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Subject:	COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT REPORT Part 4/5, Accompanying the document Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

Delegations will find attached document SWD(2022) 435 final, Part 4/5.

Encl.: SWD(2022) 435 final, Part 4/5



EUROPEAN
COMMISSION

Brussels, 19.12.2022
SWD(2022) 435 final

PART 4/5

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT REPORT

Accompanying the document

**Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council
on classification, labelling and packaging of substances and mixtures**

{ COM(2022) 748 final } - { SEC(2022) 452 final } - { SWD(2022) 434 final } -
{ SWD(2022) 436 final }

Annex 13b – Factual Summary of the responses to the Open Public Consultation (digital labelling)

Disclaimer: This document should be regarded solely as a summary of the contributions made by stakeholders during the public consultation on the Impact Assessment study on the simplification of the labelling requirements for chemicals and the use of e-labelling. It cannot in any circumstances be regarded as the official position of the Commission or its services. Responses to the consultation activities cannot be considered as a representative sample of the views of the EU population.

INTRODUCTION

The objective of the public consultation, which ran between November 2021 and February 2022 was to gather experiences and opinions from various stakeholders (consumers, professional and non-professional product users, industry, civil society organisations, national authorities and any other interested stakeholders) on a possible introduction of digital labelling of many daily used chemical products such as glues, laundry and dishwashing detergents and fertilising products, under the Regulation on Classification, Labelling and Packaging of substances and mixtures ('CLP')¹, the Detergents Regulation² and the Fertilising Products Regulation³.

The consultation was available and respondents could reply in any of the 24 official EU-languages.

The Public Consultation (PC) questionnaire was divided into four major parts.

The first part concerned the questions about the background of the surveyed stakeholders.

The second part included the general questions on the knowledge, habits, preferences, and opinions of the stakeholders on certain elements of (digital) labelling.

The third part focused on the specific questions for products users regarding fertilisers, detergents, and chemicals.

The last part included specialist questions for professionals and industry concerning digital labelling.

¹ Regulation (EC) No 1272/2008 of the European Parliament and of the Council, of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006

² Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents

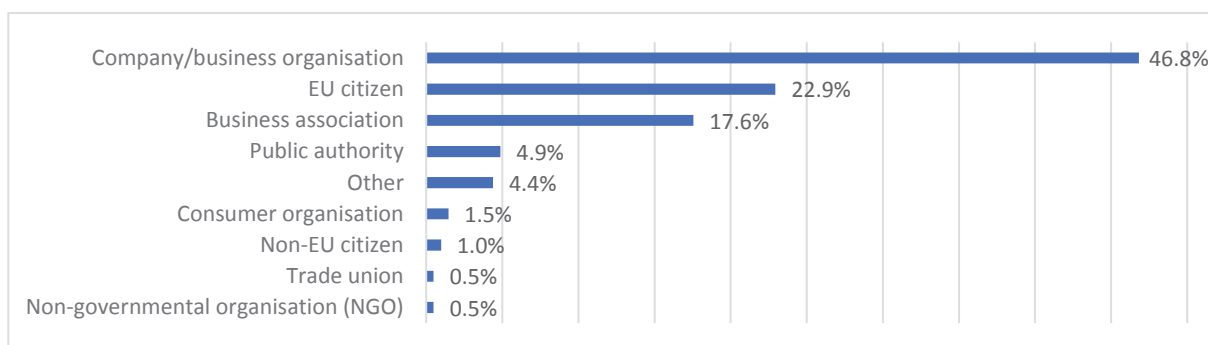
³ Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003

BACKGROUND OF THE PARTICIPANTS

In total, 205 stakeholders have participated in the public consultation. The following is an overview of the respondents regarding the type and the size of the organisations they represent as well as the country they are from.

Which type of organisation do you represent?

