CLP Workshop

Opening by the Chair

The Chair, Erwin ANNYS (ECHA) opened the CLP Workshop by welcoming the representatives of the European Commission (COM), national helpdesks (NHDs) and observers from industry, candidate and third countries.

The Chair informed the participants about the ongoing internal audit on the HelpNet activities, with a focus on stakeholder engagement. The audit included interviews with the CLP correspondents. The Chair kindly asked the participants to accept the invitation that could come their way from Minna Strömberg (ECHA).

The Chair presented the draft agenda of the day, which was approved without comments. No participant claimed a conflict of interest for any of the agenda items.

Then, the Chair reported on the list of action points from the CLP Workshop in May 2023. The action point on promoting the webinar on PCN webcasted in November was considered ongoing until the end of the year. The German NHD was reminded about the open action point on posting their Q&A on tobacco products in HelpEx. The Chair asked for volunteers to take the action point on proposing to a project on tobacco-like products the Forum.

This document summarises the topics discussed during the workshop (Annex I) and the follow-up action points (Annex II). The names of the participants attending the event are listed in Annex III to these minutes.

1. Updates from the European Commission and ECHA

1.1 Update from the European Commission

Svetlana SKRYNIKOVA (European Commission, DG GROW) made an update on the process of the revision of the CLP regulation and presented the state of play of negotiations. She started her presentation by reminding the participants about the Ordinary Legislative Procedure (OLP) steps. The three parties (COM, Council and Parliament) had agreed in writing to initiate technical meetings, the seventh one taking place on 29 November. The political trialogue was confirmed for 5 December. She then outlined the next steps from a procedural point of view. The deadline to get the revision approved would be 22-25 April when the last plenary meeting of the current EP would take place.

The next point was about the main issues where the three parties had a disagreement, namely: More than One Constituent Substances (MOCS); green claims; fold-out labels; access to justice; font sizes and child-resistant fastenings and tactile warnings. She also touched upon the deferred application dates for different requirements, which would allow industry to adapt to the new requirements in a smoother way, in particular formulators and users of mixtures.

The third main point was about the concept of mandatory supplier in the EU. The two main drivers for proposing this concept in CLP revision are the reality of on-line sales and the high level of non-compliance detected in this sector. The proposed modification to Article 4(10) would introduce the obligation to have an EU-based supplier to ensure compliance. Article 48 of the CLP would also be modified to expressly cover on-line offers. This concept is modelled on the Market Surveillance Regulation and the General Product Safety Regulation, so not completely new. The objective of the proposal is to ensure that there is an economic operator responsible for a substance/mixture in the EU, but without creating neither a new type of economic operator, nor new obligations, with a view to not disrupt the supply chain.

Discussion

One NHD pointed out the report of the REF-8 which showed even higher levels of non-compliance compared to the one presented by COM.

Another NHD expressed their support for the MOCS, as this concept would bring much appreciated clarity for classifying UVCB. They also wondered what could happen if the three parties would not reach an agreement on the revised CLP. COM replied that in very rare occasions it had happened that positions of the co-legislators were so far apart that a proposal never became legislation. A more probable yet undesirable situation would be a political agreement in the trialogue but disagreement or negative votes in the Council or the Parliament. In any case, COM was confident, as common grounds were being found, that the CLP revision could be agreed by co-legislators before April 2024. Furthermore, COM referred to ECHA to provide more information about the guidance which was being prepared to help the implementation of the new hazard classes, and the guidance which would help with the implementation of the CLP revision.

The same NHD asked about the changes to access to justice which were being discussed. COM acknowledged that this was a politically sensitive issue and could not elaborate any further.

Another question to COM was about the deferred application dates. COM explained that in January or February there would be a text that should give an idea of the political agreement reached, and that text would be useful to make plans. She then informed that the publication of the legal text would include exact dates, such as '1 of June 2025' instead of the current '18 months after the publication of this text'. This would help authorities and industry in making more detailed plans. The optimistic estimate from COM was that the publication of legal text would happen in June or July.

A further question to COM was about the on-line sales with mandatory suppliers in the EU. What if a non-EU supplier would appear on the label? Who would be responsible? Who would be enforced? COM acknowledged the difficulties in practice to handle this situation, as a party in a third country cannot be enforced. Possible measures could be blocking the import or blocking the listing in the on-line sales platform. These actions would be penalizing that party, rather than enforcing the legislation.

