

From: [REDACTED] <[REDACTED]@cefic.be>
Sent: mardi 10 septembre 2019 10:27
To: GAUER Céline (SG)
Cc: [REDACTED]; (GROW); [REDACTED]; (SG); [REDACTED]
Subject: Joint Letter - 14th adaptation to technical progress (ATP) of the Classification and Labelling (CLP) Regulation – Titanium dioxide (TiO₂)
Attachments: 2019-09-10 - Joint letter - 14th adaptation to technical progress of the Classification and Labelling Regulation – Titanium dioxide.pdf

Dear Ms. Gauer,

Please find attached a letter on behalf of 300 organisations concerning the proposal to classify titanium dioxide as a part of the 14th adaptation to technical progress (ATP) of the EU's classification and labelling (CLP) Regulation.

We hope you understand our position and look forward to your response. If you have any questions, do not hesitate to contact us.

Best regards

[REDACTED]

[REDACTED]

Tel. + [REDACTED]
Mobile + [REDACTED]
[REDACTED]@cefic.be

Titanium Dioxide Manufacturers Association (TDMA)
A Sector Group of Cefic
<https://tdma.info/>



European Chemical Industry Council - Cefic aisbl
www.cefic.org
EU Transparency Register n° 64879142323-90

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

To:
Ms Céline Gauer
Deputy Secretary-General

Secretariat-General
European Commission
Brussels

By email:
[redacted]@ec.europa.eu

Brussels, 10 September 2019

Re: Impact Assessment, 14th adaptation to technical progress (ATP) of the Classification and Labelling (CLP) Regulation – titanium dioxide (TiO₂)

Dear Ms Gauer,

We understand that the proposal to classify Titanium Dioxide (TiO₂) as a suspected carcinogen (cat. 2) by inhalation as a part of the 14th ATP to the CLP Regulation will be discussed as a delegated act on 18 September in the CARACAL Committee.

489 interested parties contributed to the [public consultation](#) on the 14th ATP and third countries made [submissions](#) via the WTO technical barriers to trade notification process. These parties have all raised similar concerns regarding the proposed delegated act, and the common questions relate to:

1. The political sensitivity of the classification, and;
2. The potential unwarranted second order impacts, especially on circular economy.

To resolve the questions raised, many of the interested parties have suggested to undertake an impact assessment before deciding on the proposed classification of TiO₂ to bring full clarity.

The Commission's position to date has been to suggest that the translation of the proposed classification by the European Chemical Agency's Risk Assessment Committee (RAC) should be automatically transposed into the CLP Regulation.

However, this position is not reflected in practice and in the text of the CLP Regulation. Firstly, the Commission Services have from time to time exercised their inherent discretion in taking forward individual classifications, confirming that there is no automaticity in taking forward the RAC's opinion and the text put forward in the ATP package (e.g. 2015 and 2016 ATPs). Secondly, the Commission has an affirmative duty under article 37(5) of the CLP Regulation to verify if CLP classification is the right action and to consider relevant classification and labelling elements, such as concentration limits etc.

In this regard, the Better Regulation Guidelines are clear that technical and secondary legislation, like delegated acts, can benefit from an impact assessment: "The lead DG should (in consultation with the Secretariat-General) consider whether the Commission's initiative would benefit from further analysis and a complementary IA due to its complexity, or the significance of the expected impacts or where the Commission is likely to deviate from the advice of the relevant agency or indeed where the Agency's work does not meet the Commission's usual standards" ([Better Regulation Toolbox page 51](#)).

In this case, the impact assessment would be a useful instrument to determine the way forward:

- 1) The division in the views of the Member States shows, this issue is politically sensitive. Several Member States have raised questions about the impact of classification;
- 2) The second order impacts of the proposed classification are at best unanswered and unclear to many. The recent fitness check of the most relevant chemicals legislation (excluding REACH) highlighted the negative consequences of unintended second order impacts;
- 3) Due to the circular economy impacts, DG ENV is working on an update to EU waste guidance. The impact assessment can clarify whether it is adequate to avoid the unintended impacts on the circular economy highlighted by the affected sectors and the waste management industry.

The Commission has previously undertaken impact assessments for delegated acts in relation to issues around Endocrine Disruptors.

As shown by the many hundreds of comments on the 14th ATP, the public consultation is an important instrument to gather feedback from stakeholders. We now understand that the Commission intends to remove this important step from the CLP process, and it is claimed that the consultation on the 14th ATP was due to clerical error.

