

EFCC Position on draft delegated regulation amending Annex VIII to CLP

EFCC, based in Brussels, is the European Federation for Construction Chemicals and since 2007 is the European Association representing, directly or indirectly, more than 130 Companies in the Construction Chemicals sector.

Construction Chemicals deals with all those chemicals and all related applications which find utilization in the Construction Industry, from admixtures for concrete, to mortar systems, to flooring applications, to sealants & adhesives, to waterproofing systems, to anticorrosion agents and many other additives & solutions aimed at improving performances, durability, energy efficiency and overall sustainability in the Construction applications.

The global Construction Chemicals market size is valued at approx. 40 billion Euro and the European market of Construction Chemicals is the second largest one with a value of approx. 10 billion Euro

Background

Following previous documents and discussion, EU Commission recently issued a draft delegated act amending Annex VIII to CLP.

EFCC Position

- In general EFCC welcomes the effort and the overall commitment put in releasing amendments which follow the requests coming from Industries and other stakeholders, even though we still see critical points which deserve further discussion.
- We fully join the amendment related to the postponement of the application of the first compliance deadline of CLP Annex VIII to January 2021. We believe that such an extension is definitely necessary both to discuss/clarify/amend a few aspects still critical and to allow Industry to have the time needed to effectively comply with the prescriptions of Annex VIII.
- EFCC welcomes the amendments of Part A, section 2.3 related to the possibility of a limited submission for mixtures addressed to industrial use.
- EFCC welcomes also amendments of Part A, section 4.1 related to the possibility of one single submission (“group submission”) in all those cases in which all the mixtures of a group have the same hazard classification.
- EFCC welcomes amendments introduced by the new Part A, section 5.3 where it’s reported that UFI can be indicated in the SDS in all cases of any mixture “supplied for use at industrial sites”.
- EFCC welcomes also the text in Part B, section 3.2.3 regarding the use of the generic product identifier “colouring agent”

On the other hand, EFCC believes that there are still a few critical points which should be furtherly discussed and amended.

In particular :

- The amendments introduced by Part A, section 5.2 are well received as far as the possibility to report the UFI code on the packaging. But we require to limit it to the *inner* packaging, since any other UFI indication in additional/external package would be redundant and it would involve additional costs and waste of resources without adding any beneficial contribution : what counts is the UFI identification on the package which is in direct contact with the concerned hazardous material.
- The amendments related to Part B, section 3.2.2 look very critical and source of deep concern for Industry : from the amended text we understand that compliance with that amendment would require an additional communication effort along the supply chain aimed at knowing to which Members States each MIM has been delivered. This would multiply submissions and create unaffordable additional burden. EFCC believes that amendment 3.2.2 should be deeply re-discussed.