The Chair wrapped up the discussion by clarifying that indeed Unit C1 in ECHA was running the Guidance update due to the new hazard classes. He also explained that the REF-8 enforcement project had found an 85% of non-compliance in on-line sales, as already noted by an NHD.

1.2 Update from the ECHA Helpdesk

Pedro ROSELLÓ VILARROIG (ECHA, REST) presented some updates from ECHA helpdesk, considering the whole of CLP. Later in the day, he would make a similar presentation focusing only on Annex VIII (poison centre notifications, PCN). He presented the hot and recurring topics in the questions received by ECHA and pointed to the increasing number of questions as compared to the previous year (780 in 2022, over 1 000 already by 31 October 2023). On the other hand, the percentage of customers forwarded to NHD was declining as compared to the previous year.

Under the chapter of 'Cooperation' he highlighted the videoconferences held during the year and the topics discussed there. He closed this chapter with an overview of the upcoming events.

He mentioned the updates to the IT tools, such as the changes to the IUCLID format (accepted by the OECD Secretariat) and informed the participants about the status of the Guidance update.

The final part of the presentation was a recap about the harmonised classification and labelling (CLH) process highlighting how the process is initiated; which substances are bound to be proposed; the status of updates of the templates used by the Member State Competent Authorities (MSCA), and in which steps the MSCA and Industry have visibility of the process.

Discussion

One NHD asked about the deadline to provide input for the CLP videoconferences. Elena BIGI clarified that the deadline is set to give time for internal consultations. The agenda is shared as soon as possible, which does not always mean that there is an ECHA position about a specific matter. She offered the possibility to further discuss the practice to improve it.

The same NHD raised their point that questions related to the CLH process were not counted as helpdesk questions. Their feeling was that different NHDs have different approaches to what is a helpdesk question. Pedro ROSELLÓ VILARROIG explained that indeed questions related to the CLH process are considered by ECHA as helpdesk questions, even those about ATPs, for which COM is responsible. The Chair offered the possibility to provide a more detailed report on sub-categories of the questions replied by ECHA, beyond BPR, CLP and REACH, to help in the discussion.

Another NHD agreed with that feeling. They mentioned the case of diisocyanates and their restriction. These questions are very frequent, but they go directly to the hygiene inspectors, responsible for the implementation of the restriction, and therefore are not counted as helpdesks questions. They would be glad to discuss this topic in the upcoming workshop, more with a view to become aware of the situation, rather than trying to harmonise the approach.

A third NHD mentioned, however, that they did count questions on the diisocyanates restriction as helpdesk questions.

Elena BIGI further explained how questions about specific dossier evaluation cases may come still through the helpdesk even during the commenting period. While these questions are agreed with the dossier evaluation colleagues, they are counted as helpdesk questions.

Action points

Discuss on how to harmonise as much as possible the concept of 'helpdesk question', without forcing NHDs to change their common practice.

1.3 Questions received by national helpdesks.

Pedro ROSELLÓ VILARROIG (ECHA, REST) kicked-off the discussion in smaller groups about the questions the NHD have been receiving. These could be frequent ones, hot topics, difficult to reply or related to the CLP revision.

The main conclusions were as follows:

- A common topic for most of the NHDs was the emergency telephone number in Section 1.4, in particular for substances and for mixtures hazardous only to the environment. Also, Sections 1.3 (details of the supplier) and 3.2 (composition of the mixture) were frequent subject of questions, or how to include information from the exposure scenario in the SDS.
- PCN notification was also a recurring topic for several NHDs. They could become very technical and specific, dealing with group submissions, for example.
- Hot topics include nicotine pouches and e-cigarettes.
- Candles and similar products had been an issue for small manufacturers.
- New ATPs always raised questions.
- Interlinks or overlaps with other pieces of legislation.
- Classification and, in general, handling of mixtures in mixtures under CLP.
- Endocrine disruptors and revision of labels.
- Classification of substances and mixtures, and substances in articles.

2. Poison Centres Notifications

2.1 ECHA submission portal for PCN: practical examples

Pedro ROSELLÓ VILARROIG (ECHA, REST) highlighted that the following examples were based on the input provided by the NHD in the survey circulated prior to the workshop. He then introduced a video produced by Heidi RASIKARI (ECHA, Poison Centres Team) which explained how to update a poison centre notification, covering: the change of classification to non-classified, adding a new trade name and adding packaging information.

Afterwards, Pedro ROSELLÓ VILARROIG and Anita TUOMAINEN presented a scenario where the 'foreign user' functionality could be used. They highlighted some implications about access to information which may be not properly considered by duty holders and consultants when setting up their way of working together.

