29 May 2025

On 16 May 2025 the Commission hosted a 'Reality Check Workshop' on "*the possible simplification*" of the CLP Regulation. This initiative is presented within the broader context of the Commission's stated objective "*to lighten the regulatory burden for people, businesses and administrations in the EU to boost prosperity and resilience of the EU*". The Commission President's announcement to present "*by summer*" an omnibus package for the chemical sector provides additional context.

In response to the Commission's call for written input, the NGOs Chemsec, ClientEarth, Ecologistas en Acción, EEB, and HEAL provide the following analysis and recommendations:

1. Fundamentally flawed rationale

In December 2022 the Commission launched a legislative proposal for a targeted revision of CLP Regulation. The proposal was accompanied by a comprehensive impact assessment showing the need for and legitimizing the proposed amendments, including rules on labelling and advertising. Further evidence was collected in a public consultation following the publication of the proposal.

As the Commission acknowledged during the May 16 Workshop, the revised CLP rules have been published in the official journal on 20 November 2024 and they only apply as from 10 December 2024.

It is premature to consider further changes before these rules have been properly implemented. No solid practical experience could have been gained to support claims from industry about excessive complexity or burden. This initiative thus lacks a credible evidence base.

2. Process must stick to EU Better Regulation rules

During the May 16 Workshop, the Commission presented options to simplify rules on labelling and advertising and collected stakeholder feedback on these options. The Commission then

opened the floor to hear other ideas on how to simplify CLP. Stakeholders have until the end of May to submit their simplification proposals, underpinned by relevant evidence.

The Commission President promised a chemicals omnibus "*by summer*". If this omnibus were to involve a legislative proposal to amend CLP, it would need to be finalized by the same date. We remind the Commission of its obligations under the TEU and EU Better Regulation principles to ensure evidence-based and participatory decision-making. Notably, the Commission should independently assess any proposals submitted in terms of their impact on the protection of people and the environment, human rights, etc.

Those principles require a fair and balanced representation of all relevant stakeholder groups in public consultations. Of more than 450 workshop participants, most represented industry interests, with only a handful of consumer and environmental NGOs taking part. This imbalance skews the feedback toward deregulatory interests, neglecting the needs of administrations and people and thus undermining the credibility of the process.

Given the significance of the CLP Regulation in the EU policy framework for chemicals, the Commission has to take all the time it needs to collect relevant evidence for the impact assessment of any simplification proposal. The current political context is not a sufficient justification for bypassing the legal obligations of evidence-based and participatory policy development processes.

The accelerated timeline for the chemicals omnibus package suggests an intent to fast-track legislative amendments without a proper impact assessment or stakeholder consultation. In this respect, we take note of the EU Ombudsman decision of 21 May to open, in a similar case, an inquiry into a complaint raised by civil society organisations against the Commission for its failure to comply with its 'Better regulation guidelines' in preparing a legislative proposal on corporate sustainability reporting and due diligence.

Moreover, we remind the Commission of its own working methods, which require coordination within the Commission when working on interlinked policy files.

3. Re-opening of CLP Regulation harms EU competitiveness

Frequent legal changes undermine the competitiveness of EU businesses by eroding regulatory predictability and investor confidence. Companies that have made significant investments to comply with the recently revised CLP rules will be penalised if requirements are now arbitrarily changed or reversed.

In this context, one has also to take note that the ordinary legislative procedure is not limited to amendments that genuinely aim to simplify requirements. For instance, during the May 16 Workshop industry proposed to exclude from the scope of classification considerations of a chemical’s physical state - a proposal obviously aimed at limiting the authority’s scope for

harmonised classification. Such proposals risk diluting the EU's high standards for public and environmental protection, which are themselves a global competitive advantage.

4. **Unnecessary simplification of labelling and advertising rules**

The unequivocal labelling of substances and mixtures is one of the most important tools to communicate the product's hazards to the users and is therefore a critical component of the EU chemical legislation for the protection of human health and the environment.

The currently applied rules of the CLP regulation on the labelling, formatting and advertisements of substances and mixtures, i.e. the rules pre-existing before Regulation (EU) 2024/2865 was published at the end of 2024, already set general requirements on the labelling and formatting of labels to "be of such size and spacing as to be easily read" in Article 31(3). However, the font sizes on the labels of substances and mixtures were found to be frequently too small to be readable by people handling the products. This hampers hazard communication and can endanger users and the environment. Additionally, the lack of clarity on the legibility requirements was identified as an obstacle for their enforcement.

Therefore, the new amendments to the labelling and formatting requirements were drafted with the aims of increasing the level of protection, allowing enforcement and creating a level playing field across the EU market. Deleting the new rules, would therefore mean a continuous hampering of enforceability of legibility requirements, provide prolonged potential for diverging enforcement across member states and ultimately fail to improve the hazard communication and thus the protection of EU citizens and the environment.

An advertisement is meant to convince potential consumers to buy a product (e.g. a chemical substance or mixture). Information on the hazards of that product, including its hazard pictograms, signal words, hazard statements and supplemental EUH statements, can be a decisive factor for the decisions of consumers to purchase or not a certain product. As such, the information on the hazards of a substance or mixture needs to be available upfront during advertisement to allow for an informed decision. Additionally, the harmonisation of advertisement requirements between substances and mixtures provides a much-needed alignment of provisions in the CLP.

5. **Simplification for people and administration**

If, despite the concerns outlined above, the Commission proceeds with a legislative proposal, simplification efforts must not be limited to industry demands. The needs of consumers, workers, and public administrations must be equally prioritised. Any simplification should enhance—not weaken— safety, transparency, and legal clarity. It was clear from the workshop that several proposals from industry did not fulfill these requirements. Below are NGO recommendations:

- **Harmonised classification (CLH) process**: On average it takes 5 years and 9 months to complete a CLH process, consuming significant resources from authorities (time, budgets, human resources). As CLH should be a purely scientific process, the burden on authorities could be reduced and the process could be faster through an automatic

inclusion of CLH decisions in CLP Regulation Annex VI by the Executive Director of ECHA, without the need of a CLH decision to be adopted by the Commission. In any case, the Commission should have a deadline of 6 months to adopt a decision after the publication of the RAC opinion. The decision would be adopted by administrative silence if the Commission has not adopted it before.

- **Diverging classifications**: information to downstream users on classification and labelling is hampered by erroneous, obsolete, and diverging self classifications included in the inventory. Diverging classifications increase the burden on SME to understand and control the risks of the substances they use. An automatic harmonisation of diverging self-classifications would improve the quality and transparency of ECHA's classification & labelling inventory. This should be done by uplifting to CLH the most protective self classifications when divergent classifications are included in the inventory, through an automatic process.

- **Speed up CLH of substances identified under REACH, BPR and PPPR:** The revised CLP Regulation acknowledges that the Substances of Very High Concern (SVHC) criteria under REACH (and how they are implemented) are equivalent to the CLP hazard classes for EDCs and several persistent substance groups provided for in Annex I CLP. Therefore, in view of the high level of evidence required for inclusion in the REACH candidate list, the substances currently on that list should be included in Table 3 in Part 3 of Annex VI CLP. Following this, Article 37(7) CLP empowers the Commission to transfer SVHCs identified and proposed up to a certain moment to said Annex.

This **empowerment should be turned into a mandatory task** for the Commission, providing a legal deadline by which the task must be executed. This would **enhance legal clarity and predictability** for all actors and would **accelerate consistency**.

Besides, with the same objectives in mind, this mandatory task should be **extended to future SVHC**s.

The same rationale should apply to substances in scope of Article 37(7) that are identified under PPPR and BPR.