



# EUROPEAN ALUMINIUM VIEWS ON THE REVISION OF CLP REGULATION

Brussels, 29 March 2023

Position Paper

## Introduction

European Aluminium, the association representing the whole aluminium value chain, from primary aluminium production to recycling, would like to express views on the European Commission's proposal on the revision of the Regulation (EC) No 1272/2008 on hazard classification, labelling and packaging of chemicals (CLP) one of the key deliverables of the Chemicals Strategy for Sustainability<sup>1</sup> together with the planned revision of the REACH Regulation, both key building blocks of the European Green Deal<sup>2</sup>. Whilst we appreciate the Commission's efforts to update it, we have concerns about the current revision and would like to highlight some key issues based on our ongoing expertise, developed under the proposal for a classification of lead for environmental hazards (not yet concluded at the time of writing with reference A77-O-0000007042-85-01/F)<sup>3</sup>.

## CLP Regulation Lacks a Socio-Economic Analysis of the Substances' Proposals for Classification

The REACH Regulation includes a socio-economic analysis step that assesses the impact of proposed restrictions and authorizations on society and the economy. We believe that this approach should be applied to the CLP Regulation as well. A socio-economic analysis would help to identify the potential costs and benefits of proposals for classification and to ensure that the regulatory measures are proportionate to the risks posed by the substances.

### Case A

*The process of the classification of lead for environmental hazards revealed a main loophole in the CLP Regulation: socio-economic considerations of ongoing classifications were deemed unimportant by Commission and Member States. Whilst it's recognised that the CLP regulation is scientifically-based, it would be a mistake to make it exist in a vacuum isolated from reality when the Green Deal strives for more interconnection. Therefore, our ask is to include a section in CLP mirroring REACH.*

<sup>1</sup> [https://environment.ec.europa.eu/strategy/chemicals-strategy\\_en](https://environment.ec.europa.eu/strategy/chemicals-strategy_en)

<sup>2</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7775](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7775)

<sup>3</sup> [https://echa.europa.eu/documents/10162/17090/Art77-3-c\\_opinion\\_lead\\_FINAL\\_en.pdf/8d820321-b750-bcb9-2a27-ccc021c9af76?t=1640002598941](https://echa.europa.eu/documents/10162/17090/Art77-3-c_opinion_lead_FINAL_en.pdf/8d820321-b750-bcb9-2a27-ccc021c9af76?t=1640002598941)

*The section of the European REACH regulation that includes the need for socio-economic analysis when a hazardous substance needs to undergo an application for authorisation is Article 60. This article states that an application for authorisation (AfA) for the use of a substance of very high concern (SVHC) shall include a chemical safety report (CSR), a socio-economic analysis (SEA) and an analysis of alternatives (AoA).*

## The Importance of Regulatory Links in CLP and Other Legislation

One of the key priorities in updating the CLP Regulation is to ensure that the links between CLP and other pieces of legislation are identified, clear, and transparent. This is crucial for facilitating clear thinking about risk management and prioritizing next actions. When a substance is classified, its downstream impact must be evaluated. Not considering downstream impacts when classifying substances can have serious consequences, including confusion and inconsistencies in risk management measures, missed opportunities to address hazards and risks already reflected by other pieces of legislation, and legal and financial liabilities for businesses and governments. Overall, it is essential to recognize that a classification is not simply a classification, and regulatory links and consequences must be fully understood and taken into account when managing substances.

### Case B

*When lead was proposed for classification based on its environmental hazards, it was hard to figure out what were the consequences for stakeholders who found themselves with lead in their products or scrap. Lead is present in aluminium as an impurity, stemming from the recycling of scrap which constitutes the primary raw material of the aluminium recycling industry, foundation of the Circular Economy.*

*In its continuous efforts to reduce lead levels, the European aluminium industry is already today able to operate with levels of 0.25% lead (weight by weight), guaranteeing that lead would be present only as impurity deriving from scrap. Our industry is able to reduce the presence of lead in the environment in the years to come, in a virtuous circle. Lower thresholds, which fall into rules indicated in SEVESO, would inevitably lead to the inability to use lead-containing recycled aluminium, forcing us to start from primary aluminium, with scarcity of raw material sourcing, higher CO2 emissions, and inability to apply circular economy principles. Therefore, higher clarity on the cascading consequences of proposed classifications is needed, along with clear rules on how to calculate the amounts of substance when present in mixtures. This goes along with recognising the specificities of inorganic substances such as metals.*

## Transparency of CLP Classification Proposals and Progression

The transparency of how a CLP classification is put forward and progresses in time should also be improved to provide stakeholders with better access to information. Better access to CARACAL and a higher transparency of the platform beyond just meeting agendas would be a significant step forward. Stakeholders need to be kept informed and consulted on the classification and labelling of substances, and the information should be made publicly available in a timely and transparent manner.

CASE C

*During the lead environmental classification process, the CARACAL platform discussed several times on the RAC opinion (A77-O-0000007042-85-01/F). Although some experts from industry were allowed in these exchanges, not all industry stakeholders were capable of attending such platform. Furthermore, the minutes are not made widely available. It was therefore difficult to be kept informed on latest developments and to follow the process as it unfolded.*

## Conclusion

In conclusion, we support the Commission's efforts to update the CLP Regulation. However, we believe that the issues outlined in this position paper need to be addressed to ensure that the revised CLP Regulation achieves its objectives. We urge the Commission to work closely with ECHA, to apply the socio-economic analysis step used in the REACH Regulation, and to improve the transparency of how a CLP classification is put forward and progresses in time. We appreciate your attention to these issues and look forward to working together to achieve a safer and more sustainable future for the European Union.