

2017 Report of National Helpdesk Activities: Overview

December 2018

A large, abstract white graphic consisting of several overlapping, rounded shapes that resemble stylized leaves or petals, set against a dark blue background. The shapes are positioned in the lower right and bottom center of the page.

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List of Acronyms

BPR	Biocidal Products Regulation (528/2012/EU)
CLP	Regulation on classification, labelling and packaging of substances and mixtures (1272/2008/EC)
NHD	National helpdesk
OR	Only representative
REACH	REACH Regulation (1907/2006/EC)
SDS	Safety data sheet
SVHC	Substance of very high concern

Foreword by the Chair of the HelpNet

Dear readers of this report,

At the time this report reaches you, we will already have accomplished the third REACH registration deadline of 31 May 2018, completing the duty imposed on companies to register all phase-in substances placed on the EU's internal market. Many companies would not have been able to achieve this without the support provided by national REACH helpdesks over the last few years. I recall the numerous national awareness-raising campaigns, roadshows, information packages as well as guidance material in national languages that bear witness to the collective effort of the HelpNet, not least including the sharing and promotion of information material sourced from ECHA. Many thanks to all involved!



This report on the work delivered in 2017 provides a good picture of the scale and scope of HelpNet activities. Again, the report reflects the maturity of the helpdesk activities in advising and assisting companies in tackling the compliance needs stemming from the REACH, CLP and Biocidal Products regulations. Amounting to 40 % of the total, the number of enquiries on the Biocidal Products Regulation surpassed those on other topics, with CLP- and REACH-related enquiries being close in numbers. This underlines how relevant it was, some years back, to expand the original REACH Helpdesk Correspondents' Network (REHCORN) to the HelpNet including the national BPR and CLP helpdesks. The partition of regulatory action between national authorities and ECHA and the various types of BPR authorisations not only explain the number of enquiries related to biocides, but also hint at the complexity in providing appropriate regulatory answers.

In the future, I expect the ranking of 'hot topics' reflected in this annual report to gradually change, not least as we are moving from the phase-in period of REACH to the second decade of applying this regulation and the EU regime for classification and labelling. While the registration of new substances will continue in considerable numbers, all actors will largely be able to build on their experience and routines, while the focus of regulatory support may well shift towards supply chain communication and the proper use of safety data sheets and progress in the harmonised classification of substances. The BPR will continue to keep us busy. In December of this year, ECHA's Management Board will adopt the Agency's new strategic priorities, which will address this evolution in priorities for the years to come – further refining and targeting the regulatory oversight exercised for the benefit of human health and the environment, refocusing regulatory support to companies, and making best use of the world's largest database on chemicals now hosted by ECHA as well as the related knowledge that has been created through the use of this data. Widening the application of disseminated knowledge beyond the core of chemicals legislation, to waste or other pollution-related legislation, should also contribute to easing the cumulative regulatory burden on industry actors. National helpdesks will need to be fully involved in this joint effort!

Let me also address one particular field of helpdesk support: during the last two years, I have been coordinating ECHA's preparations for the United Kingdom's withdrawal from the EU on 30 March 2019. Should the parties agree on a transition period as part of the withdrawal agreement that is currently still being negotiated, companies will have some additional months to adapt to an EU with one Member State less. This autumn, ECHA will step up its information activities to provide guidance on handling the effects of this historic development. We will involve national helpdesks in these information activities.

Lastly, I would like to mention that this will be my last foreword to an annual HelpNet report, as I will be retiring from active service at ECHA at the end of October. Looking back at my 10 years in the senior management of the Agency, I must say that I particularly liked chairing the HelpNet Steering Group. It found it very satisfying to interact with HelpNet correspondents from all EU/EEA countries and to steer the group through their discussions of questions relevant to company duty holders, which are ultimately the actors most involved in ensuring the safe handling of chemicals. I was pleased to see the HelpNet mature throughout these years. I recall how, in the early days of REHCORN, I would regularly fear the moment when we would arrive at the agenda item allowing national helpdesk correspondents to question the Commission's legal interpretation of REACH provisions, which was quite controversial at the time and has since clearly benefited from consolidated experience and coverage by the growing amount of case law.

