

ANNUAL REPORT 2023



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Masthead

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Source Cover: shutterstock.com - Robert Kneschke



The past year brought with it another round of challenges for the wider paint, printing inks and artists' colours sectors. While the year will be remembered for the outbreak of yet another conflict and the continued challenging macro-economic environment, there were some signs of inflationary relief and a rebound within certain end markets.

The CEPE Board continued its focus on bringing our vision, mission and purpose to life as a trusted and proactive partner to ensure the sustainability of our industry in this ever-changing and challenging environment. Our SHEAB working group is currently developing the roadmap and tools for the three pillars that will carry forward CEPE's ambition - carbon neutrality, circular economy, and safe and sustainable by design - in line with the European Green Deal goals.

In 2023, the EU adopted some key Green Deal legislation, including the Nature Restoration Law, which has a target of restoring at least 20% of the EU's land and sea areas by 2030 and all ecosystems in need of restoration by 2050.

Among the files of immediate relevance to our sector, the CLP revision, the Packaging and Packaging Waste Regulation, and the Ecodesign for Sustainable Products Regulation, are close to finalisation. However, the long-anticipated revision of the REACH regulation has been postponed to the next parliamentary mandate. Meanwhile, CEPE has made good progress on its proposal for an early analysis of alternatives for substances facing regulatory restrictions.

Despite the delay in REACH, the regulatory pace and pressure on chemicals continues to intensify, with EU authorities aiming to set a legal limit for the PCB content in all substances and raw materials used in the EU, which could result in the banning of several key pigments used in our industry.

These developments reaffirm and underscore the importance of CEPE's mission and purpose. In order to successfully navigate the changes ahead and serve our industry sector most effectively, we rely heavily on the engagement of all CEPE members in our many activities and initiatives. We remain energised to take on the challenges and opportunities ahead and working with you to continue to provide a meaningful and lasting impact to this essential industry of ours.

Christel Davidson

Roald Johannsen

CEPE Mission Statement

- To work with member companies and their value chain to ensure the long-term prosperity of the paints, printing inks and artists' colours sector.
- To advise EU and national institutions to help reach decisions based on accurate and balanced information and sound science.
- To continuously increase the awareness of the paints, printing inks and artists' colours industry and its valuable contribution to sustainability with all stakeholders.
- To provide an organisational structure of committees, working groups and ad-hoc task forces in order to achieve CEPE's vision.
- To foster relationships with other international associations related to the paints, printing inks and artists' colours industry.

CEPE Board



Roald Johannsen
PPG Industries
CEPE Chairman

Martin Beck
BASF Coatings

David Beckford
Pronto Paints

Toon Bossuyt
Boss paints

Andreas Karl Bubenhofer
Bubenhofer AG

Klaus-Georg Gast
Axalta Coatings

CEPE Staff



Christel Davidson
Managing Director

Carine Willems
Managing Director's Assistant

Didier Leroy
Technical & Regulatory Affairs Director

Lorena Santin
Regulatory Affairs Manager

CEPE Values



Peter William Lockley
INX Europe



Giovanni Marsili
San Marco Group



Rachel O'Connor
General Paints Group



Rui Ribeiro
Divercol



Paula Salastie
Teknos Group



Dirk Sieverding
Remmers Gruppe AG



Jan-Piet van Kesteren
AkzoNobel



Marie Nyemba
Working Group Assistant



Cornelia Tietz
EuPIA Director



Romy Möhrle
Communication Manager



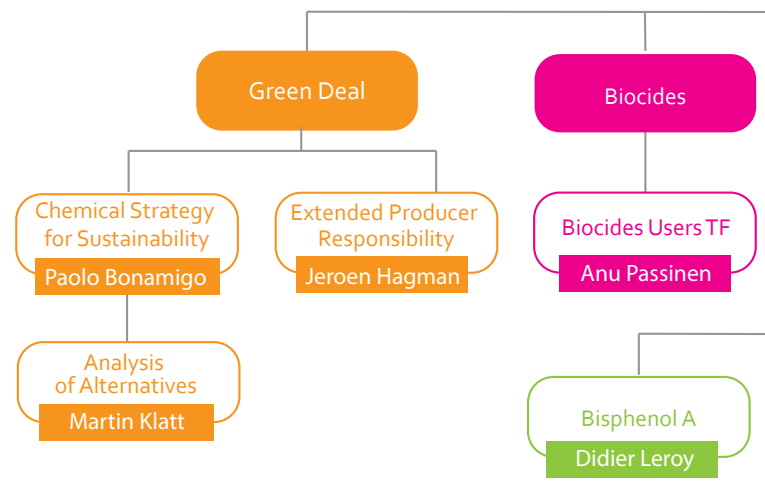
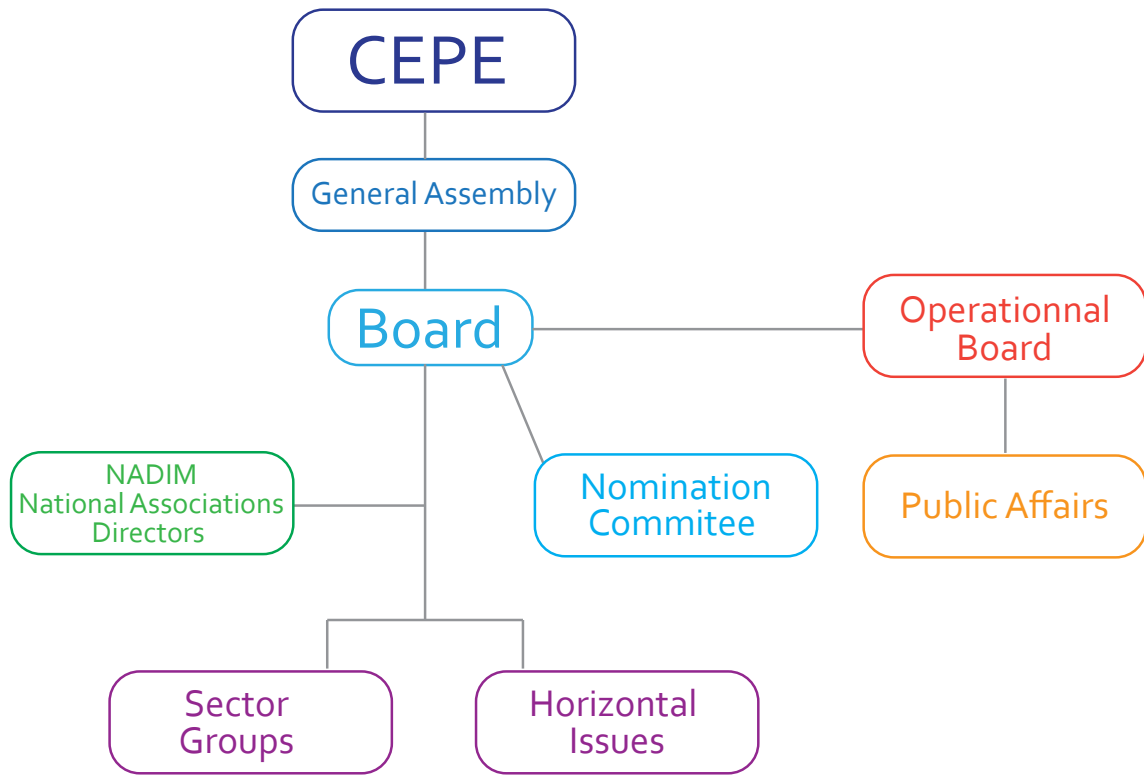
Julien Hoesz
Public Affairs Manager



Karthik Ashok Kumar
Sustainability Officer

Organigramme

Situation as of March 2024

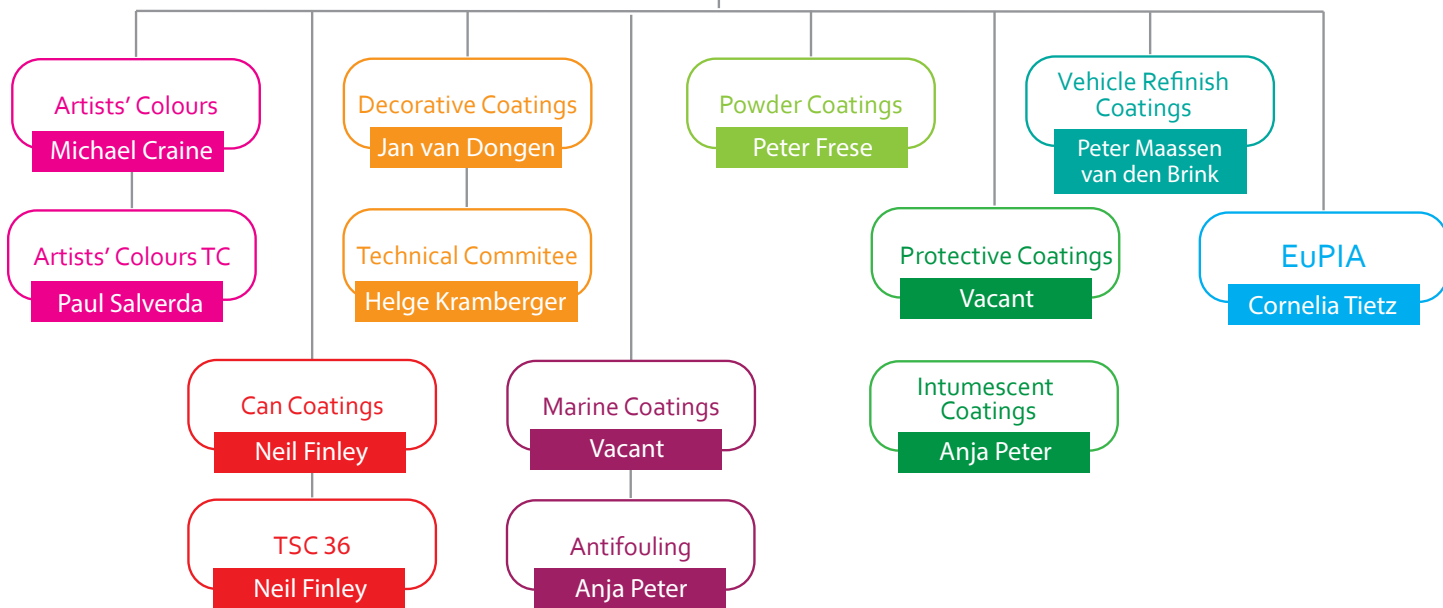


CEPE is member of:



Downstream Users of Chemicals Co-ordination group

Sector Groups



Horizontal Issues

SHEAB
Safety, Health &
Environment Advisory Board

REACH

Sustainability

CLP

Transport

Product Environmental Footprint
Matthew Percy

Labelling & Safety Data Sheet
Marc Willemse

Transport TC
Rose Marie Andersen

Melamine
Lorena Santin

Formaldehyde
Didier Leroy

Isocyanates
Luc Turkenburg

Microplastics
Maarten Asberg

Reach Panel
Birgitte Toettrup

ESRAG
Exposure Scenario &
Risk Assessment Group
Shufan Keetlaer-Qi

Melamine Intumescent Coatings Research Group
James Irving

Microplastics Research Deco
Vacant

Microplastics Research Antifouling
Neil Oxtoby

National Associations



AIVR – The Romanian
Paint Industry Association
www.aivr.ro

Irish Decorative Surface
Coatings Association
www.ibec.ie



ASEFAPI – Asociación
Española de Fabricantes
de Pinturas y Tintas de Imprimir
www.asefapi.es

IVP – Industrie des Vernis et Peintures
www.ivp-coatings.be



APT – Associação Portuguesa de Tintas
www.ap tintas.pt

MAFEOSZ - Hungarian Paint Producers' Association
www.mafeosz.hu



Assovernici
www.assovernici.it

M&L - Maling & Lakkindustriens Forbund
www.norskindustri.no



AVISA
www.avisa.federchimica.it

PZPFK - Polish Paint & Adhesives Association
www.pzpfk.pl



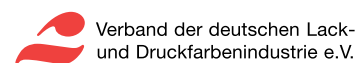
BCF – British Coatings Federation
www.coatings.org.uk

SVEFF – Sverige Färgfabrikanters Förening
www.sveff.se



DFL - Danmarks Farve- og Limindustri
www.danskindustri.dk/medlemsforeninger/dfi

VdL – Verband der deutschen
Lack- und Druckfarbenindustrie
www.wirsindfarbe.de



FCIO – Fachverband der
Chemischen Industrie Österreichs
www.fcio.at

VSLF – Verband der Schweizerischen
Lack- und Farbenindustrie
www.vslf.ch



FIPEC – Fédération des Industries des
Industries des Peintures, Encres, Couleurs,
Colles et adhésifs, Préservation du Bois
www.fipec.org

VTY – Värteollisuusyhdistys r.y.
www.variteollisuus.fi



Hellenic Coatings Association
www.hellenicpaints.com

VVVF – Vereniging van Verf
en Drukinktfabrikanten
www.vvvf.nl



Public Affairs

The Public Affairs Working Group (PAWG) established in 2022 is now in full swing: with the group refining its advocacy activities and increasing its ability to engage in the legislative work of the European Union. And 2024 will be just as transformative for both CEPE and the European Union, with the European Parliament (EP) elections taking place from 6-9 June 2024, as well as major elections across most of the world and the appointment of the new Commission.

With the challenges that the EU Green Deal poses to the business environment in which companies operate and the need to be increasingly present in critical discussions, 2023 has seen CEPE transition from a primarily regulatory focus to developing a broader portfolio of public affairs and advocacy actions that target the more comprehensive range of Institutional actors within the Brussels bubble.

Much of our increased Public Affairs activity has been driven by developments across the legislative landscape, and we have seen our work being driven by key pieces of legislation, such as:

- The Classification, Labelling and Packaging (CLP) Regulation Revision
- The REACH Revision
- The Packaging and Packaging Waste Regulation (PPWR)
- The Ecodesign for Sustainable Products Regulation (ESPR)

What can we do and how?

CEPE needs to continue to build upon the development of the CEPE PAWG, making the most of the expertise and knowledge of the experts amongst our membership to deliver results in Brussels and across our Member States. As well as making concrete proposals to our Operational Board this group also provides communication support to our other working groups and advises them on potential opportunities within the political sphere.

The PAWG, first and foremost, act as the bridge between our membership and the European institutions, helps to ensure the representation of our members in Europe and ensures that lawmakers hear our side of the story and are provided with the key scientific evidence that supports science-based policy making.

What have we achieved?

2023 saw several high-level meetings take place, with CEPE meeting high-ranking officials of the European Commission (EC) from both DG Grow and DG ENV, as well as arranging and taking several meetings with Parliamentary assistants to share the work produced by CEPE and explain the realities of our industry to them.

CEPE also organised for the first time a visit to a paint factory with a delegation of representatives from the EC and obtained an exclusive interview for CEPE members from the Executive Director of ECHA.

Alongside these experiences, our legislative work saw strong success, with our fact-based and scientific efforts on the CLP revision and the increase in the number of joint initiatives and activities with other European trade associations.

We have made progress in offering our evidence-based reports to the

relevant rapporteurs working on dossiers such as the Green Claims Directive, the PPWR, and the Toy Safety Regulations.

A large part of our successes this year have been restructuring our Public Affairs work and increasing our monitoring work to understand the timings of the dossiers better, build a more substantial base of information, and better engage in the relevant processes in Brussels.

What are the next steps?

With the elections in full swing, the priority of the CEPE Public Affairs team is to continue to develop our relationship with the members of the EP and prepare to increase our level of cooperation with MEPs and their teams in the relevant committees. However, this does not mean that we are doing this to the detriment of the other institutions, and we will continue our relationship-building activities with actors across the EC and European Council.

Alongside this, we plan to run more events to develop our broader reach and increase the understanding of our sectors and their challenges across the broader European Union. For this, we will need support from our members and their experts. <



Events and

Information tools

Webinars



New Training Courses for professional end users of diisocyanates now on line

As a consequence of REACH restriction (EU/2020/182) all industrial and professional users (and their supervisors) of products containing > 0.1% diisocyanates need to be trained on safely working with such products, before August 24, 2023. (Employers can create training courses themselves, but there are also training courses available which were assembled by the industry. The restriction allows (virtual) class room training courses, and on-line individual training courses.

Training courses were developed by the manufacturers of diisocyanates in cooperation with associations of downstream users of such products. These courses can be found on <https://www.safework.eu>



The CEPE Team provides, every quarter, an update on regulatory affairs issues.

- latest developments on all the EU political
- Regulatory developments
- priorities of CEPE
- Updates on: REACH, CLP, Biocides and the EU Green Deal

These webinars take place on Fridays morning from 10:00 to 12:30 AM CET.

Campaign

Press release

CEPE launches consumer campaign hi decorative paints

PPCJ APCJ



Annual Report



CEPE Signal

April meetings

4 April
Powder Coatings Sector Group on microplastics

The Powder Coatings Sector Group held an online call on the topic of microplastics and possible benefits impacts to this sector from the proposed REACH primary restriction. The group concluded that powder coating manufacturers are not fundamentally changing the polymer ingredients manufacturing process, so are not producing new synthetic fibres for microplastics. Importing obligations are going to be distinct from those for liquid coating. Importers, manufacturers, but not suppliers, are to be discussed. Then inspectors may restrict importers. The topic will continue to be discussed and monitored on the restriction.

EU Ecolabel

CEPE along with biocides producers submitted without restriction requests for the European Union Ecolabel (EUE) for the biocides. Unfortunately, the joint research (CEPE) failed when the EU Ecolabel criteria revision for CEPE (2023-04-2023).

LEGISLATIVE UPDATES

Revision of the CLP

After almost one year, the revision of the CLP is coming to an end. On 18 December, the last meeting of the Single, the Council, the Parliament, the Commission and the European Commission reached an agreement, which will be adopted by the Council and the Parliament in the next few days. The new law leaves of interest for the CEPE membership were the new rules on the restriction periods for self-declared substances. The new rules are more restrictive than the current ones. The new rules should be implemented from 1 January 2025. The new rules will be implemented from 1 January 2025. The new rules will be implemented from 1 January 2025.

CEPE Social Media Deco Campaign

What does paint give you? #Protective Paints protect everything from your car to your computer and your home, keeping them looking good for years. Learn more about what #PaintGivesYou and the work CEPE is doing.

Capacity of the package	Min
Not exceeding 0.5 litres	1,2

February meetings

2 February
Powder and Ink

The Powder Coatings Sector Group met online for an update call with 2 representatives from Europe to discuss the current situation regarding the restriction on titanium dioxide. The group discussed the current situation regarding the restriction on titanium dioxide. The group discussed the current situation regarding the restriction on titanium dioxide.

Titanium dioxide

Commission launching an anti-dumping investigation concerning imports of titanium dioxide originating in the People's Republic of China.

Commission (EC) announced the initiation of an anti-dumping investigation concerning imports of titanium dioxide originating in the People's Republic of China.

Communication

Awareness - Raising



Events



The EU Green Deal

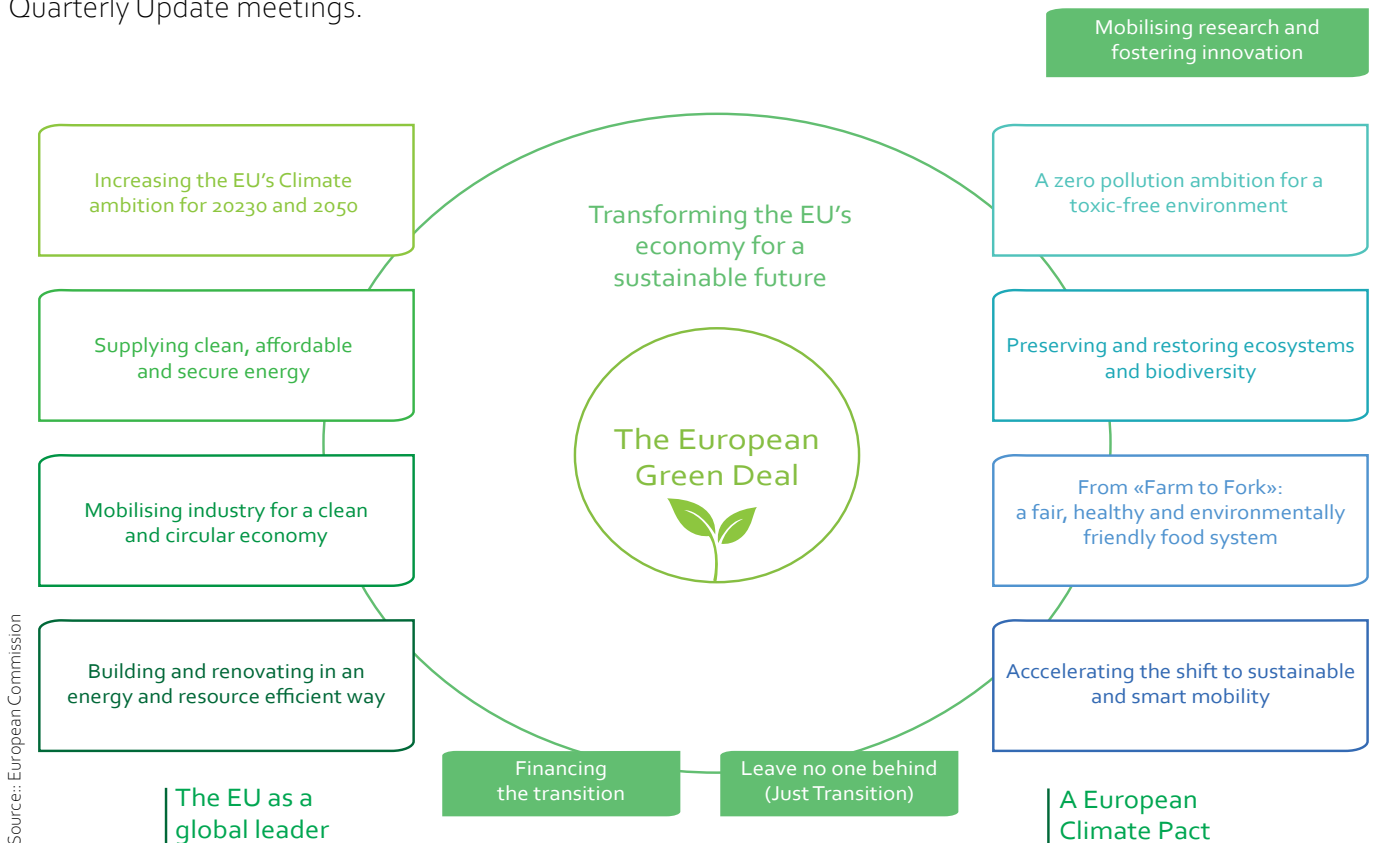
Source: shutterstock.com - Rawpixel.com



The EU Green Deal, endorsed in 2020 aims at making Europe the first climate-neutral continent by 2050. It is designed as a holistic and integrated approach to address climate and environment-related challenges by bringing together, and improving, several existing policies, initiatives, and funding programmes dedicated to addressing sustainability and climate change.