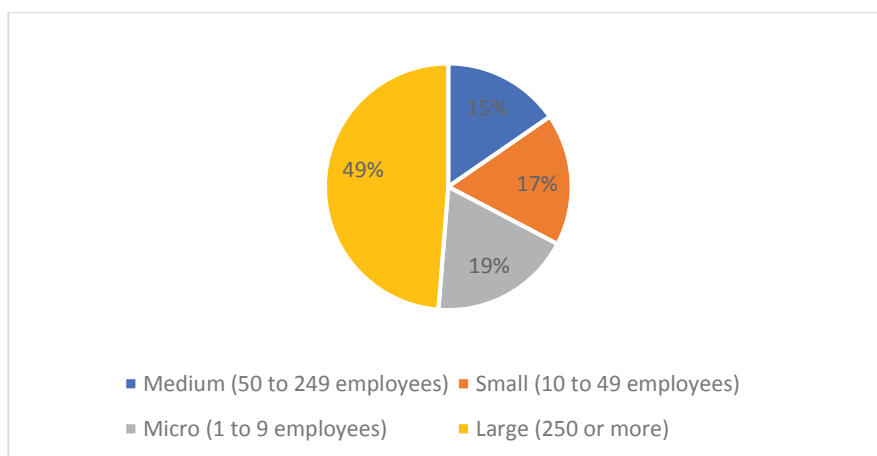
Among the 205 respondents to the public consultation, 133 respondents are representatives of the chemical industry (96 companies/business organisations, 36 business associations, and 1 trade union), 53 can be considered as consumer representatives (3 consumer organisations, 47 EU citizens, 2 non-EU citizens, and 1 NGO), 10 are public authorities, and 9 identified as Other.



Respondents: $N = 205$

Organisation size

Among the 156 respondents to this question, almost half of them are from a large organisation with more than 250 employees (76 respondents), while the three other categories are evenly represented.

