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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
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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) - Presidency Compromise Proposal - Non-Paper by Denmark on the font size of labels

Delegations will find in the Annex the Non-Paper by Denmark, in the context of the examination of the Presidency's text on the CLP revision at the meeting of the Working Party on Technical Harmonisation (Dangerous Substances - Chemicals) on 31 May 2023.



2 June 2023

Compromise proposal regarding font sizes on labels

Thank you for the productive discussions at the meeting of 31 May 2023 on revision of the CLP Regulation. In the spirit of cooperation, Denmark would like to take this opportunity to expand upon one of the points we raised at the meeting – font sizes. As the deadline for the next round of written comments is already on Monday 5th June, we hope that some of the feedback we have received from industry may prove itself to be informative.

Denmark is also of the opinion that measures must be taken to improve the readability of labels. Nonetheless, the measures must be proportionate to the costs involved.

The costs associated with implementing the proposed font size requirements are not set out in the impact assessment, which of course makes evaluating the different policy proposals harder. However, our research into this matter suggests that the costs involved with implementing this change will be substantial.

The information we received comes from industry actors, who have contacted us and with whom we have consulted in response to the Commission's initial proposal of 19 December 2022. These industry partners are of course unaware of the current state of negotiations.

While changing the font size may seem like a trivial requirement, the proposal will potentially result in significant costs for suppliers. The solutions to these issues will differ on a supplier-by-supplier basis and will reflect both the nature, size and sales volumes of the substances and mixtures supplied by the supplier in question. Broadly speaking, three options are open to suppliers:

- i) Use larger labels
- ii) Use fold-out labels
- iii) Reduce the number of languages on labels

The labels used by suppliers either will be labels that suppliers themselves print or labels that suppliers purchase from third party label producers.

Where label printing takes place in house, the printers used to print labels are designed with reference to the size of the label. These are specialist printers, which

as far as we are aware, perform one task and one task alone – labelling of large quantities of chemical products. As these printers are calibrated to print labels in accordance with the CLP regulation, for many suppliers, a change in font size will require larger labels and in turn investment in new printers.

Where labels are purchased from third party providers, the cost of the labels will increase in line with the extra material needed to print these labels. In some instances, this can be solved through larger labels. However, in other cases it may not be possible to find space on products to place these labels. This may lead to the use of fold-out labels, which have a higher unit price than traditional labels – industry estimates suggest unit prices will increase eightfold. Regardless of whether suppliers choose larger labels or fold-out labels, new label types may require investment or at least adaption of the machines used to place labels on products.

Alternatively, suppliers may instead reduce the number of languages on a label instead of altering the physical dimensions or attributes of the label. However, reducing the number of languages on a label will have a knock-on effect on the marketing operations of suppliers, as the number of possible markets for each individual product will be reduced.

Taking industry figures as a starting point, our initial estimates of the costs involved for this proposal may add up to 50 million euros in start up costs and annual ongoing costs of up to 50 million euros for Danish companies alone.

As such, we believe that it is necessary to find a solution to the problem of readability that is proportionate to the costs entailed.

We propose a possible solution involving the use of supplemental digital labelling, whereby suppliers may choose to include a comprehensive digital label for products in the event that a font size is used, which does not meet the requirements set out in the CLP revision proposal.

The font sizes suggested in the latest compromise text of 23rd May 2023 (ST 9689 2023 INIT) would act as a starting point. Denmark would though suggest, that this requirement could be supplemented with a limited derogation, whereby suppliers would be permitted to use a smaller font size – within a limit so as to ensure that labels remain readable – on the proviso that the information provided on the label is replicated in full on a digital label. Our belief is that the information will still remain legible, visible and available on the physical product, but at the same time, for users who may have difficulty reading the label, product information would be available via the data carrier.

We suggest the insertion of the following provision in section 1.2.1.4 as a second subparagraph underneath Table 1.3:

“Suppliers may use a smaller font size than the font sizes set out in Table 1.3 provided that all the following conditions are satisfied:

- a) The font size used must not have an x-height that is under 80 percent of the x-height that applies for the applicable package capacity.

- b) All labelling information required according to Article 17(1) is provided on the physical label.
- c) The supplier creates a digital label for the product, which replicates the content of the physical label in full and fulfills the technical requirements set out in Article 34b.
- d) The supplier can demonstrate that the compulsory information required according to this regulation cannot fit upon a label with the applicable dimensions for the capacity of the package in question when using the x-height required for that package capacity.”

If you or your experts would like to discuss technical issues relating to our proposal, please feel free to contact Michael Herborn at the Ministry of the Environment of Denmark (micgh@mim.dk / +45 21 16 89 27). Alternatively, you are of course always welcome to contact our attaché Anders Fink (anfink@um.dk / +32 478 78 24 52).