I take this opportunity to thank all REACH, CLP and BPR helpdesk correspondents, from member and observer helpdesks, for their sterling work throughout this past decade. I also express my special thanks to my colleagues of the HelpNet Secretariat. I have much appreciated working with you! As ECHA will undergo a reorganisation at the outset of 2019, my successor as Chair of the HelpNet Steering Group will become known in due course. In the meantime, I wish you all farewell and good luck!

Andreas Herdina

Director of Cooperation

Chair of the HelpNet Steering Group

1 Introduction

The national REACH, CLP and BPR helpdesks report yearly on their activities, workload and particular needs to ECHA. This report summarises the activities of national helpdesks from 1 January to 31 December 2017. The HelpNet Secretariat collected the information between March and May 2018 via a web-based survey.

The survey was conducted among the national helpdesks of 28 EU Member States, Iceland, Liechtenstein and Norway (HelpNet members), Serbia and Turkey (as observers from EU candidate countries), as well as the Swiss BPR and CLP helpdesks (as third-country observers). In total, 66 national helpdesks (NHDs) from 34 countries replied to the survey.

The views expressed in this report are an interpretation of the provided data by the HelpNet Secretariat, and does not necessarily represent the views of the national helpdesks that provided the information.

2 National helpdesks in numbers

2.1 Trends in enquiry numbers¹

In 2017, NHDs received around 52 000 enquiries² from their customers. Out of the total number, 40 % were related to BPR, 30 % to REACH, followed closely by CLP enquiries, with 27 %. The rest, around 3 % of enquiries, were reported without being allocated to a specific regulation (see Figure 1).

Enquiries received by NHDs in 2017, split by regulation

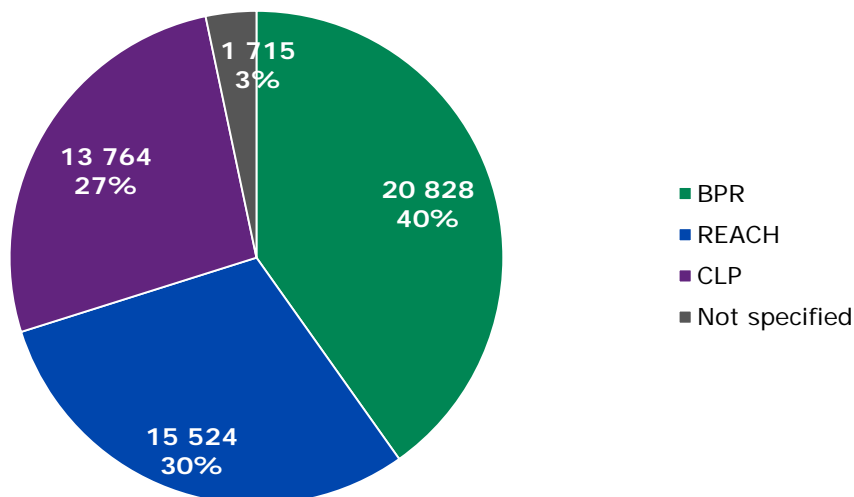


Figure 1: Enquiries received by NHDs in 2017, split by regulation.

¹ Disclaimer: trends presented in this report are indicative as they rely on data provided by the reporting national helpdesks, who may use different methods to keep track of enquiries received from customers and replied during the reporting period.

² Not including the data of three BPR helpdesks, as the numbers were not provided. Data from the Swiss CLP helpdesk has been reported in 2017 for the first time.

In 2017, the number of enquiries was over 10 000 larger compared to 2016³, indicating a significant increase of 26 %, and showing a turn in trend after a decrease observed in 2016. The same trend applies to all regulations. Figure 2 below displays the number of enquiries over the six-year period since 2012.

