

Practical CLP Compliance Advice Given to EU Importers

CLP stands for the Regulation (EC) No 1272/2008 on the Classification, Labeling and Packaging of substances and mixtures. CLP introduces the United Nations globally harmonized system (UN GHS) for classification and labeling of chemicals into Europe. CLP entered into force on 20th January 2009.

The CLP Regulation, Article 46, on Enforcement and Reporting, states that "Member States shall take all necessary measures, including maintaining a system of official controls, to ensure that substances and mixtures are not placed on the market, unless they have been classified, labeled, notified and packaged in accordance with this Regulation".

Main Obligations of EU Importers under CLP Regulation:

- should classify, label and package substances and mixtures according to CLP before placing them on the market;
- should notify the classification and labeling elements to the classification and labeling inventory established by ECHA before 3 Jan 2011(**Urgent!!!!**);
- should update the label following any change to the classification and labeling of that substance or mixture;
- should submit a proposal to the Competent Authority if new information which may lead the change of harmonized classification and labeling is available;
- shall provide Safety Data Sheets(SDS) along the supply chain and update SDS when necessary.

To comply with CLP, EU importers shall do the following four things:

- Chapter One: Classification
- Chapter Two: C& Notification
- Chapter Three: Labeling and Packaging
- Chapter Four: Safety Data Sheet

Chapter One: Classification

According to CLP, chemical substances to be placed on the market have to be classified using one or both of the following approaches:

- Use of harmonized classifications (Annex VII of CLP);
- Self-classification by application of the criteria defined in CLP.

The classifications of many substances are harmonized and included in the Annex VI of CLP. You can directly search EC or CAS number to find the classification of your substance. For substances not listed in the Annex VI, you need to use self-classification criteria defined in CLP. Usually, the classification requires composition information and available testing data. This is slightly more complicated.

Mixtures will always have to be self-classified. They have to be assessed to elucidate whether they meet the criteria for classification. For this assessment any available harmonized classifications of the substances contained in the mixture must be taken into account.

If you import a chemical or mixture from non-EU suppliers and sell them to other customers without changing the composition of substance or mixture, you can request classification information from your suppliers and use that classification. However, if you have changed the composition of substance or mixture, you need to do your own classifications.

It is also suggested that you evaluate the quality of SDS you have received from your suppliers because the classification in the SDS might be wrong. Wrong classification in SDS might pose risks to workers who use the SDS. This is especially true if a hazardous chemical has not been classified as hazardous in the SDS.

Chapter Two: C&L Notification

CLP requires that information on substance identity and classification and labelling ("C&L") of a substance should be notified to ECHA, the so called "C&L Notification". ECHA will include this information in a database, called the Classification and Labeling Inventory.

As EU importer, you will be required to submit C&L notifications if you import the following chemicals:

- A substance that is subject to registration under REACH (>1t/y);
- **A substance that is classified as hazardous irrespective of the quantity;**
- A mixture which contains the substance that is classified as hazardous and is present above the relevant concentration limit, which results in the classification of the mixture as hazardous in accordance with CLP.

C&L notification must be submitted to ECHA by importers before 3 Jan 2011 if

substances are placed on the EU market before 1 Dec 2010. For substances placed on the market after 1 Dec 2010, C&L notification must be submitted within one month from the first time they are placed on the market

After C&L notification is submitted, a submission report with reference number beginning with 02-xxx will be issued. These reports would allow notifiers to show compliance towards Member States Competent Authorities.

How to submit C&L notification?

C&L notifications will be submitted electronically via the REACH-IT system. The following information is required for C&L notification:

- your identity and the identity of substance;
- the classification of the substance;
- indication of why if the substance has been classified in some but not all CLP hazard classes;
- if applicable, specific concentration limits, or M-factors related to the classification as hazardous for the aquatic environment together with a justification for the use; and
- the labeling elements for the substance, including the supplemental hazard statements referred to in Article 25(1).

Companies will ultimately have three options for submission of CLP notifications.

- **via IUCLID 5.2** (notification dossier is prepared in IUCLID 5.2 and submitted to ECHA in REACH-IT). The only notification tool for a substance whose classification changes with the composition (for example, constituents and impurities);
- directly to REACH-IT using an **XML** form for bulk submissions. Recommended for a legal entity who has several or a large number of substances (identified by CAS or EC) to notify.
- **ONLINE** via REACH-IT. Recommended for a Legal Entity who only needs to notify a few substances. The best option for SMEs.

Something you should know about C&L notification

- Substances that will be registered by your suppliers under REACH before 30 Nov 2010 do not require C&L notifications;
- Non-EU companies and REACH only representatives are not entitled to submit C&L notifications;
- C&L notification is cheap and easy. It is much easier and less time-consuming if you could outsource this job to us. We provide this service at only **100** Euros per substance. Discount is available for multiple substances;
- Our recommendation to EU importers is that you shall submit your own C&L notifications as the first choice. If you do not know how to submit C&L notifications, please contact us to help you fulfill your obligations under CLP;

- If you request your non-EU suppliers or the only representatives of your suppliers to submit C&L notification for your company, what they actually do is to create REACH-IT account for your company and submit C&L notification in the name of your company. Your company name will be on the submission report.

