HelpNet CLP Workshop (WebEx session)
18 May 2022

Summary of discussions

The HelpNet CLP Workshop, organised for the CLP members and observers of the HelpNet, took place on 18 May 2022 by web conference. This document summarises the topics discussed[1] during the workshop (Annex I), the results of the polls (Annex II) and the follow-up action points (Annex III).

Opening of the CLP Workshop

The Chair of the HelpNet, Erwin ANNYS (ECHA) welcomed the representatives of the national helpdesks, observers from candidate and third countries, observers from industry and additional experts attending the event. The names of the participants attending the workshop are listed in Annex IV to these minutes.

The Chair presented the list of action points from the previous workshop and pointed out two outstanding ones:

- Follow-up with the Commission on the first results of the impact assessment of the CLP revision (Q1-Q2 2022) and share with the HelpNet.
- Share information on the issue of improper packaging and related possible danger in your country (help-net@echa.europa.eu)

The first one would be taken into the action point list for this workshop. Regarding the second one, as no input was received to date from the CLP correspondents, it was decided to close it.

The Chair introduced the agenda of the day, which was adopted without further comments.

1. Updates from the European Commission and ECHA

1.1 Update from the European Commission, including the CLP revision

Anna SCHUSTER (European Commission, DG GROW) gave a short update on the CLP revision. She explained that the Commission's impact assessment underwent internal quality checks before the Commission's Regulatory Scrutiny Board. The latter gave its positive opinion in May with some reservations. Regarding collecting evidence about online sales-related issues and the need for regulatory action, the REF-8 Forum project report on online sales had provided a lot of valuable information for drafting the Commission's impact assessment.

The first part of the presentation provided a summary of the impact assessment's structure: division into three main problem areas (hazard identification, hazard communication and implementation and compliance); different problem drivers; different areas of change; main and specific objectives, and measures on how to solve the problems.

[1] Note that the text of the CLP Regulation is the only authentic legal reference and that the summaries in this document do not constitute legal advice. For further advice, contact your national helpdesk.

The second part of the presentation focused on the identified problems and possible changes to overcome them. This covered the area of online sales, and the interlinks of that matter with horizontal pieces of legislation, such as the Digital Services Act, the Market Surveillance Regulation, the proposal for a General Product Safety Regulation (no longer a Directive) and the Consumer Rights Directive on distance sales. The Commission highlighted which problematic issues in CLP will be solved in the future by horizontal legislation just recently adopted or still to be adopted (Digital Services Act, GPSR proposal) and which issues will need to be directly addressed under CLP (e.g. the need to have a responsible actor in the EU by default, except the consumer).

The Commission also referred to some other issues that arose in HelpNet, such as the applicable legislation to follow for the labelling of electronic lighters; borderline issues between CLP and the Tobacco Products Directive; updates of unique formula identifiers (UFIs) for bespoke paints notified by national systems (presented later by ECHA), or the need to notify hazardous mixture of blended oils for aromatherapy. Concerning electronic lighters, the Commission mentioned that this issue is currently on hold since the GPSD as well as the CLP are undergoing revision, and the CLP revision could provide a solution for such cases.

Discussion

The Chair opened the floor for questions to the Commission (Anna SCHUSTER).

Question on the timelines of the CLP revision and procedure:

- A NHD asked about the timing of a delegated act (DA) on new hazard classes. The DA will be presented at the September CARACAL meeting for consultation. The expected date for adoption is early 2023.
- Another NHD enquired about the *corrigenda* of previous acts (e.g. ATPs). Those will not be part of the CLP revision.

Question on whether Article 48 only applies to online advertisement or to online offers as well:

- The Commission is aware that authorities currently apply Article 48 very broadly and this is a very good approach given the lack of any more specific provisions for online sales. However, the revised legal text will clarify that Article 48 applies to advertisement, both for sales online and through any other means, whereas a new provision on online offers will be introduced. The new Article 48 will most likely have the same requirements for both substances and mixtures. Regarding online offers, they refer to what appears just before the "Buy" button, when the customer has already selected the item and is about to conclude the purchase. The need to provide the labelling information in such cases is provided for in the proposal for a new General Product Safety Regulation (GPSR). The proposal for the GPSR also provides that online platforms should enable the trader to show the information on classification and labelling. CLP should better clarify the interlinks between the (future) GPSR and the CLP.

Issues to be addressed under CLP directly:

- A legal gap not solved anywhere else regards the need to have a person responsible for import/compliance if chemicals are shipped from outside the EU directly in the EU to consumers; in such cases, no responsible actor carrying commercial activity is in the EU. The CLP revision intends to change this approach and provide for the need of always having an importer carrying out a commercial activity in the EU.