We are concerned about this approach, which would go against the letter and the spirit of Better Regulation. The Commission, the Member States, and MEPs all benefit from letting the people tell them what they think of the laws being passed in their name. To remove the public consultation for the ATP would deprive many of the opportunity give their feedback on the final proposal.

In the light of this, we ask that the Commission undertakes an impact assessment on the proposed classification for TiO₂ before proceeding with the delegated act. Even an expedited impact assessment would bring forward important information before making a decision on this file.

Sincerely,

ACOPLÁSTICOS	 <p>Plásticos • Química • Petroquímica • Cauchos • Pinturas • Tintas • Fibras</p>
Advanced Chemical Specialties Ltd	 <p>Protecting The Built Environment</p>
AkzoNobel	
Alfred Clouth Lackfabrik GmbH & Co KG	
ALLIGATOR FARBWERKE GmbH	
Alpina Farben GmbH	
alsecco GmbH	
American Coatings Association	
ANAIP	
Annie Sloan Interiors	
APDCR - Asociatia Producatorilor si Distribuitorilor de Chimicale din Romania	

<p>Apollo Colours Limited</p>	
<p>APQuímica – Associação Portuguesa da Química, Petroquímica e Refinação</p>	
<p>Argacol – Tintas e Vernizes, S.A.</p>	
<p>ASCER</p>	
<p>ASEFAPI – ASOCIACIÓN ESPAÑOLA DE FABRICANTES DE PINTURAS Y TINTAS DE IMPRIMIR</p>	
<p>ASETER</p>	
<p>Asociación Colombiana de Técnicos en Recubrimientos- ACTR</p>	
<p>ASOCIACION DE FABRICANTES DE PINTURAS E INDUSTRIAS AFINES – (AFPIA)</p>	
<p>ASOCIACION NACIONAL DE FABRICANTES DE FRITAS, ESMALTES Y COLORES CERÁMICOS (ANFFECC)</p>	










Asociación Nacional de Fabricantes de Pinturas y Tintas (ANAFAPYT)	
Asociación Nacional de Importadores de Materias Primas para Uso Cerámico	AIMPR Asociación Nacional de Importadores de Materias Primas para Uso Cerámico
Association of Andean Technicians in Coatings	
Association of Chemical and Pharmaceutical Industry of the Slovak Republic	
Association of Chemical Industry of the Czech Republic	
Association of Finnish Paint Industry	
Association of Paint Manufacturers of the Czech Republic	
Association of the German Wood-Based Panel Industry (VHI e.V.)	
ASSOVERNICI	
ASTURIANA DE TRANSFORMADOS PLÁSTICOS, S. A.	
Baden-Jensen A/S	

Barbot-Indústria de Tintas S.A.	
Baril Coatings B.V.	
BARPIMO, S.A.	
Base Resources Ltd	
BASF SE	
BDI – Federation of German Industries	
Beck & Jørgensen A/S	
BEISSIER S.A.U	
Benjamin Moore & Co.	
BERCEO CHEMICALS SL	
BERNARDO ECENARRO, S.A.	
BEVEPE BVBA	

Boss paints	 BOSS' paints <i>PAINT YOUR DREAM!</i>
Brazilian Coatings Manufacturers Association	 ABRAFATI Associação Brasileira dos Fabricantes de Tintas
BRIGAL,S.A	 Brigal S.A. brigal
British Coatings Federation	 BCF BRITISH COATINGS FEDERATION
British Retail Consortium	
Bundesverband Glasindustrie e.V.	 BV GLAS
Bundesverband Keramische Industrie e.V.	 BVKI BUNDESVERBAND KERAMISCHE INDUSTRIE E. V.
BureauLeiding	 BUREAU LEIDING KEMMISCENTRUM KUNSTSTOF LEIDINGSYSTEMEN
Caldic Ibérica S.L.U.	 CALDIC
Canadian Paint and Coatings Association	 CANADIAN PAINT AND COATINGS ASSOCIATION ASSOCIATION CANADIENNE DE L'INDUSTRIE DE LA PEINTURE ET DU REVÊTEMENT

Caparol España S.L	 CAPAROL
Carlos Grollo S.A.	 La Pajarita
CD-Color GmbH & Co. KG	 Leistung verbindet
Centre Colours Ltd	Centre COLOURS
Cepe Is The European Council Of The Paint, Printing Ink And Artists' Colours Industry	 The voice of paint, printing ink and artists' colours in Europe
CEPI – Confederation of European Paper Industries	 cepi
CET Comité Européen de la Tréfilerie	 Comité Européen de la Tréfilerie
Chantry Chemicals Ltd	 Chantry
ChemQuest Group, Inc.	ChemQuest

