

HelpNet CLP Workshop – WebEx session - 25 May 2020

Summary of discussions

The HelpNet CLP Workshop, organised for the CLP members and observers of HelpNet, took place on 25 May 2020 by web conference. This document summarises the topics discussed during the workshop (Annex I) and the follow-up action points set (Annex II).

The main focus of the workshop was to look into the European Commission's views on two topics previously raised by the HelpNet, and preview ECHA's presentations on poison centre notifications that would be webcast at the Safer Chemicals Conference.

Opening of the workshop

The Chair, Erwin ANNYS (ECHA) opened the CLP Workshop and welcomed representatives of the CLP national helpdesks, observers from industry, and representatives of Serbia and Turkey (see Annex I – List of participants).

He then referred to the present circumstances, under which ECHA had decided to use only remote connections to host meetings. Being aware of the limitations that these means imply (no world café or break-out groups), the Chair decided to still organise the workshop, for the benefit of HelpNet's objectives.

The Chair introduced the agenda of the day, and announced that agenda point 1.3 *Commission's view on the potential inclusion of fuels in Annex II to CLP¹*, has been postponed at the request of the Commission. The agenda was adopted without further comments.

Tour de table

The Chair invited the participants to a *tour de table*.

1. Follow-up actions from HelpNet 14

Anna SCHUSTER (DG GROW, European Commission) presented the state of play of two open action points, pending from the CLP Workshop of April 2019.

¹ This is a pending action point from HelpNet 14, CLP Workshop, agenda item 4.2 Practical labelling issues, (3) Labelling of fuels for cars and heating systems, covered by Article 29(3), and their possible inclusion in Part 5 of Annex II. The Commission's view on this topic is pending, and will be shared with CLP HelpNet members and observers when available. Minutes of the HelpNet 14 events available at: <https://echa.europa.eu/about-us/partners-and-networks/helpnet/2019>.

1.1 Commission's legal review of the interpretation of Article 29(1) and (2)

Anna SCHUSTER provided some background information on the interpretation of Article 29 of CLP on small packaging, taking into account the latest comments sent by the HelpNet.

The Commission interpretation was generally accepted. The only disagreement raised by some participants concerned the question of whether the label elements to be provided on the inner packaging under Annex I, Section 1.5.1.2 of CLP should also be put on the outer packaging, tie-on tag or fold-out labels as per Section 1.5.1.1 (Commission's proposal was to combine Section 1.5.1.1 and 1.5.1.2, and place the required minimum labelling information on the inner packaging only and the other label elements on the outer packaging, tie-on tags or fold-out labels).

After discussing, it became evident that the HelpNet correspondents saw a risk that by applying the Commission interpretation, pictograms may eventually not appear on the outer package, tie-on tag or fold-out label. A reference was made about online sales and the need to have pictograms easily available for potential customers to make an informed decision. In that sense, it would be interesting to see the conclusions of the REF-8 on internet sales, the results of which are expected to be available in 2021.

Participants also raised the need to amend the legal text in Annex I, Section 1.5.1 to clarify this issue. Anna SCHUSTER highlighted that amending legal texts is the last resort if interpretation issues cannot be solved in guidance, and that the underlying appears to be a resolvable issue if an agreed interpretation is reached.

Finally, the Chair proposed a poll to collect reactions, on the spot, that would help to find a way forward. The question addressed to representatives of the national helpdesks was: '*Under 1.5.1, do you need to apply the whole labelling information on the outer packaging?*'. From 32 anonymous respondents to the poll, 28 voted 'yes', and 4 voted 'no'.

Anna SCHUSTER concluded that it will analyse the HelpNet correspondents' proposal and get back to HelpNet this summer. She thanked the group for its support on the other issues.

1.2 Commissions' view on nail and lash glue products

Anna SCHUSTER presented the latest developments on this borderline issue between the CLP and the Cosmetics Regulation, and several aspects were further discussed and clarified.

She told that the issue is scheduled for discussion at the meeting of the Sub-Group on Borderline Products² of cosmetics, and an entry in the cosmetics borderline manual will need to be approved by the Cosmetics Working Group.

The document clarifying the Commission's view on nail and lash glue products will be updated and shared with participants of the workshop as soon as any progress is made.

² <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1302>

2. Harmonised information for poison centres

The presentations of this session³ were a premiere of the videos produced by ECHA for the Safer Chemicals Conference on 2 June 2020. While their target audience was different, the HelpNet Secretariat thought the national helpdesks could benefit from their preview.

2.1 Harmonised information for poison centres – presented by Javier SÁNCHEZ SÁEZ (ECHA). The presentation covered important information on harmonisation of information submitted to poison centres all over the EU.

2.2 How to apply the unique formula identifier (UFI) code in labelling – presented by Kirsi MYÖHÄNEN (ECHA). The presentation covered important and practical information on UFI placement on labels.

2.3 Staying on top of your obligations – presented by Daniele APE (ECHA). The presentation addressed obligations of downstream users for the notification submission to appointed bodies.

The presentations were shared with the HelpNet members and observers before the meeting. This enabled participants to have dedicated time from the experts behind them.

Discussion

The first question related to the shared responsibility of distributors who can, in principle, notify their hazardous mixtures without making reference to their suppliers. This shared responsibility is about making the whole supply chain compliant with CLP.

It was clarified that this possibility allows business information to be kept confidential, such as the markets where the mixture is being placed on. There was also the question about distributors and their possible obligation to add their contact details in Section 1.3 of the safety data sheet (SDS). Anna SCHUSTER clarified that the modification made to Annex II to REACH was just to include UFI, so no such obligation existed.