The diagramme (below) highlights the different dimensions of the EU Green Deal. Most relevant to the coatings industry are the dimensions for the “environment”, “circular economy” and “food systems” which each contain several initiatives.

The implementation phase of the EU Green Deal began in 2020 and has continued ever since. In 2023, we noted some substantial developments in the area of circular economy described hereunder. For information on the latest developments, members are invited to join the CEPE Green Deal Task Force and the CEPE Regulatory Quarterly Update meetings.



Source: European Commission

Mobilising industry for a clean and circular economy

As part of the European Green Deal, the Circular Economy pillar is about greening industry processes and is therefore of importance to the coatings industry. It encompasses, amongst others, the EU Industrial Strategy and the Circular Economy Action Plan (CEAP) including a sustainable product policy as well as actions targeting the handling of waste.

One of the focal points of the CEAP is the proposal for an Eco-design for a Sustainable Product Regulation (ESPR).

Ecodesign for Sustainable Product Regulation

The current Ecodesign Directive applies to energy-related products such as household appliances. It sets minimum mandatory requirements for the energy efficiency of these products.

The European Commission (EC) has now proposed to transform this framework Directive into a Regulation and to expand its scope to non-energy-related products. The underlying principle of the proposed ESPR is for products to last longer and to be easier to repair, upgrade and recycle by establishing:

- horizontal requirements in terms of durability, reparability and reusability
- sustainability requirements through performance parameters
- a Digital Product Passport (DPP) for providing more information on the sustainability characteristics of products to consumers, businesses, and market authorities.

In parallel, the Joint Research Centre has conducted a preliminary assessment and identified paints as a possible product group for inclusion in the 1st work programme, alongside textiles (notably garments and footwear), furniture, tyres, detergents, chemicals etc. A delegated act will be developed for each of the product groups identified in the work programme.

What can we do and how?

The publication of the ESPR proposal in March 2022 prompted CEPE to establish the Green Deal Task Force ad hoc group on Circular Economy. The group monitors the activities and developments in the European Parliament (EP) and Council regarding the framework regulation and, when relevant, provides comments to the key Members of the European Parliament (MEPs). However, most of the focus of the group lies on the possible delegated act for paints, as well as ongoing projects on the scope of the DPP. The DPP will be a core element of the ESPR. While the DPP has its merits, CEPE is continuously stressing that only the most essential information should be provided to protect confidential business information and to avoid constant updates which is a source of administrative burden.

What are the remaining steps?

The ESPR (framework regulation) is scheduled for adoption in Q1 2024 and the work programme no later than 9 months after the entry into force of the new legislation. The work of the circular economy group will intensify in the coming months with the possible delegated act by the EC.

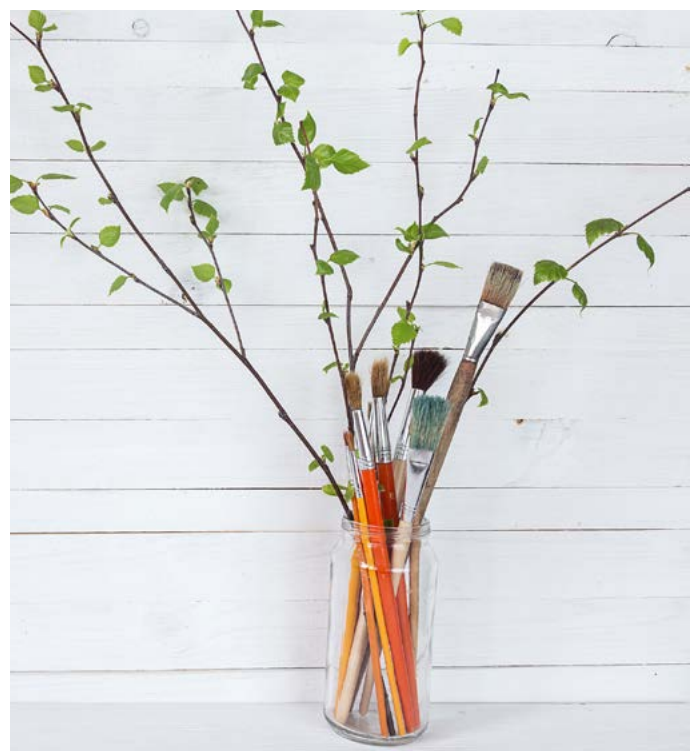
It is important to stress that the issue of the ESPR will be on the CEPE agenda for many years ahead.

Packaging and Packaging Waste Regulation

The Packaging and Packaging Waste Directive (PPWD) sets out the essential requirements with which all packaging placed on the EU market must comply. It is currently under revision. Besides changing the PPWD into a regulation, the proposal for a revision aims to reduce packaging waste and to promote the sustainability of the packaging through reuse and recyclability. The regulation proposal also aims to introduce requirements for recycled content from post-consumer waste in plastic packaging. The regulation proposes a recyclability assessment procedure that evaluates packaging (A-E scoring) to enhance design for recycling (DfR) criteria that will be established through a Delegated act. The Extended Producer Responsibility (EPR) fees that will be collected from economic operators will be based on this A-E scoring evaluation. Finally, the regulation proposal sets ambitious targets to reduce packaging waste by the years 2030, 2035 and 2040.

What can we do and how?

This topic of the Packaging and Packaging Waste Regulation (PPWR) is discussed in the Green Deal Task Force ad hoc group on Circular Economy and the EuPIA plastics recycling Task Force. There were major concerns regarding the proposed definition of paints, inks, and coatings in the revision proposal of the PPWR as some of our products could have been considered a plastic part and the regulation assigns some requirement for post-consumer recycled content. This can be technically unfeasible for sectors like for can coatings where most of the packaging unit (Aluminum) is incinerated and therefore no recycled content from such coatings can be obtained.



Source: shutterstock.com - WindNlight

CEPE quickly engaged with the relevant sector groups and liaised with many packaging associations to raise our concerns to decision-makers. Furthermore, CEPE drafted several amendments which were shared with the relevant Members of the European Parliament (MEPs) and reached out to the Council via the National Associations.

What are the remaining steps?

The PPWR attracted a lot of attention in 2023 as it affects how packaging is made and the functioning of the single market. The PPWR will be finalised in Q1 2024 and published later in the year.

Extended Producer Responsibility

The issue of the Extended Producer Responsibility (EPR) is an important topic for CEPE. It finds its relevance when it comes to how paints are managed at their End of Life. Also, the EPR concept is linked to upcoming European legislation such as the PPWR, where the fee is based on the performance criteria (A-E) that grades the recyclability of the packaging. The PPWR also aims to eliminate those packaging that score a grade E. However, EPR represents a two-fold challenge for CEPE sectors:

- How would paints interfere with packaging recyclability (example: plastics or steel)?
 - What is the fate of the leftover paints that ends up with consumers?
- These two questions even span further when it comes to ESPR, where there is a performance requirement in terms of reuse, recycling, etc.



Source: shutterstock.com - Julia Sudnitskaya

Therefore, it is important for the different sector groups of CEPE to consider how to tackle this topic. One important question to always bear in mind is whether paints can be recycled or reused whilst complying with EU legislation.

What can we do and how?

While a separate "EPR for paints" is not a subject of legislative discussion, the end of life of paints is an important topic that our industry should start focusing on. It is especially relevant when it comes to addressing the circularity of paints, as EPR closes the loop of leftover paints from consumers. For now, the focus is on decorative paints as the topic can be complex when it comes to industrial paints or differently viewed for sectors like inks or artists colours where the product characteristics can influence differently the recyclability of the packaging.

The VVVF, the Dutch National Association of CEPE conducted a series of workshops in Belgium and in the Netherlands. The goal of these workshops was to share best practices for a paint EPR scheme and to develop a blueprint. The blueprint will be presented to the Green Deal Task Force ad hoc group on EPR and to all the national associations in Q1 of 2024.

Green Claims

In 2023, the EC published the proposal for a Green Claims Directive, which seeks to protect consumers from false or misleading claims relating to the environmental impact of products.

One of the positive aspects of the directive is the flexibility in the methods for substantiating environmental footprint claims. The directive allows different Life-Cycle Assessments (LCA) methods and Environmental Products Declarations (EPD) to be used to substantiate environmental footprint claims. It also allows the use of the Product Environmental Footprint (PEF) tool, but this possibility removes the aspect of a harmonised LCA method and the level playing field. Finally, the directive allows the communication of such green claims via a digital medium such as a QR code or weblink.

One long-term concern is the possibility for the EC, when evaluating the transposition of the directive after 5 years, to "consider introducing the prohibition of environmental claims for products containing hazardous substances except where their use is considered essential for the society"

What can we do and how?

The issue of the Green Claims falls under the remits of the Green Deal Task Force ad hoc group on Circular Economy. In 2023, the group responded to the public consultation, focusing mainly on the aspects of substances of concern in relation to green claims. One important aspect that needs to be stressed is that the green claims directive is a voluntary instrument and that the economic operator (paint manufacturer) is only required to substantiate his green claim in business-to-consumer commercial practices.

What are the remaining steps?

The green claims directive should be finalised in 2024. Meanwhile, CEPE is closely monitoring the dossier and will reach out to the EP and Council when necessary.

Zero pollution for a toxic-free environment:

Safe and Sustainable by Design

The Chemical Strategy for Sustainability (CSS) is undoubtedly the strategy that will impact CEPE members most. See separate article on CSS on page 11. One initiative not covered in the article is the initiative for Safe and Sustainable by Design (SSbD). Under this initiative, the EC will develop criteria future chemicals have to fulfil with before being marketed. A working definition notes that the initiative shall focus on providing a function (or service), while avoiding volumes and chemical properties that may be harmful to human health or the environment (in particular (eco-)toxic, persistent, bio-accumulative or mobile).

While the burden of the initiative can be expected not to be with downstream users of chemicals, but chemical manufactures, the ini-

tiative will likely extend the design and testing phase and may reduce substance availability.

In 2023, the JRC presented the SSbD case study criteria for three different chemicals (Plasticizers (non-phthalate), Flame retardants, and Surfactants). Throughout 2023, the JRC considered SSbD as testing ground and organized a bootcamp where CEPE represented the DUCC. At least until 2025, JRC plans to have testing phase of the SSbD framework from various industry stakeholders. For now, the SSbD is a voluntary framework that aims to boost research and innovation in the upstream chemicals. CEPE will continue to engage during any upcoming EC workshops on SSbD criteria in 2024. CEPE is also engaged with CEFIC alongside other associations to explore possible pathways to monitor and evaluate the SSbD framework. <

«Paints have been identified as a possible product group for inclusion in the first work programme under the future Ecodesign for Sustainable Products Regulation»



Source: shutterstock.com - Rawpixel.com



The Chemical Strategy for Sustainability

The issue

On 14 October 2020, the European Commission (EC) published its Chemical Strategy for Sustainability (CSS). The CSS represents a major revolution for the chemical industry as it shifts the regulatory approach **from a risk-based approach to a more hazard-based approach**.

The CSS stems from the overarching Green Deal approach and follows a decade of push for a non-toxic environment. In line with the objectives of the EU Green Deal, a sustainable chemical future will be a future free of chemicals of highest concern.

Of all the initiatives of the EU Green Deal, the CSS is the one that will have the greatest impact on the chemical industry, and which deserves special attention. Several key chemical regulations have been (e.g. CLP) or will be (e.g. REACH) amended, and new regulations developed (e.g. Eco-design for a Sustainable Product Regulation (ESPR)) in order to provide decision-makers with the necessary tools to achieve the Green Deal objectives.

The EU political environment

Chemicals are considered essential to society and REACH the most comprehensive chemical regulation in the world, albeit too burdensome. REACH also fails to rapidly eliminate the most harmful chemicals. The European Parliament (EP) and the Council have given a mandate to the EC to address this, with the Environment Directorate of the EC (DG ENV) in the lead. Concretely, will have to phase out, to some extent, the most harmful chemicals from our products. Innovation will be key. In cases where substitution will not be possible in the short to medium term, derogations will be needed.

What does it mean in practical terms?

In 2023, the CLP underwent significant changes: new hazard classes were introduced (endocrine disruption, substances that are Persistent (P), Bioaccumulative (B) and Toxic (T) and substances that are P, Mobile in water/soil and T. Under the CSS these hazard classes are considered of very high concern. Therefore, one can expect regulatory pressure on more chemical substances in the future (e.g. melamine is a PMT and has now become a Substance of Very High Concern under REACH).

Chemicals of highest concern? In addition to known undesired hazard that already lead to regulatory action under REACH (CMR vat 1, PBT and vPvB) the EC intends to hit hard on many other hazards. As stated above, it started by adding new classes under CLP for endocrine disruptors (EDs) and for both categories: cat 1 and cat 2 (suspected), PBT, vPvB, PMT, vPvM and it will then test the possibility of adding immunotoxicants, neurotoxicants, hazardous to terrestrial organisms via the UN. In addition, the EC also intends to tackle respiratory sensitisers and STOT RE Cat 1 (Specific Target Organ Toxicity). Also, we are seeing an increasing trend to address skin sensitisers but these are expected to be addressed by means of the classical restriction routes.

A proposal to revise the REACH Regulation was discussed at length in an unsurpassed number of activities triggered by the EC and was expected by the end of 2023. However, it was delayed due to the European elections in June 2024. One of the main threats of the upcoming proposal is to make greater use of the Generic Risk Management Approach (GRA), which is in fact a hazard approach. The GRA is not a new concept. It exists under REACH (see Annex XVII, entries 28-30): it consists in a simple ban for consumers for CMR cat 1 for substances and mixtures above a generic threshold. The EC now wants to have a wider mandate and to apply this

GRA for many more hazard classes, for both consumers and professionals, and for articles also. It remains to be seen if generic thresholds will remain, or, if the mere presence of one molecule will be deemed unacceptable.

The approach is therefore to ban in a first instance and to then consider possibilities for derogations. However, derogations might only be possible for essential uses. The essential use concept (EUC) was first put on the table at the end of 2020 and triggered a lot of reactions, including from CEPE. Some NGOs would like an interpretation whereby, anything related to cosmetics, decoration, leisure or toys are by default non-essential to society. Concretely, this would imply that no derogation for a substance would be possible, should this interpretation be applied in such a simplistic way. The EUC is a difficult issue and, if implemented, raises the question of who should be held accountable to judge what is essential and what is not? Who would assess if a given pigment used in Artists' Colour paints is non-essential and therefore automatically banned? Who would assess if preventing human creativity is acceptable or not? At the time of writing, the EC is still discussing internally but intends to use this concept in several pieces of legislation (including food contact) and will probably publish details on its applicability in a guidance document rather than in an official text. One should note that we see elements of essentiality already being used from time to time.

The CSS also wants to address uncertainties linked to possible unintentional exposure to chemicals. It is true that under the current REACH rules, safety assessments are done on an individual substance basis. It is hard to predict if and how people or the environment could be exposed to different chemicals having the same mode of action at the same time. CEPE is of the opinion that the current rules already contain sufficient safety margins to cover reasonable worst-case exposures. However, these safety margins are not deemed sufficient anymore by some Member States who want to add a **MAF (Mixture Assessment Factor)**. It now appears that a MAF of 5 will have to be applied to all high-volume chemicals in addition to existing safety factors, which will mean that the unintentional exposure to combined chemicals could pose a risk 5 times higher than estimated today, which is unreasonable for most chemicals. It is a simplistic approach to cover a complex situation. In order to address the uncertainties, CEPE called on decision-makers to focus on what matters most, i.e. on those chemicals that are most likely present in our environment for possible co-exposures. The MAF is expected to be inserted into REACH during the REACH revision process, despite the possibility of a faster legal process. In practice this means that the REACH Registrants (the raw material suppliers) will have to revise all their risk assessments and pass on safe use information down the value chain (such as our industry). One should note that, when no more safe use can be demonstrated, some uses will be no longer acceptable, which will force innovation and re-formulation.

The EC is also developing **Key Performance Indicators (KPIs)** to measure the success of the transition to a less hazardous environment. Once again, our industry needs to be innovative to develop criteria that do not simply measure the tonnage reduction of hazardous chemicals, but criteria that encompass other Green Deal objectives such as sustainability. Replacing a technology by another one that has only half its lifetime is against the sustainable principles of reducing CO₂ emissions, use of raw materials or waste generation. This topic has not been high on the EU agenda in 2022.

What can we do and how?

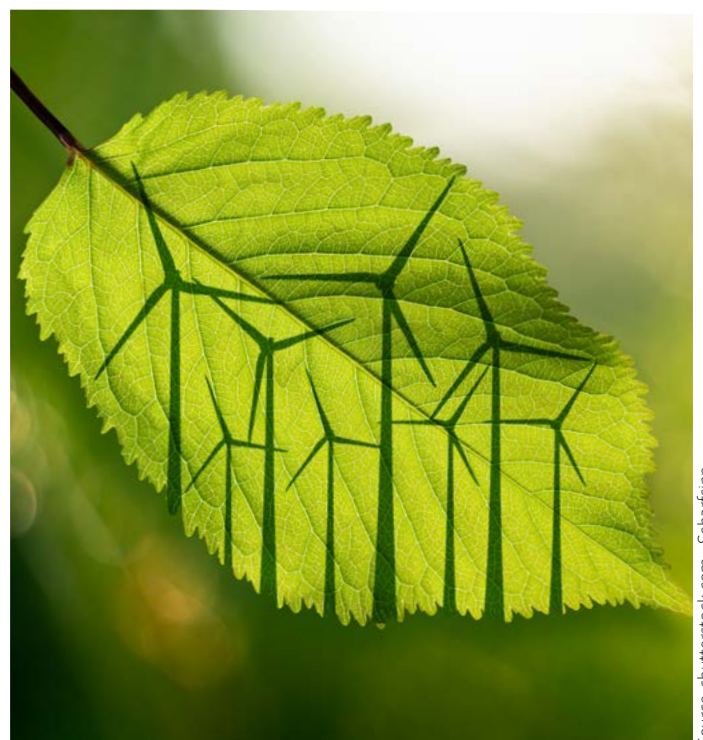
Concretely, the difficult concepts such as GRA, EUC or MAF will be implemented. The role of CEPE and its members is to 'control damage', by analysing and communicating the impact on our industry to decision-makers to prevent simplistic approaches to these concepts. To be successful, we need to offer innovative and reasonable solutions that deviate from former positions such as 'if it is safe for use and should therefore not be challenged'.

What have we achieved?

The EC has hired external contractors to address the many ongoing actions. For each of the actions, inception impact assessments followed by impact assessments, public consultations, targeted consultations and workshops are organised. Discussions also take place at CARACAL level and in sub-Caracal groups and also within many industry associations. Calls are organised, documents and position papers circulated. Given the limited resources available it is impossible to follow all the developments in detail and we have to prioritise and focus on the most important impactors, amongst which, those identified above.

CEPE has created a **dedicated CSS group** under the CEPE Green Deal TF. This group also ensures that the CEPE Board, the National Association Directors and the CEPE SHEAB group have the possibility to comment. It started to meet once per month early 2021, but this rate has increased to every second week to try to keep up with the pace of actions. At the end of 2021 a subgroup of the CSS group was also set up to be even more reactive and to support the CEPE staff liaising with the EC.

CEPE is calling for **the EC to not rush into a blanket GRA** and to, in a first instance, gather information on uses, exposures and alternatives, before deciding which regulatory route to choose (under REACH and/or under other legislation). Only an informed decision-making process can



Source: shutterstock.com - Scharfsinn

The ongoing discussions and developments highlight that industry as a whole, including the supply chains, will have to provide more information than it currently does.

What are the remaining steps?

Short term: Get involved!

The avalanche of inception impact assessments, public consultations, targeted consultations, impact assessments and workshops for each of the important CSS topics is over: the EC has finalised its work and is in the final stages of drafting the legal text. The legal text will then be discussed with the European Parliament and the Council. Therefore, it is still very relevant to continue our activities. Also, the delay in the REACH revision will give us more opportunities in 2024 to advance our concept of eAoA.

Long term: Data!

With the expected entry into force of the amended CLP and upcoming REACH revision, the subsequent three decades will be marked by increasing pressure on many substances: many of which are critical and used in our industry. Therefore, our industry needs to:

- Be prepared to innovate by substituting the most harmful chemicals, where possible and if more time is needed,
- Solid quantitative data will be necessary to support derogations.

