

## CEPE views on the transitional period for the substances under the scope of Article 37, paragraph 7 to CLP CARACAL 56

We thank the Commission for the opportunity to comment on the transitional period for the substances under the scope of article 37, paragraph 7 to CLP, following the CARACAL 56 meeting.

In the event of a change regarding the classification or labelling of a substance or a mixture, we need predictability and time to implement such changes. Specifically, under the current context, we would like to point out that substances given that an **Annex VI (CLP) entry have considerably different impact** on certification schemes and customer requirements **than the status as ED in SVHC/BPR/PPPR**.

**We need time to allow us to face all the versatility of situations we are confronting** when there is a need for a relabelling. For example, where a new more severe classification (like ED) is available for a substance the product may no longer suit the market rules for which it was formulated, and we need time to reformulate the product (product testing, certification process – re-registration or re-certification which can take up months to years depending on substitution complexity).

In addition to the aspects mentioned above, there is a technical IT reality that needs also to be considered. The software providers who provide updates to our SDS authoring systems usually take around 9 to 12+ months to work on what they need to do to create an update module that we can then introduce into the system so that the new classifications appear on our SDS. Typically, we receive an update linked to an ATP about 9 months into the ATP 18-month transition period. We then need a further few months (depending on how many products are affected) to issue new SDS for our mixtures. So already we are running up to the final application date in the context of normal ATP implementation. Additional complexity is created by the introduced grouping of substances. Developing new algorithms requires considerable extra time in comparison to classification updates

Another important aspect to consider is if substance re-classifications lead to the need for updating registered biocidal products, this requires an additional step of applying for an administrative change in all the countries where the biocidal product is registered and providing the authorities with updated labels and Safety Data Sheets. For the first set of substance classifications currently proposed, both propiconazole and IPBC are proposed with ED classifications. As these substances are widely used in wood preservatives coatings, these will need to go through the BPR process concerning the application for the administrative change. This is an additional time-consuming step for which we need a sufficient transition time.

Norway's position that no transition time is required for substances falling under Article 37(7)(a) does not sufficiently reflect how industry actually operates, nor how hazard information is currently used in the supply chain. While the substances listed under (a) are indeed already recognised as SVHCs under REACH, or have undergone PPPR/BPR evaluations, these prior identifications have never been automatically or consistently translated into Annex VI harmonised classifications. Consequently, the proposed direct, immediate implementation of new harmonised classifications without any transition period creates several practical challenges:

1. SVHC identification has never equated to a harmonised classification. Many substances on the Candidate List do not carry Annex VI entries, and where they do, the hazard classes related to ED or PBT/vPvB were only introduced into CLP in 2025 for substances and will be mandatory

this year for mixtures. Companies could not reasonably have prepared classification, labelling, packaging or documentation systems for hazard classes that did not legally exist before.

2. Downstream certification schemes often rely on Annex VI, not necessarily on SVHC status. Although industry may have known the substance was an SVHC, certification schemes (construction products, ecolabels, toys, food-contact, electronics, etc.) often refer to published harmonised classifications. A new harmonised ED or PBT/vPvB classification can render an entire product family non-compliant overnight, triggering:
  - > Sales stop and empty supply chains,
  - > reformulation,
  - > retesting,
  - > recertification,
  - > resubmission under sectoral legislation.

Realistically, these processes cannot occur without a transition period.

3. PPPR and BPR decisions are not currently aligned with Annex VI logic. PPPR and BPR evaluate active substances almost exclusively in the context of intended biocidal/pesticidal use, not for broad industrial classification. The translation of PPPR/BPR outcomes into CLP hazard classes has therefore not been automatic, and has never been used as a direct, immediate basis for harmonised classification. While Article 37 (7) changes this, expecting industry to treat past PPPR/BPR decisions as if they were *de facto* Annex VI entries is not supported by past practice.
4. The Commission's draft list for Article 37(7)(a) introduces grouping approaches. Grouping approaches, as currently proposed, represent a structural change that affects:
  - > IT systems,
  - > supply-chain communication,
  - > classification strategies,
  - > portfolio management.

These cannot be implemented without preparation and carry-over periods.

For all these reasons, a transition period is essential—even for substances under Article 37(7)(a), where Norway assumes that industry already “knew” the hazard. Knowledge of a hazard is not equivalent to having a harmonised classification in Annex VI, nor does it eliminate the need for relabelling, reformulation or recertification.

Therefore, our proposal is to keep the implementation as simple as possible. ‘The transferred ATP’ should be published together with the regular ATPs once per year, with the **18 months of transition time**.