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Requirement to label a portable container of fuel while filling it at service stations – a new proposal for revision of the CLP regulation

In December 2022, the Commission launched its proposal for a revision of Regulation (EC) No 1272/2008 (the CLP regulation) concerning classification, labelling and packaging of substance and mixtures. For the moment, final negotiations are on-going between the Commission, the Parliament and the Council.

Several changes were proposed by the Commission, one of which concerns providing labelling elements of fuels at filling stations for the sake of better protection of citizens.

The Commission proposal is to require providing a full set of label elements (Article 17) of hazardous chemicals permanently fixed on the respective pump where a vehicle is filled with the fuel.

However, this has been challenged recently and an amendment proposed by the Council. In their view on top of providing the label elements affixed on the pump, also a physical copy of all the label elements shall be provided to be attached on a portable receptacle whenever vehicle fuels are supplied at a pump (amendment to Annex II, third paragraph, amending provision, third paragraph; row 390 of the four-column table).

Improving safety by providing key hazard information and safety instructions more systematically on the pumps at service stations, where this does not exist yet, is a goal perhaps nobody can completely argue against. However, it should be further considered what is the key information worth to affix on the tanks and what could be provided by other means.

Instead, the signatories' serious doubts relate to the Council view to also require all the label elements as a physical copy to be attached on a portable container each time fuel is provided at a station tank. That is for the following practical reasons:

- First of all, the proposed text “a physical copy... to be attached” would be far too detailed leaving practically no room for different technical solutions.
- The same container is typically used dozens or hundreds of times, thus, a person does not need a physical copy every time he is at the pump. Who would check whether a physical label copy is needed or not?
The delivery of labels in unmanned stations or self-service pumps would be very difficult (and extremely expensive) to arrange, taking into account also the different weather conditions. Even in stations with service, it is only a very theoretical scenario that the cashier could check whether a physical label copy is needed. In most of the manned stations payment is possible only at the automates outside. Also, bringing the full containers inside to the counter would be an extra safety risk.
- In case a physical copy (possibly a laminated plastic sticker) is automatically provided the unnecessary extra copies would most probably be put in waste bins, or worse, end up polluting the nature.
- Overall, the provision sounds challenging to implement, and even more difficult to enforce.

In summary, the Council proposal as written in their negotiation mandate is highly impractical and should be deleted as such. Instead, other means could be used to increase citizens awareness.

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As a minimum, the regulation should be flexible on the means to provide information, and, in the modern world allow more advanced means, e.g. QR code. Depending on customers' demand, suitable stickers could even be sold in places easily accessed by people, e.g. in supermarkets, smaller stores and kiosks, filling stations etc. to be attached on a container.

In Finland, there are approximately 1840 service stations of which 62,5 % are automated stations. A very preliminary estimate of costs of technical changes would be around 3,68 million euros. Thus, in our view it is worth re-thinking what would be the more cost-effective alternatives EU-wide.

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