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## VdMi Information

### Legal measures against the classification of titanium dioxide

Several companies producing titanium dioxide or processing it in paints, for example, are now taking legal steps against the harmonised classification of titanium dioxide powder as a category 2 carcinogen. They have brought actions for annulment before the General Court of the European Union.

The action for annulment challenges the legality of the classification adopted by the European Commission and seeks its annulment.

The appeals allege various procedural errors: Firstly, it is argued that no data at the present state of scientific knowledge substantiate the classification as presumed carcinogenic. The applicants also criticise the Commission for having failed in its duty of care. For example, it has not examined whether the classification is proportionate or what the consequences will be for industry and consumers.

Other principles of EU law, such as the principle of legal certainty and the right of interested parties to be heard, were also disregarded in the applicants' view.

A decision by the court is not expected to be made until two to three years from now, i.e. after the classification has been validly implemented on October 1, 2021.

*The summaries of the statements of claim can be viewed here:*

*Official Journal of the EU, 6.7.2020, C 222, p.35:*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020TN0279>

*Official Journal of the EU, 6.7.2020, C 222, p. 39:*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020TN0288>

*Official Journal of the EU, 3.8.2020, C 255, p. 20:*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020TN0283>

#### **Contact person:**

Verband der Mineralfarbenindustrie e. V.

Dr Heike Liewald

Phone: 0049 (69)-2556-1351

[liewald@vdmi.vci.de](mailto:liewald@vdmi.vci.de)