Question on interlinks between the Tobacco Products Directive (TPD) and CLP:

- The TPD requires classification of ingredients in accordance with CLP. It sets a number of requirements on tobacco-containing products regarding labelling for health effects. CLP-labelling is required for e-liquids. There has been discussion on whether cigarettes should also be subject to CLP-labelling. From a risk perspective, while the cigarette labels cover health hazards well, the environmental hazards are missing. The revised CLP could include a clear derogation to make the labelling requirements for products covered by the TPD clearer. Further clarity on the labelling of other consumables such as nicotine pouches (without tobacco) or cannabidiol products would also be needed, possibly through specific legislation.

1.2 Update on the new way of working (NWOW)

Elena BIGI (ECHA) updated participants on the implementation of the NWOW in the first four months of the year. The percentage for redirection is around 29 % and 27 % for questions coming from EU and non-EU companies, respectively. The percentages were relatively stable since the inception of the NWOW.

A full evaluation of the NWOW will be conducted in the context of the 17th Steering Group meeting in autumn, when both ECHA and national helpdesks (NHDs) can assess the 12 months of operation. However, the HelpNet Secretariat was interested in getting some feedback and insights from the CLP correspondents already then, through a poll, and investigate whether handbooks, videoconferences, *ad hoc* training or other means of cooperation have been or would be appreciated.

Discussion

The Chair opened the floor so CLP correspondents could provide their feedback on the implementation of the NWOW and the impact on their workload. One NHD outlined they have received most questions from non-EU companies. ECHA explained that non-EU customers have been redirected based on the self-declared Member State of interest. However, as already established in the NWOW, other criteria can be used to balance the workload among the national helpdesks. Therefore, the CLP correspondents were invited to raise their concerns at any time through the HelpNet FMB. ECHA would take into account any issue of workload with care and was willing to support further through VCN, Q&As and support material when asked.

1.3 Q&A search project: outline and feedback

The Chair introduced Elena BIGI and Roxana BROASCA (ECHA). After a brief outline of the new Q&As management and planned improvements in the involvement of NHDs, the new Q&A search tool was presented. The tool was developed by the Regulatory Support and iTEX teams as an improvement of the searchabilty of the Q&As in response to the feedback received from customers and NHDs. Roxana BROASCA demonstrated how the tool can be used in various ways to search Q&As – by topic/scope, by ID and by keyword. The tool still needed to be finalised and further comments are welcome, before the go live foreseen for Q3/Q4 2022. A poll was launched to gather first impressions from the participants.

Discussion

The Chair opened the floor for questions. ECHA clarified that the search is not case-sensitive,

and that the direct links to individual Q&As remain, despite technical problems coming from the upgrade in ECHA's website. A NHD asked about the proposed simplification of the FAQ process. The HelpNet Secretariat committed to present to the HelpNet Steering Group correspondents a draft proposal for the FAQ review (Handbook revision) ahead of the October HelpNet events.

2. Topics proposed by national helpdesks and observers

2.1 Readability of labels

Jonas FALCK (Swedish helpdesk), backed by Susanna NORRTHON RISBERG, presented a proposal to modify the legal text regarding the readability of labels, supported by a scientific study. The proposal was also made in CARACAL in December 2021. The starting point was that the legal text as it is now gives too much room for interpretation, and the available guidance focuses too much on what should not be done, rather than giving examples of how things should be done. This leads to difficulties in compliance and in enforcement. Therefore, to ensure easily readable labels, clear requirements should be set out in the legislation. Sweden also meant that the number of languages may have to be limited if the legal requirements regarding readability of labels is not amended as discussed. Furthermore, requirements for contents, quality and design also of fold-out labels should be set out in the legislation. The presentation finished with four questions to be discussed, relating to the readability of labels, letter size and minimum number of languages on the labels.

Discussion

Anja HACKMANN (German helpdesk) thanked Jonas FALCK for presenting this topic upon her request. She showed understanding for the industry's desire to accommodate as many languages as possible on one label. However, this should not be at the expense of readability.

Limiting the number of languages on the label could be a possible solution. In general, there was support, also expressed through the poll, on the necessity to add clear requirements in the legal text.

2.2 Open questions from national helpdesks

Pedro ROSELLÓ VILARROIG (ECHA) had collected four questions posed by the correspondents both at the monthly VCN and in the HelpEx tool where NHDs exchange questions and feedback. He presented the questions, followed by considerations and proposals to move forward.

- Exemption to notify for bespoke paints under Annex VIII: How does the exemption to notify bespoke paints work? (The Netherlands)

The slides presented the conditions under which formulators of bespoke paints could avoid notifying to poison centres (Article 25.8 and Annex VIII Section 2.2a). ECHA highlighted the implied condition that the suppliers of the formulator must have notified according to Annex VIII. In discussions with the Commission, they acknowledged that, as many suppliers would be benefitting from the transitional period, bespoke paint formulators had difficulties in applying this exemption. The poll showed that the question was relatively common among the NHDs.