Therefore, as a sector our priority should be to focus on obtaining quantitative data, as qualitative data is deemed insufficient by decision-makers. The CSS group and other CEPE groups have discussed the need for 'big data' – quantitative substances volume information for advocacy purposes - for the industry. This information will be essential to allow CEPE to advocate and to defend our industry and thereby obtain derogations. To be successful though, companies need to be able to deliver the relevant information and to ensure confidentiality. The information will be managed by external parties. A contract has been signed with an external contractor and the data on prioritised substances will start being collected in 2024. All member companies are invited to contribute in order to get relevant statistics. <

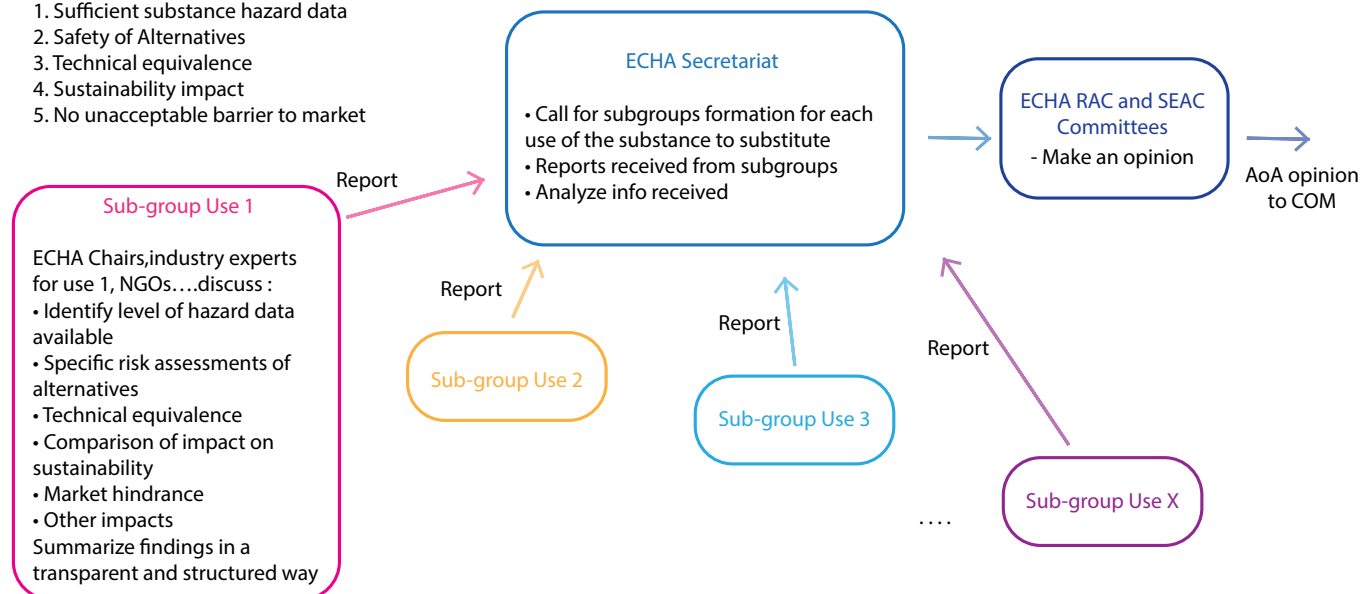
prevent unexpected consequences. To date, we have been successful in bringing at the highest level of both DUCC and CEFIC the need to discuss an early analysis of alternatives (eAoA). Our proposal is to involve ECHA and to establish a sub-group per use for the substance that must be substituted. The sub-group would be made up of experts participating on a voluntary basis. The system would be trustworthy and transparent and would use a set of agreed criteria. The outcome of the work done by the different working groups would be used by the decision-makers to decide if time limited derogations are needed to give time to innovation.

The CEPE CSS group has developed a decision tree for this, which postpones to the last stage a possible essential use concept. The next step will be to discuss how to put in place a robust system.

CEPE PROPOSAL FOR AN ANALYSIS OF ALTERNATIVES

Criteria to be evaluated:

1. Sufficient substance hazard data
2. Safety of Alternatives
3. Technical equivalence
4. Sustainability impact
5. No unacceptable barrier to market



Sustainability Tools

CEPE has been a precursor as regards sustainability. We started working on sustainability issues in 2010 and published our Sustainability Charter in September 2012. The charter described the policy the coatings and printing industry would follow in the coming years, encouraging CEPE members to look at the full life cycle of their products while keeping in mind the three pillars of sustainability: People, Planet and Profit.

Over the years, CEPE has developed several tools to help members in their quest for more information on the impacts of their products on the environment (see diagramme below).

CEPE Life Cycle Inventory (LCI) database project

In order to carry out a Life Cycle Analysis (LCA), expertise is required. It also has a cost. One of the major costs is the database to use information behind each life cycle stage of the paint product. In 2011, CEPE embarked on the CEPE LCI (Life Cycle Inventory) project to provide members from all CEPE sectors with a harmonised (LCI) database for the industry's most important raw materials and three manufacturing processes. These data are offered in three formats: SimaPro, GaBi and Excel.

An update to the current version of the CEPE LCI database is foreseen for Q2 2024. Members using the current version of the database will be informed accordingly and invited to recalculate their results.

Product Environmental Footprint (PEF) tool

PEF is part of the Single Market for Green Products Initiative launched by the European Commission (EC). Its goal is to make it easier for companies to put green products on the European market and for consumers to identify them. The PEF methodology is a LCA (Life Cycle Assessment) method designed to be a standardised way of measuring the environmental performance of a product.

The CEPE PEF tool allows the user to follow a three-step data insertion process that leads to results for a single product. An overview of the steps is given below (see diagramme below):

Once the paint producer inserts primary data for his product like;

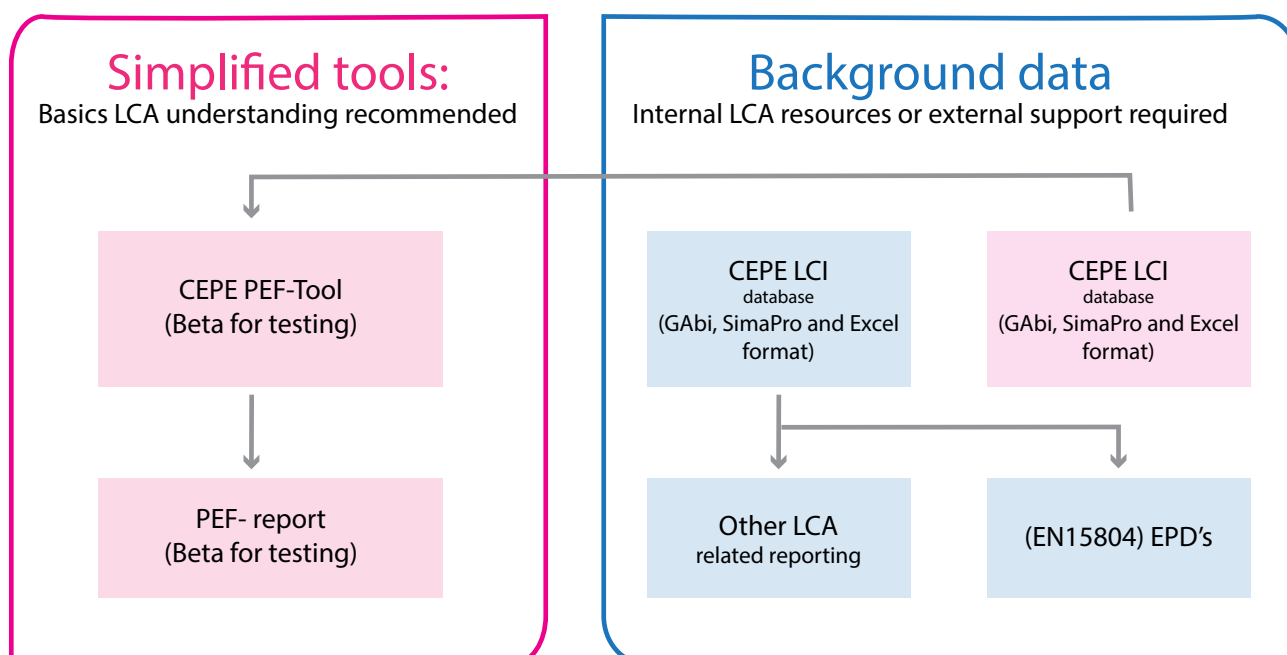
- Bill of materials,
- VOC content,
- Results from PEF durability tests and,
- Site specific data for the manufacturing of this product,

the tool produces the results in terms of PEF score and its 16 impact categories. The user can also set a portfolio analysis for up to 50 different products. This enables him/her to compare the different products in terms of PEF score and CO₂ emissions.

It is also required under the Recommendation on the use of Environmental Footprint methods for the PEF users to get their PEF studies 3rd party certified.

A new version of the PEF tool with EF 3.1 datasets will be rolled out in 2024, but to make any official PEF study the PEFCR for decorative paints needs to be up to date and validated by the EC. <

What does CEPE offer you?





CLP and Hazard Communication

The issue

The Classification, Labelling and Packaging (CLP) Regulation (EC) No 1272/2008 is one of the two key pillars to chemicals legislation in the EU (the other being the REACH Regulation). As you would expect, it is absolutely essential to have a comprehensive set of rules and criteria available to be able to correctly determine whether a chemical substance poses a hazard to either humans or the environment. CLP was historically broadly aligned with the global UN Globally Harmonized System of Classification and Labelling of Chemicals (UN GHS), so that informing and understanding the hazards was done in a uniform way (between countries signed up to UN GHS). However this is no longer the case - 2023 was the year when full divergence took place between CLP and GHS, due to the introduction of new hazard classes into CLP.

The EU political environment

As part of the current overall revision of the CLP Regulation, new hazard classifications were introduced in April 2023 to cover the following 'hazards' that substances could be identified as:

- Endocrine Disruptors (ED) for Human Health and for the Environment (Category 1 and Category 2)
- Persistent, Bioaccumulative and Toxic (PBT) and Very Persistent, very Bioaccumulative (vPvB)
- Persistent, Mobile and Toxic (PMT) and Very Persistent, very Mobile (vPvM).

Guidance is being developed to provide details on the criteria and to as-

sist with the authority decision-making – the Endocrine Disruptor guidance being the most important as labelling substances as e.g. Category 2 EDs (suspected) could have significant implications. The EU authorities are now actively encouraging the UN's Sub-Committee of Experts on GHS to consider introducing these new hazard classes into GHS. However this will be several years' away, as they have requested the involvement of the Organisation for Economic Co-operation and Development to consider the criteria and importance of having such hazard classes within the GHS.

The other legislative text relating to the CLP revision has now been agreed on between the European Parliament and Council, with the support of the European Commission (EC), and was shared publicly on 20th December 2023. This now has to be translated and ratified before being fully adopted in Spring 2024. Several key issues from this revision are expected to have an impact on our members, including the new minimum formatting requirements for labels (especially minimum font sizes), the very short transition period (6 months) for relabelling in the case of self-classification of substances, and some restrictions on the use of and wording for green claims when promoting products. Other impacts are still to be clarified, as the final text becomes law, and associated guidance is developed and published. There are also additional requirements being introduced for distributors of products relating to the poison centre notification and legislation (Annex VIII of CLP). The CEPE team have been very active throughout the discussions and final decision-making processes on the CLP revision, with the font size topic being the very last issue that the parties had to attend to during the trilogue discussions. Although the final result was not what we were hoping for,

the strong visibility of CEPE within the industry association community, with the EC and with MEPs will be important for bringing attention to our position on future issues.

What can we do and how?

Our sector is recognised as a major downstream user sector with a wide range of product types and uses, thus any changes to the CLP legislation can have a major impact on member activities. Tracking all the proposed changes and repeated rounds of amendments through the 12 month-long process that was needed to discuss and agree on the revised text for CLP, has been very time-consuming and required the development of several position papers and information notes, as well as multiple meetings with representatives from the authorities. It is extremely challenging to get both the technical arguments in place as well as choosing the optimal political strategy, so that the arguments are presented at the right time to the appropriate people during the Ordinary Legislative Procedure (OLP) process.

Regarding the current impacts of CLP, most of the focus is on the Adaptation to Technical Progress (ATP) procedure through which the harmonised classifications (and reclassifications) of substances are introduced into law. This involves regularly reminding members of the timelines for the existing ATPs and informing members of future planned ATPs (which are discussed within the Competent Authorities for REACH and CLP (CARACAL) meetings). There are always at least a handful of substance within each ATP that have an impact on CEPE members – some may refer to changes in how to handle and package a product, others may be more significant as the more serious classifications such as Carcinogenic, Mutagenic or Reprotoxic (CMR) triggers more significant impacts through other legislation. The resulting 'domino' effect of changes to classification are identified and shared throughout the CEPE community, whether this be onward impact on substance approval under the Biocidal Products Regulation (BPR), the impact on packaging and transportation of mixtures, or the ban on use of certain substances for certain applications e.g. in products for the general public. Another key impact of a reclassification is the use of substances under EuPIA's Exclusion Policy, sometimes triggering a need for these to be substituted.

What have we achieved?

The two LSDS groups within CEPE continue to provide a platform for members to discuss CLP-related issues, and to see if a common approach can be followed for some of the more challenging issues. One example was a new information note on the use and presence of nanoforms in mixtures, and whether these should be reported in Safety Data Sheets. The revision to Annex II of REACH (end of grace period December 2022) has been particularly challenging due to the delayed activity and poor response from many suppliers, once again demonstrating that downstream users are wholly reliant on responsible, compliant suppliers to be able to create and revise Safety Data Sheets. CEPE members have also shown their support for new initiatives with sister associations and platforms (through DUCC and Cefic Task Forces and other groups), with excellent attendance at meetings focused on Supply Chain Communications and digitalisation. The numerous consultations and position development and engagement with members during the CLP revision was very important, to ensure that there was alignment within the industry and that the key topics remained in focus. The font size impact assessment initiative was also well-supported by members, and highly appreciated as the final position paper was prepared in a very short space of time.

What are the remaining steps?

The overall implications and impact of the revision to CLP need to be established, discussed and finalised, so that members can prepare themselves for the changes that will be needed over the coming 3 – 5 years depending on the transition periods that were applied in the legislation. Interpretation of some parts of the revised text is also needed, to keep industry alignment. Much of this work will be recorded through changes to the CEPE CLP guidance document (currently 12th edition from 2022). Additional efforts can also be made to try and minimize the impact by sharing ideas on how to comply with the new legislation without expending significant resource (human and financial). Launching new advocacy campaigns to encourage the greater use of digital means to convey information may be part of this in future. <

«CLP now officially diverges from GHS with the introduction of new hazard classes»



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REACH

The most ambitious piece of European legislation implemented over 15 years ago has been the subject of intensive discussions for over three years under the EU Green Deal and Chemical Strategy for Sustainability (CSS). The REACH 2.0 proposal was scheduled for publication at the end of 2023 but has been delayed due to the European elections of June 2024. Discussions are expected to resume in 2025. In the meantime, the existing legislation continues to have major impacts on our sectors' activities.

The issue

REACH stands for: Registration, Evaluation, Authorisation of Chemicals. Although the title does not incorporate it, the Restriction on placing on the market and use of chemical substances also falls under REACH's remit. Several current and upcoming restrictions are already having or are going to have an impact on the use of chemical substances in paints, coatings and printing inks.

The EU political environment

REACH is now widely recognised as the most successful and comprehensive chemicals legislation worldwide, with many non-EU countries using the basic framework for their own purposes, such as K-REACH (S. Korea), UK REACH and KKDIK ('TURKREACH'). Also, many countries have adopted and inserted the different REACH elements into their own existing chemicals legislation. However, the task of registering, evaluating and then taking appropriate regulatory action on over 26,000 substances (at time of writing the European Chemicals Agency (ECHA) database holds 26,866 records) is understandably a very time and resource-consuming process, and there is now considerable pressure on the authorities to accelerate the procedures. One of the key objectives of the CSS is to adapt the REACH legislation accordingly. However, it remains of course essential that decisions taken are based on sound scientific principles, data and information, and not rushed through to satisfy political agendas. At the same time, our knowledge of chemical substances, and their hazards, has advanced tremendously in recent years, resulting in an ever-increasing list of chemicals requiring action, due to concerns over their impact on human health and / or the environment. Considering this context the authorities are working on revising the REACH legislation to make it fit

for purpose for the next generation. In the meantime, there is already a sense of urgency from the authorities and from ECHA to complete the existing evaluations, identifying substances of possible concern, and taking the subsequent decisions on regulatory action, where warranted. A new 'Restrictions Roadmap' document has now been introduced to cover the Restriction activities until the revised REACH legislation takes effect. We are now seeing an increasing tendency by the authorities to propose Restrictions for groups of substances, and for REACH actions to be proceeding in parallel with Classification, Labelling and Packaging (CLP) harmonised classification proposals, rather than the more traditional and logical approach of following in sequence. Both of these activities are already causing considerable disruption and confusion on the market. In addition, the overall tendency for the authorities to take a 'hazard-based' and ultra-precautionary approach to decision-making regarding chemicals legislation, rather than remain within the existing 'risk-based' framework, is of very great concern. These approaches are gaining momentum and are being introduced in the European Commission (EC) and ECHA guidance documents, as the EU strives to reach its ultimate objective of a 'toxic-free' and 'safe and sustainable' chemicals environment.

What can we do and how?

The core activity for CEPE is the continuous close monitoring of any activities on chemical substances that may have an impact on members' products. This includes tracking the path of key substances through the REACH process, providing information on volumes and use scenarios, and raising concerns when it appears that regulatory action could have a significant impact on one or more of the paint, coatings, printing inks and artists' colours sectors. So, there is both an information aspect to our



Registration Evaluation Authorisation of Chemicals

work as well as an advocacy aspect (defending the use of key substances where possible) and raising the awareness of substance use to encourage a pragmatic approach to regulating them.

Most of this effort is focused on current and proposed Restrictions that emerge from the evaluation procedure, as Restrictions on certain key substances used by our sectors are already in place. In several cases a dedicated Task Force has been set up for the CEPE community to share information, to discuss and to agree on a CEPE position and approach to a Restriction. This is the case for di-isocyanates (used in 2-Component PU coatings), formaldehyde (affecting curing agents and biocides), bisphenol A (epoxy coatings), melamine (MF resins in industrial coatings or straight melamine in intumescent coatings) and microplastics (see separate article on page 25). All of these have seen developments over the course of 2023 (see separate article on substances on page 26).

In addition to restriction activities on substances, the Candidate List of Substances of Very High Concern (SVHCs) continues to grow (there are currently 235 substances on the list). These 'most harmful' substances are intended for possible Authorisation, requiring users to apply for permission if they want to continue to use the substance, which are limited in time to force substitution. Additions to the candidate list are usually made twice a year by the authorities, after extensive discussion and decisions taken within the appropriate REACH-related committees.

Although the future of the Authorisation procedure remains uncertain in the new revision of REACH, the listing of a substance as an SVHC effectively puts considerable pressure on our sector to substitute the substance where possible, or if not possible to prepare a comprehensive set of information to demonstrate why we need to continue using the substance.

Other REACH topics that require our attention include the discussions relating to the future registration and evaluation of polymers / groups of polymers, and the need for our members to comply with the requirements relating to supply chain communication, proving safe use, information sharing and reporting to the authorities. The REF-series (REACH-EN-FORCE) of planned enforcement activities are also monitored closely, as these can sometimes impact member activities. A new addition from ECHA in 2023 was the introduction of Assessment of Regulatory Needs (ARN) reports. These are technical documents reporting on different groups of substances and indicating possible regulatory actions based on chemical structures and limited studies on hazards. These are needed in order to support the general move towards classifying and legislating substances in groups rather than individually. However the ARN approach does raise a number of concerns – although not legally-binding, it will influence the authorities in their discussions and decision-making, and there is no official process designed to allow industry to provide comments to ECHA on the content of their ARNs.

« The REACH revision has been postponed, but the elements contained in the CSS e.g. shift to a hazard based approach, essential use concept remain valid »

What have we achieved?

For an overview on specific substances please see separate article on substances on page 25). Please also see the article on the microplastics restriction on the next page.

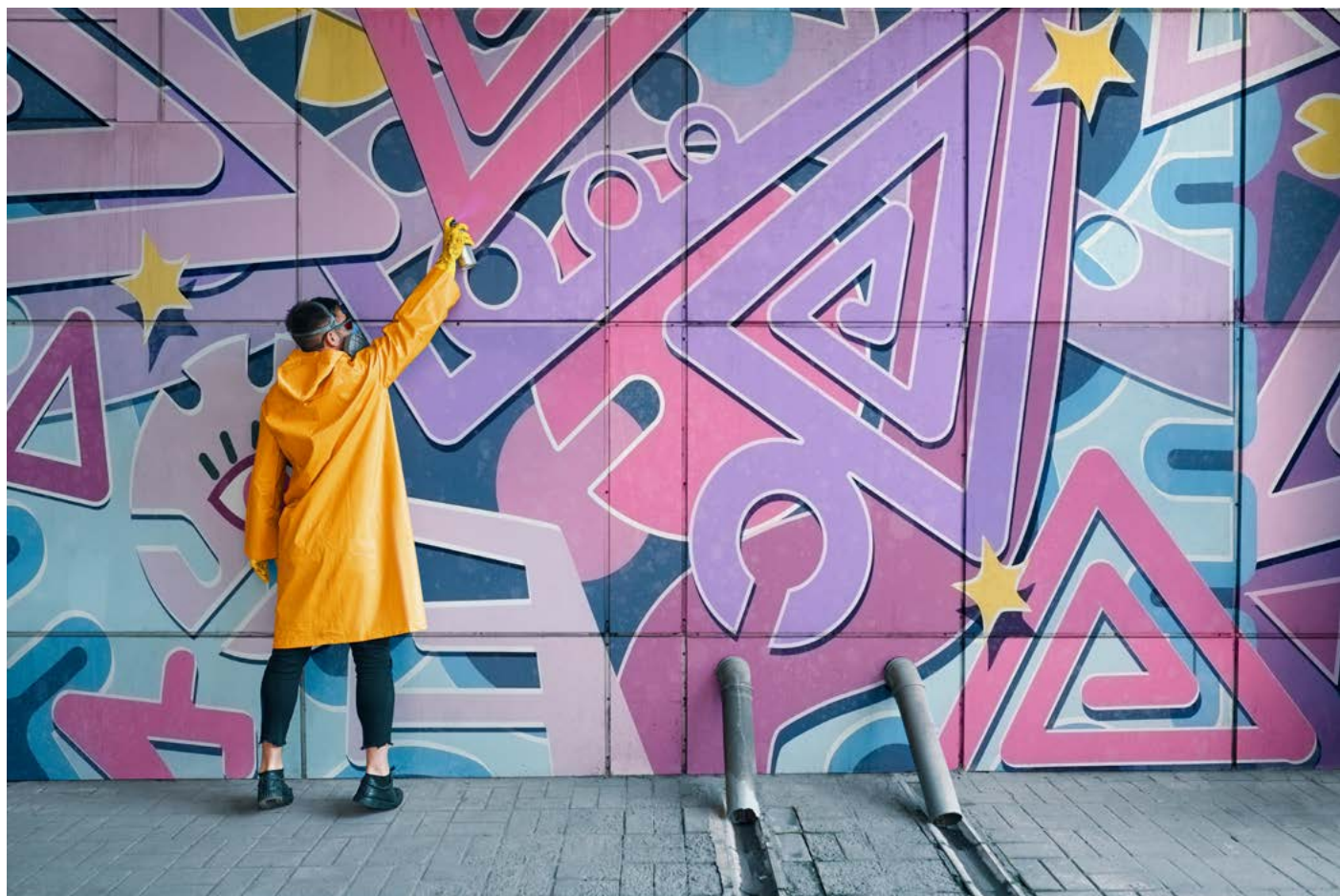
The basis for proving safe use of substances is the CEPE Use Maps, specifically the SWED-SUMI approach that was developed several years ago. The supporting documentation is now requiring some considerable maintenance in light of recent discussions, as well as requests from ECHA and CEFIC contacts. Most of the work has been completed – the CEPE SWEDs have been completely overhauled to match the approach used by other downstream users. The final step is to create appropriate files and documents for submission to ECHA and their Use Map library. At the same time CEPE members have provided considerable support to the Supply Chain Communications Task Force set-up by the Downstream Users of Chemicals Co-ordination group (DUCC) which is engaging both up and down the supply chain on the topics of digital transfer of information and minimum information requirements. During the course of 2023, CEPE also worked on improving the SpERCs (Specific Environmental Release Contaminants), for all 3 stages – formulation, application and service life / end use in articles.