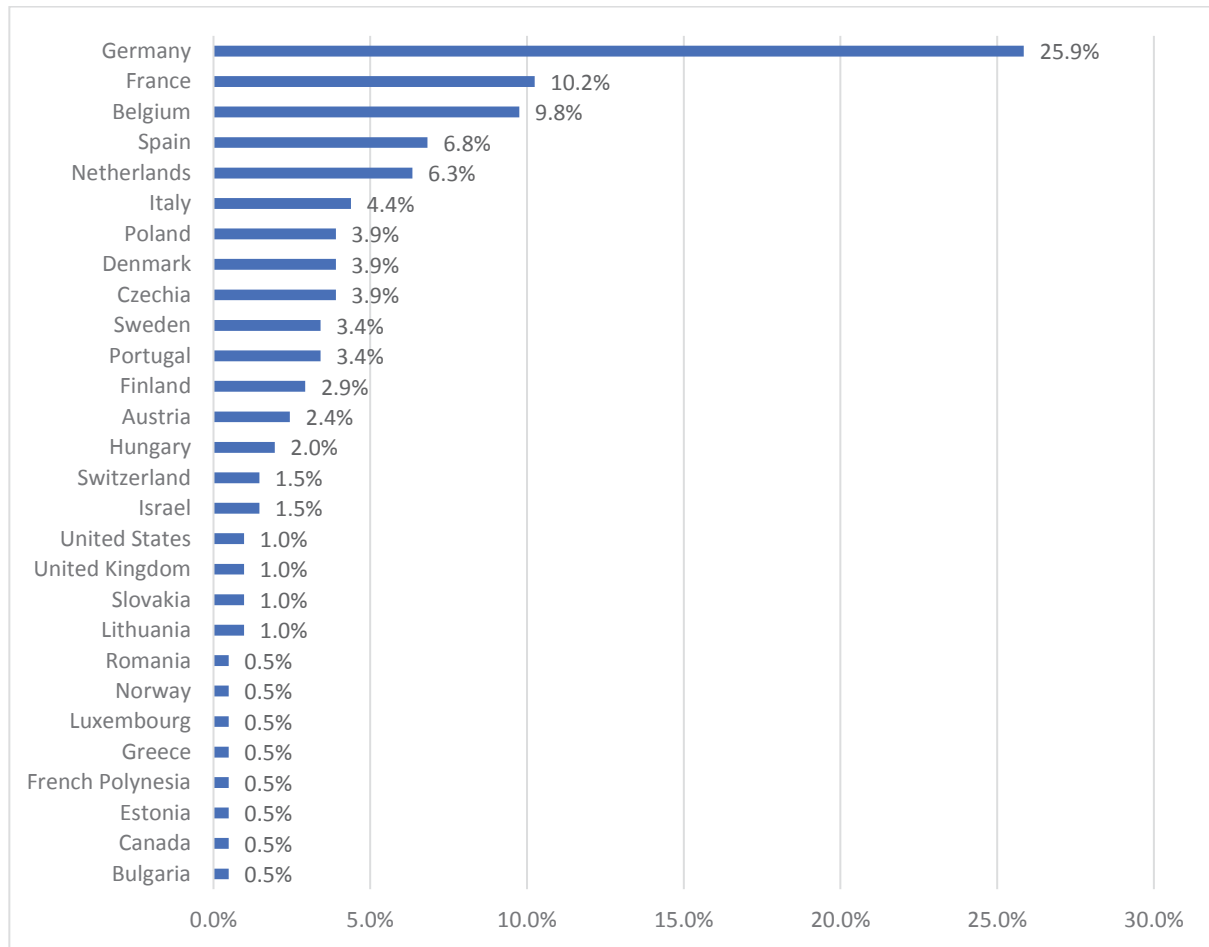


Respondents: $N = 156$

Which country are you from?

Among the 205 respondents to the public consultation, more than 1 out of 4 are from Germany, followed by France, Belgium, Spain and the Netherlands being the most represented countries. Bulgaria, Estonia, Greece and Luxembourg were the least

represented of the EU Member States, while no participant to the survey was from Croatia, Cyprus, Ireland, Latvia, Malta and Slovenia.



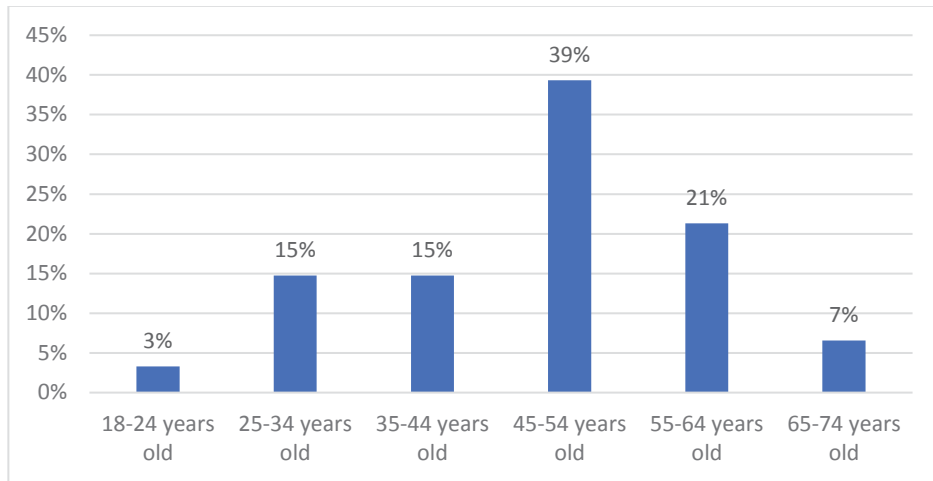
Respondents: $N = 205$

GENERAL QUESTIONS

In this part of the questionnaire, the respondents were asked to share their experience on their knowledge, habits, preferences, and opinions on certain elements of (digital) labelling.

Q1. What is your age group?

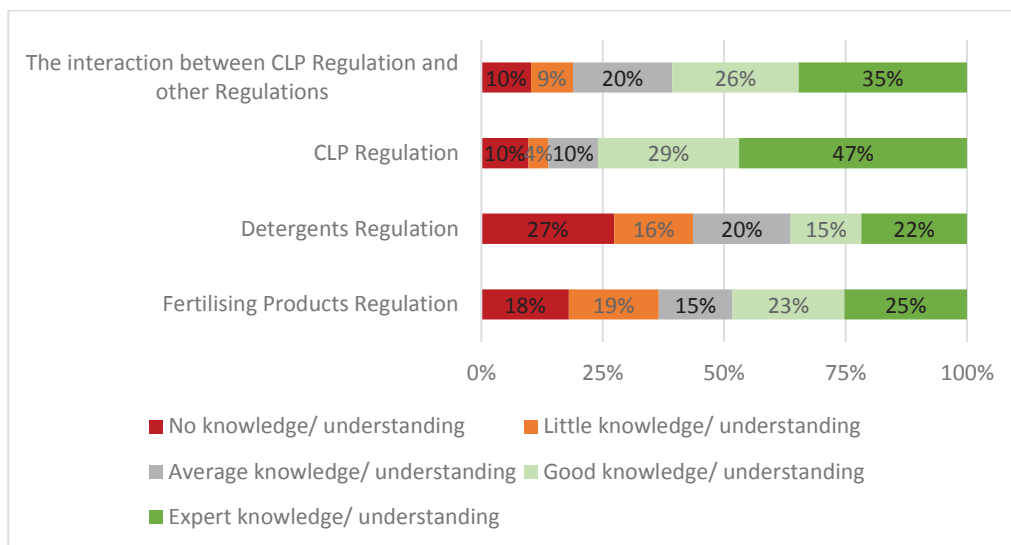
Among the 61 stakeholders who have provided information concerning their age group, the majority were 45 years old or older (67%), 45-54 years old age group being the largest compared to the other age groups in size.



