

Recommendation to Fecc members

CLP Issue: Unused diamonds

From 1st December 2010 the Classification, Labelling and Packaging Regulation (CLP) (EC) 1272/2008 requires to label **substances** according to their hazardous properties. However the Regulation does not provide information on the specific format for label to apply.

The use of pre-printed "generic format labels" which are overprinted with the aid of software packages raised again the issue of how to deal with unused diamonds. Indeed this issue is not new since it has been inherited from previous legislation. The lack of prescription at the EU level has shifted the responsibility whether to accept blanked diamonds or to blot them out to Member States' enforcement authorities which has therefore reinforced uncertainty with regards to national based enforcement actions when supplying labelled products across the European Union.

ECHA and the Commission have been regularly urged to take position on the acceptability of using blank diamonds on CLP labels. For the time being it is the intention neither of the Commission, nor of ECHA, to develop guidance on this issue. That is why Fecc would like to clarify the situation and to help its members to be in compliance with the Regulation when labelling substances.

From the discussion we had with the Commission, it seems clear that there should be no blank or unused label elements as this might be misleading and could lead to confusion. There might be currently a gap between what the commonly used printing systems can deliver and what would be required. However the Commission expressed their expectations that, in a near future, modern label printing systems should be able to deliver what is required as they are aware that technical development is ongoing. That is why the Commission has decided to leave flexibility to Member State authorities, at least for the time being, to deal with the issue of blank or blacked out diamonds.

We are aware that some Member States have taken a pragmatic approach. Belgium and France, for instance, strongly recommend not to leave any empty diamond and they advise as intermediary solutions to black out the unused diamonds^{i,ii}. Other approaches to mark unused diamonds as invalid should also be possible.

Fecc strongly advise not to leave any blank diamond when labelling your substances. Marking unused diamonds as invalid is a pragmatic present option for some Member States, however new cost effective printing solutions should be developed by industry in order to be able to avoid any complaints.

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ⁱ Chemic News, Edition de la Chambre belge du Commerce Chimique, N°8 septembre 2010

ⁱⁱ INERIS, Service national d'assistance réglementaire sur le règlement CLP, <http://www.ineris.fr/ghs-info/faq#Etiquetage>