- Bespoke aromatherapy mixtures (Austria)

In the scenario raised, the formulator blends oils for aromatherapy to get bespoke mixtures for customer use. According to the classification of the respective oils, labelling and PCN are

mandatory. No exemption for aromatherapy oil mixtures exists, although they are in the finished state and intended for the final user: this is not covered by Article 1 (5). Bespoke mixtures are prepared for the client during aromatherapy consultation. The need to immediately provide (classification) labelling and submit a PCN is not evident and it is a problem for one-person companies. The bespoke mixture has uses outside cosmetics and medicines legislation, while starting mixtures may be covered by these. Does the therapist need to comply with CLP when formulating bespoke mixtures for each client?

The Austrian NHD clarified that the mixtures, as supplied to the aromatherapists, were already complying with CLP. The aromatherapists mix them, in specific proportions for each client, and the resulting mixture is taken home by the client in 10 ml bottles. In the discussion, the NHDs agreed that the mixture was therefore placed on the market. The essential oils used are normally classified as skin sensitisers, or respiratory toxic, therefore adequate information on safe use must be provided. A poison centre notification may not be essential, as the bespoke mixtures are used by the client, and not further supplied. Intoxications can still happen, however, and poison centres would benefit from information about the final mixtures. The Commission and ECHA considered that a possible way out to comply with further CLP obligations (classify the bespoke mixtures and notify them to the poison centre) could be that the aromatherapist provides the essential oils to the client, who would then mix them by themself.

The Austrian correspondent was invited to draft a refined version of the question, and an answer, to be posted in HelpEx, to continue the discussion.

- Can peel-off labels be used for normal sized packages? How should the term "firmly affixed" given in Article 31 (1) be interpreted? The peel-off label must be fully (100 %) affixed to packaging or may be partially (e.g. 50 %) affixed? (HelpEx 19006, Poland)

The pictures used in the presentation allowed for a better understanding of how the labels look, and several NHDs proposed to use the wording “peel-and-reveal”, which best describes the labels referred to as “peel-off” labels. Several NHDs and ECHA acknowledged that the term “firmly affixed” allowed for some room for interpretation. It was suggested that after reaching an agreement in HelpEx, the matter could be added to the relevant Guidance document.

- Solder powder (powdery alloy) contains 0.03-0.05 % w/w of lead. It is then mixed with organic vehicle to make solder pastes. Which lead entry from Annex VI should be used to classify the powders? Which lead entry from Annex VI should be used to classify the paste? (HelpEx 18507, Bulgaria)

This question was presented for information. ECHA presented their last input which had not been included in HelpEx, which was: “Revision of aquatic hazard for lead powder classification, due to Article 77 opinion. CARACAL discussion in March 2022, not yet finalised. Postponement has been requested by industry. RIME+ bulletin. Broader discussion related to how to apply split metal Annex VI entries in general.”

However, a NHD mentioned that there was a need of guidance on how to classify alloys altogether. This comment had already been posted in HelpEx.

Discussion

Once the discussions taking place after each question as presented were finished, the Chair opened the floor for further comments. Pedro ROSELLÓ VILARROIG proposed to collect cases of products such as nicotine or cannabidiol pouches that fall outside the Tobacco Products Directive but are also not straightforward to cover under CLP. This was a suggestion from ECHA based on the questions about the topic that have been popping up for many years, most of which have been raised to the Commission at some point or the other.

2.3 Results of A.I.S.E.'s most recent consumer research on simplification and digitalisation of detergent labels

Cindy CHHUON (A.I.S.E.) presented further findings from the consumer study about readability of labels. A.I.S.E. supported the simplification of labels as well as their digitalisation, as already proposed by the Commission. Nowadays, labels of some products require marking arising from several pieces of legislation such as CE marking, recycling, tidy man symbol, etc. The key findings were that current labels do not work, and simplified labels are preferred. Visual cues (such as safe use icons, or information about allergens) are appreciated. 91 % of consumers support prioritised information on the package and additional information online. The use of QR codes increases during the consumer journey: 70 % at home or during the use phase, and 70 % claiming to use it occasionally to very frequently. Finally, the pilot website created for the study was considered a gret addition to the simplified label.

Discussion

The Chair opened the floor for comments. A NHD commented that the benchmark used seemed to be current but not a good example.Their concern was that a lot of space was being used on the packaging as a whole for product presentation and design. This space could be used much better, increasing the space dedicated to safe use information. . ECHA suggested that the study should have compared a label with exclusively the legal requirements, and another one with the legal requirements and the voluntary information. ECHA also wondered about the usefulness of QR codes when not all the European population has access to the internet.