What are the remaining steps?

Activities surrounding key substances will continue in 2024 with new ones likely to appear, such as a general restriction on skin sensitising substances used in all consumer products. The issue of secondary microplastic i.e. the release to the environment during the service life of a paint is expected to be addressed under a new EU Regulation, the Eco-design

for a Sustainable Product Regulation (ESPR – see separate article on page 13). The proposed Restriction on Polyfluoroalkyl Substances (PFAS) is of particular concern, as this is likely to include PTFE waxes (used by multiple CEPE sectors) and fluoropolymers (a highly durable technology used in outdoor protective coatings). In addition, classifying melamine as a SVHC will have considerable ramifications for several CEPE sectors, including the intumescent coatings and those sectors relying on melamine-formaldehyde curing resins for stoving systems (e.g. can, coil, wood coatings). Other SVHC classifications are in the pipeline and will also undoubtedly have an impact. The further development of the requirements for registering polymers under REACH is going to need careful monitoring and good engagement with the polymer suppliers, to ensure that the information provided is correct and manageable. In addition, the proposals to introduce a new 'Mixture Allocation Factor' (MAF) will have a very profound effect on the approaches that can be taken to prove safe use of mixtures. This will probably result in less opportunity to rely on upstream supplier information and recommendations, and a greater need to run higher tier (Tier 2) risk assessments on substances using very specific data on the concentration of certain substances in mixtures and the use and exposure times and conditions.

The REACH legislation is recognised as a comprehensive and successful framework for legislating chemicals. However, our fear is that the challenges resulting from the revision of this core regulatory pillar could lead to extremely complex issues, bans on key substances and unworkable scenarios, ultimately impacting on the availability of substances and mixtures 'in the toolbox' for our members to use to formulate their products.<





Source: shutterstock.com - SIVStockStudio

Microplastics

The issue

The presence of microplastics in different environments and their impact on the eco-systems, biodiversity, and human health form part of the concerns of the European Commission (EC) in the context of a global strategy to tackle plastic pollution and marine litter.

The most recent actions on microplastics by the European Authorities at regulatory level are two regulatory initiatives that aim to decrease the presence of microplastics in the environment. The first one is the REACH restriction on microplastics intentionally added to products which was adopted in October 2023 and which has brought new obligations to some CEPE members. The second one is a proposal for a Regulation on preventing plastic pellet losses to the environment. In principle, CEPE members are not in scope of the plastic pellets regulation proposal; however, this cannot be completely confirmed due to the on-going discussions as regards the definition of plastic pellets.

The latest EC report on microplastics, published in October 2023, identifies paints as one of the main sources of microplastics in the environment. Therefore, paints will most likely be one of the product groups targeted by future regulatory actions.

What can we do and how?

The CEPE Microplastics Task Force was set up to address all the developments. Currently, it is working on a Microplastics Guidance to support members in the implementation of the microplastics REACH restriction.

In addition, two CEPE Microplastics Research Working Groups were created to lead research on microplastics in coatings. One group is leading research to develop a method for measuring the release of microplastics from an experimental antifouling paint. The second research group is studying the release of microplastics and soluble particles from a styrene acrylic based paint that is commonly used on concrete facades.

What have we achieved?

Some very preliminary results from the two studies are available and will be discussed in the relevant groups. This is the first basic research project of its kind that should deliver interesting qualitative information and may be the basis for other research projects in the coming years.

What are the remaining steps?

CEPE will continue providing support on the implementation of the restriction. The Microplastics Guidance to support members in the implementation of the microplastics REACH restriction should be available in March 2024.

Also, CEPE will closely monitor the developments as regards the plastic pellets regulation as well as the introduction of new potential regulatory measures from the EC on microplastics.

The results of the two research studies will also allow CEPE to better engage with stakeholders and to defend the coatings against some misconceptions and wrong data currently available. <

Substances advocacy

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CEPE supports several key substances which are under regulatory pressure. Even though the REACH revision has been postponed, regulatory activities continue under the existing legislations.

The EU political environment

The CLP Regulation (Classification, Labelling and Packaging of substances and mixtures Regulation (EC) N° 1272/2008) takes care of classifying chemical substances in Europe. The classification of a substance is based solely on its hazard. There is no space for arguments linked to exposure, risk in use or socio-economic impact. The CLP process is quite unpredictable, and experience shows that, most substances come out of the classification process with a worse classification. CLP is increasingly affecting chemicals, substances and mixtures, in particular due to the new hazard classes that were added in 2023, as it has direct consequences on all chemical legislations.

The REACH Regulation is the main Regulation addressing the safety of chemicals. There are many more specific legislations affecting chemicals (such as safety at work, Seveso, Industrial emissions, Construction Products, Biocides, Food Contact) but most of the regulatory activities causing difficulties for the continuous placing on the market of our products take place under REACH. REACH integrates a risk-based approach (a risk is the combination of the hazard and the exposure – when the risk is acceptable for a specific use there should be no need to regulate the substance further). It also includes some hazard-based considerations such as the Substance of Very High Concern (SvHC) or the Generic Hazard Approach. The future REACH Regulation will integrate many more hazard-based decisions, following the new hazard classes identified in CLP.

Titanium Dioxide (TiO₂)

The issue

This dossier was a CLP dossier. In 2016 the French authorities proposed a classification for carcinogen by inhalation category 1 (the worst), for all forms of TiO₂.

It must be noted that the full review of the TiO₂ REACH dossier under REACH is still ongoing and new toxicological studies have been carried out including on genotoxicity.

What can we do and how?

In the past, CEPE created several dedicated groups and put the necessary resources to address this issue. These groups are now dormant as the CLP discussion is over. However, we remain vigilant about possible new developments and the remaining consequences for downstream legislation. We are also still involved in the ongoing court case.

More recently, a Particle Platform was set up in CEFIC and two of our members' toxicologists are directly involved and report to the CEPE ES-RAG group.

What have we achieved?

In the past, CEPE put in a lot of efforts in this essential and number one

pigment as the classification was not deserved (it is a dust lung overload effect not intrinsic to TiO₂). For three years, TiO₂ was the number one dossier for CEPE. CEPE also supported the Court Case filed by the manufacturers against the classification. After years of discussions, the classification of TiO₂ was brought down to a Category 2 with a derogation for mixture. These efforts resulted in a positive outcome for liquid mixtures.

The European Court of Justice (ECJ) published its judgment in November 2022 (Press Release 190/22 of 23 November 2022) and concluded that the EC had made a mistake and hence annulled the classification of TiO₂, which should oblige the EC to modify the 14th ATP to CLP. The ECJ ruling is based on two facts (extract from the Press Release) "First, the Commission made a manifest error in its assessment of the reliability and acceptability of the study on which the classification was based and, second, it infringed the criterion according to which that classification can relate only to a substance that has the intrinsic property to cause cancer". The second fact is very important for other Poorly Soluble particles of low Solubility (PSLTs), such as carbon black or iron oxide. Indeed, with this the ECJ clarified the intention of CLP for 'intrinsic toxicity', hence a 'dust effect' is not deemed to be intrinsic.

What are the remaining steps?

The EC appealed and at the time of writing we are still waiting for the outcome. In the meantime, the classification remains valid.

CEPE will continue to support the legal action and monitor possible future developments.

Bisphenol A (BPA) and related bisphenols

The issue

BPA has been under heavy pressure for many years due to its hazards, including endocrine properties. Currently, most BPA based technologies used in our industry (epoxy coatings) have not been restricted due to the low residual content in resins. They are largely used in applications such as construction, automotive, including powder coatings. The identification of a substance as endocrine disruptor (Category 1) triggers a lot of regulatory activities and a push towards its ultimate elimination in Europe. There are still currently 3 regulatory activities:

1) In 2023 the German Authorities withdrew their proposal restricting the use of BPA and related bisphenols (the B, F, S and AF are directly concerned). This restriction was based on concern for the environment (endocrine effects on environment without a threshold). For other bisphenols that will demonstrate similar concerns a direct link between their classification and a restriction was envisaged. This follows the comments received during the public consultation. We do not know how they will modify their proposal but we have been informed that they should re-submit it in 2024.

The restriction covered many different uses where the dossier submitter analysed the potential emissions to the environment from cradle

to grave and proposed the following:

- Shall not be placed on the market in mixtures and articles in a concentration equal to or greater than 10 ppm (0.001% by weight)
- This shall not apply to mixtures and articles where the bisphenols listed in Annex X are either covalently bound to any type of matrix (i.e. via functioning as a cross-linker) or are used as intermediates in the manufacture of polymers, and for which:
 - contact to aqueous media in any form (i.e. also cleaning) can be excluded during their reasonable and foreseeable use throughout their service life or
 - the migration limit in the respective mixtures and articles does not exceed 0.04 mg/L over the entire service life. Conditions for migration testing are described in Annex Z below.

Outdoor epoxies are exposed to weathering and the determination of a migration during service life is not easy. However, specific derogations were provided including for epoxy resins: Concentration limit of 65 ppm for the placing on the market of articles manufactured with solid and semi-solid epoxy resins. Concentration limit of 1 ppm for epoxy resin mixtures intended for consumer uses.

2) The final European Food and Safety Agency (EFSA) opinion was published in Spring 2023 concluding in the reduction of the tolerable intake (exposure) by a factor of 20.000. The EC is preparing a measure to ban all food contact applications for BPA and related bisphenols, which is expected to be adopted in Q1-Q2 2024 and which will impact our industry.

3) The revision of the Operator Exposure value (OEL) is ongoing. The EU Agency ECHA is proposing a reduction of a factor 10. At the time of writing a public consultation is ongoing but it does not seem that this will impact our industry.

What can we do and how?

CEPE has established a dedicated BPA group which supports the CEFIC Epoxy Resin Committee where necessary.

What have we achieved?

Estimates of release and samples of coating systems have been provided in the past for leaching testing purposes. The analysis of the previous proposed restriction by the CEPE BPA TF was that it should be manageable for mixtures and articles. The TF had therefore decided not to provide comments under the previous consultation.

What are the remaining steps?

The BPA TF will be active whenever necessary and especially when the new restriction proposal is published in 2024.

Source: shutterstock.com - FamVeld



PMT properties (Persistent, Mobile and Toxic). This should be the first PMT substance to be classified as such under the revised CLP Regulation (see separate article on page 20) and this identification signals more regulatory pressure to come. At the end of 2023 ECHA and Member States identified melamine as a priority substance to be included in the REACH Authorisation list, which ultimately is a de facto ban in Europe. It is still unclear if derogations will be granted but it is sending a clear signal to industry.

What can we do and how?

A dedicated melamine group has been established within CEPE which supports the CEFIC EMPA (European Melamine Producer Association) where necessary. Leaching testing and advocacy information (qualitative and quantitative arguments) are needed to prepare for a strong regulatory action towards the Authorities.

What have we achieved?

The CEPE melamine group was successfully established and discussed data generation to understand possible estimates of release to the environment. The main activity is led by the intumescent coatings group which is working on a work programme that includes a leaching study, an impact assessment and an analysis of alternatives. CEPE also held several meetings with EMPA and other downstream user associations.

What are the remaining steps?

The intumescent group has to pursue its efforts to launch the work programme. It remains to be decided if something similar is needed for the uses of melamine-formaldehyde resin in several industrial applications. CEPE will continue in the meantime to monitor future regulatory actions.

Melamine

The issue

Melamine is used in melamine-formaldehyde resins in several industrial coatings such as wood or automotive and is also used as such in intumescent coatings as blowing agent.

The issue is linked to the observation that this substance is present in the environment (surface waters) at relevant levels and this can only be due to human activities, as melamine is not present in nature. The difficulty is to identify the relevant sources of contamination. As for BPA, it could be due to the release during service life, hence the German Authorities have not only requested data but are also putting pressure through regulatory action.

At the end of 2022 melamine was classified by the Member State Committee of ECHA as a Substance of Very High Concern (SVHC) due to its

Other substances

Substance	The issue
Formaldehyde	Its classification as a carcinogen by inhalation category 1 has led over the years to regulatory actions such as a REACH Restriction and a revised occupational exposure level. Recently, Formacare informed us of the opinion adopted by the French Agency stating that formaldehyde causes myeloid leukaemia in humans.
Silicones	Silicones are polymers based on the building blocks called D4, D5 or D6, which have some PBT properties (Persistent Bio-accumulable and Toxic). A REACH Restriction is ongoing which should be workable for our industry. The new development is the possible addition of silicones to the Stockholm POP Convention. Indeed, the EC intends to 'export' their EU regulatory decisions to the rest of the world by using international tools such as GHS for CLP and POP for some REACH decisions. That Convention was not designed for that purpose.
Di-isocyanates	Di-isocyanates are the basic substance needed for the polyurethane chemistry. They are classified as respiratory sensitisers which triggered a REACH Restriction. The restriction is in force, and we have fulfilled our legal duty by generating training material (available online through a central platform) for the mandatory training of professional and industrial users. New binding occupational exposure levels have been adopted. Also, under REACH the Chemical Agency ECHA has conducted an Assessment of Regulatory Need (ARN) concluding that it may be necessary to extend the above-mentioned REACH restriction to other related substances (dimers, trimers, oligomers), and perhaps extend the old restriction that exists for MDI for consumers.
PFAS	This is a very big group of substances (10 000+) that have some persistent properties as they are often called the 'forever chemicals'. The unsurpassed stability and service life of that chemistry also means that it will persist in the environment if released. Our industry has some, but limited, uses such as PTFE waxes or PVDF and FEVE based binders. A REACH Restriction of an unprecedented extent (and impact) was published by several EU Member States. Thousands of comments were submitted during the public consultation in 2023 due to the importance of that chemistry and the huge diversity of uses that exist in our society.
	Many more substances are under regulatory scrutiny. Updates are provided during the CEPE Regulatory Quarterly Updates and a database is available for members.

Chlorinated Organic Pigments & trace contaminants

The issue

Chlorinated organic pigments all contain very low (< 50ppm) trace levels of contaminants known as polychlorinated biphenyls (PCBs). These are present due to three possibilities – PCB contamination in the raw material, cross reactions when using chlorinated solvents in solvent process production of pigments, and other unwanted reactions due to the need to use specific reactants. PCBs are identified as Persistent Organic Pollutants (POPs) under the (EU) Regulation 2019/1021, which reflects the global POPs regulation linked to the Stockholm Convention.

What can we do and how?

The EU's authorities would like to set a legal limit for the PCB content in all chemical substances and raw materials used in the EU. This is referred to as an Unintentional Trace Contaminant (UTC) Limit. There is a specific POPs Experts Committee, made up of the EC and Member State Competent Authorities experts, that proposes and decides on such matters. Their first proposal (November 2022) was to set a UTC for PCBs of 10ppm. This would have meant that several key pigments used in paints, coatings, printing inks and artists' colours would have been banned due to too high PCB levels – it is not technically possible at the moment for all organic pigments to reach such a low limit.

A new EuPIA WG was set up to discuss this topic which now also includes some paint companies and which has been leading the dossier for Industry since mid-2023.

What have we achieved?

CEPE was invited to attend the June meeting of this POPs Experts Committee, the creation of an industry coalition and the publication of a comprehensive information paper in July which led to the withdrawal of their proposal. Unfortunately the EC has now responded with an even worse proposal (0.1ppm), which is totally unworkable and will have a very extensive impact on our sectors.

What are the remaining steps?

The EuPIA PPP ad-hoc WG has prepared a new position paper to inform the authorities as to the devastating impact of a 0.1ppm UTC limit. Advocacy is also continuing at Member State level with the support of the National Associations. Other EU industry associations are also being brought into the discussion and encouraged to comment to the authorities, as the impact will be very wide-reaching for many different industries if the 0.1ppm proposal is adopted, potentially resulting in the relocation of pigment, mixture and final article manufacture to locations outside of the EU. This perversely will undoubtedly lead to an increase in PCB content circulating within the EU. <

«The number of substances under scrutiny is forever increasing»

What can we do and how?

CEPE has a dedicated task force for formaldehyde. CEPE also supports the work of the CEFIC Formacare group.

CEPE has supported the manufacturers, through their Silicone Europe CEFIC group. They are fighting this potential POP addition as it is not proportionate.

CEPE has a dedicated Task Force on di-isocyanates. Also, we participate in the exchange panel together with the manufacturer and other downstream users associations. Active contribution is required.

Not all CEPE members are interested in that chemistry generally used in specific niche applications. CEPE is not directly involved. Some of CEPE members have contributed to the public consultation on an individual basis.

Monitor the regulatory developments regarding the +/-600 substances in the CEPE database and inform members.

What have we achieved?

Ongoing support to Formacare.

We supported the CEFIC group by co-signing documents and participating in surveys.

Active contribution including the development of training material.

This issue is not handled within CEPE

Actively informed the relevant CEPE groups on substances of interest; maintained the CEPE database up-to-date.

What are the remaining steps?

CEPE will continue monitoring the fate of formaldehyde and provide support to Formacare when needed.

CEPE will continue supporting the manufacturers when needed.

CEPE will continue monitoring the fate of that group of substances and provide support to the manufacturers when needed.

CEPE will monitor the fate of the restriction.

Continue the same service to members.

Biocides

The issue

Biocides are used in small amounts as additives to increase paint and ink durability. For example, without preservatives one in four buckets of paint spoils, generating an important amount of unnecessary waste. Biocide preservatives are part of the solution of sustainable development. However, the current challenging regulatory framework is causing concern amongst the paint and ink industry regarding the future availability of preservatives.

Since the EU Biocidal Product Regulation (BPR) entered into force, a very complex system has developed and as a consequence, manufacturers of preservatives rarely bring new preservatives to the market. At the same time, there is a safety review mechanism that is reducing the number of existing preservatives that can be used.

The EU political environment

Before 1998 biocides were very poorly regulated in Europe: only some of the products were regulated in a few Member States. The preservatives were almost non-regulated (except wood preservatives). The Biocide Product Directive was adopted that year, then replaced by the BPR in 2012 (because the former did not work properly). By May 2000 the industry was requested to identify all the existing active substances and their uses (called Product Types) present on the market (around 1000 substances), and by 2003 the industry was asked to submit information to support the most important substances (estimated to be approximately 350). From 2004 to 2008, the industry was asked to submit full data packages for these substances. The in-can preservative dossiers were submitted in 2007 and the dry-film preservative dossiers in 2008. The review of existing substances then started. Member States were allocated substances to review. Most of the in-can and dry-film preservatives still have to be reviewed. Concretely, many files have been on the table of the competent national ministries for 15 years with no progress.

The review was supposed to end in May 2010, but was postponed twice. Now in December 2023 less than half of the review programme has been achieved and a third extension is requested. More than half of the active substance/product type combinations are still lacking finalisation. It is unlikely that an additional 5 years will allow all the remaining tasks of the review programme to be finalised when it took 15-20 years for the first part. Furthermore, in addition to the first review of active substance/product type, the system now has to handle the renewal of the first approvals, both for active substances and for biocidal products, adding to the overall burden.

In addition to the above-described challenging regulatory framework, there is also the difficulties encountered to obtain information on alternatives when a biocide active substance meets the exclusion or the substitution criteria (Art. 5 and 10 to the BPR). This is especially true due to the diversity of uses and the technical requirements for downstream products, in particular treated articles.

Downstream users (DUs) should play a key role in the analysis of alternatives as they best know their product specific requirements (technical function) for their application (such as paints and inks). A change in bio-

cide protection always requires significant testing and formulation adaptation and that expertise lies with the manufacturers of downstream products. Also, DUs like CEPE members do not have any vested interest in specific substances as long as they have sufficient tools to protect their products.

What can we do and how?

CEPE has been deeply engaged for many years with the biocide regulators (at EU and national levels) to explain the essential need of preservatives and the possible upcoming crisis due to the unavailability of efficient products. We have developed advocacy documents used by our national associations as well as during official Biocide Competent Authority meetings in Brussels. We have continuously been in contact with other downstream users' associations, mainly the detergent industry, as well as with the biocide suppliers, to jointly address our common problem.