CHROTEX SA	
Chugoku Paints B.V.	
CIN Valentine SAU	
CIRFS	
Clariant International Ltd	
COLOR MIXING ARGENTINA SRL	
Confederation of Danish Industry	 <p data-bbox="778 1218 1155 1252">Confederation of Danish Industry</p>
CONSORCIO NACIONAL DE INDUSTRIALES DEL CAUCHO	
Constructoquímica	

COTANCE	
Craig & Rose Ltd	
Cromology S.L.	
ČSP SusChem	
CWS Powder Coatings GmbH	
Czech Association of Applied Photocatalysis	
Czech Nanotechnology Industries Association	
Czech Plastic Cluster	
Czech technology platform PLASTICS	

Danish Coatings and Adhesives Association	 <p>Danish Coatings and Adhesives Association</p>
DataLase Ltd	
DAW SE	
Deifel GmbH & Co. KG Buntfarbenfabrik	
Dextura Innentürsysteme GmbH	
Disbon GmbH	
Divercol-Indústrias Químicas Ltda	
Dörken MKS Systeme GmbH & Co. KG	
Dothée SA	
Dr. Demuth Derisol Lackfarben GmbH & Co. KG	
Dr. Willmar Schwabe GmbH & Co. KG	

<p>Druckfarben Hellas S.A.</p>	
<p>DuPont de Nemours, Inc.</p>	
<p>Dutch Association of Adhesives & Sealants: VLK</p>	
<p>Dutch Association of the Paint and Printing ink industry: VVVF</p>	
<p>DVSI e.V.</p>	
<p>ECKART GmbH</p>	
<p>EDRA</p>	
<p>EEIG OF INORGANIC PIGMENTS</p>	
<p>EFCC (European Federation for Construction Chemicals)</p>	

<p>einZA Lackfabrik GmbH</p>	
<p>EL NERVION, S.A. DE C.V.</p>	
<p>ELASTÓMEROS RIOJANOS S.A.U.</p>	<p>GRUPO  ELASTORSA</p>
<p>Epple Druckfarben AG</p>	
<p>ER-LAC G.D. KOUTLIS S.A.</p>	
<p>ESTAL, European Association for Surface Treatment on Aluminium</p>	
<p>Estonian Chemical Industry Association (ECIA)</p>	
<p>ETRMA - European Tyre & Rubber Manufacturers Association</p>	











Eulenspiegel Profi-Schminkfarben GmbH	
EUPINCA, S.A. (GRUPO TKROM)	
EuroCommerce	
Eurometaux	
European Aluminium	
European Association for External Thermal Insulation Composite Systems (EAE)	
European Coil Coating Association	
European Mortar Industry Organisation	
European Plastics Converters	

<p>European PVC Window Profiles and related Building Products Association</p>	
<p>European Stress Information Service (Association of PC Wire & Strand producers)</p>	
<p>European Wood-based Panels Federation (EPF)</p>	
<p>Evonik Industries AG</p>	
<p>F. C. Nüdling Betonelemente GmbH + Co. KG</p>	
<p>Fábrica de Tintas 2000, SA</p>	
<p>Fachverband Werkzeugindustrie e. V</p>	
<p>FAPLISA</p>	
<p>Farrell-Calhoun Inc</p>	
<p>Farrow & Ball</p>	
<p>Federación Latinoamericana de Asociaciones de Técnicos y</p>	

Fabricantes de Pinturas y Tintas	
Fédération de la Plasturgie et des Composites	 <p>FÉDÉRATION DE LA PLASTURGIE ET DES COMPOSITES</p>
Fedustria	
FEICA – The Association of the European Adhesive & Sealant Industry	
Ferro GmbH	 <p>Where Innovation delivers performance</p>
FERROXON-Pigmente	 <p>GmbH & Co. KG FERROXON®-Pigmente</p>
Finnish Commerce Federation	 <p>KAUPAN LIITTO</p>
FIPEC	
Gabriel-Chemie Ges.m.b.H.	

