



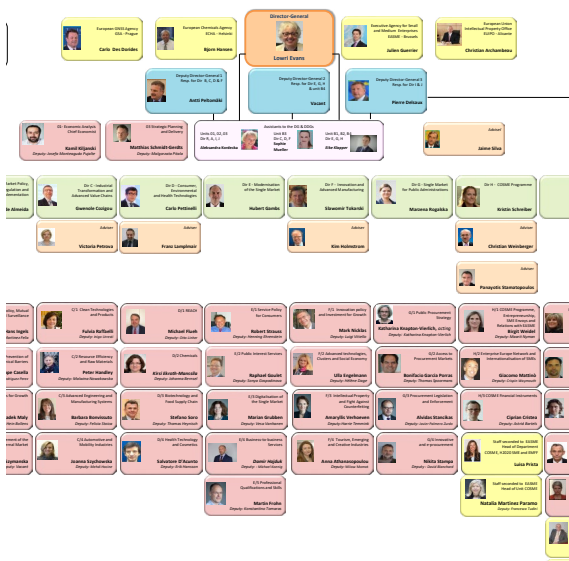
Poison Centres Update

Annex VIII of the CPL – Not yet daring to accept the evident

Following our [latest update](#) on the issues regarding the implementation of Annex VIII of Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures matter (CLP), on harmonised information relating to emergency health response (hereafter in short “Annex VIII”) things have moved forward, but tangible results are still missing.

On 29.01.2019 the European Commission circulated an [interim progress report](#) for the study on workability issues¹, which was received with mixed feelings by the construction products sectors. On the positive side, the report reproduces the issues and solutions that had been suggested by the industry as input to the study, even if in most cases the presented solutions are still concepts that would need to be detailed for practical implementation. The interim report however comes short in appropriately addressing the impacts on downstream users of “mixtures in mixtures” (MIMs) in the construction products sector.

1 Study on workability issues concerning the implementation of Annex VIII of Regulation (EC) No 1272/2008 on harmonised information relating to emergency health response and preventative measures



The alliance of the 7 construction product sectors affected by Annex VIII reacted to the interim report with a letter to the responsible heads of units and to the group of Competent Authorities for REACH and CLP (CARACAL). [The letter underlines that these shortcomings bear the risk of underestimating the problem](#) and consequently the urgency of finding solutions.

Shortly after receiving the interim progress report a delegation of industry sectors, including EMO, met Antti Peltonmäki (Vice-Director General DG GROW), Carlo Pettinelli (Director of directorate D) and Johanna Bernsel (Deputy Head of Unit D/2 “Chemicals”) on 31st January, to present and defend at this level the common call for a postponement of the applicability dates of Annex VIII of the CLP.

The delegation pointed out that a postponement is not only justified by the need to resolve the many workability issues and implement the solutions with legal certainty. Also the ongoing discussions within

CARACAL on certain interpretations of Annex VIII as well as the evident compliance and implementation issues among national appointed bodies and poison centres show the need to postpone the application.

The industry representatives strongly opposed to the view that legal certainty is not a condition for the industry to implement Annex VIII and that implementation could start while different interpretations of some parts of Annex VIII persisted. They explained that in some cases the timeline and the technical measures for complying with Annex VIII depend on the final, legally reliable interpretation of Annex VIII. Hence industry cannot be expected to decide to invest in e.g. labelling/marketing equipment without the legal certainty that the choice made is in line with Annex VIII.

Industry also reminded the Commission representatives that the necessary IT tools for collecting and assembling the information (preparing the dossier) and submitting it to national appointed bodies or alternatively to the ECHA notification portal are still not available and that industry – small and large – needs adequate time for implementation and training.

Being in “listening mode”, **all presented arguments were registered, but the Commission representatives expressed the need to first understand the details and extent of the problem before being in a position to take a decision.** In that respect they referred to the **workshop on 13 February 2019 organised by the Chemical Unit within DG GROW** as part of the study on workability issues.



At the workshop, at which EMO was represented by H  l  ne Gascon and the General Secretary, the Commission representatives explained that the workshop **was solely dedicated to presenting the interim report and collecting the feedback from stakeholders on its content** (identified issues and suggested solutions). It was stressed that conclusions regarding the timeline and possible postponement of applicability dates would not be discussed.

Deputy Head of Unit Johanna Bersel explained that amending and postponing a regulation already voted and under implementation is an exceptional measure, which to her knowledge had occurred only once before. **Therefore**, to get the support for a postponement at the higher levels within the Commission hierarchy, **the case needs to be substantiated with strong arguments and impact figures. Responding to this, EMO reiterated the example of comparable MIMs stored in silos (or tanks).** Manufacturers may find ways to cope with the burden of generating, submitting and updating information for a large number of unique formula identifiers (UFIs) per product. But as **in practice these manufacturers cannot trace the specific mixture in the packaging and affix the corresponding UFI on the label on it, Annex VIII is not compliant for them as it is.**

Given the examples and arguments presented by EMO and others, stakeholders (associations and also poison centres) were asked to provide by the end of February comments to the interim report as well as arguments and figures regarding the impact, supporting the need to amend Annex VIII. Based on the interim results of the report and the additional feedback received, the **Chemicals Unit will assess the impacts as well as the consequences of potential solutions for the timeline and present their conclusions at the next CARACAL meeting on 19/20 March 2019.**

With the support of its members, **EMO is currently collecting figures and drafting the requested feedback to ensure the impact of the current Annex VIII on mortar manufacturers is understood and appropriately reflected in the final report of the workability study.**

Registered Address:

EMO
68 Boulevard du Souverain
1170 Bruxelles / Belgium

General Secretary:

Antonio Caballero González

Secretariat:

Alliance of European Associations e.V.
c/o EMO
Oberforstbacher Straße 407a
52076 Aachen / Germany

Telephone: +49 2408 5996207

Mobile: +49 173 9501590

Fax: +49 2408 5996208

E-Mail: acg@euromortar.com