

**Director**

Dear Mrs  
**Věra Jourová**  
Commissioner for Justice, Consumer Protection  
and gender issues  
European commission  
1049 Brussels  
Belgium

Ref.

SCHP/13/2019 Prague

21.2.2019

Dear Commissioner,

I am writing to inform you of the state of play regarding the consideration of the proposal for a harmonised classification of titanium dioxide.

The Risk Assessment Committee (RAC) at ECHA issued an opinion in September 2017 proposing the classification of titanium dioxide as a suspect carcinogen in category 2 by inhalation within the meaning of Regulation (EC) No 1272/2008 of the European Parliament and of the Council (CLP). The Czech Confederation of Chemical Industry has delivered a negative opinion on the proposal, as is the Czech Republic, represented by the Ministry of the Environment. In our view, the classification is unjustified and would have a significant negative impact on the Czech and European industry. We support alternative regulatory options available, namely legislation on occupational health.

The Commission, together with other elements, included the entry of titanium dioxide in the 14th adaptation to technical progress of the CLP Regulation, which amends in particular Annex VI to this Regulation- the harmonised classification of substances. This proposal was discussed at several meetings of the REACH Committee in 2018. At first meeting of the REACH Committee in 2019 at 14-15.2.2019 confirmed that a number of Member States, including the Czech Republic, have had a negative opinion on the proposal for a harmonised classification of titanium dioxide. The negative opinion on the proposal also has representatives of both the European and the world industry, as demonstrated by the Commission's public consultation on a proposal amending the CLP Regulation with an additive of titanium dioxide.

A further meeting of the REACH Committee will take place on 7.3. A discussion on the proposal to amend the CLP Regulation is scheduled to take place on that day, together with a possible choice.

Following the last meeting of the REACH Committee, we have learnt from Cefic that the Commission has the intention to use the delegated act to amend the CLP Regulation. At the trilogue of 20.2.2019, according to our information, a number of states disagreed with the use of a delegated act for the amendment of the CLP Regulation.

The Association of the Chemical Industry of the Czech Republic continues to have a negative opinion on the proposal. As we have previously informed you, the proposal for the classification of titanium dioxide is not sufficiently reasoned, and its enforcement in Annex VI to the CLP Regulation would harm both the Czech industry and the EU as a whole and would reduce its competitiveness

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at world level, it caused severe economic downturns, mainly due to the significantly reduced quality of plastics and colours (estimates also show more than 10 %).

At the same time, the current rules on production and handling of TiO<sub>2</sub> (including its nanoforms) and an inert dust powder both in the Czech Republic and in the EU are entirely sufficient from the point of view of protecting human health and the natural environment, and there is no rational and scientifically valid reason to believe that the inclusion of a substance as a carcinogen category 2 will give rise to additional benefits for human health or the environment. Making use of the existing rules on environmental dust suppression is much better addressed by the problem described and without any weakening of its own economy. The tolerable exposure limit for dust TiO<sub>2</sub> in the working environment is 10 mg.m<sup>-3</sup> (Table 3 — sheets with a predominantly non-specific effect in Government Regulation No 361/2007 laying down conditions for



health at work, as amended).

The Czech Confederation of Chemical Industry disagrees with the Commission's intention to amend the CLP Delegated Regulation on the grounds that it applies this procedure to proposals that do not have a significant economic impact. We will also inform the other representative of the Czech Republic of this opinion for further discussions on this issue.

Sincerely,

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