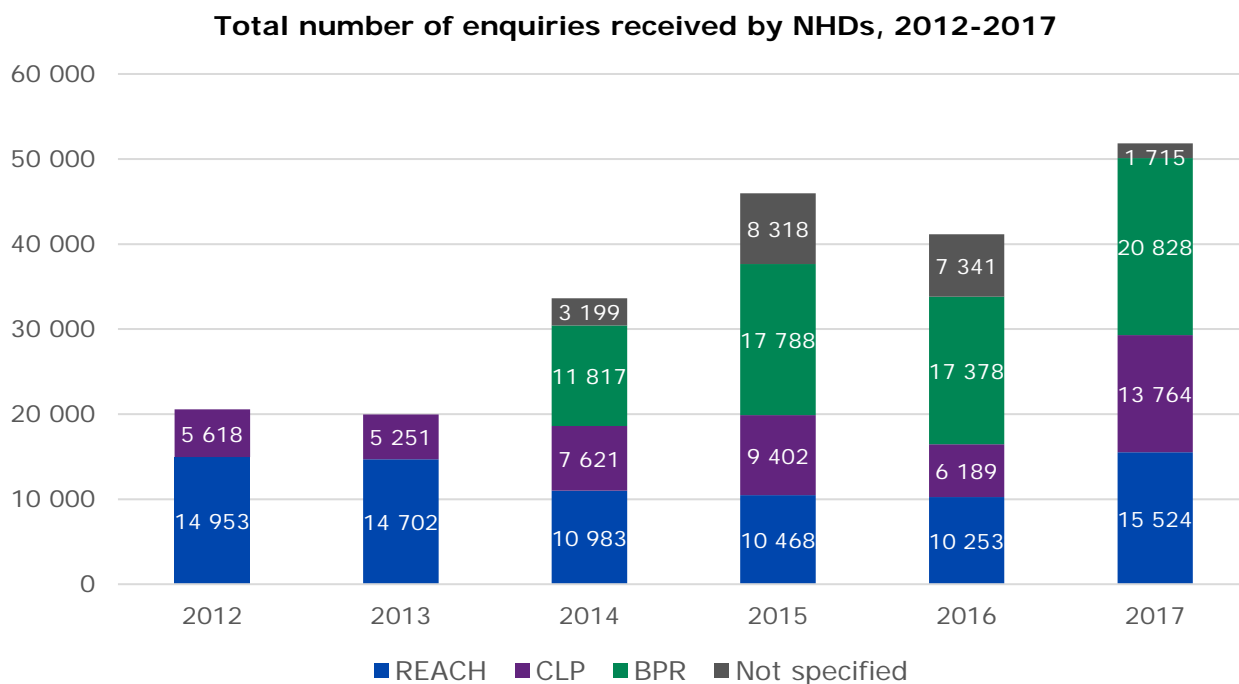


Figure 2: Total number of enquiries received by NHDs in 2012-2017.

- ✓ The number of BPR-related enquiries was the highest among the three regulations.
- ✓ The increase of CLP-related enquiries in 2017 was significant. The number of enquiries received by the CLP NHDs more than doubled in 2017 compared to the previous year.
- ✓ For REACH, the number of enquiries reported by NHDs has slightly exceeded the level of 2012, the year before the previous REACH registration deadline.

³ The 2016 data does not include numbers of enquires received by one CLP and three BPR helpdesks as they were not reported. Data from the Swiss BPR helpdesk was reported in 2016 for the first time.

The **median number of enquiries received per NHD** was higher in 2017 compared to 2016 for all the regulations (see Figure 3). Over the last four years, there has been a steady increase in BPR enquiries and a slight increase for REACH. In contrast, a slight decrease can be observed for CLP.