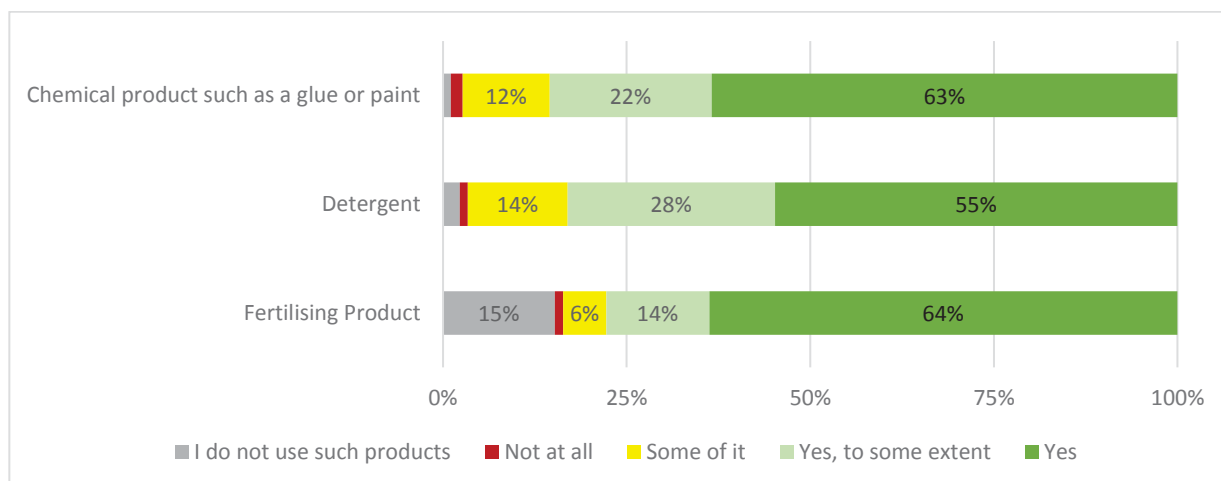
Respondents: $N = 61$

Q2. Please rate your knowledge of the following

The majority of the respondents declared having an expert or a good knowledge on the interaction between CLP Regulation and other Regulations (61%, 119 out of 196), and on the CLP Regulation (76%, 149 out of 196). However, the majority of the respondents indicated having average to no knowledge of the Fertilising Products Regulation (64%, 114 out of 178), as well as average to no knowledge of the Detergents Regulation (51%, 92 out of 179).



Q3. Do you usually understand the information provided on the label of a:



Respondents: N=186 for “Chemical product such as a glue or paint”, N=177 for “Detergent”, and N=171 for “Fertilising Product”

The majority of the respondents understand the information provided on the label to some or a full extent for all of the products mentioned in the graph above.

The analysis of the answers given specifically by citizens⁴ also leads to the same conclusion, with 69% of respondents answering “Yes” or “Yes to some extent” for chemical products⁵, 71% for detergents⁶, and 53% for fertilising products⁷.

Q4. In which ways, do you consider that the communication of information on labels of chemicals could be improved (multiple options available):

Respondents believe (mostly industry stakeholders) that the most effective method to increase the communication of information on labels of chemicals is by simplifying the text on labels, having less information on the on-pack label and instead of providing full details via digital labels, and by using more pictograms or graphic symbols instead of text⁸.

In addition, answers given by consumer representatives⁹ and public authorities¹⁰ show that reducing the number of additional languages on labels would be most effective to improve the communication of information.¹¹

On the other hand, the least effective ways to increase the communication, according to the respondents, were having more detailed information provided on the on-pack label (e.g. more detailed use instructions, etc.), having all information only provided via IT

⁴ EU and non-EU citizens, respondents : N=49.