Discussion

A NHD asked if the submission, once the mixture is no longer classified, should not be a voluntary submission. Another NHD asked the same, and wondered if instead of an update, the submission should be inactivated. ECHA explained, in the first place, that disabling a submission is reserved for other cases. In this case, there is still a mixture placed on the market which is no longer classified. The poison centre needs to know about this change not to over-treat an intoxication.

A third NHD commented that if the mixture is no longer classified, the submission would become voluntary, and it would not need to have a UFI. ECHA acknowledged that there is no need to have the UFI, however there needs to be one in the submission for technical reasons.

Some NHDs commented that when receiving questions of IT nature, they provide links to the ECHA website which are included in the PCN handbook.

Action point

The Chair proposed to reply in writing to the question about the need or not to include a UFI in the updated submission once it has become voluntary.

2.2 Group notifications and generic component identifiers

Daniele APE (ECHA, Poison Centre Team) presented the two derogations: group submissions and generic component identifiers, which were introduced in the second revision to Annex VIII as workability solutions.

Discussion

A NHD thanked the Poison Centres Team for the support provided through the LinkedIn group.

2.3 Update from ECHA on PCN

Pedro ROSELLÓ VILARROIG (ECHA, REST) presented some updates from the ECHA helpdesk, focused on Annex VIII to CLP. He explained that at this point the presentation was covering both regulatory and IT-related questions. The number of PCN questions was 840 on IT-tools and 250 regulatory, as of 1 November. He presented the questions discussed in the videoconferences and HelpEx, before informing about the planned updates on the PCN support material including the publication of the revised set of Q&A after the workshop. In relation to the paper presented by several Appointed Bodies to CARACAL, about the possible misuse of the UFI to cover different mixtures, he reminded the participants about the importance of this identification element. The presentation finished with some statistics about the webinar of 14 November and asked for feedback.

Discussion

A NHD asked about the extent of the revision of the PCN Q&A. ECHA informed that the whole

set has been reviewed with many changes, editions, deletions and new ones. The details would be shared when informing the HelpNet about the publication.

Another NHD wondered about the message they should give, in relation to the upcoming Annex VIII deadline. ECHA replied that NHD can reuse the communication material to spread the message about the upcoming compliance date, rather than deadline. In that material the difference is explained.

A third NHD raised the question of how an inspector could check if two companies submitting a PCN with the same UFI were indeed reporting the same composition. ECHA replied that appointed bodies have the competence and the duty to open individual dossiers and check the composition reported. ECHA reminded the CLP correspondents that Annex VIII had very demanding requirements about how to report the composition of the mixture. They highlighted that the role of ECHA is to facilitate the proper submission of dossier and its dispatch to the appointed bodies.

3. Topics proposed by national helpdesks and observers

3.1 Refill sales: overlaps between CLP Revision and Detergents regulation

Suzanne WIANDT (BAuA, Germany), replacing Anja HACKMANN, presented the current situation under CLP of these products, followed by the draft text of the revision of both CLP and the detergents regulations, in the areas that impact the refilling activity. At that time the proposal for the CLP revision included a relatively long list of hazards which would be excluded from being accepted in a refill station. The proposal also included clear definitions of 'refill' and 'refill station'. The definitions in the draft proposal for the detergents' legislation were different.

In conclusion, the addition of rules for refill sales were very much appreciated. In particular, that both automated and non-automated refills were covered. The ending question for the rest of correspondents were: did they think these rules were fit for purpose?

Suzanne WIANT concluded that further harmonisation between these two pieces of legislation was desirable since there was a clear overlap between them.

Discussion

One NHD agreed on the lack of alignment between the detergents and CLP regulations. He expressed his surprise as this lack of alignment was in other aspects such as definitions of operators, concept of placing on the market, etc.

Suzanne WIANDT highlighted also that her NHD was not competent for detergents, which puts them in a more difficult position when replying to questions. In any case, BAuA had sent their comments to the relevant Ministry competent for detergents.

3.2 Current labelling requirements for novel unidose detergents (leaves, pods, tablets) – fit for purpose?

Suzanne WIANDT (BAuA, Germany) thanked her colleagues who prepared the slides with plenty of pictures to properly present the topic. Unidose detergents (leaves, pods and tablets) have become more popular, also as laundry products, not only as dishwashers. There were known difficulties in labelling them and CLP had very few special rules applicable. These were further presented along with the open questions that remained after consulting them. The one repeated was how to calculate the volume when each product has two or more compartments, and to what the classification should refer to. The most novel product, the leaves, had another problem with their presentation, which could be misleading and confused by another product.