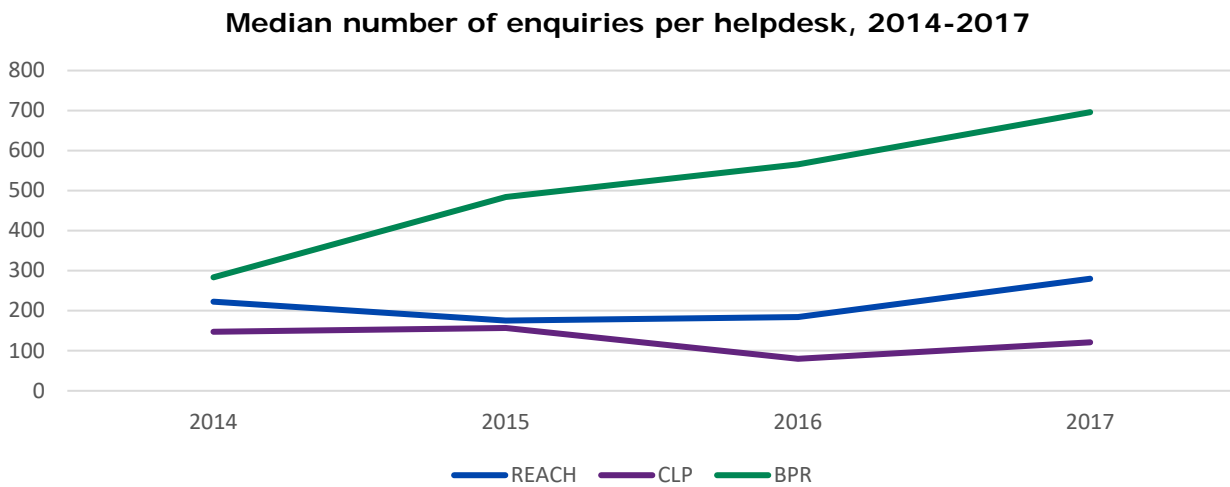


Figure 3: Median number of enquiries per helpdesk in 2014-2017.

REACH

The total number of REACH enquiries (15 524) represented 30 % of all the questions received by the NHDs last year. This is a noticeable increase compared to the previous three years, and most prominently a 51 % increase compared to 2016, when NHDs reported 10 253 questions. This increase can be related to the registration deadline of 31 May 2018, and intensified communication efforts from all the HelpNet members. This includes the 2018 Roadmap and related support material for inexperienced registrants published by ECHA. Awareness has definitely increased along the supply chain, both inside and outside the EU. From ECHA's side, the number of customers referring to requirements from their clients, suppliers or even competitors, show that the message to register under REACH is percolating in industry.

CLP

The total number of CLP enquiries (13 764) represents 27 % of all enquiries received by NHDs last year. The increase in CLP enquiries was the most significant change observed among the three regulations. The number was more than double that reported for 2016 – 13 764 compared to 6 189. In the countries receiving the highest number of enquiries, about two thirds of questions were related to Article 45 and Annex VIII.

BPR

The total number of BPR enquiries (20 828) represented 40 % of all received enquiries, and showed a 20 % increase from the figure for 2016: meaning an increase from 17 378 to 20 828. In a country, which last year received the highest number of enquiries, one of the reasons for the growing number of questions was related to the impact and consequences of the UK withdrawal from the EU.

2.2 Hot topics

NHDs reported on the 'hot topics' raised by their customers on BPR, CLP and REACH in 2017⁴. The five most asked about topics per regulation are shown in Figure 4.