⁵ 34 out of 49 answers.

⁶ 35 out of 49 answers.

⁷ 26 out of 49 answers.

⁸ These options have collected 407 out of 675 (61%) votes out of the total choices.

⁹ 31 out of 53 respondents representing consumers (citizens and consumer associations).

¹⁰ Four out 10 respondents (40%) representing public authorities.

¹¹ 31 out of 53 respondents representing consumers (citizens and consumer associations).

solutions and not on the on-pack label, and/or not doing any changes and keeping the current situation as it is¹².

Q5. Do you currently access any product information via IT solutions or digital tools?

The majority of the respondents (124 out of 174) have currently accessed product information via IT solutions or digital tools. More specifically, around 78% of respondents from the industry answered positively to this question¹³, and 62% of respondents representing consumers¹⁴.

Q6. How often do you look for product information online (for any product)?

The majority of the respondents look for product information online (for any product) daily or weekly¹⁵. Only two respondents look for product information online (for any product) once a year or less.

This finding can be mitigated when looking specifically at answers given by consumer representatives where just about a third of them look for product information online only a few times a year.¹⁶

Q7. In the context of the below chemical products, how would you evaluate it if some information was removed from the on-pack label and could only be obtained via digital labels?

The majority of the respondents¹⁷ think that, in the context of the below chemical products, removing some of the information from the on-pack label to the digital labels would have a moderately positive or a very positive effect overall.

¹² These options have collected 37 out of 675 (6%) votes out of the total choices.

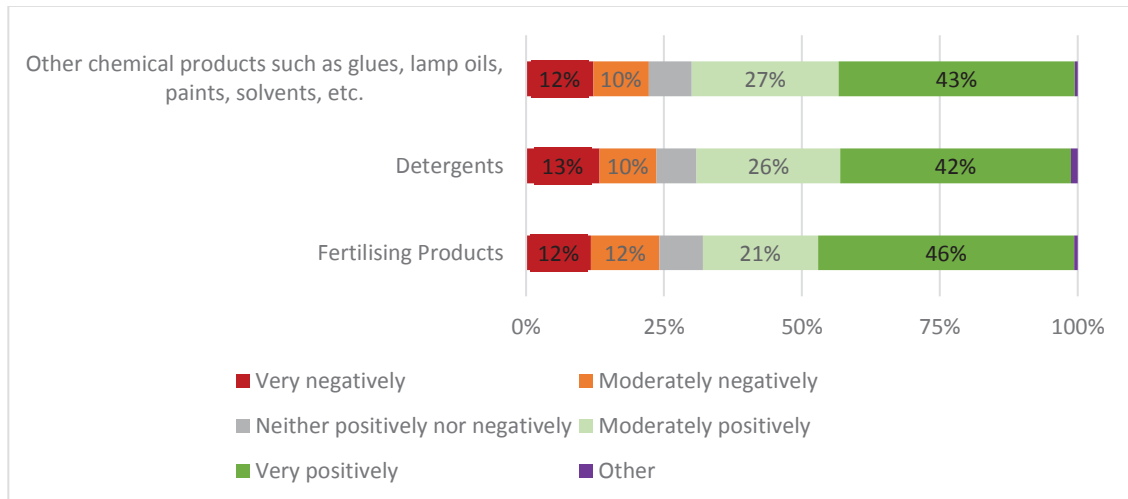
¹³ 85 out of 109 answered “Yes”.

¹⁴ 31 out 50 answered « Yes ».

¹⁵ 73 out of 121 (61%) respondents who have answered these questions have selected either of these two options.

¹⁶ 11 out of 31 respondents (while 5 answered “daily”, 8 “weekly”, and 7 “monthly”).

¹⁷ 125 out of 180 respondents who have answered to a part on the other chemical products such as glues, lamp oils, paints, solvents, etc., 112 out of 165 respondents who have answered to a part on the detergents, and 103 out of 153 respondents who have answered to a part on the fertilising products.



Respondents: $N = 153$ for Fertilising Product, $N = 165$ for Detergents, and $N = 180$ for other chemicals.