The presentation finalised with a summary of the discussion brought to CARACAL and the open questions BAuA had. The floor was then open for the other CLP correspondents to share their views.

Discussion

The Chair acknowledged the problems coming from overlapping legislations. Suzanne WIANDT appreciated the rules included in the CLP revision, even if already at that stage they seemed that they would not solve all the problems.

3.3 What, when and how could we inform companies about the revision of the CLP regulation including the new hazard classes?

Tiiu BRÄUTIGAM (ECHA, Communications unit) gave a brief update on ECHA's communications activities about the new hazard classes and plans for 2024. The break-out groups then discussed national communications activities and potential cooperation. These were the main conclusions:

- The participants mentioned e.g., news items or articles on their websites, online events and an annual conference as means to communicate about the new hazard classes at national level. One NHD said that they plan to publish a leaflet early next year.
- They aimed at harmonising their advice with that of ECHA.
- They appreciated the efforts from ECHA to translate the published material, and also the more visual material (infographs, timelines).
- Chambers of commerce were mentioned as a potential good multiplier to reach out to companies. Otherwise, SME would be under or not represented at all in other fora, or networks.
- General public should also be a target group for communication efforts.
- Overall, the participants highlighted industry's information needs and that sharing communications materials would be useful. It was proposed to prepare such material jointly in the HelpNet.
- In this context a NHD pointed out the impact of the new hazards classes on the already submitted PCN. This could be a topic for the next workshop.

3.4 Are reed diffusers (with bung) packaging as placed on the market or not?

Majella COSGRAVE (Ireland) presented the question of reed diffusers and how they could comply with CLP. The matter was that once used, the bottle is open and no longer complies with the definition of packaging under CLP. Majella asked if other NHD had come across this question and suggested a specific FAQ could be prepared.

Discussion

One NHD said that, while they have not received such type of questions, they did understand the concern. They agreed with the approach that while the reed diffuser has the bung in place it is a package and should be labelled. They also agreed in continuing the discussion in HelpEx and potentially producing an FAQ.

Another NHD agreed with the approach from Ireland and added that even if the diffuser would be in a box, that should be considered an outer package and would need labelling.

Several NHD agreed on working on a harmonised answer, either because they received the question, or they did not find the reply straight forward.

Outi TUNNELA (ECHA) pointed out that reed diffusers have the same purpose as air fresheners and indeed were not exempted from CLP. Consequently, the bottle or jar should have a label.

The Chair summarised the general feeling that the reply should be harmonised, and it should point to labelling the container and the outer packaging, if there would be one.

Action points

Come up with an FAQ to harmonise the interpretation of labelling for reed diffuser. IE will post the initial question in HelpEx.

Closing of the CLP Workshop

The Chair listed the action points of the workshop. He thanked the presenters for their contributions and all participants for the interesting discussions. He invited the participants to reply to the satisfaction survey, which would be sent after the meeting. The input provided helps the Secretariat to provide a better service and built an interesting and useful agenda for the following event.

The date of the next CLP videoconference would be on 15 December. The next CLP workshop would take place physically in Helsinki on 23 May 2024.

The Chair thanked all members of the REST and other Units in ECHA for the successful completion of the workshop, and the CLP correspondents for their input and engagement.

Annex I – Agenda of the CLP Workshop

Chair: Erwin ANNYS

CLP Workshop (10:30-16:30, Helsinki time)
Opening by the Chair
1. Morning session
1.1 Update from the European Commission (DG GROW, Svetlana SKRYNIKOVA)
1.2 Update from ECHA Helpdesk (ECHA, Pedro ROSELLÓ VILARROIG)
1.3 Questions received by NHDs – Discussion in smaller groups
Lunch break
2. Afternoon session: poison centre notifications
2.1 ECHA submission portal for PCN: practical examples (ECHA, Pedro ROSELLÓ VILARROIG and Anita TUOMAINEN)
2.2 Group submissions and generic component identifiers (ECHA, Daniele APE)
2.3 Update from ECHA on PCN (ECHA, Pedro ROSELLÓ VILARROIG)
Coffee break
3. Afternoon session: topics proposed by HelpNet
3.1 Refill sales: overlaps between CLP Revision and Detergents regulation (Germany, Suzanne WIANDT)
3.2 Current labelling requirements for novel unidose detergents (leaves, pods, tablets) – fit for purpose? (Germany, Suzanne WIANDT)
3.3 What, when and how could we inform companies about the revision of the CLP regulation including the new hazard classes? (ECHA, Alexis QUINTANA-SAINZ) Discussion in smaller groups
3.4 Are reed diffusers (with bung) packaging as placed on the market or not? (Ireland, Majella COSGRAVE)
A.O.B.
Conclusions of the day
Closing the CLP Workshop at 16:30