What have we achieved?

In the framework of the Chemical Strategy for Sustainability (CSS) and the changes that will be brought to the REACH Regulation, CEPE has been actively promoting a better analysis of alternatives (AoA) system in REACH. Indeed, similar difficulties are met in that legislation and the future hazard-based approach for the most hazardous substances will make it even more important for the European Commission (EC) and Member States to have robust and transparent information on alternatives at the right time to help the decision-making process.

During the Biocides Competent Authorities Meeting held in September 2023, the EC expressed its difficulties to reach an effective AoA procedure. CEPE took this as an opportunity to present its views on the topic and the result of its experience as downstream user.

What are the remaining steps?

CEPE, together with the help of national associations and a network of other industry associations, will continue to engage with authorities in the coming months and years. CEPE is also producing a series of documents aimed at raising awareness amongst decision-makers and stakeholders on the importance of biocides.<

«The future availability of biocides is at stake»



The European Food and Drinking Water contact legislation

Source: shutterstock.com - Tatevosian Yana



The issue

Food contact materials (FCM) and drinking contact materials (DWC) have their own separate legislation. They target specific uses and relate to direct, or indirect, human exposure by ingestion. They are, or have been, managed by other authorities than those for general chemicals. The DWC Directive has been revised and is in implementation phase while the FCM Regulation will be revised soon, with consequences for all the sectors impacted. Some of their specificities are treated under the concerned sectors (can coatings, printing inks, heavy-duty coatings – see the sector specific articles). The reason to cover them jointly in this article is to shed light on the different approaches of the EU chemical legislation for similar issues.

The EU political environment

As for other pieces of chemical legislation, the general concern of the population (among which through the Green Deal, non-toxic environment and Farm to Fork Strategy) that man-made chemicals pose an increased risk translates into changes in legislation.

For FCM, a general framework exists since 2004 which sets the general principles to demonstrate and ensure safety. Due to limited resources in the EU Agency responsible for it (EFSA – the European Food and Safety Agency) only a limited number of FCM could be dealt with so far, among which plastics but not coatings or inks (non-harmonized mate-

rials). The evaluation of that legislation concluded a few years ago that some improvement is needed, recognising that, should the same type of approach be taken for the other materials than plastic (such as coatings, paper or rubber), it would take 500 years with the current available resources. Therefore, the current approach of evaluating and listing the authorised starting materials with their specific limits cannot be done for the non-harmonized materials without a significant change of approach. That change is foreseen by the European Commission (EC) (DG SANTE) by concentrating on what migrates into food and beverage and no longer on the starting materials. Although understandable in theory, this approach also presents challenges both for industry and for surveillance authorities, as without knowing what is used to start with it is very difficult to guess what migrates and how to identify and evaluate any chromatographic peak. Therefore for FCM a robust system already exists at EU level attributed to EFSA but due to lack of sufficient resources and due to the new precautionary concepts developed under the Chemical Strategy for Sustainability for other chemical legislations (see the separate articles in this report on page 16) a totally new approach is being developed.

The situation for DWC is very different, even though the human exposure is very similar since it is about materials in contact with substances that humans ingest every day.

Until recently there was only a few national laws available for DWC and this has now been consolidated into EU legislation (Directive 2020/2184).

It is now in force and the EC (DG ENV) is implementing it step by step. The EU Agency in charge is the European Chemicals Agency (ECHA which is the same Agency as for general chemicals). In 2023 ECHA compiled the list of starting substances from the Member States which already had their national legislation for these materials. This list is now available and is used as a basis for further actions. It is envisaged to ask industry to petition – i.e. submit full toxicological and risk assessment dossiers – for all existing substances (2000+) but the deadlines are short.

Two quite different legislative approaches for a similar human exposure.

What can we do and how?

As for other important dossiers, the relevant CEPE groups engage in advocacy activities to ensure reasonable development and implementation of EU legislation.

The FCM are dealt with specifically under the Can Coating and Printing ink sectors. Recent developments on BPA also attracted the heavy-duty coating sectors (Protective, Marine and Powder groups) in such questions. The CEPE groups constantly discuss with the industry supply chain and the relevant Directorates of the EC.

A specific DWC Task Force exists in CEPE and had to be re-activated in 2023 due to the new development on positive lists. CEPE is also member of an Industry Alliance on DWC. These issues are mainly relevant for the protective and powder coating businesses.

What have we achieved?

Our industry has maintained a constant good relationship with the EC and other actors in the supply chains to advocate that legislation should be carefully designed and implemented.

On FCM, the final EFSA opinion published in spring 2023 and reducing the allowable exposure by a factor of 20.000 signals the end of the BPA-based epoxy technology. The can group has advocated with the supply

chain for a reasonable phase out period, while the heavy-duty coating advocated to be out of the scope or obtain a much longer phase-out period to allow innovation (see separate article on BPA on page 27).

On DWC, CEPE remained vigilant and informed members on the step-wise implementation of the new Directive by the EC and commented during a recent public consultation. We pointed out that the proposed approach is not reasonable in light of the burden for industry (the raw material suppliers mainly), the lack of resources at ECHA to perform these new tasks, the too short deadlines, the fact that it is a niche market raising the question if suppliers will want to engage in this, especially under a system that offers no data sharing! Indeed, as for food contact, this system does not offer any protection for the data generated by one company, with competitors able to free-ride and benefit from that work free of charge.

What are the remaining steps?

The different CEPE groups will actively engage in the discussions on the future FCM legislation expected around 2025 and will remain vigilant as regards future developments linked to the implementation of the DWC legislation. <

«The final EFSA opinion published in spring 2023 signals the end of the BPA-based epoxy technology»



Source: shutterstock.com - Sergey Mironov

Transport

More than 50% of all transported paints, coatings and inks are classified as dangerous goods. There are numerous international transport regulations which need to be closely monitored to ensure member compliance and engagement when a major impact is foreseen.

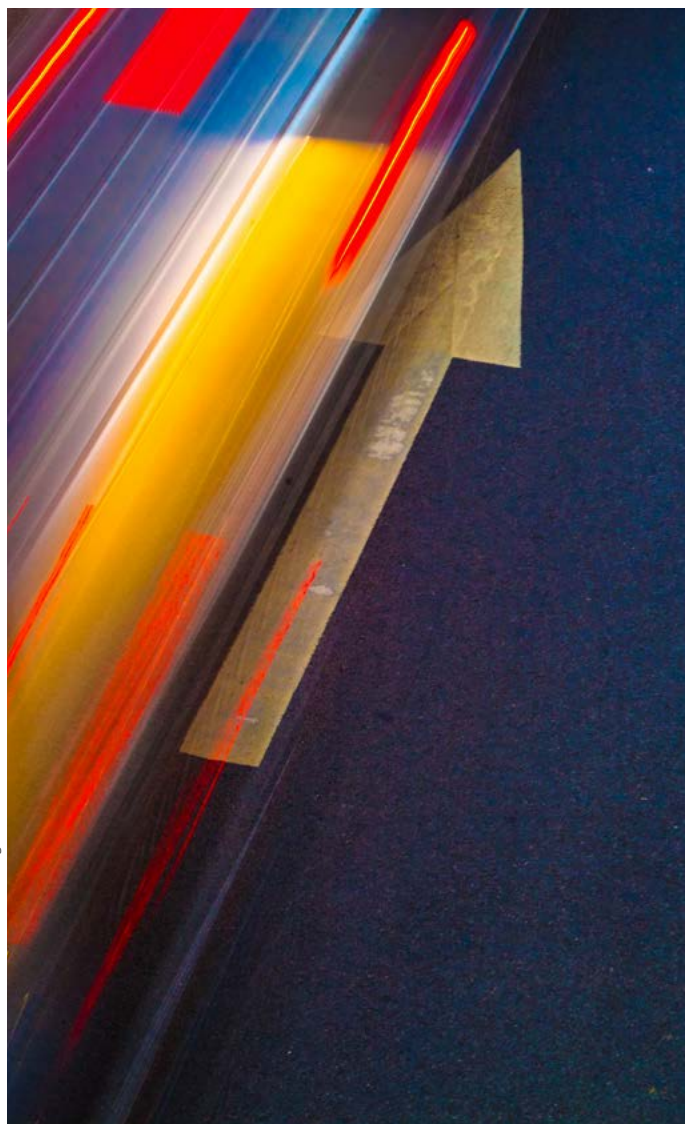
CEPE's Technical Committee Transport (TCT) focuses on the activities of the different international bodies responsible for regulating the transportation of goods by road, rail, air and on the sea. Much of the effort is concentrated on reviewing new proposals that are brought to the relevant committees, especially those involving potential changes to existing regulations on how to package and label different goods, and the modes of transport permitted to be used. The Committee also makes its own proposals to resolve current challenges faced by the paints, coatings, inks or artists colours' sectors.

The main regulations concerned are the overarching UN Model Regulations on the Transport of Dangerous Goods (MRTDG), the International Maritime Dangerous Goods (IMDG) Code for sea, the International Civil Aviation Organisation (ICAO) Technical Instructions for air and, in Europe and beyond, the International Carriage of Dangerous Goods (ADR), the International Carriage of Dangerous Goods by Rail (RID) and ADN for road, rail and inland waterways respectively. The TCT's work is carried out in conjunction with the World Coatings Council (WCC), and

with close cooperation with the American Coatings Association (ACA), to ensure comprehensive monitoring and that proposed changes are globally acceptable. The group also benefits from one key member who has extensive expertise in Chinese transport legislation, and the new changes that are being introduced, as well as the local requirements for shipping materials into Chinese ports.

There have been several specific key issues to address in recent years. The issue of the small packaging (5 - 30 litres) for UN 3082 class 9 environmentally-hazardous goods remains unresolved. The obligation to use UN-approved packaging for these mixtures when packed above 5 litres cannot be met by the current commercially available plastic packaging – only UN-approved metal cans are available. Many products need to be packaged in plastic for technical reasons, and for environmental reasons (footprinting and weight of plastic vs. metal). New working documents have been drafted and are or will be submitted to both the committee responsible for ADR matters and the main UN Sub-Committee of Experts for the Transportation for Dangerous Goods (UN SCETDG). Changes (derogations / specific exemptions) are going to be needed to be introduced into both Regulations during the coming year in order for current business activities to continue. Plastic packaging for decorative paints is of particular importance due to the need to seal / re-seal the packaging at point of sale after tinting to the required shade requested by a customer. An additional concern is the current direction of the discussions relating to regulating the transportation of plastic pellets on the sea. After considerable industry efforts over the course of 9-12 months to prepare and propose a consensus position that would be workable, the authorities of certain countries have entered the discussions with new more stringent proposals that will cause additional unnecessary administrative and cost burdens, specifying packaging and even potentially introducing specific classification criteria and packaging requirements for these materials. This issue will have an impact on solid polymer raw materials supplied into our industries, as well as powder coatings. Another topic of interest to the TCT is the importance of having common digital platforms for transport regulation communication and documentation. There appear to be multiple initiatives underway to introduce digitalisation into transportation activities, however these do not appear to be aligned, and could result in a greater demand on resources rather than supporting and helping reduce the administrative burden relating to e.g. transferring data from Safety Data Sheets to transport documentation.

The noticeable increase in member engagement, including the participation by members in several of the UN sub-Committee meetings, confirms the importance of ensuring that CEPE member issues relating to the Transport of Dangerous Goods are brought to the attention of the decision-making bodies, and that the issues are clearly explained so that pragmatic solutions to challenges can be presented and then supported by the introduction of specific legislation. Unfortunately it appears likely that further harmonised classifications and changes to transport classifications are going to result in additional work for the CEPE members' Dangerous Goods Advisors. <



Source: shutterstock.com - Zhu difeng

Artists' Colours

The issue

While EuACA members have very similar interests as other CEPE members, due to the nature of the raw materials they use, there are several topics that are of particular interest to our Artists' Colours groups, covered by the Sector Group and Technical Committee during their meetings.

The EU political environment

The revision of the CLP regulation brings new important challenges to the sector. In addition to the consequences related to the introduction of new hazard classes and the short transition period that has been stated, our EuACA members are directly impacted by the new labelling requirements related to the minimum font size. Due to the nature of the label of Artists' Colours products, this latest measure will considerably impact the sector. The new proposal for a Regulation on safety of toys which was adopted in July 2023 suggests, among other elements, new criteria of selection for substances and mixtures to be used in toys. Another regulatory measure impacting the sector is the Microplastics Restriction adopted in October 2023. EuACA members will also need to follow closely the developments of the Chemical Strategy for Sustainability (CSS) as part of the Green Deal activities, especially in terms of the essential-use concept (see separate article on page 16).

What can we do and how?

CEPE is closely monitoring regulatory changes that may have an impact on the EuACA sector. The creation of working groups to find solutions on specific topics is key when addressing members concerns.

What have we achieved?

CEPE participated in the public consultation on the Toys Safety Regulation Proposal and commented on the criteria on substances or mixtures used in toys. Microplastics restriction adoption brought new obligations to the sector. CEPE will publish a microplastics guidance to support members in the implementation of the microplastics restriction. As a result of previous discussions on the acknowledged issue of inconsistent results to EN71-3 testing from across the sector, and the need to minimise this problem, CEPE coordinated the creation of a Best Practice Guidance intended to be used as a key reference for manufacturers and testing laboratories when testing artists' colours or writing instruments products to the harmonised standard EN 71-3:2019 + A1:2021, in order to confirm compliance with the EU's Toy Safety Directive. This Guidance has been developed jointly by EuACA and the European Writing Instruments Manufacturers Association (EWIMA), with the support and assistance of Toy Industries of Europe (TiE), and Deutscher Verband der Spielwarenindustrie e.V. (DVSII), as well as the participation of accredited testing laboratory partners, who run such testing for these sectors.

What are the remaining steps?

The introduction of new elements through the revision of CLP will be of key interest to the sector. We will closely follow up developments on the essential-use concept under the REACH revision. CEPE will continue providing support in the implementation on new regulatory measures like the microplastics restriction and potential measures taken under the Toy Safety Regulation. <



Source: shutterstock.com - Siberian spring

Can Coatings

Can Coatings in direct contact with food are designed to be safe and rigorously tested. They fall under the scope of the EU Framework Regulation 1935/2004 on materials and articles intended to come into contact with food.

The Issue

There is growing concern amongst the EU population about all aspects relating to man-made chemistry and there is also a lack of trust that industry is doing a proper job in placing on the market safe products. This is also true for can coatings which are in direct contact with food. Although the cured film is a solid material in the metal can, one cannot exclude the possibility of some residual chemicals being transferred to food in very small quantities. The European Parliament (EP) has heard the concern and has put pressure on the European Commission (EC) to act. The latter has commissioned a study to understand if the current regulatory framework is fit for purpose. The final report was made available in July 2020 and concludes that "the overall performance of the legislative framework is not completely satisfactory due to insufficient availability of resources and important gaps in implementation and enforcement".

The EU political environment

Coatings for rigid metal packaging are essential to preserve food and beverages in healthy conditions for long periods. The coating prevents food contact with the metal and thereby ensures the quality of nutrition. Food contact materials are regulated under the Regulation (EC) No 1935/2004, on materials and articles intended to come into contact with

food. This regulation requires that materials and articles in contact with food be made according to Good Manufacturing Practices so that, under normal and foreseeable conditions of use, they do not transfer their constituents to food in quantities that could endanger human health. The EC may adopt specific measures such as a list of authorised substances, which it did for plastic materials, through the European Food Safety Agency (EFSA). However, the establishment of such lists requires significant resources which explains why they do not specifically exist for other materials such as coatings, glass, paper, ceramic, cutlery, rubber, adhesives, cork.

At the time, CEPE developed a Code of Practice to guide coating manufacturers and their customers to comply with the Regulation (EC) No 1935/2004. One of the sections of the guide identifies the substances that may be used and those that should not be used. Specific reference is made to the EU positive list for plastics but also to other acceptable lists established by various bodies.

The regulation also requires that traceability is ensured at all the stages of the production process in order to facilitate control. Procedures and documents are in place throughout the supply chain, however, due to its complexity it is difficult for the outside world to understand and trust what is in place.



The safety of materials in contact with food mostly lies with industry, which makes it open to criticism. The EP and EC are also calling for more scrutiny. For instance, EFSA, who is responsible to assess pesticides, was put under significant pressure and its neutrality and independence was challenged following the examination of glyphosate.

Increasingly, science is subject to controversy and several dossiers are treated on the basis of a political agenda.

What can we do and how?

The CEPE Can Coatings group is made up of a limited number of companies but which represent the bulk of the market. The experts participating in this group have, for the most part, been working in this area for many years. A close working relationship is also established with Metal Packaging Europe, who represents our members' customers and CEFIC, who represents our members' suppliers and Food Drinks Europe (FDE) who represents the end-users. Good communication along the supply chain is essential and has been in place for many years.

A cross sector group was also set up for sectors, who produce or use materials which come in contact with food (such as paper and board, kitchen appliances, glass), in order to adopt uniform principles to ensure compliance with legislation on food contact materials.

Today, risk assessment and risk management principles have been agreed. Each sector has to identify exactly how safety is ensured throughout its supply chains. Trust and transparency will be improved by the development of tools designed to help enforcement authorities.

This work aims at helping the outside world have more insight in what the industry is doing and thereby reduce concern about leaving safety issues in the hands of the industry.

What have we achieved?

The agreement by many industrial sectors of uniform principles for risk management and risk assessment is a success. Within our joint industry (the rigid metal packaging supply chain) a dedicated group (TSC-35) was established and has developed, over three years, guidance to demonstrate safety in food contact material, templates for the Document of Compliance (DoC) and are discussing the concept of a database to facilitate the work of enforcement authorities (digital traceability). This work is essential to be able to demonstrate to, ultimately, the outside world that the industry is acting responsibly and thereby avoid unnecessary new legislation.

The final EFSA opinion on BPA (bisphenol-A) published in spring 2023 which reduces the Tolerable Daily Intake (TDI) by a factor of 20.000 led to many discussions in our supply chain. Rebuttals were submitted during the public consultation, especially about the new scientific approach based on a non-conventional study. This EFSA opinion also led to controversy among the scientific community with, for instance, the European Medicine Agency publicly stating its disagreement with the scientific evaluation of EFSA. Nevertheless, the EC has the obligation to act and is preparing a proposal to ban BPA in all food contact applications. A vote was expected at the end of 2023 but was delayed. We expect the proposal to be published in Q1-Q2 2024 with an 18-month transition period for phasing out the BPA based food contact materials. CEPE has been in regular contact with the EC during Q3-Q4 2023 to ensure a smooth transition for can coatings, and to try and avoid heavy-duty coatings to be in scope.

A revamp of the EU food contact legislation has been in discussion in the EC for a number of years and is expected in 2025. The EC issued at the end of 2020 an Inception Impact Assessment, which we commented on together with our customers of the metal packaging industry.

During 2021, our industry was invited to present its views in several workshops/conferences. DG Sante of the EC has also regularly explained its current thinking i.e. to focus on what consumers can be exposed to rather than establishing positive lists of acceptable substances and their migration limits for all non-harmonised materials, and how to best amend the food contact material legislation to also take into account the Chemical Strategy for Sustainability (CSS) push for a more hazard-based approach. The CSS topic is discussed in a dedicated TSC-36 group involving our supply chain. In 2022-2023, several interactions with the EC revealed that there were some delays due to the fact that the subject is sensitive and difficult, but that a revision is still expected along the lines described above. Indeed, DG Sante of the EC has to take into account some of the concepts developed by other DGs of the EC for other pieces of legislation such as REACH (see separate article on the CSS on page 16).

What are the remaining steps?

As stated above the priority is to ensure a high level of safety and to prevent disproportionate legislation. There is still much to come.

Given the current EU political environment and the increasing concerns as regards endocrine disruptors and non-intentionally added substances etc. developments are likely. CEPE will continue to support the necessary work of the Can Coatings group. <



Decorative Coatings

By volume, the Decorative Coatings segment is the largest within the entire paints and coatings industry. It is still facing the same challenges as in the past, such as the EU Ecolabel, PEF, biocides, secondary microplastics just to name a few.

The Issue

The Decorative Coatings' priorities are similar to those of previous years.

1. The Chemicals Strategy for Sustainability (CSS)

The developments proposed in the Chemicals Strategy for Sustainability (CSS) (see separate article on CSS on page 16) could result in generic bans of substances in consumer and professional product.

2. Sell through period for re-labelling

One of the consequences of a reclassification of a substance is the issue of sell-through period. Indeed, once a substance is officially reclassified, the normal period available for re-labelling is 18 months. Yet, 18 months is too short for slow moving products in the supply chain such as paint and artists' colours products, if the interpretation is that all products, at any stage of the supply chain, have to be re-labelled (not only the first placing on the market).

3. Biocides

Biocide in-can preservatives classified skin sensitizers may not be allowed in waterborne consumer paints in the future, hence threatening the selling of well-preserved paints to this category of user. Biocide dry-film preservatives are needed for exterior coatings (and indoor in humid rooms like bathrooms) and are also under threat.

4. EU Ecolabel and PEF

As the number of substances classified increases, the number of derogation requests in the EU Ecolabel and other national labels is also on the rise. This is because the criteria exclude several hazard categories of substances, some of which are essential such as biocides. The future of the EU Eco-label system is at risk. In parallel, the Deco Sector Group has invested a lot of time in the design of a Product Environmental Footprint (PEF) system that eliminates such qualitative criteria as in the EU Ecolabel and instead considers the whole life cycle of the paint product, thereby offering a more holistic approach than other initiatives.

The Product Environmental Footprint (PEF) takes into account the entire cradle to grave approach for assessing the life cycle impact of a product. CEPE has already developed a PEF Category Rules (PEFCR) for decorative paints. The importance of PEF cannot be underestimated considering the increasing inclusion of the PEF tool in various policy initiatives such as the Eco-design for a Sustainable Product Regulation (ESPR), the Safe and Sustainable by Design concept, Green Claims. Currently, the PEF project is limited due to the validity period of the datasets used, which means that the PEFCR will be valid for a shorter time making the revision process more frequent.

