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Committee on Technical Barriers to Trade

Original: Spanish

**EUROPEAN UNION – TITANIUM DIOXIDE: REGULATION (EC) NO. 1272/2008
(CLP REGULATION), ANNEX VI, PART 2****STATEMENT BY MEXICO TO THE COMMITTEE
ON TECHNICAL BARRIERS TO TRADE
6 AND 7 MARCH 2019**

The following communication, dated 1 April 2019, is being distributed at the request of the delegation of Mexico.

1. Reference is made to the draft European Chemicals Agency (ECHA) proposal on harmonized classification of titanium dioxide (TiO₂) as a possible carcinogen (category 2) in accordance with EU Regulation (EC) on the classification, labelling and packaging of substances and mixtures (CLP Regulation), which was notified to the members of the WTO TBT Committee on 12 December 2018 in document G/TBT/N/EU/629.

2. In addition to sharing the concerns expressed by the United States, Mexico has concerns over this regulation based on the following:

- The classification of titanium dioxide as a possible carcinogen would have implications for several industrial sectors in Mexico, notably: food, cosmetics and paints.
- We are aware that the Joint FAO/WHO Committee of Experts on Food Additives (JECFA) assessed on many occasions (2006, 2009, 2010, 2012) the use of titanium dioxide as a food additive, concluding that there is insufficient evidence to determine the carcinogenicity of the substance for human beings or animals.
- Similarly, in 2016, the European Union, through its Re-evaluation of titanium dioxide (E 171) as a food additive EFSA Panel on Food Additives and Nutrient Sources added to Food (ANS), concluded that the absorption of orally administered titanium dioxide is extremely low and there appears to be no correlation between its low absorption capacity and the size of its particles. Therefore, it does not warrant any concern for human health.
- Based on the foregoing, Mexico considers that there might be a contradiction between the proposed classification of the substance and studies conducted at the international level, notably the study carried out in the European Union.
- While recognizing the right of the European Union to protect the health of its population, we consider that the classification proposed for titanium dioxide might run counter to the provisions of Article 2.2 of the WTO TBT Agreement, insofar as it is more trade-restrictive than necessary and establishes a classification of substances that is not sufficiently substantiated by scientific and technical evidence.

3. Based on the foregoing, Mexico requests the following of the European Union:

- The scientific and technical justification used in reviewing this proposal to classify titanium dioxide as a carcinogenic substance category 2.
 - The status of said proposal within the European Union.
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