INCEPTION IMPACT ASSESSMENT REGARDING SIMPLIFICATION AND DIGITALISATION OF LABELS ON CHEMICALS

A.I.S.E. Comments – Comprehensive input- Sept 2021

- The European detergent industry, represented by A.I.S.E., strongly **welcomes the work undertaken** by the European Commission with this initiative. We are committed to providing consumers and professional users with information to ensure safe and sustainable use of products.

- There is significant overlap between various legislative requirements on pack. The Detergents Regulation (implemented in 2004) has been a success particularly in terms of environmental protection (biodegradability of surfactants and phosphates-free formulations). However, new horizontal pieces of legislation governing the chemicals sector, with additional labelling requirements, have been adopted in the meantime: REACH (2006), CLP (2008) and Biocidal Products Regulation (2012). This has resulted in provisions that overlap, including redundant labelling provisions for ingredients, allergenic fragrances and preservatives. This leads to duplication and discrepancy of labelling on-pack which must be tackled by this Commission initiative. (Refer to Figure 1). **For both consumer and professional products, we call on the European Commission to build on its Better Regulation Agenda and address the duplication of information and inconsistencies due to different regulatory requirements.**

- The European Commission **Cumulative Cost Assessment** for the EU Chemical Industry[1], published in 2016, indicated that the overall cost of compliance with legislation represents an important share of the industry's value-added and profits (Refer to Figure 2).

- **We call for labels to be "end-user relevant".** By this we mean a label that provides the right information to ensure safe and efficient use of the product, considering the end user's needs.

[1] https://op.europa.eu/en/publication-detail/-/publication/8eb1b47a-ee94-11e6-ad7c-01aa75ed71a1/language-en

- ⇨ For consumer products:
  - There is evidence, supported by a scientific publication,[2], [3] that current labels do not succeed at adequately conveying this information to consumers. We support a coordinated approach to provide product information via digital means and to adapt the relevant EU regulatory framework accordingly.
  - Consumers rarely read labels. When they do, they spend very little time and can be confused by the information due to over-technical language and overcrowded content. Current labels are not consumer focused (Refer to Figure 3, and A.I.S.E. BRES study[2]). One way label simplification could be achieved, and information highlighted, would be through the optimal use of icons or pictograms which can draw consumers' attention more impactfully than text, as evidenced by eye-tracking tests done in consumer studies (Refer to Figure 4, BRES Qualitative Research[4]). The inclusion of A.I.S.E.'s "Keep away from children" safe use icon in the 8th revised edition of GHS (Annex 3) as an example of a precautionary pictogram confirms the value of visuals[5]. See also Figure 5.
  - Consumer evidence has shown the value of simpler labels. (Refer to Figure 6, BRES qualitative and quantitative research).
  - Industry is committed to ensuring labels with key information on-pack, complemented by adequate information on-line, and back-up solutions for users who require alternatives to digital. We believe this is a key way forward to allow better information to consumers.

- ⇨ For users of professional products:
  - Professional users (working for the professional cleaning of e.g. healthcare facilities, food factories, etc) will often require more technical information to use products and the processes in such industrial & institutional applications can be very different compared to those of consumers.
  - Professional users have different needs but they can also benefit from specific tools and training.
  - Other ongoing activities and discussions under REACH and CLP that better target the needs of the Professional Cleaning & Hygiene (PC&H) sector should be taken into account to ensure that there is no duplication and that the needs of the professional sector are well addressed. Examples are the REACH Review work on improving communication in the supply chain, discussions under CLP on multilingual-fold-out labels.
  - A key concern for the PC&H sector is the discrepancy in labelling requirements between the CLP Regulation and the Biocidal Products Regulation Article 69(3). Whilst it is understood that BPR is not directly in the scope of this study, the discrepancies/duplications coming from CLP

[2] https://www.aise.eu/our-activities/regulatory-context/classification-labelling/better-regulation-safe-use.aspx
[3] International Journal of Consumer Studies. Investigating the effectiveness of simplified labels for safe use communication: The case of household detergents https://doi.org/10.1111/ijcs.12662
[4] https://www.aise.eu/documents/document/20171130095554-presentation_aise_-_bres_project_-_belgium_poland__spain_-_sept21_2016_execsummary_final.pdf
[5] www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html

with BPR should nevertheless be clearly identified, allowing adaptation of the CLP text accordingly. Also, learnings from this work regarding the potential of digitalisation should be retained so as to – in the future - possibly apply those to the BPR labelling requirements.