Annex II - Action points

No.	Action	Agenda item	Who	Status
1.	Discuss on harmonising the understanding of how to count and identify helpdesk questions, in particular for the purposes of the annual report on NHD Activities.	1.3	ECHA	Open
2.	Come back to all NHDs on the question from our AT colleagues about the update from classified to non-classified mixture under PCN and need to include UFI in label.	2.1	ECHA	Closed
3.	Share with NHD further communication actions from ECHA regarding the PCN application date.	2.3	ECHA	Open
4.	Come up with an FAQ to harmonise the interpretation of labelling for reed diffuser. IE will post in HelpEx the initial question.	3.4	IE NHD/ECHA	Open

Annex IV - List of participants

Country	Name, surname
Austria	Erich NEUWIRTH
Belgium	Kristof CLAES
Croatia	Irena JEŽIĆ VIDOVIĆ
Cyprus	Maria MORPHANOU, Maria PALEOMILITOU
Czech Republic	Jan KOLAR, Jarmila SLADKOVA
Estonia	Aigi LAHE
Finland	Tapio SALONEN
France	Nathalie HAYAUD
Germany	Suzanne WIANDT, Paransothy NIRTHARSAN
Ireland	Annija LACE, Majella COSGRAVE, Margarete HOULIHAN
Italy	Maria ALESSANDRELLI, Sonia D'ILIO
Latvia	Sandra MATĪSA
Iceland	Fifa KONRADSDOTTIR
Lithuania	Agnė JANONYTĖ, Beata VOLUJEVIC, Jurgita BALCIUNIENE
Luxembourg	Ghaya RZIGA
Latvia	Evija PORIKE
Netherlands	Femke AFFOURTIT, Floris GROOTHUIS, Leonie FRANSEN
Norway	Mohamad Suleiman ABDULQADIR, Sunniva Helene FRØYLAND, Ingunn CORRELL MYHRE
Poland	Krzystof DOMANSKI
Portugal	Isabel LAGINHA, João ALEXANDRE
Romania	Nicoleta CAROLE
Slovakia	Gabriela TOMKOVA, Lucia MURANIOVA, Karol BLESAK
Slovenia	Tatjana HUMAR JURIČ
Spain	Angela SANCHEZ CONDE
Sweden	Ingrid WIREN, Jonas FALCK, Susanna NORRTHON RISBERG

European Commission

DG GROW	Svetlana SKRYNIKOVA

Candidate country observer

Country	Name, surname
Serbia	Bojana DORDEVIC, Snezana KOVACEVIC

Third Country observers

Country	**Name, surname**
Switzerland	Markus HOFMANN

Industry observers

Organisation	**Name, surname**
A.I.S.E.	Jan ROBINSON, Cindy CHHUON
CEPE	Lorena SANTIN, Leroy DIDIER
ORO	Kevin HOBAN

ECHA staff

Unit[1]	
A1	Alexis QUINTANA SAINZ
A2	Amandine JOMIER
A2	Anisa KASARUHO
A2	Anita TUOMAINEN
A2	Anna-Liisa PIKKARAINEN
A3	Daniele APE
A2	Eduardo BARRETO TEJERA
A2	Elena BIGI
A4	Eoin BRENNAN
A2	Erwin ANNYS
A3	Heidi RASIKARI
A2	Iustin-Gabriel TURCU
R3	Konstantinos ANAGNOSTAKIS
A2	Laure PAIN
A2	Maciej BARANSKI
A2	Magdalena TLOCZEK
ED0	Minna STROMBERG
B4	Outi TUNNELA
A2	Pedro ROSELLO VILARROIG
C1	Pia KORJUS
A2	Roxana Maria BROASCA
A2	Sofiya KOVALYSHYN
A1	Tiiu BRAUTIGAM
A2	Viorica NAGHY

[1] ECHA – organisation: https://echa.europa.eu/about-us/who-we-are/organisation