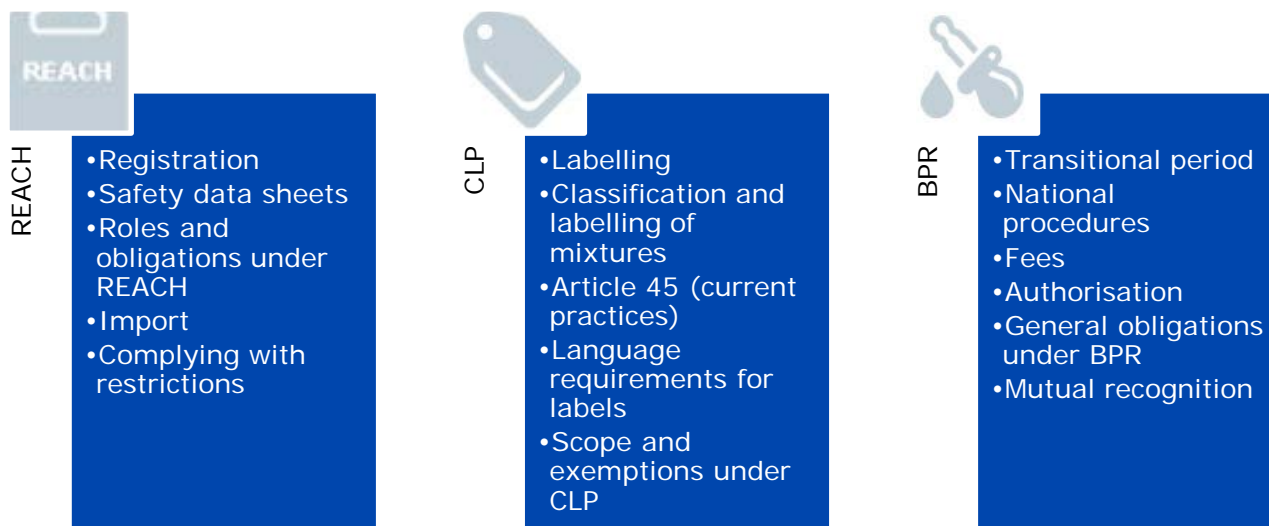


Figure 4: Overview of the hot topics under REACH, CLP and BPR in 2017.

The top 10 most frequently asked topics in 2017 and 2016 are presented below for REACH (Table 1), CLP (Table 2) and BPR (Table 3).

Table 1: Hot topics concerning the REACH Regulation in 2017 and 2016.

2017	2016
1) Registration	1) Safety data sheets
2) Safety data sheets	2) Registration
3) Roles and obligations under REACH	3) Roles and obligations under REACH
4) Import	4) Import
5) Complying with restrictions	5) Restrictions
6) Substances in articles	6) Substances in articles
7) Obligations related to substances in the Candidate list	7) Only representative's obligations and duties
8) Data sharing and joint submission	8) Obligations related to substances in the candidate list
9) Authorisation obligations	9) Applying for authorisation
10) Only representative's obligations and duties	10) Scope of REACH

Most of the 2017 hot topics were not different to those of the previous year. It is logical for some to have ranked higher, as companies prepared for the 2018 registration deadline. 'Registration' became the hottest topic, while 'Roles and obligations under REACH' and 'Import' remained in third and fourth place.

Somewhat surprisingly, 'Scope of REACH' disappeared from the top 10 in 2017, and 'Only representative's obligations and duties' dropped from seventh to tenth place. This may be due

⁴ Respondents were asked to rank their 'Top 5' topics for the relevant regulations by choosing the five most relevant topics from a list and ranking them from 1 to 5 (1 = most frequently asked, 5 = least frequently asked). If topics other than the ones listed in the survey were among their 'Top 5', respondents were asked to specify them in the open fields marked 'Other'. Topics were given an overall rank by taking into account the 1-to-5 ranking by each respondent and the frequency of each response option.

to a higher specificity of questions from customers, who have decided to contact ECHA instead of the NHD. This occurs, for example, when the question about the scope is linked to substance identification, or the duties of only representatives in the context of a legal entity change, where the process is managed by ECHA.

Other topics mentioned were the inquiry process as first step towards registration, enforcement, stocks, and selling non-registered substances.

Table 2: Hot topics concerning the CLP Regulation in 2017 and 2016.

2017	2016
1) Labelling	1) Labelling
2) Classification and labelling of mixtures	2) Classification and labelling of mixtures
3) Article 45 (current practices)	3) Obligations under Art. 45 of CLP, Poison Centers
4) Language requirements for labels	4) Classification
5) Scope and exemptions of CLP	5) Scope and exemptions
6) Harmonised classification	6) Language/translations
7) Packaging requirements	7) Transitional period
8) Classification methods	8) Other topics ⁵
9) Transitional period	
10) Annex VIII (future obligations)	

Although CLP is also a mature regulation, there was still a transitional period until 1 June 2017 for relabelling and repackaging mixtures that were already placed on the market before 1 June 2015. However, while the transitional period only ranks as the ninth most popular topic, this deadline-related issue might still have been included indirectly in the hottest topic, 'Labelling'.