However, the analysis of answers given by citizens and consumer organisations reveal mixed views within this category group, with respondents being equally divided for each of the abovementioned chemical products, between a negative or a positive impact of moving some information on a digital label.¹⁸

Q8. If labelling information of a product would be available via IT solutions, what device would you prefer to use to access this information? (multiple choice possible)

The most popular choices by all stakeholder groups, to access the labelling information via IT solutions were smartphones, laptops, tablets, and desktop computers¹⁹.

Q9. What digital solution would you prefer to use, to access the information online?

Close to two-thirds of the respondents (258 out of 398) from all stakeholder groups would prefer to use QR codes and website addresses to access the information online²⁰, while around 13% of the respondents do not have a preference for the digital solution as long as it would work with their preferred device.

Q10. In your view, what would be the main benefits of presenting some label information via IT solutions?

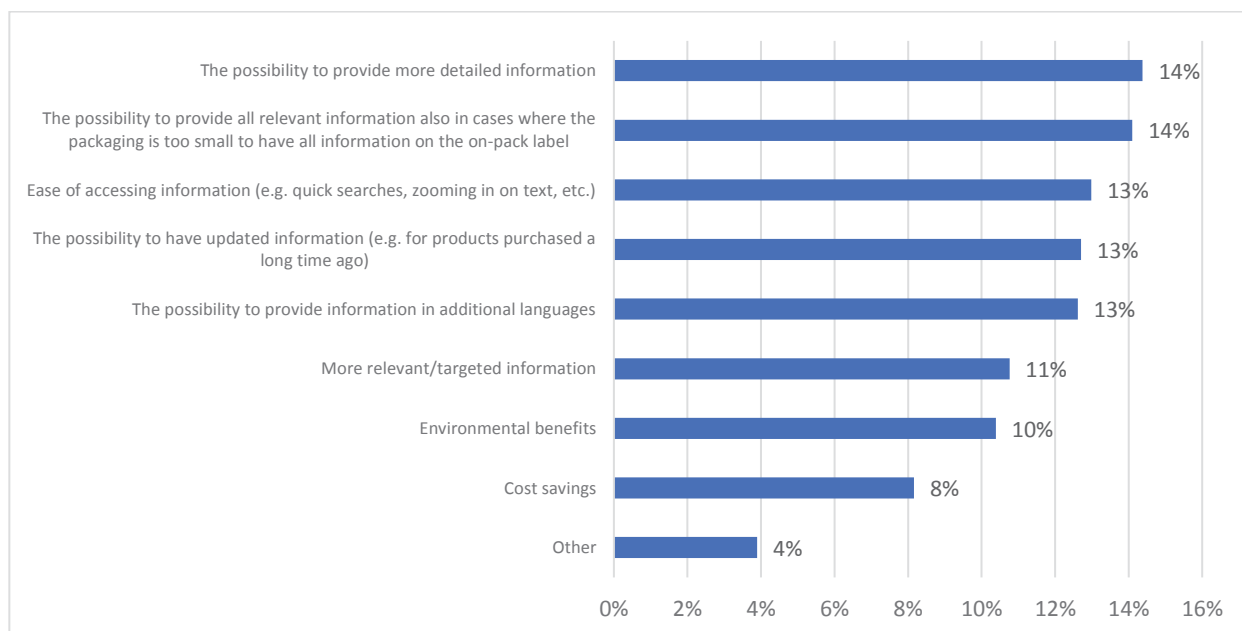
There was no clear consensus among the respondents of any of the stakeholder groups on the main benefits of presenting some label information via IT solutions as the opinions on this question were rather marginalised. This illustrates the respondents' opinion that there

¹⁸ For 'other chemicals', 25 out of 52 respondents expressed a very negatively or a moderately negatively impact, and 24 out of 52 expressed a moderately positively or very positively impact. For detergents, 21 out of 49 respondents expressed a very negatively or a moderately negatively impact, and 22 out of 48 expressed a moderately positively or very positively impact. For fertilising products, 23 out of 47 respondents expressed a very negatively or a moderately negatively impact, and 18 out of 47 expressed a moderately positively or very positively impact.

¹⁹ These options have collected 536 out of 615 (87%) votes out of the total choices.

²⁰ These options have collected 258 out of 398 (65%) votes out of the total choices.

are multiple and diverse benefits regarding the presentation of some label information via IT solutions.



Respondents: N= 200

Q11. In your opinion, what would be the main challenges of presenting some label information via digital labels?