<p>Ganzlin Beschichtungspulver GmbH</p>	
<p>GEHOLT+WIEMER Lack- und Kunststoff- Chemie GmbH</p>	
<p>German Pharmaceutical Industry Association e.V.</p>	
<p>Gesamtverband der deutschen Textil- und Modeindustrie e.V.</p>	
<p>GOMPLAST, S.A.</p>	
<p>GRAUTHOFF Türengruppe GmbH</p>	
<p>Guadiel Pinturas</p>	
<p>Hempel A/S</p>	
<p>Henkel AG & Co. KGaA</p>	

<p>Hijo de Guillermo Colom S.A.</p>	
<p>Hispanamer S.A.</p>	
<p>Homanit GmbH & Co. KG</p>	
<p>hubergroup</p>	
<p>Hungarian Paint Producers Association (MAFEOSZ)</p>	
<p>I&P Europe – Imaging and Printing Association e.V.</p>	
<p>IBERICA DE REVESTIMIENTOS S.L.U.</p>	
<p>Idealtom, Ida</p>	
<p>IGI – The Global Wallcoverings Association</p>	

<p>IK Industrievereinigung Kunststoffverpackun- gen e.V.</p>	 <p>IK Industrievereinigung Kunststoffverpackungen e.V.</p>
<p>Indestructible Paint</p>	
<p>Industrial Minerals Association Europe (IMA-Europe)</p>	
<p>Industrias Juno S.A</p>	
<p>INDUSTRIAS QUÍMICAS CARPO SL</p>	
<p>INDUSTRIAS QUÍMICAS SATECMA</p>	
<p>Industrias Titan, S.A.U.</p>	
<p>Industrievereinigung Chemiefaser e.V. (IVC)</p>	
<p>INTERCAUCHOS DEL VALLES S.A.</p>	
<p>International Carbon Black Association</p>	

Irish Decorative Surface Coatings Association (IDSCA)	
Iron Platform Services Ltd.	 
ISOMAT SA	
IVP-Coatings	
Jänecke+Schneemann Druckfarben GmbH	 JÄNECKE + SCHNEEMANN
Japan Business Machine and Information System Industries Association	
Jeld Wen Central Europe	 
JONAS Farbenwerke GmbH & Co. KG	
JOTUN A/S	
Karl Bubenhofer AG	
Karl Wörwag	 Farbe. Beschichtung. Kompetenz.

Lack- und Farbenfabrik GmbH & Co. KG	
KEIMFARBEN GmbH	
Kelheim Fibres GmbH	
KLEIN S.A.	
Kluthe Ibérica, SAU	
Lesol, S.A.	
Lifocolor Farben Group	
Likale Caucho Industrial	
Little Greene Paint Company	
Lyondellbasell	
Magyar-Lakk Kft.	

maleco Farbwerk GmbH	
Mankiewicz Gebr. & Co.	
Martin Mathys NV	
Medicines For Europe	
Meffert AG Farbwerke	
Merck KGaA	
MIU, S.A.	
MIPA SE	
Miyoshi Europe	
MONOPOL LTDA	
Monosuisse	
Montana Air, S.L.	

MOTIP DUPLI GmbH	
M. KRALLIS S.A.	
NEOKEM S.A.	
New Zealand Paint Manufacturers Association	
NORDCOLL A/S	
NORDIA S.A. – MARMOLINE	
Norwegian Coatings Association	
NOVO-TECH GmbH & Co. KG	
OMAR COATINGS, S.A.	

PAON-LIN	
Paragon Inks (Holdings)Ltd	
Paramount Powders (UK) Ltd	
Pelikan PBS-Produktionsgesellschaft mbH & Co.KG	
Pemarsa	
Penn Color	
PHARMORGANA GmbH	
Picon Ltd	
Pinturas Berel, S.A de C.V	
PINTURAS BLATEM S.L	
PINTURAS EUROTEX, S.A.	

PINTURAS FIERRO, S.L.	
Pinturas Isaval	
PINTURAS LEPANTO S.A.	
Pinturas Montó S.A.	
PLP Coatings	
POLICHEMI S.L.	
Poli-Farbe Vegyipari Kft.	
POLIFARB-LODZ	
Polish Association of Paints and Adhesives Industry	
Polyplast Müller GmbH	

<p>Portuguese Paint Association - APT</p>	
<p>PPG</p>	
<p>PRODUCERS AND IMPORTERS OF FRITS, EENG</p>	
<p>Productos Jafep, S.L.</p>	
<p>Pronto Industrial Paints Ltd</p>	
<p>Protec Systempasten GmbH</p>	
<p>Quijano Bedding & Seating</p>	
<p>Química Marel SA de CV</p>	
<p>Reacciones Químicas S.A de C.V</p>	

