

The General Court of the European Union rules in favour of TDMA Members

In a judgment delivered on 23 November 2022, the General Court of the European Union has [ruled](#) that titanium dioxide (TiO₂) is not a category 2 carcinogen by inhalation in line with Regulation (EC) No 1272/2008 on classification and labelling.

The principal reasons for the annulment were that an error had been made in the assessment of the reliability and acceptability of the study on which the classification was based, and that a classification can only apply to a substance that has the intrinsic property to cause cancer.

This means that TiO₂ is not classified as a hazardous substance in the EU, and the obligations related to hazardous classification will not apply in future.

The Titanium Dioxide Manufacturers Association (TDMA) welcomes the outcome although recognises that there have also been some lessons learned for the TiO₂ industry about improving the scientific communication related to the safety of TiO₂.

The TDMA will work with European and Member State authorities to address any concerns and the implications of the ruling for downstream users and applications.

The TDMA has always been committed to improving worker safety and will continue to invest in the significant TDMA scientific programme, with the objective to generate additional safety data and to update studies to the latest guidelines and scientific techniques.

Case details

The single judgement covers three separate legal cases, two of which were brought by German companies in the paint and coating industries, notably 'CWS Powder Coatings Case T-279/20' and 'Brillux and Daw Case T-288/20'. The TDMA Members were represented by the legal firm Mayer Brown for case T-283/20.

The European Council of the Paint, Printing Ink and Artist's Colours Industry (CEPE); the British Coating Federation (BCF); and the American Coatings Association (ACA) intervened in support of the TDMA Member's case on behalf of the paint, coatings and printing inks industries. The case was also supported by Greek companies in the aluminium industry, Mytilneos S.A. and Delfi-Distomon Anonymous Metalleytiki Etaireia, who have been negatively impacted by the EU classification.

