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The German Paints and Printing Inks Industry Association (VDL) fears billions in costs from the new poison centres and calls for a revision of the EU regulation.

## “PRACTICAL SOLUTION, NO DATA CEMETERY”

**The new regulations on the harmonised notification of chemical mixtures to the national poison centres of the EU member states are just around the corner. The notification obligations under Annex VIII of the CLP Regulation will enter into force in stages, for consumer products they are to apply from 1 January 2020.**

**T**he German Paints and Printing Inks Industry Association (VdL) fears a dramatic cost wave that will roll towards the industry. The urgently needed software is also not yet available to the manufacturers. VdL managing director Dr Martin Engelmann therefore calls in our interview for the new regulation to be postponed by two years.

**To what extent is the paint and coatings industry affected by the new harmonised notification obligation to the poison centres?**

The industry is particularly affected by the notification obligation. The basic problem lies in the fact that more and more consumer products are becoming subject to mandatory notification due to the ever sharper EU classification of substances as “dangerous to health”. One example of this is the widely used preservative MIT. For products containing such substances, the entire recipe must always be notified. Now each colour shade has its own recipe. Therefore, there are an estimated 600,000 recipes in our industry that are produced at least once a year. And this applies to German industry alone.

A workability study commissioned by the EU Commission has investigated the impact on various sectors in Europe, including the paint and coatings industry. In an interim report, the final version of which will be published at the end of May, it was assumed that the European paint and coatings industry is currently forwarding a total of around 150,000 notifications to the national poison centres. This number is now expected to triple to 44.5 million notifications per year by 2020! This would entail enormous costs and effort and would cause great concern.

**What costs could paint and coatings manufacturers face?** We once tried to calculate this on the basis of German industry. We assumed that about a quarter of the notifications could come from Germany. That would mean around eleven million notifications per year for us.

Unfortunately, it is still not possible to measure the costs precisely because the software tools that are supposed to make such notifications possible are still not fully set up. The ECHA central submissions portal has been activated for the first time, but this does not mean that a complete notification is possible.

An investigation by the Federal Statistical Office is based on the lowest estimate of EUR 33.50 per notification. This would bring us to EUR 369 million per year for the German paint industry alone. However, EUR 220 per notification, which the European Commission assumed when it presented this harmonisation proposal, is much more realistic. That



## DIFFERENT REGULATIONS

Until now, reporting has been regulated very differently in the different EU Member States. Regulation (EU) 2017/5429 added a new annex on harmonised information for emergency health care to the CLP Regulation. The new Annex VIII regulates the harmonised notification of information on the composition of chemical mixtures classified as dangerous to human health under the CLP Regulation.

There are currently eight public poison centres in Germany. These offer rapid assistance in cases of poisoning and suspected cases of poisoning for medical specialists and private individuals. VdL managing director Dr Martin Engelmann stresses that the proportion of calls concerning paints and coatings is extremely low. For example, the Poison Centre North in the German Federal States of Bremen, Hamburg, Lower Saxony and Schleswig-Holstein received a total of 41,000 calls in 2017, and only 176 of them concerned dispersion paints and coatings. In no case was it a matter of severe poisoning, rather the majority were "symptom-free", as the statistics say.

would be over EUR 2 billion for the German paint and coating manufacturers! With an industry that has an annual turnover of EUR 7 billion, that would be an unmanageable expense. If you ask the manufacturers themselves what they think, the costs – at least in the beginning – could even be much higher. This is mainly due to the fact that every notification is still made manually and not automatically and that we expect at least two hours of effort.

**What do you criticise about the planned regulations?** *The original idea was for raw material manufacturers to feed the data into a computer-aided system and for the notifications within the value chain to be generated automatically via software solutions. But that doesn't work. Manufacturers of paints and coatings often do not even have the necessary data from raw material manufacturers. The employees in the laboratories would have to research the necessary information themselves. As a rule, manufacturers do not only receive a single substance, but mixtures as well. On the other hand, if you look at the fact that paints and coatings hardly play a role when it comes to poison information, the contradiction becomes even clearer: the manufacturers are faced with immense burdens and almost no inquiries at the poison centres.*

**Are there any other points of criticism?** *The idea of harmonisation, of making uniform notification possible, is quite correct. ECHA could serve as a distribution point to the individual poison centres. However, the discussion was based on the strictest regulation within the EU. This means that everything must be declared, even the water content. Nobody dared to propose a sensible regulation or even anything new. However, because it has been recognised that the new regulation goes too far, an exemption has been made for the paint and coating industry. The workability study now impressively proves that this regulation, which was conceived as a simplification, does not work for more than half of the*

## "The notification deadline of 1 January 2020 for paints and coatings will not work and must therefore be postponed."

Dr Martin Engelmann

*paints and coatings, instead of offering a practicable solution, it offers "stones instead of bread".*

**What changes do you propose to the planned regulation?** *The majority of member states and the Commission have recognised that the notification deadline of 1 January 2020 for paints and coatings will not work and must therefore be postponed. We appeal to the Commission to put this postponement into effect very soon and advocate a postponement of two years. And if we know how long such discussions at European level will take, that is probably still a short time.*

*We are working to ensure that the proposed easing of the burden on colourants is made practicable and to remove the proposed restriction.*

*We need legal certainty as soon as possible. Companies are very concerned that there is still no way of linking their own software solutions to the ECHA system. Given the large number of recipes, manual input is simply not feasible. Notifying to the poison centres is also a marketing requirement. At the moment, manufacturers are sitting on hot coals because they are threatened that they will no longer be able to market their consumer products.*

**How do you basically deal with the notifications to the poison information centres?** *It is very important that doctors and consumers receive fast and competent help in the event of poisoning. The current system in Germany guarantees this without overburdening companies with unnecessary bureaucracy. The new EU-wide system must be practicable for companies and poison information centres. "Data cemeteries", which also invite people to steal recipes, are of no help to anyone.*

The interview was conducted by Kirsten Wrede. 🗣️

## OUTLOOK

In the forefront of the next round of experts in the CARACAL Committee (Competent Authorities for REACH and CLP) on 1 and 2 July, the Commission has sent out a draft regulation under the new „delegated act“ procedure. In it a postponement of the first reporting deadline for consumer products by one year to 1 January 2021 is suggested. The European paint industry has recently worked intensively for a rescheduling in order to save time for the necessary amendments to Annex VIII. Experts now assume that the Commission will adopt the regulation in summer or



**Dr Martin Engelmann**

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