REHAU AG + Co.	
Rembrandtin Powder Coating GmbH	
Resino Trykfarver A/S	
Rio Tinto Iron & Titanium	
Romanian Paint Industry Association (Asociatia Industriei Vopselelor Din Romania)	
Rust-Oleum	
S A PAINT MANUFACTURING ASSOCIATION	
SALCHI METALCOAT	
Salmon & Ca. Lda.	
Sampaio & Castro, Lda. Portugal	No logo available
Schjerner Farver A/S	

Schlieper & Heyng GmbH & Co.KG	 GmbH & Co. KG FERROXON®-Pigmente
Schoeller Technocell GmbH & Co. KG	 Best Performing Papers Worldwide
Schörghuber Spezialtüren KG	 Schörghuber Spezialtüren
SHERWIN WILLIAMS COMPANY	
Sico nv	
Siegwerk	 SIEGWERK
Sika Technology AG	 BUILDING TRUST
Socitrel, Sociedade Industrial de Trefilaria, SA	 SOCITREL
Sonae Arauco Deutschland GmbH	 Taking wood further
SPAIN RUBBER, S.L.	 MEZCLAS DE CAUCHO
SPS BV	
Steelpaint GmbH	

Steyport Ltd	
Sto SE & Co. KGaA	
Stowarzyszenie na Rzecz Systemów Ociepleń/ Association of ETICS	
Sun Chemical Group GmbH	
SVEFF, The Swedish Paint and Adhesives Association	
Synthomer (UK) Limited	
T & R Williamson Ltd	
Teknos UK Ltd	
TER AS Portugal Unipessoal Lda	

<p>The Association of Danish Detergents and Cosmetics Industries</p>	
<p>The Danish Plastic Federation</p>	<p>Plastindustrien. The Danish Plastics Federation</p>
<p>The Titanium Dioxide Manufacturers Association</p>	<p>TDMA </p>
<p>Tikkurila Oyj</p>	
<p>TINTAS ARZUBIALDE S.L.</p>	 arzubialde
<p>Tintas Titan</p>	<p>TITAN</p>
<p>Tor-Coatings Ltd.</p>	
<p>Toupret Benelux bvba</p>	<p>TOUPRET</p>
<p>Toyo Ink Europe NV</p>	<p>TOYO INK</p>
<p>Trenzas y Cables de Asero, S.A. (TYCSA)</p>	<p>TYCSA P S C</p>

Trevira GmbH	 <p>An Indorama Ventures Company</p>
Unión de Industrias C.A., S.A. (UNICA)	
UNIPAK A/S	
Valresa Coatings S.A.	
VDMA - Technical, Environmental Affairs and Sustainability	 <p>Technical, Environmental Affairs and Sustainability</p>
Verband der Chemischen Industrie e.V.	 <p>VERBAND DER CHEMISCHEN INDUSTRIE e.V. ZUR GESTALTUNG ZUKUNFT</p>
Verband der Deutschen Feuerfest-Industrie	 <p>Verband der Deutschen Feuerfest-Industrie e.V.</p>
Verband der deutschen Lack- und Druckfarben-industrie e.V. (VdL)	 <p>Verband der deutschen Lack- und Druckfarben-industrie e.V.</p>
Verband der Mineralfarbenindustrie e.V.	 <p>Verband der Mineralfarben-industrie e. V.</p>
Verband für Dämmsysteme, Putz und Mörtel e.V	 <p>Verband für Dämmsysteme, Putz und Mörtel e.V.</p>

Vernilac S.A.	  
VSLF-USVP Verband der Schweizerischen Lack- und Farbenindustrie Union Suisse de l'Industrie des Vernis et Peintures	 <div style="display: inline-block; vertical-align: top; margin-left: 10px;"> <p>VSLF VERBAND DER SCHWEIZERISCHEN LACK- UND FARBENINDUSTRIE</p> <p>USVP UNION SUISSE DE L'INDUSTRIE DES VERNIS ET PEINTURES</p> </div>
Watco Ltd.	
WEILBURGER Coatings GmbH	 
West & Senior Ltd	 
Wood Panel Industries Federation	
World Coatings Council	 
WSM Wirtschaftsverband Stahl- und Metallverarbeitung e.V.	 <p>Wirtschaftsverband Stahl- und Metallverarbeitung e.V. Düsseldorf • Hagen</p>
XEIKON MANUFACTURING NV	

Zeller+Gmelin GmbH&Co KG	 ZELLER+GMELIN
Zentralverband Oberflächentechnik e.V	 ZVO Zentralverband Oberflächentechnik e.V.

cc by email:

[redacted] ([redacted]@ec.europa.eu)
[redacted] ([redacted]@ec.europa.eu)