- We are supportive of comments already expressed via the consultation that **adequate engagement/education of users is needed**. This is why for consumers A.I.S.E. has developed its on-line pan-European portal cleanright.eu targeting consumers (Figure 8), active since 2008. For professional customers, A.I.S.E. has actively engaged in the creation of SUMIs (Safe Use of Mixtures Information documents) [6] to support end-user friendly communication. In addition, in the professional sector, training is a key component of the services provided by companies. We welcome collaboration with relevant stakeholders to achieve this goal.

- **The move to digital information is an established and unavoidable trend.** Digitalisation of the information can offer **many benefits** including: better readability, information in the reader's language, increased font size for legibility, increased access for certain groups. It can also help provide more context and explanation related to the various elements of information, and additional relevant sources of information. The information may also be customised according to the profile of the user.
  Consumer evidence indicates interest from consumers for information to be provided via digital means, instead of the label, irrespective of age (see Figure 7).
- Provision of information about ingredients on a website has been required since 2005 by the Detergents Regulation (Annex VII, section D). Our sector therefore has many years of experience already and is well prepared to leverage web-based product information, building also on the learnings of this experience (e.g. company internal management process, presentation of web links on pack, access and presentation of the information on line).
- For energy labelling of household appliances (e. g. washing machines), interesting precedents are the Commission Delegated Regulations [e. g. (EU) 2019/2014] which require to give most relevant information on the energy label itself complemented by adequate information online, accessible via Uniform Resource Locators (URL) or Quick Response (QR) codes.

- **Digital labels are being considered at global level.** Several international organizations and governments have adopted policies to promote and support digitalisation, and the use of digital means to address hazard information for chemicals is increasing worldwide: for example in the US, Smart-Label was implemented in 2015 by manufacturers of food and non-food products.[7]
- A.I.S.E. is also engaged in the above work at UN GHS level, to ensure that the global framework governing a harmonized approach to chemical labelling addresses the new communication opportunities provided by digitalisation and calls on the European Commission also to participate actively in this important global exchange.

[6] https://www.aise.eu/our-activities/regulatory-context/reach/safe-use-information-for-end-users.aspx
[7] For further information and examples see UN/SCEGHS/37/INF.7

- In the UN Sub-Committee of Experts on the GHS (Globally Harmonized System of Classification and Labelling of Chemicals) an informal working group was asked to consider the opportunities that digitalization may bring to convey GHS hazard information and to make proposals for general principles and criteria on the provision of this information digitally.[8] Embracing the potential of digital is also an important aspect for European future competitiveness, as enshrined in the Commission's strategy for Europe's digital future[9] in which the EU aims to become a global role model for the digital economy.

We are committed to ensuring that this transition is done in a smart, progressive and effective way, working with all interested stakeholders to ensure the delivery of this information in a coherent way by companies.

By going digital, the industry will manage consumer information updates in a more flexible and agile manner without the need to scrap or re-label products and consequent detrimental impact on our sustainability goals. A.I.S.E. looks forward to constructively contributing to this crucial study.

NB : To meet the file size requirements, the annexes have been deleted from the present document. To view the full document in its integrity, please consult the webpage : https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12992-Chemicals-simplification-and-digitalisation-of-labelling-requirements/F2670231_en

[8] For current work programme see UN/SCEGHS/40/INF.9
[9] https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/shaping-europe-digital-future_en