5. Voluntary initiatives of the Deco sector

Decorative paints represent the largest segment of paints. Yet, unlike other kinds of paints such as marine or protective coatings, the contribu-

tion of deco paints to society is underestimated. With fewer substances available in the future, the Deco Sector Group is keen to put forward the attributes of decorative paints and is developing several voluntary initiatives aimed at raising awareness on the role and positive contribution to society and to sustainability of decorative paints.

The EU political environment

The above-mentioned issues are linked to several pieces of legislation: Regulation (EC) N° 66/2010 on the EU Ecolabel, Regulation (EU) N° 528/2012 concerning the making available on the market and use of biocidal products, Regulation (EC) N° 1907/2006 concerning REACH and Regulation (EC) N° 1272/2008 on CLP. The starting point is often a new adverse classification given to a substance. Indeed, CLP is central and has a direct impact on all other pieces of legislation. This hazard-based system triggers consequences that are, unfortunately, not based on the safety of use but on perception.

What can we do and how?

1. The CSS

The Deco Sector Group needs to continue engaging in the CEPE Green Deal CSS ad-hoc group.

2. Sell-through period for re-labelling.

CEPE is of the opinion that the definition of "placing on the market" under the CLP should be aligned with the definition used in other regulations (biocide, detergent, cosmetic, construction) where the "placing on the market" means "the first making available". CEPE also took the opportunity of the CLP amendment to ask for alignment.

3. Biocides

For the overview on biocide in-can preservatives and consumer paints, see separate article on biocides on page 30.

It should be noted that the important ongoing advocacy activities for in-can preservatives should benefit also the dry-film preservatives. The latter are in an even more difficult situation due to the fact that there are very few remaining algaecides and fungicides available to protect for many years the applied film.

CEPE participates in public consultations to support these substances and more importantly, has a seat on the EU Competent Authority meetings (chaired by the European Commission (EC) with the participation of all Member States Competent Authorities on biocides).

Also, CEPE has carried out, some years ago, a study on the leaching behaviour of dry-film preservative substances in different outdoor coating categories. The objective is not to generate leaching figures to be used in risk assessment dossiers, but to identify the outdoor coatings where substances leach the most in order to identify worst case coatings and



Source: shutterstock.com - Christian Mueller

to facilitate the future authorisation of the biocidal products by the suppliers, hence helping our industry to have sufficient products to offer in the long term.

4. Eu Ecolabel and PEF

The current criteria for the EU Ecolabel for paints are valid until the end of 2025. The Joint Research Centre (JRC), on behalf of the EU Ecolabeling Board (EUEB), has started working on the revision of the criteria for paints in 2023 and CEPE is actively engaging with the JRC to provide feedback on the stakeholder consultation.

For many years now, CEPE has invested in a PEF system for paints. We now have a system that we may want to proactively promote. We are of the opinion that PEF should not be integrated into the EU Ecolabel as the two systems are incompatible. The reason is that the EU Ecolabel focuses more on the individual substances, while the PEF covers the whole life cycle of products.

CEPE has asked the PEF Team of the EC for a longer validity of the datasets and legal certainty about the PEF tool in order to remove potential hurdles for taking up the revision of the PEF-Category rules (CR). The EC is still in discussion with the background datasets providers (Sphera, Ecoinvent, etc.) as regards extending the validity of the datasets to a later date. The outcome of this is uncertain for now.

5. Voluntary initiatives of the Deco sector

In addition to the activities on regulatory issues, the Deco Sector Group is engaging in voluntary initiatives to promote decorative paints towards

decision-makers and consumers. A small group was set up to investigate possibilities and to make some concrete proposals to the Deco Sector Group.

What have we achieved?

1. The CSS

The Chairman of the Deco Technical Committee is very active in the CEPE EU Green Deal CSS ad hoc group given the threat that the CSS poses to consumer and professional products (see separate article on page 16).

2. Sell-through period for re-labelling

The Deco group issued a guidance early 2020. This topic was also addressed during the public consultation on the amendment of CLP under the CSS (see separate article on page 16). However, the issue was not taken up by the EC. Furthermore, this would have required robust quantitative information concerning possible consequences which we were not able to provide.

3. Biocides in-can preservatives

As explained in the separate article on biocides (see separate article on page 30) for biocide in-can preservatives a solution was found. Indeed, the Authorities have accepted that consumer paint classified as skin sensitiser continue to be placed on the market, provided gloves are supplied with the paint.

The key in-can preservative BIT should also have passed most hurdles

but a last minute new requirement has delayed its approval.

Building on the success of biocide in-can preservatives, CEPE has also increased the awareness of authorities on our forthcoming issue.

The laboratory testing of the leaching project and the report of the semi-field leaching part are now finalised. We presented the latter to the ECHA Biocide Product Committee Working Group Environment early 2021 that welcomed this initiative of CEPE. This was followed by some constructive feedback and further questions to which CEPE responded, together with the biocide suppliers. The future of dry-film preservation remains quite uncertain due to the ongoing reclassification of the remaining substances. Further work is expected when derogations under the Biocides Product Regulation exclusion criteria will be needed.

4. Eu Ecolabel and PEF

In 2023 the Joint Research Centre (JRC) started the revision of the criteria for the EU Ecolabel. CEPE has regularly highlighted its concerns on compromising product quality arising from the Ecolabel's criteria for eliminating biocides. Alternatively, CEPE also insisted towards the JRC on the Nordic Swan proposal for preservative limits which offers workable options for CEPE companies to use. In 2024, the JRC will publish the 1st draft report of the revised criteria taking into account the stakeholder consultation that ran in 2023.

5. Voluntary initiatives of the Deco sector

CEPE conducted a social media campaign over 9 weeks to raise awareness of the general public/consumers on the role of paint and its positive contribution to society and sustainability. To achieve this, we developed a series of pictures and hashtags around the issues of colour, creativity, protection, sustainability and self-expression. Several CEPE member companies and national associations also participated in the campaign.

The outcome has been an increase in the number of visitors to the CEPE website and especially the number of CEPE LinkedIn followers.

What are the remaining steps?

1. The CSS

This is a critical area where the Deco group will continue to actively support the CSS group.

2. Sell-through period for re-labelling

With the discussions on the revision of the CLP coming to an end, there is little that can be done as regards the interpretation of 'the first placing on the market'.

3. Biocides in-can preservatives

Biocides in-can preservatives is a critical dossier that is in the hands of the CEPE Biocide User TF and to which Deco members actively contribute.

Regarding biocide dry-film preservatives, further follow-up is planned on the outcome of the project with relevant authorities at the ECHA BPC WG Environment.

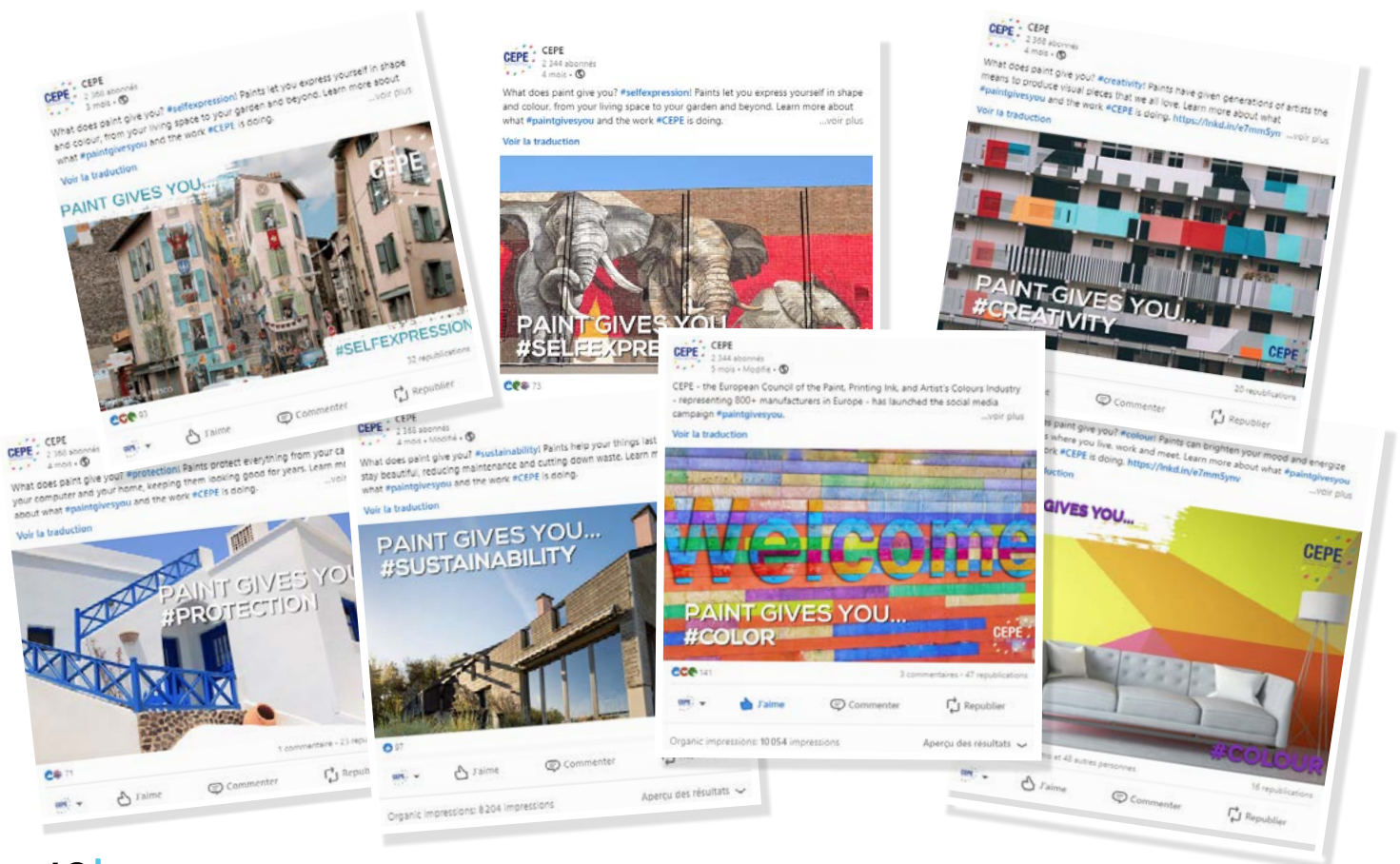
4. EU Ecolabel and PEF

There will be a series of stakeholder consultations in 2024: the JRC will publish two working documents, and a 3rd working document is scheduled for 2025. CEPE will follow-up closely on the technical requirements proposed in the different working documents. The final vote on the criteria document is set tentatively for Q2 2025.

5. Voluntary initiatives of the Deco sector

There will be a follow-up to the social media campaign and the sector group will also look into the development of other initiatives. <

What paint gives you?



EuPIA Annual Report 2023

EuPIA, the European Printing Ink Association, working under the umbrella of CEPE, represents and protects the common interest of the European printing ink business and promotes the image of the industry to the public. EuPIA provides a forum for discussion and decision-making regarding issues of specific interest to the printing ink industry. EuPIA members also participate in CEPE working groups dealing with issues of general interest to the wider CEPE membership.



Cornelia Tietz
Director as of 2024



Martin Kanert
Executive Manager until 2023



Market Statistics 2022

EuPIA publishes market statistics on an annual basis. The data can be accessed via the EuPIA website at eupia.org, About Us - Statistics.

The following statistics show a summary of printing ink sales from EuPIA's more detailed Quarterly Market Sales Statistics. The findings are based on the consolidated results of data supplied by 26 EuPIA member companies, who have all submitted data on a standard basis to our independent trustee who compiles the data for EuPIA. The results show sales volume in tonnes and value in €m for the latest year, 2022.

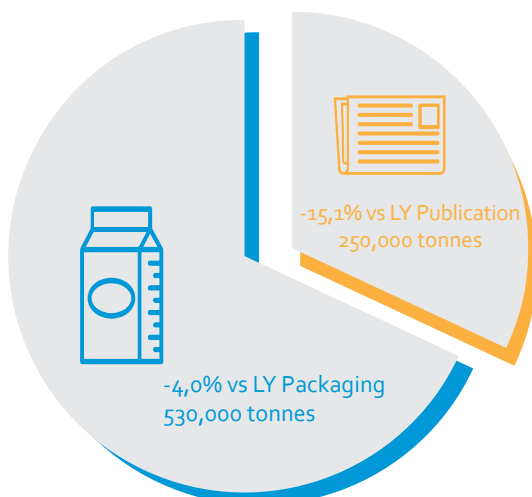
It is estimated that the sample group accounts for about 90% of total industry sales in Europe.

Key sectors shown

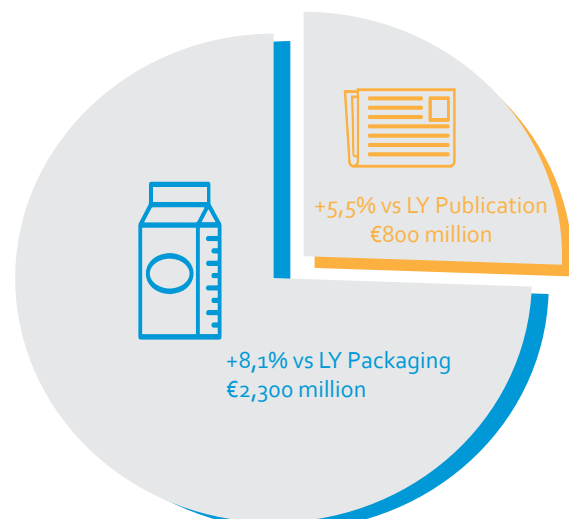
Publication Inks comprise web offset inks (coldset and heatset), sheetfed offset inks, publication gravure inks and related overprint varnishes. Examples of publications are newspapers, magazines, books, and commercial prints such as brochures and flyers.

Packaging Inks comprise flexographic inks, specialty gravure inks, energy curing inks and related varnishes. Examples of packaging are flexible film packaging, rigid plastics, folding cartons and corrugated boxes (see figures below).

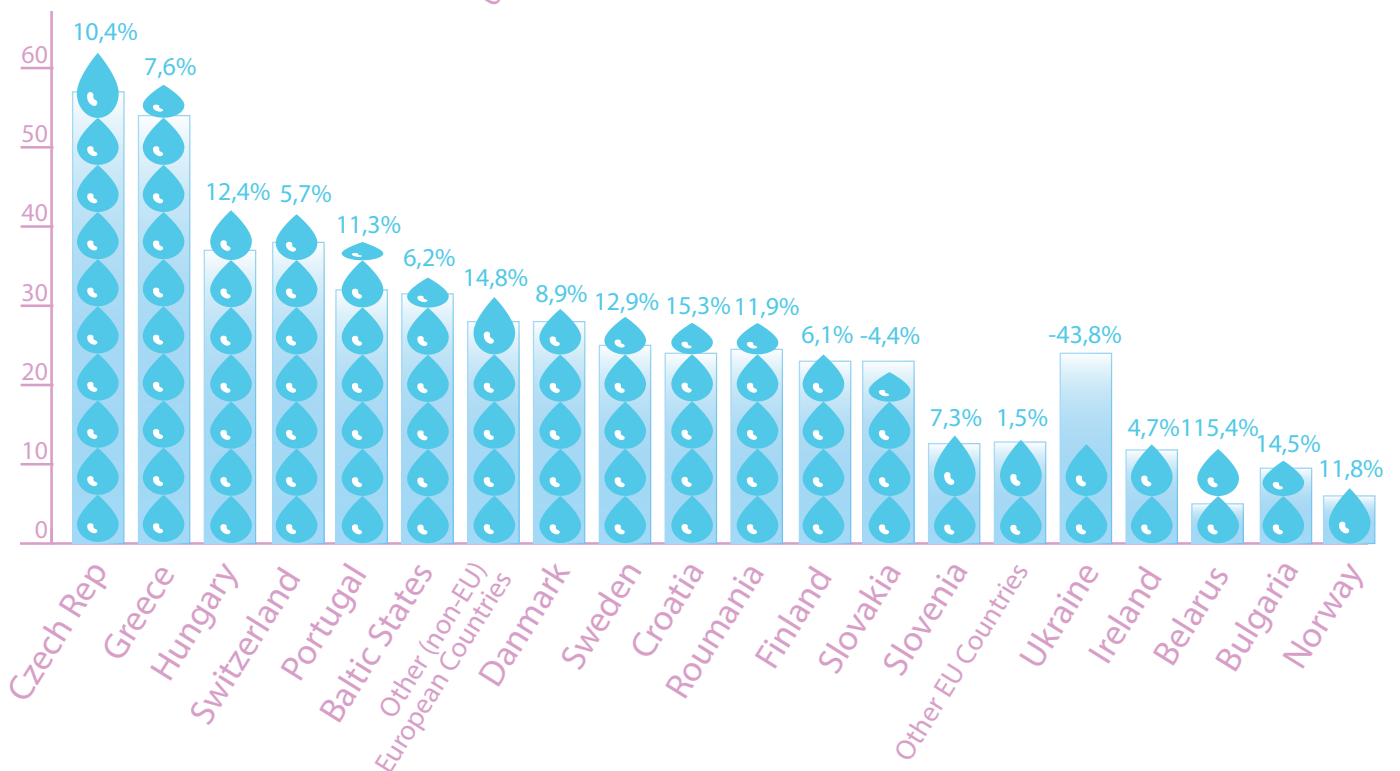
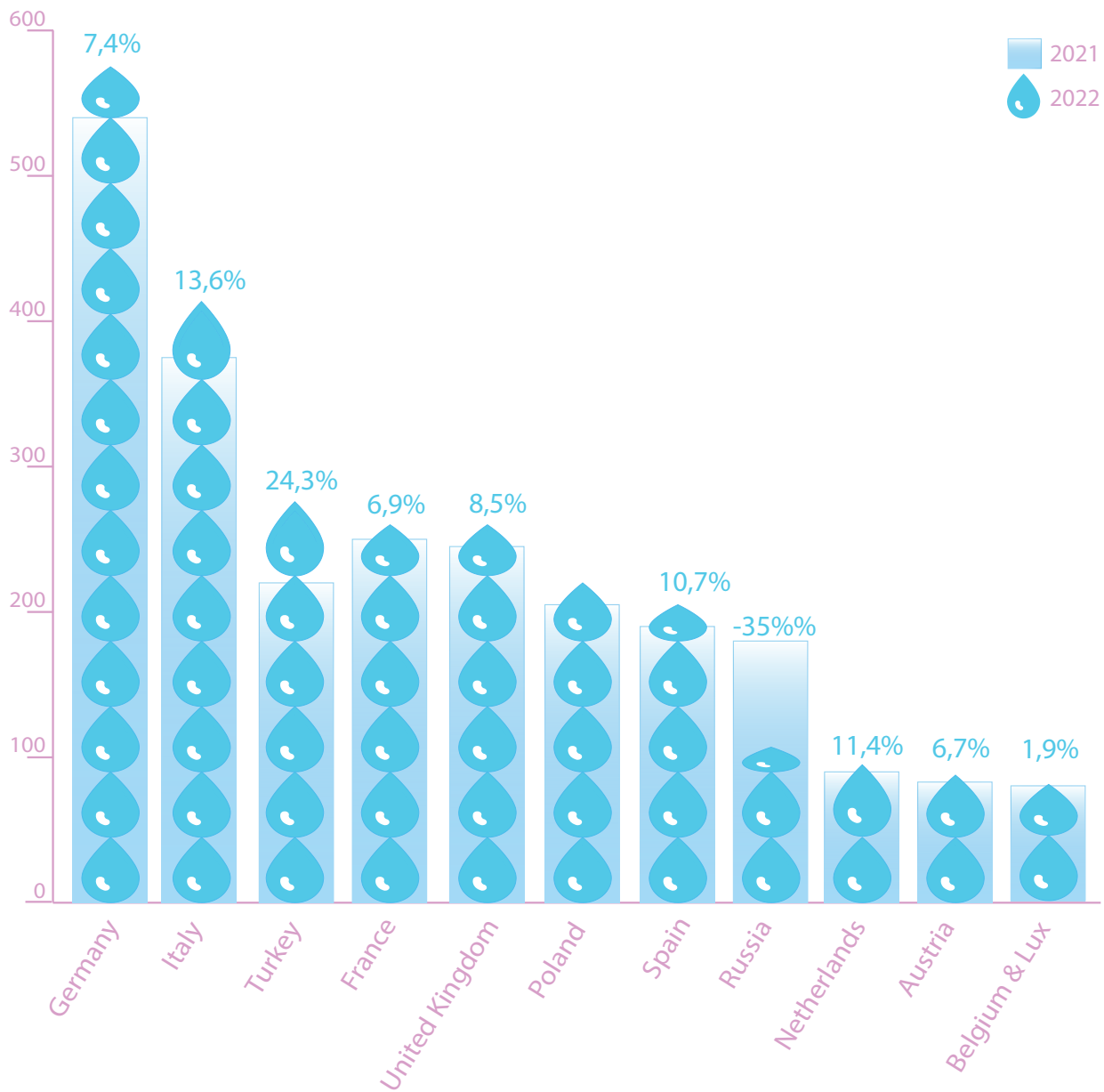
Sales volume for 2022



Sales value for 2022



Sales Value by country 2021 to 2022 in €m



EuPIA Annual Conference

After three years of online conferences due to the Corona pandemic, the 2023 conference was finally held again in person, in the beautiful city of Bologna (Italy). Want to read more? Scan the QR code to see the article published in European Coatings Journal 05/2023.)



The EuPIA Exclusion Policy for Printing Inks and Related Products

For the last 25 years, the EuPIA Exclusion Policy for Printing Inks and Related Products (and its predecessor, the EuPIA Exclusion List) has had a tremendous value for the printing ink industry, the printers/convertors, brand owners, retailers and consumers as it ensures the safety of inks used across Europe. In short, the policy is about excluding hazardous chemical substances which have a serious adverse effect on human health from the manufacture of and use in printing inks, protecting workers along the whole supply chain as well as customers. The EuPIA Exclusion Policy is THE product stewardship initiative of the ink industry in Europe and as such, is well respected across the market.

