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To: Delegations

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Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Revision)  
- Annotations to the Presidency Compromise Proposal

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**Annotations to the Presidency Compromise Proposal**

Document ST 9689/2/23 REV 2 includes a revised compromise proposal covering the entire CLP proposal, in the ordering of the Presidency clustering document. Changes done in each sub-cluster are explained further below.

## **Sub-group A1. Labelling obligations/exemptions**

### Jerrycans

The issue of jerrycans will be subject to a discussion based on the question and alternatives set out in the meeting flash. The Presidency has not made any changes to the text in current compromise text.

### Section 1.2.1.6. – Fold-out labels

Following a request, the Presidency has in point iii on product identifiers included wording on the relevant languages.

### Recital (11a) – Legibility

Following requests for additional clarity on nuances of white which can be used as background colour, a new recital (11a) has been introduced to explain the background to the legibility provisions but also to indicate that a degree of flexibility should be observed in relation to recycled paper in order to support a circular economy.

## **Sub-group A2. Digital labelling**

### Article 53(1a)

As regards digital labelling, the Presidency is of the impression that – even though there were outliers in both directions – a majority supported the compromise proposal's wording that frames the empowerments for adding elements in Section 1.6 in Annex I, i.e. for adding elements that can be put on a digital label *only*. This wording allows the EU to align with the development in GHS, if they would change the recommendations on what needs to be on a physical label, while at the same time providing a sufficiently defined legal frame for the empowerment to the Commission.

## **Sub-group A3. Refill sales**

No changes.

## **Sub-group A4. Online sales**

### Articles 4(11) and 48a – Online sales and distance sales offers

Following the discussion in the Working Party on 14 June and comments received afterwards, the Presidency made changes in Article 4(11) and in Article 48a. The Presidency sees a slightly larger support for both options b as presented for the Working Party, and has therefore included the wording from these options together with some additional elements proposed by delegations.

## **Sub-group B1. Rules on classification**

No changes.

### **New sub-group B1a. Classification of forms**

#### Recital (6a) – New recital corresponding to changes in Articles 4(3) and 13

Following the discussion and support expressed in the Working Party on 14 June, the Presidency left the text in Article 4(3) and Article 13 unchanged. The Presidency has however added a recital to reflect the new wording.

## **Sub-group B2. MOCS**

### Article 5(3) – MOCS

The provisions on MOCS will be subject to a discussion based on the question and alternatives set out in the meeting flash. This annotation only lists the changes done in the Presidency compromise package set out in the compromise text.

After the Working Party on 14 June, the Presidency has for legal reasons adjusted its latest compromise text. The relationship between paragraphs 3-3c has been clarified and streamlined, where paragraph 3c is now describing the actual empowerment to the Commission and contains more clear wording about the expected content of Annex I. Following legal advice, the reference to REACH Article 77 has been removed from the article. To clarify the intention, the word ‘known’ has been introduced in paragraphs 3, 3a and 3b. Following wishes from delegations for guidance, a sentence has been introduced in recital (2) emphasising the importance of that.

### **Sub-group C1. New hazard classes**

#### Article 37(7) and (8) – Cut-off dates

As delegations expressed support for the Commission’s suggested approach for cut-off dates for inclusion in Annex VI of substances that are under ongoing assessments, the Presidency has included drafting in line with its discussion paper ahead of the Working Party on 14 June. Compared to the text in the discussion paper, the Presidency added the justification for the proposed empowerments.

### **Sub-group C2. Classification and Labelling inventory**

No changes.

### **Sub-group C3. Procedure for harmonized classification**

No changes.

### **Sub-group C4. Other procedures**

No changes.

### **Cluster D. Poison centers**

No changes.