapter 2 (Labelling) instead of Title VII (common and final provisions) of the CLP Regulation.</p> <p>SE knows from enforcement experiences that it is unclear to many companies that Article 17(2) of the CLP Regulation also applies to distance purchases. This might justify the inclusion of clarifications in the legislation.</p>		
Current wording	SE proposal (added text in red letters and deleted text as crossed out)	
<p>Art 48 Advertisement</p> <p>1. Any advertisement for a substance classified as hazardous shall mention the hazard classes or hazard categories concerned.</p>	<p>Art 48 Advertisement Distance contracts</p> <p>1. Any advertisement for a substance classified as hazardous shall mention</p>	

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2021-11-30

<p>2. Any advertisement for a mixture classified as hazardous or covered by Article 25(6) which allows a member of the general public to conclude a contract for purchase without first having sight of the label shall mention the type or types of hazard indicated on the label.</p> <p>The first subparagraph shall be without prejudice to Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (1).</p>	<p>the hazard classes or hazard categories concerned.</p> <p>2. Any advertisement for a mixture classified as hazardous or covered by Article 25(6) which allows a member of the general public to conclude a contract for purchase without first having sight of the label shall mention the type or types of hazard indicated on the label.</p> <p>When substances and mixtures classified as hazardous or mixtures covered by Article 25(6) are presented in a way which allows a customer to conclude a distance contract for purchase without first having sight of the physical label, the presentation shall include information on the hazard pictogram(s), signal word, hazard statement(s) and EUH-statements.</p> <p>The first subparagraph paragraph shall be without prejudice to Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (1).</p>	
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Annex 2 – Link to an article on readability of labels

Yazar et al (2014) *Readability of product ingredient labels can be improved by simple means: an experimental study*;
Contact Dermatitis **71**, 233–241

<https://doi.org/10.1111/cod.12274>