The majority of the stakeholders (mostly industry stakeholders) responded that the biggest challenges of presenting some label information via digital labels would be: the difficulty to access information (e.g. poor internet connection, lack of electricity); potential differences between the information displayed on the on-pack label and via digital labels (e.g. due to updates, inconsistencies), and creating inequalities for certain population groups.²¹

The analysis of answers given by consumer representatives and public authorities found the same three main challenges of presenting some information via digital labels. However, within this stakeholder group, the possibility of creating inequalities for certain population groups was the most common answer.²²

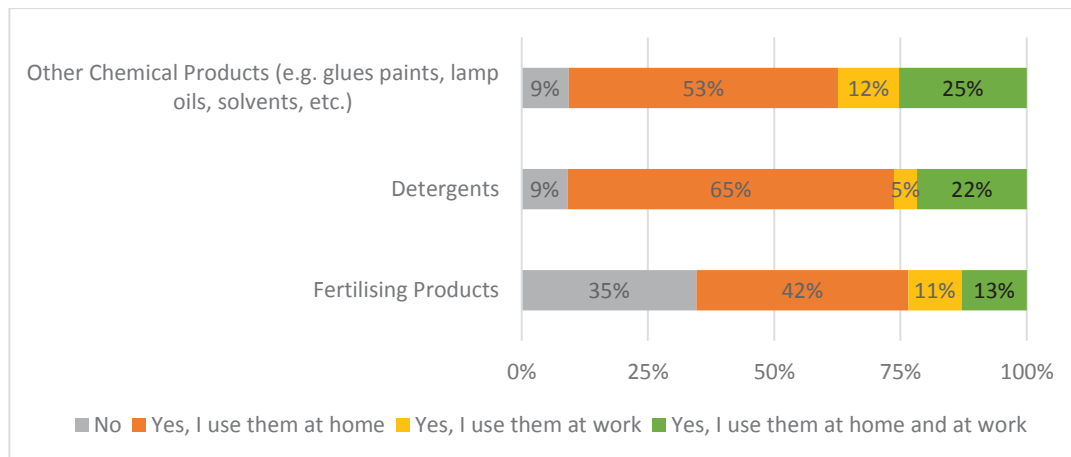
SPECIFIC QUESTIONS FOR PRODUCT USERS

In this part of the questionnaire, all the respondents (all users of relevant products) were first asked to indicate which chemical products they use (i.e. ‘other chemicals’, detergents, fertilising products), and then they were asked to share their experiences about the ones they had indicated to use.

²¹ These options have collected 339 out of 491 (69%) votes out of the total choices.

²² 40 out of 53 respondents representing consumers, and 9 out of 10 respondents representing public authorities.

Q12. Do you use the following:



91% of respondents indicated they use 'other products' and 91% indicated they use detergents, while 65% of respondents use fertilising products in some capacity (at work or at home).

Q12a. Which type of fertilising product/s do you use? (multiple choice possible)

The most popular choice of fertilising product used by the respondents was fertiliser²³ followed by growing medium²⁴. The least popular selected type of fertilising product was the inhibitor²⁵.

Q13-14-15 When do you read the label of a fertilising, detergent and other chemical products? (multiple choice possible)

The respondents read the label of 'other chemicals', detergent or fertilising product at different times. In all three cases, the option "Before purchase"²⁶ was slightly preferred, followed by "After purchase but before using the product"²⁷, and "In case of problems/accidents"²⁸.

²³ 107 out of 314 votes out of the total choices.