A revised 5th edition of the Policy was published in June 2023, along with a revised Explanatory Note, covering several changes including clarification of the scope of the policy (defining 'related products') and the inclusion of the agreed approach to two specific substances used in the digital inks sector (Solvent Black 29 and N-Vinyl Caprolactam). Two additional Group A substances were also added into Annex 2. The Explanatory Note was also extended to include clarification of the rules for new entrants (to EuPIA and to the Policy) and the approach to be taken in case of acquisition of non-Exclusion Policy business by a company committed to the Exclusion Policy.

The Policy continues to serve the European printing community well as an industry initiative, although additional modifications are already under discussion as more challenges appear on the horizon, especially with the introduction of the new hazard classifications (such as Endocrine Disruptor to Human Health) and the issues surrounding Substances of Very High Concern. Commitment to the Policy remains steady within the membership, as the next round of substances with new harmonized classifications enter the discussion due to the publication of the recent 21st and upcoming 22nd Adaptations to Technical Progress (ATPs).

Printing Inks and Varnishes for Food Contact Materials

In 2023, printed food contact materials (FCMs) were again among the key priorities of EuPIA. EuPIA continued to adapt and improve its comprehensive concepts and guidelines, which detail out the general provisions of the Framework Regulation for printed food contact materials, thus supporting the converters and distributors of food contact materials in their compliance work.

European Commission still working on the revision of the legal framework

EuPIA and the whole value chain for printed food packaging have advocated a specific regulation for printed food contact materials under the

so-called framework regulation for years. However, the European Commission (EC) decided to first evaluate the legal framework itself. Given that the framework which in its core is over 40 years old, has never been systematically evaluated, a thorough evaluation makes sense.

The current plans of the EC foresee a paradigm change by shifting the focus from intermediate materials (such as inks or coatings or plastics) to the final article. In this context the EC thinks about a new grouping approach, where inks would fall into the category of "synthetic organic type materials" together with adhesives, coatings, plastics and other "synthetic" materials. The risk management of substances will be based on a tiered approach, depending on the hazard of the substances: some will be banned, others will still be subject to an official evaluation, while a third class should be open for industry self-assessment. Furthermore, sustainability requirements are intended to be incorporated into the FCM Framework.

Since the new concept does not foresee a specific regulation for printed food contact materials, EuPIA together with other associations of the value chain organised in the so-called Packaging Ink Joint Industry Task Force (PIJITF, see below), now asks for the timely adoption of the revision of the framework and offers its expertise in working out the details of the regulation. Overall, EuPIA welcomes the plans of the EC, but whether the concept is workable in practice or not, very much depends on the details yet to be defined.

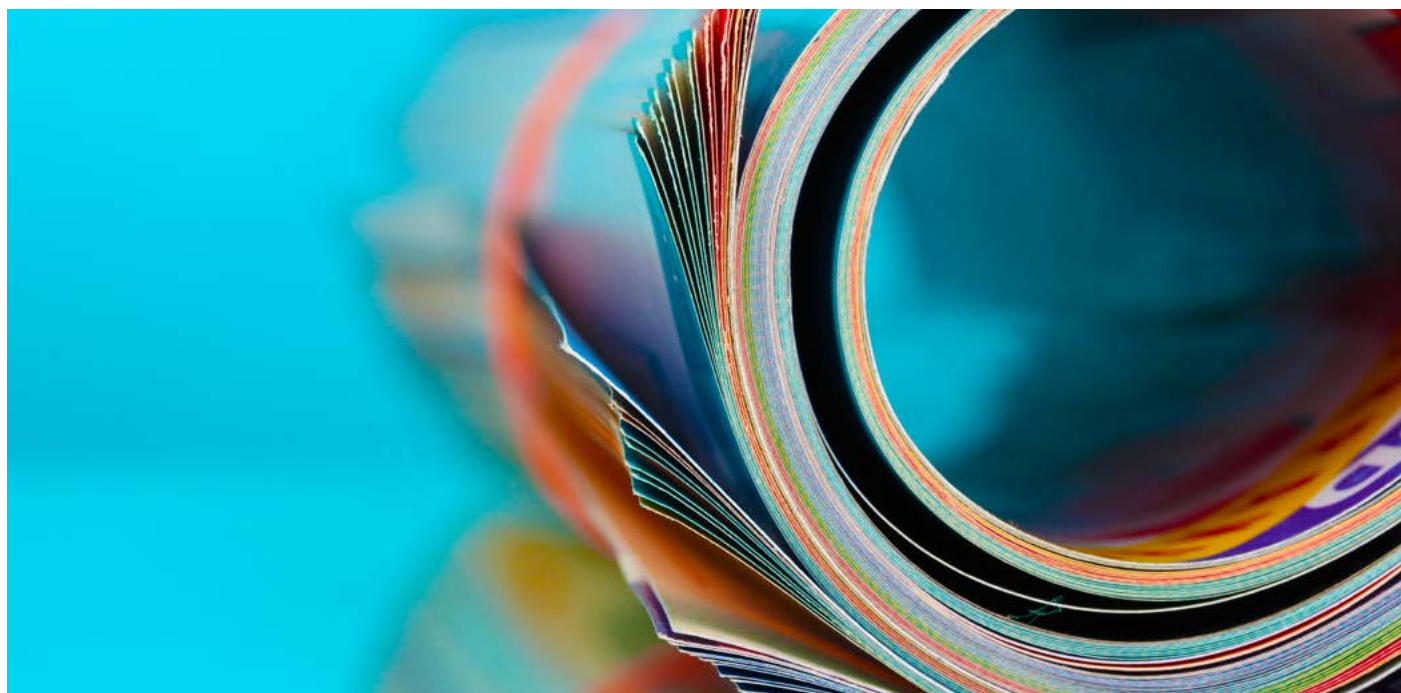
The original timetable of the EC as set out in the Farm-to-Fork Strategy of the Green Deal foresaw that the final legislation should be presented end of 2022. However, the EC is significantly lagging behind its schedule and is currently communicating "2025 and beyond" for the adoption.

End of 2022/beginning of 2023, the public consultation on the revision was conducted as part of the impact assessment in the form of a rather intricate questionnaire. EuPIA was one of the first associations to position itself and was hence able to contribute its ideas to the alignment process of the FCM value chain at an early stage. In addition to the consultation, stakeholder interviews regarding the exchange of information along the supply chain took place and EuPIA already had the opportunity to share its views in two interviews.

Since the public consultation, the presentations from the EC held at various occasions were the main source of information and provided the basis for EuPIA's positions and strategy. The EC announced that there would be a discussion document issued early in 2024, which will provide new insights.

The Packaging Ink Joint Industry Task Force - Activities of the whole Value Chain

Already in 2018, the Packaging Ink Joint Industry Task Force (PIJITF), in which all associations of the value chain for packaging inks come together, has proposed a blueprint for a harmonised legislation for printed food contact materials. Since then, the PIJITF has proven to be a very active platform for the exchange between the different associations of the value chain and to provide a voice for their common interests. Following the plans of the EC, the PIJITF had updated its position and provided it to the EC in the cause of the public consultation early 2023. Currently, the position is again revised based on the latest updates from the EC.



Germany: The so-called Printing Ink Ordinance

On 7 December 2021, the so-called German «Printing Ink Ordinance» was published in the Official Journal. Despite massive criticism from the entire food packaging chain and although the EC had already taken action, the regulation was thus launched as a unilateral national measure for which there was no need from industry's point of view. The relevant provisions apply after a transitional period of four years, from 1 January 2026.

EuPIA and the entire food packaging chain strongly believe that only a European regulation can satisfy the functioning of the European internal market and ensure a uniform level of consumer protection. In principle, the German Federal Government also recognises the priority of a European regulation. Thus, an extension of the transitional period is envisaged should the EC present a corresponding measure on printed food contact materials within the transitional period. A fundamentally revised framework could provide the basis for discussions with the German government for a prolongation of the transitional period. However, with the EC more and more lagging behind its schedule, the odds are high that the industry will have to live with the German Ordinance.

The transitional period was set by the Federal Government to take into account that the positive list is incomplete and to give the raw material suppliers time to submit the relevant dossiers. The raw material suppliers are continuing to work on completing the list and are supported by the printing ink industry in this task. Nevertheless, it is becoming apparent that the positive list will not be significantly completed by 1 January 2026. Although many important raw materials are still missing on the list, it should be possible for most applications to offer suitable printing inks in good time, with which the requirements of the regulation can be fulfilled. This is due to the fact that, under certain conditions, substances which are not listed, can still be used for printing inks that are not intended for direct food contact. However, in order to fulfil the requirements of the ordinance, resource-intensive and costly reformulations are necessary in these cases. EuPIA's German National Association, the VdL, issued an updated customer information note that provides more details.

Revision of the Swiss Consumer Goods Ordinance

The Swiss Consumer Goods Ordinance sets out provisions specific to food contact material inks. Substances which only may be used in the manufacture of printing inks in scope of the Ordinance are listed in the positive list in Annex 10. The so-called part A lists evaluated substances, while part B contains substances, which have not been fully evaluated, but which may be used under certain conditions, and which do not migrate with a detection limit of 10 ppb. Already some time ago the Swiss authorities had announced that they are planning to completely remove Part B in the future. A draft of the provisions was put to public consultation in 2023 and EuPIA, in close collaboration with the Swiss National Association VSLF, provided a detailed contribution to the corresponding public consultation. Furthermore, experts from the VSLF have been working closely with the Swiss authorities. The new revised legislation was published early in 2024 with a transitional period till January 31st, 2026. As expected, part B is deleted and non-listed substances may be used, provided they do not possess CMR-properties (based on Chemicals legislation) and do not migrate with a detection limit of 10 ppb. Moreover, the Swiss authorities are introducing a mandatory declaration of compliance for food contact material inks.

EuPIA's Energy Curing Working Group

This group of EuPIA members, who are involved with the supply of UV and EB curing inks and varnishes, continued their regular discussions on a number of key topics impacting these technologies. One key achievement was the April 2023 publication of a revised version of EuPIA's Photoinitiator (PI) Suitability List for use in Food Contact Material applications. A tightening up of the requirements was necessary in response to market expectations and to reflect the changes in national food contact legislation, such as the loss of Swiss Ordinance Part B, and the future German Ink Ordinance. This List remains a key reference document for many stakeholders in Europe and beyond, assuring EuPIA members, printers, brand owners and retailers that those photoinitiators listed may be used without concern for food packaging applications. Other concerns are now being addressed through a revision of the procedure for adding new photoinitiators to the list.

An additional topic that also remains a concern is the continued reluctance by the UK paper association to rectify the false statements made about energy curing print technology and its negative impact on the processing of waste paper as part of recycling activities. This has led to several major supermarket chains (in the UK and globally) blacklisting UV printing from use in the production of packaging for their own-branded products. The position taken by the Confederation of Paper Industries (CPI) in their guidelines is not justifiable, and has been challenged numerous times. More recent evidence from visits to paper recycling facilities have reinforced EuPIA's position on this issue.

Printing Inks and Toy Safety

The revision of the Toy Safety Directive during the course of 2023-2024 is expected to have a significant impact on the use of printing inks for applications which fall into scope of this legislation. The intention from the authorities is to convert the Directive into a Regulation and to tighten up the rules on the materials and mixtures that can be used in the production of toys. This includes the removal of concentration limits and thresholds, and the application of the Toy Safety Regulation regardless of the age of the child. Additional proposed requirements include those relating labelling, where there is the intention to follow the cosmetics legislation and disclose full compositions used in the manufacture of a toy. The Toy Safety Regulation also appears to be the first legislation from the authorities where some of the new elements proposed for other legislation are being introduced e.g. the Generic Risk Management Approach (GRA) that will be introduced into the revision of REACH, and the advent of the Digital Product Passport.

Printing Inks and Circular Economy

Task Force Paper Recycling

All aspects regarding the circularity of graphic paper and fiber-based packaging and inks are in the remit of EuPIA's Task Force Paper Recycling. It organises the exchange with all relevant stakeholders, for instance via the European Paper Recycling Council (EPRC), which is an industry initiative that monitors the progress towards meeting the paper recycling targets. EuPIA is a supporter of the EPRC and is actively involved in many of its activities. In 2022 the recycling rate for paper was 70.5 %, which demonstrates that paper is already a very well-functioning circular economy. The task force also monitors the work of the 4evergreen alliance, where EuPIA is a member of the Industry Association Advisory Board.

The Task Force is also involved in activities related to the different eco-labelling schemes. In 2023 the task force has been working closely together with the responsible committee of the German National Association (VdL) on the revision of the Blue Angel, which will be finalised in 2024.

Also in 2023, mineral oils in publication inks and packaging were an issue on the agenda of several member states and hence also the Task Force. Especially regarding the regulations in France, many practical questions are still open. To solve these issues, EuPIA is working in close collaboration with the French National Association, AFEI. On the EU level regulatory measures have been expected for quite some time. After the updated scientific opinion of the European Food Safety Authority (EFSA), the EC published a draft of a new regulation end of 2023 setting binding maximum levels for aromatic hydrocarbons (MOAH) in food in conjunction

with monitoring recommendations and provisions regarding analysis. Furthermore, the TF Paper Recycling has been following the impact on paper and board in the revision of the packaging and packaging waste regulation (PPWR).

Task Force Plastics Recycling

The year 2023 marked a crucial time for the Plastics Recycling TF as the proposal for the revision of PPWR (Packaging and Packaging Waste Regulation) underwent various inter-institutional negotiations. As we know, one of the major overhauls of this dossier is to convert the PPW Directive into a Regulation. This has led to questioning various definitions, methods, and mechanisms of how this regulation can work in practice. Many of EuPIA's concerns were taken into account in recent drafts; however, one major concern remains to date i.e. the regulation would still allow member states to go beyond requirements set in the PPWR; this has the potential to distort the functioning of the single market.

In 2022, the EC suggested some rules that could endanger the current efforts of the packaging industry, one of them being the inclusion of a negative list. This list contained substances or packaging characteristics that stresses eliminating from the packaging value chain. In 2023, the EC conducted a workshop in which members of the two EuPIA Recycling Task Forces actively participated. The outcome of the resulting study is yet to be published and is foreseen in 2024.

Some of the achievements that the EuPIA Plastics TF was able to achieve, alongside other industrial stakeholders are as follows:

- EuPIA, through the Task Force, is represented in CEN TC 261 WG 10 which focusses on developing recycling criteria for plastics.
- The Task Force issued a EuPIA position paper on the deinking of plastic packaging waste. This is an important new element in the recycling of post-consumer plastic packaging waste in order to ensure that recycles are of good quality and can be used for the purposes outlined in the PPWR.

Another important topic that is in scope of the EuPIA Plastics Recycling TF is the Extended Producer Responsibility (EPR), which is also a hallmark feature under the new PPWR proposal. Here, EPR fees are developed based on the performance criteria (A-E scores) based on the recyclability of different substrates (mainly for plastics). This can have some consequences for printing inks as they may influence the recycling quality of a substrate.



Source: shutterstock.com - Ekaterina Slivko

Further, in the light of the EU Circular Economy Action Plan (CEAP), there are stringent measures that focus on improving the overall quality of plastic recycling and curbing wastage. The Task Force covers all the aspects of inks regarding the circularity of plastic-based packaging. One important focus of this group includes monitoring activities around CEFLEX (A Circular Economy for Flexible Packaging) that bring a wide range of industry stakeholders to represent the full flexible packaging value chain.

Initiatives related to ink behavior in mechanical recycling and smart testing methodology for ink recyclability are being overseen where EuPIA members are represented under the sub-group 9 of CEFLEX. Similarly, the Task Force co-ordinates the activities around programmes such as RecyClass and Safe Cycle which focus on the recyclability of plastic packaging and products through the development of recycling methodology and testing methods.

The Task Force constantly monitors the scope of inks in the definitions and interpretation of different national and EU legislation and policies related to plastics.

Environmental Footprint of Printing Inks (EFPI)

In recent years, there has been an increase in discussions regarding measuring the environmental performance of various products. This momentum has been particularly driven by the EC's initiative for a single market for green products and the Environmental Footprint methods. In the past, EuPIA had published a virtual ink reference that represented printing inks for all print processes that were currently in use. This served as a useful ink input into the life cycle assessment (LCA) for printed matter for different stakeholders downstream.

As LCA is a dynamic tool, it requires periodic updates to ensure that the methods, data availability, and technology representativeness remain valid, even as time and progress change situations and values. To this end, EuPIA commissioned a working group, called EFPI, to investigate the LCA requirements for printing inks, allowing the customer base and stakeholders to take into account the impacts arising from inks within their LCA calculation.

EFPI successfully published a guidance document for calculating LCA for printing inks. The working group will monitor any updates in the LCA methods or printing ink technology to update the same in its guidance document. Further communication strategy for this guidance document is foreseen in 2024.

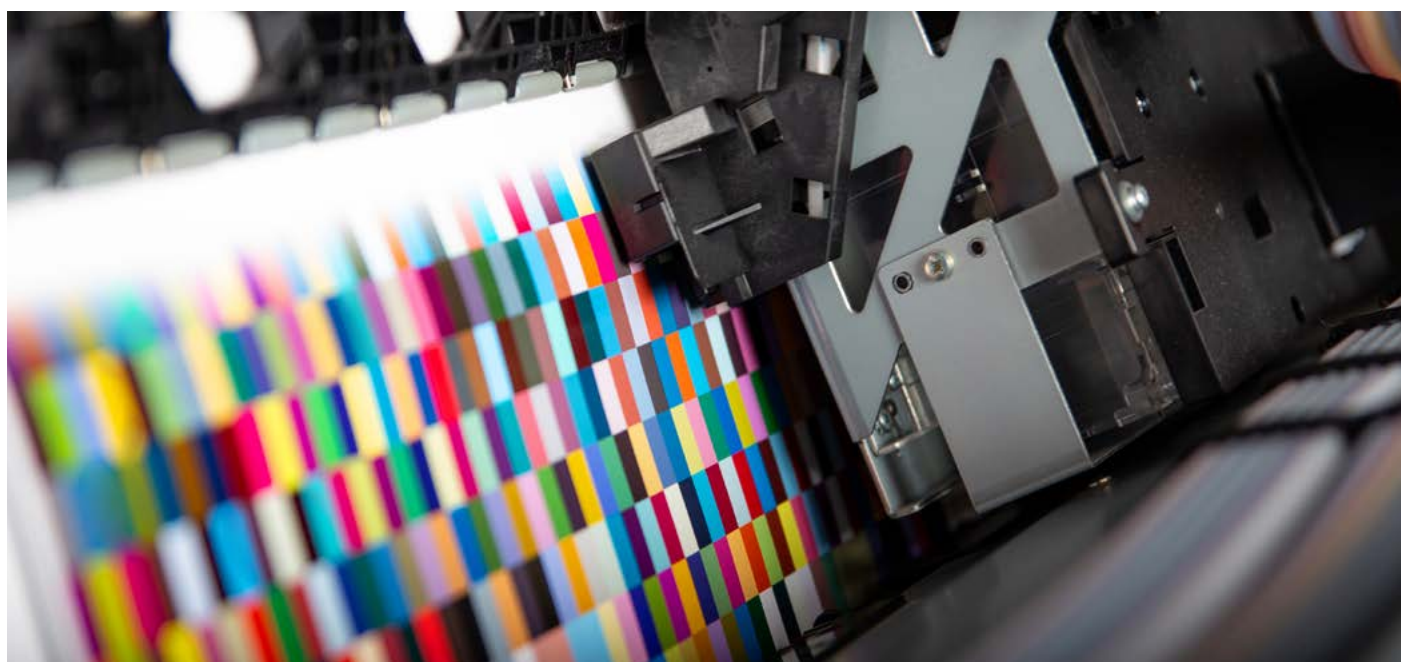
EuPIA's Occupational Safety and Risk Assessment (OSRA) Working Group

The OSRA WG continues to provide a platform for EuPIA members to share knowledge, expertise and experiences relating to occupational safety and accidents in a confidential manner. It is also the EuPIA forum that reviews the annual safety statistics that are derived from a survey of members, prompting discussions as to what further actions and initiatives can be introduced to maintain safe working in European printing ink manufacturing operations.

The OSRA Safety Alerts provide specific details of incidents where lessons can be learned, ranging from fire-risk situations due to e.g. electrostatic discharge, through to possible accidents due to the incorrect operation of Fork-Lift Trucks. These are now available in four languages (English, French, Spanish and Italian). In addition, the WG develops, issues and revises guidance documents for the membership. Recent topics have included guidance on IBCs, Laboratory working practices, and safe handling of UV curable raw materials and finished inks.