In addition, and as expected, the new Annex VIII to the CLP Regulation, on information related to emergency measures ('Article 45 (current practices)'), triggered more questions in 2017.

Table 3: Hot topics concerning the Biocidal Products Regulation in 2017 and 2016.

2017	2016
1) Transitional period	1) Fees
2) National procedures	2) Transitional period
3) Fees	3) Mutual recognition
4) Authorisation	4) General obligations under BPR
5) General obligations under BPR	5) Authorisation
6) Mutual recognition	6) Article 95
7) Active substances	7) Treated articles
8) Submissions and IT tools	8) Active substances
9) Treated articles	9) Classification and labelling
10) Article 95	10) <i>In situ</i> generation

Among the hot topics related to the BPR, 'National procedures' and 'Submission and IT tools' were newcomers on the list in 2017. This could be explained by the link between transitional periods and national procedures for the first topic; and the introduction of new features to the BPR IT tools (R4BP3 and SPC editor) for the second. Compared to the 2016 hot topics, they replaced 'Classification and labelling' and '*In situ* generation'.

⁵ Other common CLP topics: 'Use of alternative chemical name'; aerosols; national requirements for poisonous products; classification, including harmonised classification; e-liquids; dealing with different classification provided in SDS received from different suppliers of the same substance; labelling requirements in case of toll manufacturing; and use of specific concentration limits for non-harmonised hazard classes.

In the survey, NHDs could add 'Other topics' to the list. These included 'Scope issues', 'Differentiation of product types', 'Efficacy (claims and target organisms)', 'Status of biocidal product evaluation in R4BP', 'Renewal of anticoagulants' and 'UK's withdrawal from the EU'.

'National procedures' was ranked as the most frequently asked about by 11 NHDs, the 'Transitional period' – by seven, and by ten more as the second most demanded topic.

2.3 Helpdesk resources

For 2017, the majority of NHDs reported that available resources had not changed compared to the previous year.

At the same time, 5 % of all NHDs that provided information on their resources reported having had **fewer** resources available. These are predominantly the biocides helpdesks. Such reductions may have a negative impact on the capacity of the NHDs to provide support to companies, especially in view of the increasing number of BPR questions.

3 National helpdesk activities

3.1 Ways to support companies

The NHDs have been actively supporting companies by various means. These include updating the information available on their websites; issuing new publications and newsletters; organising topical events; communicating through social media; having more direct contact with companies, in particular through phone calls or face-to-face meetings; and cooperating with industry associations and chambers of commerce.

Among the NHDs that found new ways to support companies in 2017, it is worth mentioning the leaflets issued by NHDs on the DCG solutions and SVHCs in articles. One NHD involved the national inspectorate in contacting companies potentially affected by the 2018 registration deadline, and distributed leaflets aiming to raise their awareness. In the regular newsletter of another NHD, the registration deadline has been the subject of a number of articles.

Another option has been, rather than inventing new ways, promoting and devoting more time to well-known channels such as phone calls and face-to-face meetings. A NHD organised a training session on IT tools in cooperation with ECHA, and also published a leaflet about good laboratory practice (GLP). Another NHD organised CLP-specific seminars targeted at customs inspectors and paint industry association.

Concerning biocides, NHDs enhanced their support to companies by delivering sector-specific information online; translating national legislation into English; circulating BPR bulletins, newsletters, information leaflets and factsheets; taking part in topical BPR events; utilising social media; and communicating directly with their stakeholders.

Following HelpEx⁶ consultations and participating in the discussion were named as one of the ways to ensure the up-to-date knowledge and harmonised approach of the NHDs' staff.

⁶ HelpEx, a web-based IT-application, is used to discuss issues related to the implementation of the BPR, CLP and REACH and to develop FAQs. The discussions aim at achieving a common understanding of the legal requirements of the BPR, CLP and REACH regulations.

