VERBAND DER MINERALFARBEN INDUSTRIE

Brief information on the European Court of Justice's annulment of the CLP classification of Titanium dioxide

The European Court of Justice has finally declared the CLP classification of certain titanium dioxide powders as suspected carcinogens when inhaled (Carc. Cat. 2) null and void in its ruling of 1 August 2025. For the products concerned, the warning labels EUH 211 and EUH 212 can now be removed.

Since titanium dioxide was classified as suspected carcinogen when inhaled (Carc. Cat. 2) in 2020, a number of manufacturers and downstream users of titanium dioxide have been taking legal action before the European Court of Justice. In November 2022, the European General Court (EGC) declared the classification invalid, against which the Commission and France lodged appeals with the European Court of Justice (ECJ) as the higher court. The ECJ has now dismissed the appeals.

This means that the classification and labelling of titanium dioxide introduced by the 14th ATP is now considered invalid from the beginning. This applies regardless of when the EU Commission will amend the annexes to the CLP Regulation (EC) No. 1272/2008.

The classification of titanium dioxide was limited to powders containing more than 1% titanium dioxide particles with an aerodynamic diameter of 10 micrometres or less. Measurements have shown that most titanium dioxide powders and pigment preparations do not fall under this classification. Therefore, liquid or solid mixtures, which currently carry the warning phrases EUH 211 and EUH 212 introduced with the 14th ATP in Annex II of the CLP Regulation, are more likely to be affected by the changes.

For labels that still bear the phrases, the CLP Regulation provides the following rules: In the event of a change in classification or labelling that does not represent a tightening of the requirements, the label must be updated within 18 months in accordance with Article 30. This means that by 1 February 2027, all labels must be adapted and the corresponding EUH phrases be removed.

CLP Regulation, Article 30: Updating information on labels

(1) The supplier shall ensure that the label is updated, without undue delay, following any change to the classification and labelling of that substance or mixture, where the new hazard is more severe or where new supplemental labelling elements are required under Article 25, taking into account the nature of the change as regards the protection of human health and the environment. Suppliers shall cooperate in accordance with Article 4(9) to complete the changes to the labelling without undue delay.

(2) Where labelling changes are required other than those referred to in paragraph 1, the supplier shall ensure that the label is updated within 18 months.

(3) The supplier of a substance or a mixture within the scope of Directives 91/414/EEC or 98/8/EC shall update the label in accordance with those Directives.

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