

Notification under the CLP Regulation

The CLP Regulation is the new EU legislation on Classification, Labelling and Packaging of substances and mixtures. It integrates the classification criteria of the United Nations Globally Harmonised System (GHS) into EU law. The CLP Regulation will gradually replace the Dangerous Substances Directive (DSD) and the Dangerous Preparations Directive (DPD).

The CLP Regulation (EC) No 1272/2008 on the Classification, Labelling and Packaging of substances and mixtures, implemented into national legislation by Legal Notice 214 of 2009, brings new obligations for suppliers of chemicals.

Notification under CLP relates to the Classification and Labelling (C&L) Inventory established by the European Chemicals Agency (ECHA). Manufacturers and importers are required to submit to the Inventory information on the C&L of substances placed on the market, regardless of their quantities, in accordance with CLP Article 40. The Inventory is a new database which did not exist under the previous legislation of C&L (DSD and DPD).

Who should notify?

If you are one of the suppliers listed in Table 1, then you have to notify the C&L of your substances to the Inventory.

<i>Manufactures substances (including isolated intermediates) subject to registration in accordance with the REACH Regulation</i>
<i>Imports substances (e.g. dye stuffs) subject to registration in accordance with the REACH Regulation</i>
<i>Manufactures or imports substances which are classified as hazardous, irrespective of the quantity involved</i>
<i>Imports mixtures containing hazardous substances, irrespective of the quantity involved</i>
<i>Imports articles containing substances which are subject to registration under REACH Article 7</i>
Table 1: List of suppliers that need to notify under CLP

A distributor (including a retailer) does not have to classify substances and mixtures himself, but may take over the respective classification made available on a Safety Data Sheet. The same applies to a downstream user as long as he does not change the composition of the substance or mixture supplied to him. Distributors established within the EU, who are supplied with substances or mixtures by an actor outside the EU, are considered importers under CLP thus CLP obligations apply.

Which substances should be notified in the inventory?

Notification under the CLP Regulation applies to all hazardous substances of all tonnages either on their own or contained in a hazardous mixture above specified concentration limits, and which are imported or manufactured and placed on the market within the EU. Also all non-hazardous substances subject to registration under REACH, i.e. a substance manufactured or imported in volumes at or above 1

tonne per year, must be notified. This includes substances on their own, substances contained in mixtures and those substances contained in imported articles where Article 7 of the REACH Regulation provides for registration. Note that you must notify a substance even if its C&L is (completely) harmonised and it is listed in Part 3 of Annex VI to the CLP Regulation.

However, the obligation to notify does not apply to a number of **substances and mixtures in the finished state** and intended for the final user or for uses for which there is specific legislation in place, e.g. radioactive materials, medicinal products, cosmetic products and food and feeding stuffs.

Substances and mixtures for scientific research and development (R&D) are exempted from the CLP Regulation only if they are used under controlled conditions in accordance with Community workplace and environmental legislation and when they are not placed on the market.

Substances for product and process orientated research and development (PPORD) should be notified to the C&L Inventory, irrespective of the tonnage, where they meet the criteria for classification as hazardous and when they are placed on the market. This applies also to PPORD substances in mixtures if the mixture is classified due to the substance.

Notification to the Inventory must always be done for **active substances contained in plant protection products (PPPs) and biocidal products (BPs)** when they are placed on the market.

Alloys are considered special mixtures under the REACH and CLP Regulations. The components of alloys need to be notified to the Inventory in case they are hazardous and contained in the alloy above specified concentration limits.

Polymers must be notified to the Inventory if they are classified as hazardous and if they are imported or manufactured and placed on the market, on the basis of CLP Article 39(b) and 40. By contrast, **monomers** contained in such polymers are not considered as being placed on the market, and their notification is not necessary.

According to the CLP Regulation, importers of **articles** do not need to notify the C&L of a substance contained in an article, unless the substance needs to be registered in accordance with Article 7 of the REACH Regulation.

When should substances be notified?

As a general rule, you must notify the C&L of a substance within one month of placing it on the market on or after 1 December 2010. For importers, the one month delay is counted from the day when a substance, on its own or contained in a mixture, is physically introduced in the customs territory of the Community. The first working day in 2011 is 3 January. This means that the **first notification deadline is 3 January 2011**, namely for all substances placed on the market on 1, 2 and 3 December 2010. The submission of a notification to the C&L Inventory is free of charge.

ECHA recommends that notifications are submitted from now on and well before 24 December 2010.

Notification in Practice...

In view of the notification of substances under CLP the Malta Standards Authority (MSA), in collaboration with the Malta Chamber Of Commerce, Enterprise and Industry (MCCEI), is organizing a seminar on CLP Notification on Wednesday 3 November 2010 at the MCCEI at 1530 hrs. The main aim of the information seminar is to assist the industry to prepare, create and submit a notification. If you would like to register for the workshop, kindly please contact Ms. Audrey Anne Anastasi at MSA by Friday 29 October 2010.

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