



Final draft on potential classification of TiO_2 out for consultation

Despite of all arguments and concerns presented by the industry and a number of Member States, **the European Commission holds on to proposing a classification of TiO_2** as part of the 14th Adaptation to Technical and scientific Progress (ATP) of the CLP.

In [the December 2018 draft 14th ATP](#), the European Commission **proposes a classification of TiO_2 and mixtures in powder form, containing $\geq 1\%$ of TiO_2 particles with diameter $\leq 10\ \mu m$ as carcinogen cat. 2 by inhalation**. With this proposed definition, EMO's experts expect that **all dry mortars containing TiO_2 will be classified as carcinogen cat. 2 by inhalation**, imposing corresponding labelling obligations (i. a. hazard statement H351 (inhalation) "Suspected of causing cancer by inhalation", pictogram GHS08, signal word "Warning") and downstream regulatory consequences.

New supplemental hazard information

EUH211:

Warning! Dangerous droplets may be formed when sprayed. See information supplied by the manufacturer. Comply with the safety instructions.

EUH212:

Warning! Dangerous dust may be formed when used. See information supplied by the manufacturer. Comply with the safety instructions.

For **solid mixtures containing 1% or more of titanium dioxide, classified or not**, the draft introduces a new **statement (EUH212) which shall be added as supplemental element to the label**. It warns the user about dangerous dust that may be formed when using the product.

Liquid mixtures containing $\geq 1\%$ of TiO_2 particles with diameter $\leq 10\ \mu m$, **are not classified, but need to be labelled with a new hazard statement (EUH211)**, warning the user about dangerous droplets that may be formed when spraying the mixture.

Liquid and solid mixtures not intended for the general public and not classified as hazardous, that are labelled with

EUH211 or EUH212, shall in addition bear the statement EUH210 ("Safety data sheet available on request") in the labelling.

The most evident downstream regulatory consequence for TiO_2 containing and classified dry mixtures, such as dry mortars, is an end of service life classification of products as hazardous (carcinogenic) waste according to Article 3 of the Waste Framework Directive ([Directive 2008/98/EC](#) as amended by [Directive](#)

(EU) 2018/851). This classification as hazardous waste has impacts on **transport, disposal and re-use**. Besides that, the European Commission's latest classification proposal would create an **unbalance between e.g. renders containing TiO₂ made from wet (labelled but not classified) and dry (classified and labelled) mortars at the end of their service life**.

Recognising that TiO₂ is present in many products and that the indirect implication from the Waste Framework Directive would have a severe negative impact on the EU circular economy targets, the **European Commission has indicated the possibility of follow-up amendments to the waste legislation, once the 14th ATP is adopted**. But the Waste Framework Directive is not the only legislation causing downstream implications that would need to be solved afterwards. **The industry rejects such follow-up solutions as they are too uncertain and take a lengthy process, leaving the industry with unresolved problems in the meantime**.

After presenting the **14th ATP draft** at the REACH Committee meeting on 11 December 2018, the following day, the European Commission **[notified it to the World Trade Orga-](#)**



[nisation \(WTO\)](#) in accordance with existing WTO agreements. **WTO members are given a 60 days period for comments (ending 10 February 2019)**. In parallel to the WTO consultation, as part of the Better Regulation Agenda, the European Commission decided to run a **[public consultation](#)**, giving stakeholders and the public the opportunity to provide feedback on the draft 14th ATP. This public consultation opened on 11 January 2019 until 8 February 2019. Any interested stakeholder can participate and provide feedback. As many other industry sectors **EMO is currently working on an aligned draft answer to feed it into the public consultation and share it with its members** for their convenience in the coming days. **We encourage our national associations and companies to participate in the public consultation!**

Shortly after closing the public, respectively the WTO consultation, the **European Commission has planned to put the draft 14th ATP to vote at the REACH Committee meeting on 14/15 February 2019**. To adopt the 14th ATP the REACH Committee requires qualified majority of at least 16 Member States representing at least 65 % of the population. **A blocking majority in the Committee is still possible**, if Germany, UK, Slovenia and Poland keep their current positions against a classification of TiO₂ as proposed by the European Commission and if they are joined by few more Member States who are currently undecided. **National support therefore continues to be of highest importance to avoid this classification!**

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