

CLP: Classification, Labelling & Packaging of Chemical Substances

Large companies which need to register chemical substances, under the REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) Regulation (EC) No 1907/2006, are aware of their obligations to classify and label their chemicals. However, smaller companies which manufacture or import substances in low tonnages are probably not yet aware that they have to prepare for the new classification, labelling and packaging Regulation, even though they are not subject to REACH.

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.

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[lex.europa.eu/Notice.do?val=486098:cs&lang=en&list=555563:cs,555564:cs,555566:cs,555559:cs,555561:cs,490877:cs,486098:cs,&pos=7&page=1&nbl=7&pgs=10&hwords=](http://eur-lex.europa.eu/Notice.do?val=486098:cs&lang=en&list=555563:cs,555564:cs,555566:cs,555559:cs,555561:cs,490877:cs,486098:cs,&pos=7&page=1&nbl=7&pgs=10&hwords=)

CLP is about the hazards of chemical substances and mixtures and how to inform others about them. It is the task of industry to establish what are the hazards of substances and mixtures before these are placed on the market, and to classify them in line with the identified hazards. In case a substance or a mixture is hazardous, it has to be labelled so that workers and consumers know about its effects before they handle it.

There are certain timelines for industry to classify and label their substances and mixtures in line with the CLP rules. Also, industry must notify hazardous substances and mixtures to a central inventory.

Classification and Labelling - From 1 December 2010, all suppliers placing chemical substances on the market have to classify and label their substances in accordance with the new criteria. From 1 June 2015 this also applies to mixtures produced from the substances. The classification according to the Dangerous Substance Directive (DSD) continues until 1 June 2015.

Notification - Manufacturers and importers who place a hazardous substance on the market, on or after 1 December 2010, either on its own or contained in a hazardous mixture will have to notify the classification and labelling of the substance to ECHA, irrespective of its quantity. The obligation to notify will also apply to manufacturers and importers placing on the market a substance that is subject to registration under REACH. No further notification is required when the classification, in accordance with the CLP criteria, has already been submitted as part of a registration under REACH by the same manufacturer or importer. Downstream users, including formulators of mixtures, as well as distributors of hazardous substances and mixtures do not need to notify to the classification and labelling Inventory. This is because the notification of the respective substances should have occurred already at an earlier stage in the supply chain.

Notification under the CLP Regulation

Classification and Labelling Inventory - ECHA will establish a classification and labelling inventory which will be accessible over the internet. This will include the notified classifications as well as classifications included in the registration dossiers submitted under REACH and the classifications that are harmonised at EU level.

Safety Data Sheets - An existing Safety Data Sheet (SDS) may require an update when a substance or mixture has been classified, labelled and packaged according to CLP and if new knowledge on hazards becomes available. After 1 December 2010 the SDS shall contain the classification of a substance according to the Dangerous Substances Directive 1967/548/EEC, as transposed into national legislation by Legal Notice 306 of 2008 (as amended), and according to CLP. Until 1 June 2015 the SDS shall contain classification of a

mixture according to the Dangerous Preparation Directive 1999/45/EC, as transposed into Legal Notice 10 of 2007 (as amended). However, if a mixture is already classified, labelled and packaged according to CLP, it shall also contain the CLP classification of the mixture. As from 1 June 2015 the substance and mixture classifications on the SDS shall be according to CLP.

Important CLP deadlines

- *1 December 2010* - Substances must be classified and labelled according to the CLP criteria
- *3 January 2011* - Substances which are hazardous or subject to registration and are placed on the market (Date of marketing) on 1 December 2010 must be notified
- *Ongoing* - Substances which are hazardous or subject to registration and are placed on the market after 1 December 2010 must be notified within one month
- *1 June 2015* - Mixtures placed on the market must be classified and labelled according to the CLP criteria

Notification under the CLP Regulation

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.

Further information:

Further guidance on CLP can be found on the ECHA website:

http://echa.europa.eu/home_en.asp

CLP legislation:

http://echa.europa.eu/legislation/classification_legislation_en.asp

REACH-IT:

http://echa.europa.eu/reachit_en.asp

Guidance on CLP:

http://guidance.echa.europa.eu/guidance_en.htm

For any other information or advice you can always contact the CLP helpdesk at the RAD-TRD at MCCAA via the following email: helpdesk.msa@msa.org.mt