3.2 Conferences and other activities

In 2017, the majority of NHDs organised conferences, seminars, and training to support companies. The most common ways to support companies were events on topics of interest; updates to the national website; update or development of new frequently asked questions and guidance documents; raising awareness through newsletters and letter campaigns; encouragement to open communication and discussion through 'open door' policies and face-to-face meetings.

The number of conferences and seminars specifically covering REACH was limited in 2017. However, the range of topics was wide. One workshop, organised with the national chemical association, targeted SMEs and focused on data sharing negotiations and the preparation and submission of the registration dossier; there were four seminars about registration, one including overlapping legislation. Besides registration under REACH, there were several events on the CSR roadmap, safety data sheets (SDS), substances in articles, the socio-economic analysis and sustainable substitution of SVHCs. It is worth mentioning that around half of the reported events were organised in cooperation with another public authority or a business association.

CLP events, where the topics were specified, covered Annex VIII to CLP and the end of the CLP transitional period. This correlates with the hot topics for this regulation, presented in section 2.2.

For BPR, two member countries highlighted the topic of the renewal process for anticoagulants, arranging a symposium and enhancing direct communication to the federations of professionals.

The majority of NHDs were planning to organise events and awareness-raising activities in 2018. On REACH, the anticipated topics included general obligations under REACH; waste; the UK's withdrawal from the EU; and substitution under the authorisation process; the biggest topic being the REACH 2018 registration deadline. In general, the events foreseen for 2018 considered the special needs of SMEs, potential registrants and downstream users. While most of the activities were conferences or similar events, there were also 'open door' activities and visits to companies planned, the latter focusing specifically on authorisation.

Eleven NHDs were explicitly planning to invite the ECHA Secretariat to participate in future events, and REACH and CLP were clearly the regulations of main interest.

3.3 Specific support for the REACH 2018 registration deadline

In total 20 NHDs had established a dedicated website or web page for REACH 2018 advice and support⁷. In addition, about 17 NHD contacted pre-registrants and other potential registrants about the REACH registration deadline 2018. The most popular means were emails, postcards, letters, and e-bulletins. Some NHDs also used television, the social media and leaflets. Also, one NHD organised a phone campaign to ensure the message got delivered to the target group. Only two NHDs reported using the national inspectors to contact companies, while up to eight mentioned using the list of pre-registrants that ECHA made available.

4. Cooperation with Enterprise Europe Network (EEN)

In 2017, seven NHDs established new contacts in their country with organisations that are involved in the Enterprise Europe Network (EEN). The activities included joint workshops, communication and awareness-raising activities, as well as support in disseminating information.

⁷ The national REACH 2018 web pages are promoted by ECHA on this page:
<https://echa.europa.eu/reach-2018/in-your-language/member-states>.

5. Conclusions

National helpdesks continue to be central in making the EU chemicals management a reality by supporting companies in their efforts to comply with REACH, CLP and BPR. For national helpdesks, year 2017 was one of increased activity. Especially for REACH helpdesks the approaching last registration deadline for existing chemicals affected the workload as well as the customers' topics of interest. The national helpdesks responded to the challenge by finding new ways to work efficiently and to provide effective support to companies. It is expected that similar efforts will need to continue in 2018.

The trend of increasing number of enquiries was a reality also for the CLP and BPR helpdesks, but it is clear that the hot topics varied more than for REACH helpdesks compared to the year 2016. This broad scope of topics of interest means that communication in the HelpNet has to be agile so that members can react promptly to emerging issues. The HelpNet Secretariat is committed to continue its active, coordinating role in the process.

Year 2018 will mark the end of an era in EU chemicals management, as all the existing chemicals on the EU market will be registered. Apart from the intensified support needed for registrants, it will also be a year when national helpdesks and HelpNet can take stock of the lessons learnt during the phase-in period of REACH, and use those lessons to plan for the future work and be prepared to offer companies the good quality support for complying with REACH, CLP and BPR that they are accustomed to.