



To:
Permanent representatives of Member States to the EU
Ambassadors of EU Member States

Brussels, 30th November 2023

Reform of the CLP regulation: Promote protective hazard identification and labelling processes of chemicals in the future

Dear Permanent Representatives,
Dear Ambassadors,

On behalf of the [Health and Environment Alliance \(HEAL\)](#) and the [European Environmental Bureau \(EEB\)](#), we are writing to you regarding the ongoing trilogue negotiations about the reform of the EU regulation on the classification, labelling and packaging of chemicals (CLP).

This reform process provides the European institutions with an important opportunity to update the CLP regulation in line with the reality of the chemicals market of the 21st century, making it a faster, more efficient and protective tool to the hazard identification and labelling steps that are fundamental for the good functioning of the entirety of the EU chemicals legislative framework.

For these reasons, ahead of the next political meeting, scheduled on Tuesday 5th December 2023, we would like to draw your attention to several important points to allow the future regulation to fulfil its objectives of increased health and environment protection.

We are asking for your active support on these points, which we understand are still being debated at the time of writing this letter.

Hazard identification provisions for substances with more than one constituents (MOCS) under the CLP regulation

Health and environment civil society organisations have been supportive of the European Commission's initial proposal to clarify the CLP provisions with regards to the hazard identification of the complex chemical substances that contain more than one constituents (MOCS), by aligning them

with provisions already applying to chemical mixtures. This is coherent and consistent from both scientific and legal points of view¹.

The current lack of clarity regarding the addressing of MOCS in the context of the identification of substances' intrinsic properties under CLP creates legal inconsistency in the hazard identification process and, most importantly, leaves substances with known harmful properties such as carcinogens or endocrine disruptors undetected. This means that citizens and industry actors exposed to them in the context of industrial processes, in supply chains, or via consumer products are not getting adequate information to adopt protective behaviours. This situation is not acceptable with regards to the EU protection obligations and can easily be remediated in the context of the CLP reform.

The compromise text supported by the European Parliament allows to clarify MOCS-related provisions in the legislation, while introducing the possibility of derogations, under scientifically justified circumstances for substances of “renewable botanical origin that are not chemically or genetically modified”², or substances with constituents showing antagonistic effects. It therefore caters for both objectives of increased information and protection, while appeasing practical concerns regarding the implementation of the new provisions.

For these reasons, we call on you to:

- **Agree on the compromise text already supported by the European Parliament regarding article 5.3 in order to allow the hazard identification of MOCS;**
- **Not extend the derogations proposals further than what was agreed by the European Parliament;**
- **Support the inclusion of an early review clause for these provisions, at latest within four years, as proposed by the Council³. The review clause should include a report on the implementation of the MOCS-related provisions, and request the Commission to consider the need for a recall of the derogation by a legislative proposal.**

Opportunities to include provisions regarding access to justice in the CLP regulation

Health and environment civil society groups have strongly welcomed the European Parliament's proposals to upgrade access to justice and the right to request action through the CLP reform process⁴. If well implemented, they can contribute to the improved uptake of the latest scientific and technical knowledge in the context of hazard classifications, as well as faster and more efficient processes.

In particular, the Parliament's amendments supporting the introduction of the right for any citizen or association to request action from authorities on hazard classifications are an important progress. These provisions will allow them to submit relevant scientific information to authorities, which the latter will have to assess and respond to. Access to justice will be guaranteed in case of procedural failures by authorities.

¹ For more information on the health and environment organisations regarding the addressing of MOCS in the context of the CLP reform, please consult: <https://www.env-health.org/wp-content/uploads/2023/06/CLP-MOCS-classification-2.pdf> ; <https://www.env-health.org/wp-content/uploads/2023/06/CLP-explainer-on-essential-oils-1-2.pdf>

² Draft legislative report adopted by the European Parliament Plenary, first reading, 4th October 2023, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0340_EN.html, amendments 106

³ Council adopts position on the regulation for classification, labelling and packaging of chemical substances, 30th June 2023, <https://www.consilium.europa.eu/en/press/press-releases/2023/06/30/council-adopts-position-on-the-regulation-for-classification-labelling-and-packaging-of-chemical-substances/>

⁴ Draft legislative report adopted by the European Parliament Plenary, first reading, 4th October 2023, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0340_EN.html, amendment 65

We therefore call on you to support provisions for access to justice in the CLP regulation.

We thank you for considering our inputs and concerns. We remain fully available for further clarifications that might be useful in the context of the meeting's preparations. Finally, we encourage a swift conclusion of the revision process under the Spanish Presidency of the European Union in order to enable ratification under the mandate of the current Commission and Parliament.

Yours sincerely,

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