

Ms. Ursula von der Leyen,
President of the European Commission

Mr. Valdis Dombrovskis
Commissioner for Economy and Productivity;
Implementation and Simplification

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Transmitted by e-mail

Wednesday, 9 July 2025

Cc:

Ms. Teresa Ribera, Executive Vice-President for Clean, Just and Competitive Transition
Mr. Stéphane Séjourné, Executive Vice-President for Prosperity and Industrial Strategy
Ms. Jessika Roswall, Commissioner for Environment, Water Resilience and a Competitive Circular Economy
Ms. Ilze Juhansone, Secretary General

RE: Concerns about the Sixth Omnibus on chemicals

Dear President Ursula von der Leyen

Dear Commissioner Valdis Dombrovskis,

With this letter we, the undersigned organisations from civil society, express our concerns regarding the so-called Sixth Omnibus on chemicals (part 1), the legislative proposal published on 8 July, amending Regulation (EC) No 1272/2008 (CLP Regulation), Regulation (EC) No 1223/2009 (Cosmetic Products Regulation), and Regulation (EU) 2019/1009 (Fertilising Products Regulation) as regards simplification of certain requirements and procedures for chemical products (COM(2025) 531).

This proposal does not serve its alleged aim to enhance competitiveness without compromising a high level of protection. The proposed changes to the CLP Regulation, which reverse recent improvements, are providing for **deregulation** and signal **regulatory instability**. Further, unpredictability following instability **harms investor confidence** and penalizes companies that invested in compliance and in transitioning, ultimately weakening, rather than strengthening EU industry.

We have also identified severe cases of maladministration by the European Commission in the context of the preparation of the proposal. The impact assessment accompanying the proposed rollback of CLP Regulation formatting rules - meant to enhance hazard communication by 2027 - **lacks proper evidence and public consultation, violating EU primary law and Better Regulation Guidelines**. The rollback endangers consumer and worker safety.

The impact assessment almost exclusively draws from data provided by industry, while no justification is given for **bypassing public input, especially from those directly affected**. The proposal is also in conflict with EU Charter rights to health and environmental protection and **lacks a required proportionality assessment**, despite sufficient time for a transparent, participatory legislative process.

This maladministration, furthermore, will likely **lead to more legal challenges** should the proposal ever become legislation. Several legal analyses of the first Omnibus highlight serious procedural flaws also relevant to the current case, identifying breaches of EU law and the Charter of Fundamental Rights. They warn that the Commission's **failure to follow its own rules could lead to annulment by EU courts**. Potential legal challenges create uncertainty for businesses, undermining the competitiveness the Omnibus aims to support.

Additionally, the adoption of these omnibuses – which are in breach of EU law and the Commission's own internal rules -- undermine the credibility of the Commission and of the EU as the leader of the green transition and a supporter of the rule of law and democratic safeguards.

The proposal is so fundamentally flawed, with deficiencies of a structural nature, that the legislative process won't suffice to address them. **We therefore respectfully ask the Commission to withdraw the proposal.**

We elaborate further in the paper attached on the legal and procedural shortcomings, as well as on the negative effects of the CLP Regulation proposal. However, we wish to emphasize that the proposals to amend the **Cosmetic Products Regulation suffer from equally concerning shortcomings**.

Yours sincerely,

Anais Berthier, Associate Director for the EU/Head of Brussels office, ClientEarth
on behalf of

ChemSec – the International Chemical Secretariat

Child Rights International Network (CRIN)

Center for International Environmental Law (CIEL)

Corporate Europe Observatory (CEO)

ECOS (Environmental Coalition on Standards)

European Environmental Bureau (EEB)

Federation SEPANSO Aquitaine

Générations Futures

Health and Environment Alliance (HEAL)

Annex

As we elaborate further below, we do not believe that the proposal for a Sixth Omnibus on chemicals serves its aim to enhance competitiveness without compromising a high level of protection (part 1). We have also identified severe cases of maladministration by the European Commission in the context of the preparation of the proposal (part 2) as well as threat of legal challenges should it ever become legislation (part 3).

(1) Simplification leading to deregulation while not improving competitiveness

The explanatory memorandum accompanying the proposal recalls the current competitiveness agenda pursued by the Commission and explains that *“this initiative aims at simplifying and streamlining certain requirements and procedures for chemical products identified as particularly burdensome by industry and authorities. These provisions would benefit from regulatory streamlining and modernisation, which would make chemical legislation more efficient and cost-effective for industry, while at the same time ensuring a high level of protection of human health and the environment”*.

We contest the rationale that by ‘simplifying’ legal requirements aiming to ensure a high level of protection, industry is receiving the right support to enhance EU competitiveness. Rather, given the Union’s inability to compete with, for example, US access to cheap energy or low cost of labour in China, our global competitiveness will depend on sustainability leadership. Policy initiatives should therefore aim at the highest ambitions in terms of safety and sustainability while providing the right legal framework so EU companies can meet these standards.