Chapter Three: Labelling and Packaging

When you import chemicals and re-sell them to other companies, you shall prepare your own CLP compliant label with your company name on it. The CLP label should be firmly affixed to one or more surfaces of the packaging immediately containing your substance or mixture. They should be legible horizontally when the package is set down normally.

A CLP compliant label shall contain the following elements:

- the name, address and telephone number of your company;
- the nominal quantity of the substance or mixture in the packages ;
- product identifiers;
- hazard pictograms;
- signal word (**danger** or **warning**);
- hazard statements;
- appropriate precautionary statements; and
- supplemental information.

A sample of CLP label can be found here:

http://www.cirs-reach.com/CLP/CLP_Compliant_Label_Brochure.pdf

Chapter Four: Safety Data Sheet

REACH Safety Data Sheets (SDS) is the main hazard communication tool in the supply chain of substances and mixtures. It is regulated by REACH regulation and CLP regulation. As importers, you are recommended to get a copy of SDS for your substances from your suppliers whether you re-sell them or not.

Who Should Supply Safety Data Sheet (SDS) and When?

1. Supplier of a substance or mixture if:
 - substance/mixture is hazardous;
 - substance is PBT or vPvB;

- substance is on candidate list of substances of very high concern(SVHC) for reasons other than those above;
- 2. Supplier must provide SDS at recipients request where a mixture is not hazardous but contains a substance which:
 - poses human health or environmental hazard($\geq 1\%$ w/w non-gaseous/ $\geq 0.2\%$ w/v gaseous mixtures); or;
 - is a PBT or vPvB ($\geq 0.1\%$ w/w) or;
 - is on Candidate List of SVHC ($\geq 0.1\%$ w/w) or;
 - has exposure limits (OELV);
- 3. **SDS** must be supplied before or at time of the first delivery of chemical in paper or electronic format;

Elements of the New REACH Safety Data Sheet (SDS): 16 headings

1. Section 1: Identification of substance or mixture and company:
 - Registration No. is required (when available);
 - Use of the substance/mixture is added;
 - E-mail address of competent person is needed;
2. Section 2: Hazards identification:
 - Distinguish between mixtures that are and are not hazardous;
 - Mention other hazards that do not result in classification (e.g., dustiness, ozone depletion);
 - Classification as in Title V CLP and DSD(see note);
3. Section 3: Composition & information on ingredients:
 - All substances classified as hazardous or those with OELVs or PBT/vPvB need to be reported;
4. Section 7: Handling and storage:
 - Where CSR required, information to be consistent with Exposure Scenario (ES);
 - Under "Handling" include measures to protect environment;
 - New section on "Specific uses";
5. Section 8: Exposure controls/personal protection (If CSR is required):
 - DNELs and PNECs for substance need to be provided;
 - Summary of Risk Management Measures(RMM) shall included for identified uses as set out in ES;
6. Section 11, 12: Toxicological information and Ecological information:
 - Summaries of toxic tests and ecological tests need to be provided;
7. Section 15: Regulatory information:
 - Indicate if CSA has been carried out;
 - Indicate if substance subject to authorization/restriction;
8. Section 16: Other information:
 - Full text of R phrases (hazard statements) to be listed;
 - Upon revision, indicate information added/deleted/revise;

Something you should know about SDS

- SDS must be in the official language of the Member States;
- SDS must be in REACH format (see elements above) ;
- Email of competent person must be given;
- Registration number must be given in SDS and communicated when available;
- SDS must contain both the classification information under DSD and CLP after 1 Dec 2010, thus current SDS needs to be updated after 1 Dec 2010;
- For substances requiring Chemical Safety Report, exposure scenario (ES) must be annexed to SDS when registration is completed.

End

We provide end-to-end solutions to CLP compliance. We can help you classify your substances and mixtures according to CLP, notify the classification and labeling of your products to the C&L Inventory, prepare CLP compliant label and the latest Safety Data Sheets.

- Fee regulatory advice on the implications of CLP and REACH for your company;
- Re-classification and re-labeling of your substances or mixtures;
- Notification to the Classification & Labeling Inventory (C&L notification) (IUCLID 5 or XML bulk submission or online submission);
- CLP compliant labels (GHS Label);
- New Safety Data Sheets in accordance with CLP & REACH;

CIRS also offer CLP compliance package price (notification + SDS + label) at 300 Euros per substance. For more information about how REACH & CLP might affect your business and how to comply with CLP, please contact:

- Europe, Ms Louise Halpin, louise.halpin@cirs-reach.com, +353 41 9806916
- Asia and North America, Mr Yunbo Shi, yunbo.shi@cirs-reach.com, +86 571 87206555

For more information about how to comply with REACH and CLP, please go to:

<http://www.cirs-reach.com/REACH>

<http://www.cirs-reach.com/CLP>