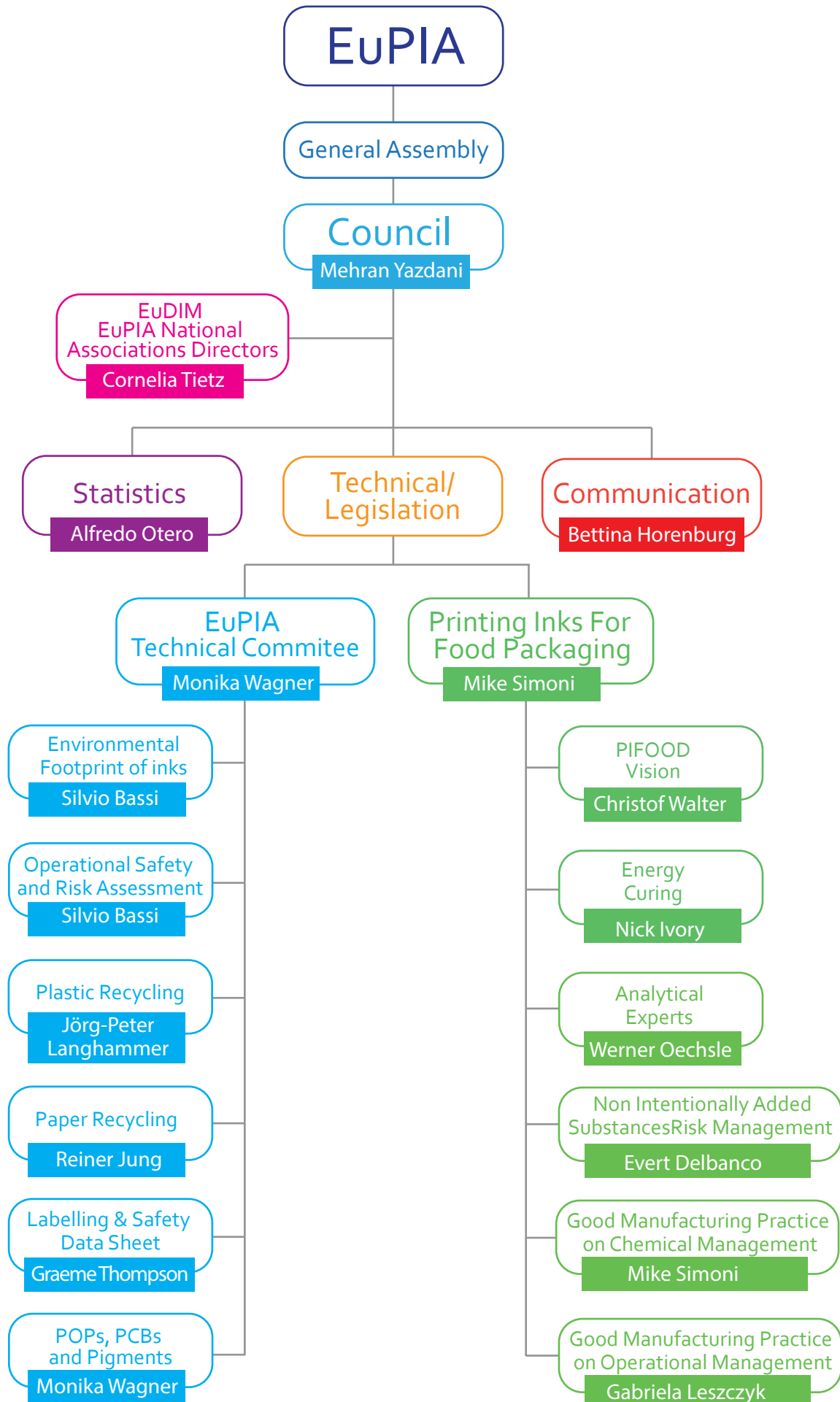
EuPIA's PPP ad-hoc Working Group

A new WG was set-up in the Spring of 2023, to tackle the issue of the new proposals for an Ultimate Trace Contaminant (UTC) Limit for Polychlorinated Biphenyls (PCBs) under the Persistent Organic Pollutants (POPs) Regulation (EU) 2019/1021. Although our efforts managed to persuade the authorities to reconsider a November 2022 proposal, and thus avoid an immediate problem, a revised proposal presented in November 2023 has led to even more concerns, with the possible future ban of 15-20 essential pigments. This WG has now been opened up to all CEPE-EuPIA-EuACA members as the issue affects all sectors very significantly. Efforts are now underway to persuade the EC that their current proposal is completely unworkable, and that they need to take industry concerns into consideration. <



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Organigramme



Marine Coatings



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Biocidal antifouling paints are one of the long-lasting issues among the prime activities for the Working Group in this sector. Some national biocide authorities are very critical with the continued use of biocides, especially in non-commercial use. The release of microplastics to the sea is an increasing source of attention.

The Issue

The activities of CEPE in the field of Marine Coatings lie primarily in issues relating to biocidal antifouling coatings, REACH and microplastics.

Some national biocide authorities are very critical with the continued use of biocidal anti-fouling paints, especially on leisure craft. Their agenda – aligned with the general agenda on biocides (see separate article on page 30) – is to reduce the use of biocides as much as possible or to eliminate them from all non-essential uses. For commercial ships, a pragmatic decision has been taken (harbours are 'naturally disturbed' by human activities and hence these do not need to be considered as Natura 2000 type of environment). In the case of leisure craft the situation reached a point requiring dedicated actions.

The EU political environment

For the general regulatory and political environment, see separate article on biocides on page 30.

For several years now, members have applied to obtain authorisation for their biocidal antifouling paints under the EU Biocidal Product Regulation (BPR).

After the approval at EU level of biocide active substances used in products, the formulations which contain them (the biocidal products) also have to be authorised in each relevant Member State, after they have been reviewed following an approach set out in guidance issued by ECHA. The time between the submission of the dossiers and the feedback from the relevant national authorities should have been around

three years but is in practice easily doubled. In the meantime, additional discussions with Member States are taking place with regard to the ECHA guidance for performing an environmental risk assessment for anti-fouling paints under the BPR.

CEPE is following these discussions closely in the EU committees and is intervening where possible to ensure guidance on how to evaluate biocidal anti-fouling products is driven by good science and to ensure changes in guidance are harmonised across Member States and do not result in legal uncertainty on the investment made to apply for product registration. The dossier cost and the fees required by Member States can easily amount to €500,000 for one paint.

On the microplastic front, some literature articles have pointed to ships as a source of environmental contamination of sea sediments (synthetic polymer particles found underneath commercial shipping routes).

What can we do and how?

The members of the Anti-Fouling Working Group (AFWG) of CEPE are both paint manufacturers and biocide suppliers. The group has been active for a long time on BPR issues and has often engaged with ECHA/ European Commission (EC) committees and Member States on developments in EU biocides legislation. It has helped decision-makers understand anti-fouling paints, refine risk assessments and has advocated on the benefits of these paints that come from keeping hulls free of fouling such as fuel savings, reductions in air pollution from ships and prevention of translocation of non-native species from one place to another where they may become invasive. The group is deeply involved in the Coordination Group of the EC and Member States dealing with pro-



duct authorisation as well as the Biocide Competent Authority meeting dealing with active substances and any other issues linked to the implementation of the Regulation. Those groups are chaired by the EC and are made up of representatives of all Member States together with some accredited Stakeholder Organisations (ASOs) like CEPE.

On the microplastic topic, CEPE decided to start the generation of scientific data on anti-fouling paint dedicated to the understanding of the extent of this problem (see separate on microplastics on page 25).

What have we achieved?

The AFWG set up a "fast response group" to address issues as they pop up in the ECHA/EC committees and to facilitate discussions within the AFWG.

There has also been an agreement to continue supporting the MAMPEC model, the Marine Antifoulant Model which predicts Environmental Concentrations of biocide in the marine environment. Originally developed in a joint EC/CEPE project, MAMPEC is now used worldwide by regulators evaluating anti-fouling paints. MAMPEC is also being used for exposure assessment in freshwater systems and discharges of chemicals in ballast water. In 2023, CEPE continued intervening when necessary in EU meetings to confront the authorities with the reality of the current situation i.e. that authorities have not approved, to date, any product, and should the current approach of using unrefined environmental risk assessment models prevail, there will be no anti-fouling paints approved for leisure crafts. Following the decision of the authorities in 2014, to temporarily still authorise the active substances present in anti-fouling paints, they also agreed that there will be only one date for the renewal of these active substances i.e. 2025 to allow for comparative assessments. To meet the deadline of 2025, the applications for the renewal of the

active substances had to start in 2023, but the products containing the active substances have not even been approved yet. This demonstrates once again that the implementation of the BPR is a failure adding to the burden linked to the legal obligation to finalise the review of existing active biocide substances by the end of 2024, some 20 years after the start of the review. The EC has realised that they will not be able to achieve this task within the legal deadline and will have to ask for another third postponement to the review programme, which is a recognition of the failure of the system. See separate article on biocides on page 30.

Regarding microplastic, the dedicated research group has been in close contact with the Research Institute to identify the best methodology for this new fundamental research. Some preliminary release information has been made available in 2023.

What are the remaining steps?

CEPE will continue to advocate for good science to be used as ECHA guidance is developed and when Member States evaluate biocidal anti-fouling paints. We will also emphasise the importance of having the right products to keep ship/boat hulls clean of biofouling to prevent translocation of invasive aquatic species, leading to disruption of biodiversity. In 2024 we hope to see progress regarding environmental risk assessment for marinas and that a solution will be found on efficacy assessment, among other still pending issues. On the microplastic issue the dedicated group will identify what else will need to be done. <

«The Antifouling Working Group set up a 'fast response group' to address emerging issues and is conducting a study on microplastics and antifouling paints»

Powder Coatings



The Issue

Powder coatings are a key sector for the CEPE community, with a very active Powder Coatings Sector Group (PCSG) meeting regularly to discuss a broad range of issues, both technical and marketing related. A noticeable increase in member participation has been welcomed during the past year, mostly due to the new 'Raising Awareness' campaign that has now started up. Much of the focus is on key substances used in the industry and ensuring the safe use of finished powder coatings by applicators. With the continued introduction of new legislation, such as the REACH Restriction on Primary Microplastics, it is important to have alignment across the powder coatings sector membership, with a common understanding and a common approach to the issues challenging the industry.

The EU Political Environment

Powder coatings rely on a select number of key substances, so changes in harmonised classifications or new regulatory measures under REACH for these is a key part of the work of the Sector Group. Previously the focus was on the classification of Titanium Dioxide (TiO₂) as a category 2 carcinogen (still pending a decision on the appeal to the court ruling), whereas the past year has been more focused on Bisphenol A and epoxy powder coatings. The withdrawal of the proposed REACH Restriction on

the use of Bisphenols (including Bisphenol A (BPA)) by the German authorities was a key event during 2023. The impact of the future ban on the use of BPA-based materials for Food Contact applications is still to be considered, as there may be some applications affected. Additionally, the REACH Restriction on Microplastics has led to a lot of discussion – all powder coatings may be considered as microplastics, so it will be important to establish a justifiable and realistic worst-case emission factor for the release of microplastics into the environment during manufacture and application. One major advantage is that powder coatings are manufactured and used only in a well-regulated industrial environment, so releases are minimal to non-existent. The proposed revision to the Toy Safety legislation (including the conversion of this into a Regulation) is also of relevance for some powder coating members. In addition, the possible regulatory approaches to addressing the issues associated with fine particle / dust inhalation and control will have a direct impact on the manufacture and use of powder coatings, with the focus on occupational exposure and safety measures.

What can we do and how?

Developing and establishing a common sectorial understanding and approach on key topics is a major activity for the PCSG. It is important to have member companies aligned and fully informed about the different issues, ready for any queries from the authorities or any enforcement ac-

tivity. There is a general concern that there is very little if any knowledge about powder coatings within the authorities, especially the European Commission (EC), which could lead to the imposition of new rules of legislation without considering the impact on powder technology, manufacturing and use. To address this issue, a new 'Raising Awareness' campaign has been launched, supported by all members of the PCSG. This is targeting the legislators / decision-makers, to educate and inform them of what powder coatings are, how they are used, the benefits to using them and why they are important to industry and society. We also want to position powder coatings as meeting the objectives of the EU Green Deal so they should be seen as a solution.

What have we achieved?

Regarding the new campaign, we have selected a Brussels-based partner to work with, specialising in digital communications and outreach, and with a lot of expertise in audience mapping and connecting with EC representatives. Strategy and content have been developed during the last few months of 2023, and the campaign is due to be launched during the first quarter of 2024. The alignment and positioning of the powder coatings community regarding microplastics has also been a key discussion recently, both in terms of the existing REACH Restriction, but also to address the potential impacts on the business from the new initiatives from the authorities on plastic pellets (both via the IMO / transport

regulatory bodies) and the new proposed Regulation from the EC. An additional item that has been progressed is the use of the CEPE Powder Sector Safe handling document, which has been reviewed and will now be revised further in light of the microplastics activities. There has also been some useful exchanges on powder coatings and nanoforms, and what can and should be reported at EU and national level.

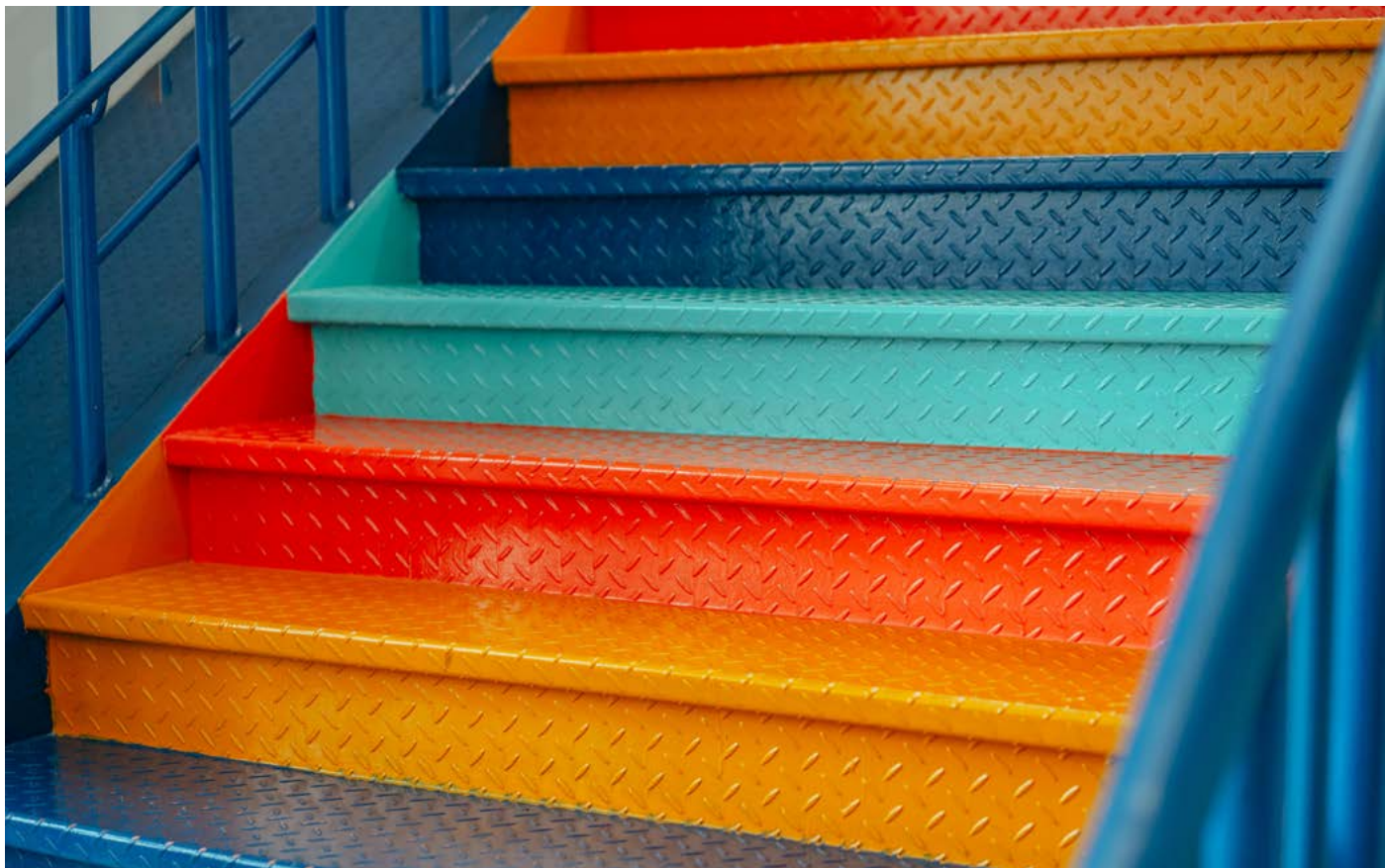
What are the remaining steps?

The first part of the raising awareness campaign is to educate the target audience – inform them of the existence of powder coatings, what they are used for and why. Once there is some momentum and interest generated, the campaign will then move more towards advocating certain positions and sharing specific messages on the impact of different legislative proposals on the powder coating industry. Apart from microplastics, there are several other topics which could bring powder coatings into the spotlight – UV curable powder is one, the safe handling of dust and solid particles in both manufacturing and during application is another. It is important for the decision-makers, that are taking key decisions on EU chemicals legislation, to be aware of and to understand the possible implications of such decisions on the powder coatings sector, so that the sector can continue to provide the high-quality products and performance benefits required by the key end-user industries such as construction, transportation and furniture. <

«The withdrawal of the proposed REACH Restriction on the use of Bisphenols (including Bisphenol A (BPA)) by the German authorities was a key event during 2023»



Protective Coatings



Source: shutterstock.com - FabrikaSimf

The Issue

The issues of interest of the Protective Coatings Sector Group are addressed in the different sections of this annual report. This section will focus on the activities of the Intumescent Coatings Technical Committee (ICTC).

Currently, the main issue for the ICTC members is melamine, the key substance for the sector, which has been under huge regulatory pressure for the past years.

The EU political environment

Melamine was identified as a Substance of Very High Concern (SVHC) in December 2022 and included in the REACH Candidate List in January 2023. In December 2023, melamine was listed to be included in ECHA's 12th draft recommendation for inclusion in Annex XIV to the REACH Regulation.

What can we do and how?

The Intumescent Coating sector worked on an advocacy strategy to defend melamine used in intumescent coatings and established the CEPE Melamine Intumescent Coating Research Working Group (CEPE Melamine IC Research WG) to this end.

What have we achieved?

The ICTC has agreed on an advocacy strategy based on the generation of solid data (scientific data on melamine leaching, socio-economic analysis, analysis of alternatives information, etc.).

What are the remaining steps?

Following the publication of ECHA's 12th draft recommendation, a three-month public consultation is expected in February 2024. The CEPE Melamine IC Research WG is working hard to have data available in time to successfully advocate for melamine use in intumescent coatings. <

«Melamine, the key substance for the sector, is under huge regulatory pressure»

Vehicle Refinish Coatings



Source: shutterstock.com - Thampitakkul Jakkree

The Issue

The Vehicle Refinish (VR) Sector Group has been holding regular (twice a year) well-supported meetings for many years, focusing on the key aspects relating to the refinish paints and coatings used within Europe. Apart from specific substance-related issues, the group monitors any potential activities connected with the Volatile Organic Compound (VOC) legislation and are always looking at ways to improve information and advice dissemination to customers to ensure safe use of all products used in the repairing of vehicles. There are some very specific challenges relating to the use of VR coatings that are not applicable to other sectors: the use of multiple layers of body fillers and then coatings often with repeated sanding between layers creating dust and waste; the application of coatings by professional bodyshop personnel in spray booths (including the controls needed relating to the regular use of 2-pack isocyanate-based technologies); and the differentiation between solvent based and waterborne technologies, and their use depending on location within the EU and local enforcement levels.

The EU Political Environment

The VR sector was the CEPE sector that was most affected by the REACH Restriction for di-Isocyanates. As the deadline for users of products based on this technology has now passed, there is less activity and discussion needed on this topic, however we wait to see whether the training approach ultimately meets the objective of reducing occupational asthma in the workplace due to the use of isocyanate chemistry. In addition, new workplace inhalation limits (Occupational Exposure Limit (OEL) and Short-Time Exposure Limit (STEL)) introduced in Autumn 2023 are concerning, especially as an agreed testing and monitoring

protocol is lacking at present, in order to measure isocyanates in the workplace. At present, there does not appear to be sufficient pressure on the authorities to take further action on VOC content and limits that are currently applied to VR products through the Directive 2004/42/EC, the so-called 'Paints Directive'. The focus is much more on particulates in the atmosphere, ozone levels and the possible reason for why measurements (especially in the Summer) are not matching with predictions from current atmospheric modelling approaches. A third legislative issue of concern to the VR sector is the control of microplastics and their release into the environment. Primary release through failure to capture overspray or sanded material is one part to this, secondary microplastics loss due to weathering and wear & tear (e.g. when using automatic car washes) is also a topic for discussion. It is also unclear whether the future Delegate Act on paints will include consideration of VR coatings or not.

What can we do and how?

Continued focus on the sector-specific key topics is important for the VR business, to ensure that all members supplying VR coatings are prepared well in advance of any future legislation. The horizon-scanning for future legislation that can affect the substances used by VR members is a key part to this – not just the review of potential harmonised classification activities under CLP, but also the possibility of future Restrictions being introduced under REACH. Another important activity is to act as a forum for sharing knowledge on possible future impacts from national legislation that are specific to car repair. Connecting the VR Sector Group with

the technical experts on isocyanate chemistry has also been an important step, to ensure that correct procedures are followed and guidance aligned with what is known by the suppliers of these substances.

What have we achieved?

The final completion of the di-isocyanate training modules during the course of the past 12 months was a very significant step, after so many delays in getting the information prepared and uploaded onto the training platform. Also, it was important for members to clearly understand their obligations under the REACH Restriction in terms of informing their customers about the training and ensuring that all products falling under the Restriction were labelled accordingly. In many cases, the Restriction has pushed the isocyanate supply base towards supplying products with free monomer content below 0.1%, thus not requiring the training, so the risks of contracting occupational asthma have been reduced through technical improvements to the products. It remains to be seen (when the authorities run a future study) whether the di-Isocyanate training approach has successfully resulted in safer workplaces for those industries using isocyanate chemistry, or whether further regulatory actions are going to be needed.

What are the remaining steps?

The next step regarding isocyanate chemistry is to get a better idea as to what the current exposure levels are for bodyshop personnel when applying 2-pack isocyanate-based coatings in a spray booth. First, a better understanding is needed as to how and what to measure, the costs involved, and the availability of service and contract laboratories to do such measurements. Once typical repeatable measurements have been established, these need to be compared with the OELs and STELs (both the current ones, and the lower limits that will be introduced in 2029). Regarding microplastics, the need to better understand and find a way

to quantify unintentional releases from all VR activities (manufacture, application / use and wear & tear) will be the focus for the coming year. The VR sector group also intend to look further at the environmental footprinting of their products, and how the CEPE tools may be used to support members as new interest from customers and reporting obligations under different legislation become established. <

«One of the important activities of the group is to act as a forum for sharing knowledge on possible future impacts from national legislation that are specific to car repair »



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