In addition, the Commission continuously claims that simplification measures in no way mean deregulation. The proposed amendments to the CLP Regulation are one among many examples illustrating the opposite. Only recently, CLP has been revised through Regulation (EU) 2024/2865, which entered into force in December 2024. This targeted revision introduced improvements to ensure effective hazard communication on chemical products. The omnibus on chemicals proposes to cut back these improvements, which is a clear case of deregulation.

The CLP example raises the additional concern that frequent legal changes rather undermine the competitiveness of EU businesses by eroding regulatory predictability and investor confidence. Moreover, companies that have made significant investments to comply with the recently revised CLP rules will be penalised if requirements are now arbitrarily reversed.

(2) Legal breaches in the procedures preceding the proposal

CLP Regulation currently obliges chemical suppliers to communicate the relevant hazards on the packaging of a chemical product. Regulation (EU) 2024/2865 introduced, among other things, minimum requirements regarding the formatting of this hazard communication. The new formatting requirements will apply as of January 2027. Recital 15 of Regulation (EU) 2024/2865 states that *“to ensure a high level of protection for human health and the environment, it is necessary that labels on substances and mixtures be legible”*. As mentioned, with the sixth omnibus proposal, the Commission aims to undo these improvements.

We identify severe maladministration in the preparation of this legislative proposal. We note the proposal will have a significant impact both on the environment and human health and safety without proper evidence basis, impact assessments or proportionality analysis – despite an Ombudsman inquiry launched on 21 May 2025 on a similar matter.¹ The Commission continues to exempt itself from the obligation to follow its Better Regulation Guidelines without proper justification. In particular, we raise the following instances of failure to follow the Better Regulation Guidelines:

- Failure regarding the lack of a public consultation

The Explanatory Memorandum refers to the previous impact assessment accompanying the proposal for Regulation (EU) 2024/2865 that introduced the formatting requirements. Additionally, the Staff Working Document (SWD(2025) 531) accompanying the proposal states the Commission “*received information from industry, both from large companies and SMEs, from non-governmental organisations and from national competent authorities*”. Given that the current rules aim at protecting consumers and workers, the initiative enjoys broad public interest, the public directly negatively impacted should therefore be consulted. The Commission did not motivate its decision to resort to a speedy process, which cannot be justified especially given that these rules were only set to apply from January 2027, giving it sufficient time for a full, transparent and participatory legislative process based on principles enshrined in Article 10(3) and 11(3) TEU.

- Failure regarding evidence-based decision making

As the new formatting requirements will apply as of January 2027, the date of the implementation of the new rules is still a year and a half away. Despite that, the Commission justifies the revision of the regulation by the looming difficulties in implementation, which can only be theoretical at the moment. Theoretical difficulties in implementation could justify the assessment of whether any changes are needed and a proper participatory process to identify where improvements could be made. However, given that the formatting rules are designed to protect and warn consumers against environmental and health hazards, amending the existing rules requires a proper evidence basis and analysis of risks presented to consumer and worker interests in case readability and legibility of the information would not be guaranteed.

- Failure to perform a consistency assessment in light of the EU Charter of Fundamental Rights

The Explanatory Memorandum states that the “*respects the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union and adheres to the principles recognised therein*”. Yet, by rolling back the legislative changes expressly made to ensure a high level of protection of the environment, the proposal clearly violates Article 37 of the Charter, requiring Union policies to bring about “*improvement of the quality of the environment*”. Additionally, the proposal is also in conflict with Article 35 which states that “*high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities*”. At the minimum, the Commission should have performed a

¹ <https://www.ombudsman.europa.eu/en/opening-summary/en/205174>.

proportionality assessment under Article 52 of the Charter, as is also foreseen by the Better Regulation toolbox (#29).

(3) Legal threat

A recent legal analysis scrutinizing the first Omnibus² provides insights which are also highly relevant for this proposal, given the structural similarities in the procedural shortcomings in both files. It identifies multiple grounds for legal challenges under EU law which could invalidate the Omnibus, including violations of the principles of proportionality, legal certainty, legitimate expectations, coherence, and environmental integration, and of the Charter of Fundamental Rights. The analysis further warns that breaches of essential procedural requirements could lead the Omnibus to being found invalid. The experts also point out the Commission's failure to conduct a broader impact assessment under its own Rules of Procedure, which could lead to an action for failure to act. The analysis warns that these legal challenges could be brought to EU courts by Member States, civil society organisation and private operators.

The mere possibility of a legal challenge successfully being launched creates uncertainties for those companies that were supposed to benefit from the Omnibus initiative. With the legally flawed proposal, the Commission is therefore doing a real disservice to EU competitiveness.

² [Potential legal challenges under EU law to the proposed Omnibus directive | ClientEarth.](#)