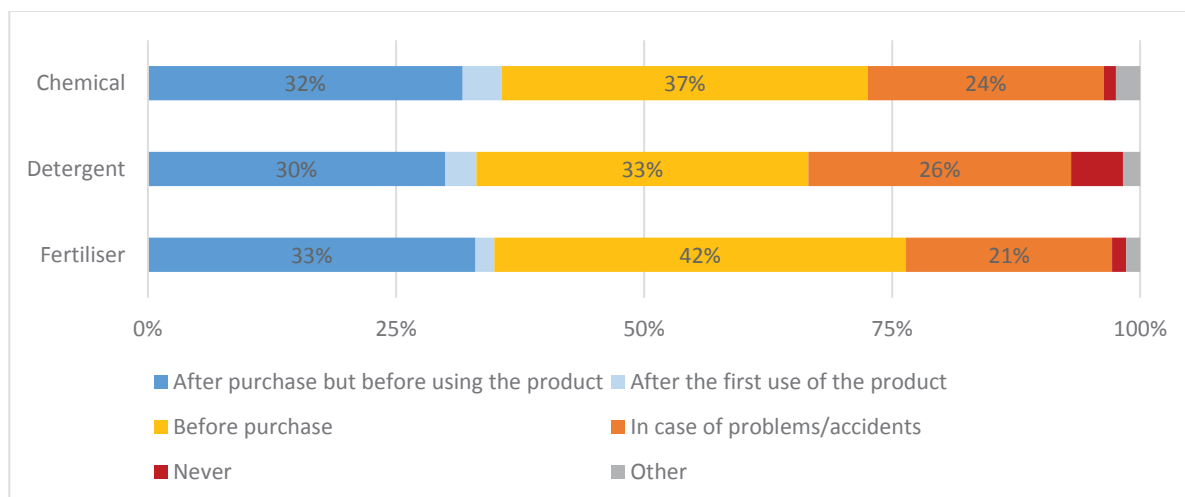
²⁴ 55 out of 314 votes out of the total choices.

²⁵ 21 out of 314 votes out of the total choices.

²⁶ 121 out of 328 votes out of the total choices for the chemical products, 96 out of 287 votes out of the total choices for the detergents, 88 out of 212 votes out of the total choices for the fertilising products.

²⁷ 104 out of 328 votes out of the total choices for the chemical products, 86 out of 287 votes out of the total choices for the detergents, 70 out of 212 votes out of the total choices for the fertilising products,

²⁸ 78 out of 328 votes out of the total choices for the chemical products, 76 out of 287 votes out of the total choices for the detergents, 44 out of 212 votes out of the total choices for the fertilising products,



Q16. Thinking about the last time you used a Detergent product - in your opinion, does the information on a Detergent label... (see possible answer options below):

The majority of the respondents think that the information on a detergent label:

- Allows to use the product properly (e.g. correct dosage, wear protective equipment, etc.) (126 out of 149)²⁹;
- Motivates to take appropriate preventative measures to avoid accidents (96 out of 146)³⁰;
- Properly informs about safe use (126 out of 147)³¹;
- Properly informs about the dangers or risks associated with using the product (123 out of 150)³².

However, the majority of the respondents also think that the information on a Detergent label **does not**:

Prevent from using the product (125 out of 143)³³;

Encourage to select a less hazardous product (114 out of 143)³⁴.

Q17. Thinking about the last time you used a chemical product (like a glue, paint, lamp oil, solvent, etc.) - in your opinion, does the information on a label ... (see possible answer options below):

Likewise, as per the previous question, the majority of the respondents think that the information on a chemical product label:

²⁹ 126 out of 149 respondents (85%) have selected options "Yes" or "Yes, to some extent".

³⁰ 97 out of 146 respondents (66%) have selected options "Yes" or "Yes, to some extent".

³¹ 126 out of 147 (86%) respondents have selected options "Yes" or "Yes, to some extent".

³² 123 out of 150 (82%) respondents have selected options "Yes" or "Yes, to some extent".

³³ 125 out of 143 (87%) respondents have selected options "Not at all" or "Not always".

³⁴ 114 out of 143 (80%) respondents have selected options "Not at all" or "Not always".

Allows to use the product properly (e.g. correct dosage, wear protective equipment, etc.)³⁵;

Motivates to take appropriate preventative measures to avoid accidents³⁶;

Properly informs about safe use³⁷;

Properly inform about the dangers or risks associated with using the product³⁸.

The majority of the respondents also think that the information on a chemical product label **does not**:

Prevent from using the product³⁹;

Encourage to select a less hazardous product⁴⁰.

³⁵ 123 out of 158 respondents (78%) have selected options “Yes” or “Yes, to some extent”.

³⁶ 110 out of 156 respondents (71%) have selected options “Yes” or “Yes, to some extent”.

³⁷ 133 out of 157 (85%) respondents have selected options “Yes” or “Yes, to some extent”.

³⁸ 125 out of 157 (86%) respondents have selected options “Yes” or “Yes, to some extent”.

³⁹ 126 out of 151 (83%) respondents have selected options “Not at all” or “Not always”.

⁴⁰ 115 out of 154 (75%) respondents have selected options “Not at all” or “Not always”.