Regarding importers who do not receive enough information from their non-EU supplier, the following workaround exists (as presented in the Guidance). The non-EU supplier (who cannot submit themselves due to the limitations of a non-EU account) would need to use a EU-based legal entity for a voluntary submission and provide the EU importer with the UFI. The EU importer can notify a composition that is 100 % a mixture in mixture (MIM). The drawback is that it creates a dependency on the information sent by a third party, as the importer remains the duty holder and responsible for the submission in all cases.

ECHA explained their timing for the next Guidance update. There is a need to have the second amendment approved, and the revision can move on with a stable legal text. The target was to have a first draft by the time the legal text is adopted by the Commission, and launch the consultation soon after the summer. However, the final version of the Guidance can only be expected in 2021.

³ Presentations and recordings available on the Safer Chemicals Conference webpage:
<https://echa.europa.eu/-/safer-chemicals-conference-2020>

Conclusions of the day

The Chair gave a short wrap up of the meeting and thanked participants and presenters for their active and valuable contribution to the workshop. He informed that a short satisfaction survey will follow after the meeting. Regarding the action points, they would be shared in the coming days.

Annex I – Agenda

HelpNet CLP Workshop (Web conference) 25 May 2020

CLP Workshop by WebEx

- 10:30-11:15 **Opening by the Chair of the HelpNet**
Tour de Table
- 11:15-12:15 **1. Follow-up actions from HelpNet 14** (Anna SCHUSTER, DG GROW)
1.1 Commission's legal review of the interpretation of Article 29(1) and (2)
1.2 Commissions' view on nail and lash glue products
Discussion
- 12:15-12:45 Break
- 12:45-14:00 **2. Harmonised information for poison centres**
2.1 Harmonised information for poison centres (Javier SANCHEZ SAEZ, ECHA)
2.2 How to apply the UFI code in labelling (Kirsi MYÖHÄNEN, ECHA)
2.3 Staying on top of your obligations (Daniele Ape, ECHA)
Discussion
- 14:00-14:15 **Conclusions** by the Chair. Closing the CLP Workshop.

Annex II - Action points

No.	Action	Agenda item	Who	Due date	Status
1	Update the document and the flowchart on labelling requirements on outer package on small or difficult packaging taking into account discussion and outcome of polls.	1.1	COM	5 June 2020	Closed
2	Update the document clarifying Commission's view on nail glued, based on comments received, and the outcome of the Working Group on Cosmetic Products, Sub-Group on Borderline Products meeting in June 2020.	1.2	COM	July 2020	Pending
3	Commission's view on the potential inclusion of fuels in Annex II to CLP	1.3	COM	July 2020	Pending
4	Correct reference to World Health Organisation to World Trade Organisation (WTO) in the presentation 'Staying on top of your obligations' (slide 11).	2.3	ECHA	2 June 2020	Closed

Annex III - List of participants

HelpNet members/Country	Name
Austria	NEUWIRTH Erich
Austria	WETZER Barbara
Czech Republic	SLADKOVA Jarmila
Croatia	ZORICA JEŽIĆ VIDOVIĆ Irena
Cyprus	ORPHANOU Maria
Cyprus	PALEOMILITOU Maria
Estonia	LAHE Aigi
Finland	BRUSILA Elina
Finland	KÄRKKÄINEN Pauli
Finland	OLLIKKA Jussi
France	COPIN Stephanie
France	DUFFORT Gaëlle
France	HAYAUD Nathalie
Germany	HEUER Nicolaj
Germany	KNIETSCH Anja
Greece	SKAFIDA Panagiota
Hungary	BURAI Erika
Hungary	MAROSVÖLGYI Nikoletta
Iceland	KONRADSDOTTIR Fifa
Ireland	COSGRAVE Majella
Italy	ALESSANDRELLI Maria
Italy	D'ILIO Sonia
Latvia	LAZDEKALNE Elīna
Liechtenstein	ROSARIA RELLA-QUADERER Maria
Lithuania	JANONYTĖ Agnė
Lithuania	VOLUJEVIČ Beata
Luxembourg	CHOCHOIS Laurène
Norway	BREKKE Katrine
Norway	CORRELL MYHRE Ingunn
Norway	KRISTIN LARSEN Ann
Poland	DOMANSKI Krzysztof
Poland	WASIAK-GROMEK Monika
Portugal	LAGINHA Isabel
Slovakia	MURANIOVA Lucia

Slovakia	PAULIKOVA Dasa
Slovenia	HUMAR JURIČ Tatjana
The Netherlands	AFFOURTIT Femke
Spain	SÁNCHEZ DÍAZ Elena
Spain	ZAMORA Laura
Sweden	FALCK Jonas
Sweden	NORRTHON RISBERG Susanna
European Commission	Name
DG GROW	JAMERS An
DG GROW	SCHUSTER Anna
HelpNet observers	Name
A.I.S.E.	BYRNE Dominic
FECC	DREVE Simina
Switzerland	HOFMANN Markus
Switzerland	MÜHLE Deborah
Turkey	ERKAN Dilek
ECHA, Unit	Name
Support & Enforcement Unit, A2	ANNYS Erwin
	BONANNI Priscilla
	BRILLAS Patricia
	JÄRNSTRÖM Helena
	KRYCHEVSKA Olena
	LOUKOU Christina
	NAEEM Umer Muhammad
	NAGHY Viorica
	WATKINS Gary
Submission & Processing Unit, A3	APE Daniele
	RIMONDO Claudia
	SANCHEZ SAEZ Javier
Exposure & Supply Chain, B4	TUNNELA Outi
Hazard I Unit, C1	MYÖHÄNEN Kirsi
Legal Affairs, E2	BIGI Elena
	GERBAUD Delphine
Corporate Services Unit, R3	POPOVIC Marko