



Notice concerning the harmonised classification of titanium dioxide as Carcinogenic Category 2 via inhalation according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council

(C/2025/6670)

Further to several applications (Cases T-279/20, T-283/20 and T-288/20) that were joined for the purposes of the judgment, the General Court, by its judgment of 23 November 2022, partially annulled Commission Delegated Regulation (EU) 2020/217 ⁽¹⁾ as regards the harmonised classification and labelling of titanium dioxide in powder form containing 1 % or more of particles with aerodynamic diameter equal to or below 10 µm. France and the Commission appealed the General Court's judgment at the Court of Justice of the European Union, which dismissed the appeals by its judgment of 1 August 2025 in Joined Cases C-71/23 P and C-82/23 P. The partial annulment of Delegated Regulation (EU) 2020/217 by the General Court is thus upheld.

As a consequence, titanium dioxide in powder form containing 1 % or more of particles with aerodynamic diameter equal to or below 10 µm is not subject to harmonised classification as Carcinogenic Category 2 via inhalation, as the row corresponding to index number 022-006-00-2, in point (2)(c) of Annex III to Delegated Regulation (EU) 2020/217 is annulled.

Moreover, the following parts of Delegated Regulation (EU) 2020/217 are also considered annulled:

- (a) Annex I
- (b) Annex II
- (c) In Annex III Note W and Note 10

⁽¹⁾ Commission Delegated Regulation (EU) 2020/217 of 4 October 2019 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation (OJ L 44, 18.2.2020, p. 1, ELI: http://data.europa.eu/eli/reg_del/2020/217/oj).