The A.I.S.E. representative explained that the label used for the survey was a current one in Belgium, where three languages are required. Furthermore, the study focused on readability rather than languages. Regarding the recruitment procedure, the study was conducted by a consultant who was instructed to cover different age ranges, gender, parents/ non-parents, and include a number of people with self-declared problems with skin irritation and allergies. On the alternative labels, the allergens were on the actual labels, not given through the QR codes.

Cindy CHHUON agreed to come back with further information about the recruitment process, following the request of the NHDs and ECHA. The additional information was the following:

A.I.S.E. hired InSites Consulting to conduct the survey. As a result, InSites Consulting had the responsibility to recruit the survey participants and compile the results. The survey took place online and had a 15-minute duration. About the practical recruitment process, as it was fully within InSites Consulting remits and no further details could be provided.

- Comment: "*The benchmark used seemed to be current but not a good example*."

Reply: Indeed, we have chosen to use a benchmark label that reflects the reality of detergent labels on the market. One NHD made the comment that picking a benchmark with three languages (in this label: FR, NL, DE) is not a good example. Nevertheless, I would answer that it may not be a good example for Germany specifically; it however is the legal requirements for several European countries where several official languages are used – as kindly reminded by Outi TUNNELA regarding Finland.

- Comment: "*Labels seem to use too much space on product presentation rather than information on safe use*."

Reply: As shown on slide 5 of the updated presentation (available for participants in S-

CIRCABC), the alternative labels B and C propose to emphasise visual cues such as safe use icons that have proven their efficiency in communicating about hazards to layman consumers. In that sense, the industry carries voluntary initiatives to offer solutions to problems: e.g. A.I.S.E.'s Safe use icons that guide the consumer to understand clearly and visually how to use household detergents in a secure and safe way, A.I.S.E.'s Charter for Sustainable Cleaning that A.I.S.E. industry's members commit to, committing to both products and companies' sustainability standards, to name two initiatives.

Conclusions of the day

The Chair gave a short wrap-up of the meeting, thanking participants and presenters for their active and valuable contributions to the meeting. He then presented the action points and the usual satisfaction survey which would follow after the meeting.

He expressed his wishes to meet all the CLP members and observers in autumn, at the 17th Steering Group meeting, the social event and the CLP Workshop taking place on 26 and 27 October 2022.

Annex I – Agenda of the CLP Workshop

Opening by Erwin Annys, the Chair of HelpNet

Session 1 - Updates from the European Commission and ECHA

1.1 Update from the European Commission including the CLP revision (European Commission, Anna SCHUSTER)

1.2 Update on the new way of working (NWOW) (ECHA, Elena BIGI)

1.3 Q&A search project: outline & feedback (ECHA, Elena BIGI, Roxana BROASCA)

Session 2 - Topics proposed by national helpdesks and observers

2.1 Readability of labels (Sweden, Jonas FALCK, Susanna NORRTHON RISBERG)

2.2 Open questions from national helpdesks (ECHA, Pedro ROSELLÓ VILARROIG)

2.3 Results of A.I.S.E.'s most recent consumer research on simplification and digitalisation of detergent labels (A.I.S.E., Cindy CHHUON)

Conclusions of the day

Closing the CLP Workshop

Annex II – Results of the polls

Agenda point 1.2 Update on the new way of working

1. Do you have any suggestions on the NWOW implementation, something you would want to see more? Please select your preferred tool:

Ad hoc trainings	**6/52**
Videoconference (different format, HelpEx discussions?)	**6/52**
Handbooks and guide	**10/52**
Other	**0/52**
No Answer	**35/52**

If Other, please specify:

No Answer	**52/52**

Agenda point 1.3 Q&A search project: outline & feedback

2. What do you think about the new Q&A tool overall?

I like it!	**23/52**
I don't like it, could be better	**0/52**
I am not sure yet	**5/52**
I have some suggestions	**0/52**
No Answer	**24/52**

Agenda point 2.1 Readability of labels

3. Do you agree that to ensure easily readable labels clear requirements should be set out in the legislation?

Yes	**34/58**
No	**2/58**
No Answer	**22/58**

Agenda point 2.2 Open questions from national helpdesks

4. Have you received questions from formulators of bespoke paints?

Yes	**5/58**
No	**13/58**
No Answer	**40/58**

Closing the CLP Workshop

5. Would you be able to attend the Steering Group meeting and the CLP Workshop on 25-27 October (27 October would be CLP and BPR workshops)?

Yes	**28/50**
No	**1/50**
No Answer	**21/50**

Will you attend face to face?

Yes	**17/50**
No	**10/50**
No Answer	**23/50**

Annex III - Action points

No.	Action	Agenda item	Who	Status
1.	Share the first results of the impact assessment of the CLP revision (Q1-Q2 2022).	1.1	Commission ECHA	Ongoing
2.	Provide the general timelines of the next steps of the CLP revision.	1.1	Commission	Ongoing
3.	Include questions[2] from the presentation of Sweden, 'Readability of labels', in the satisfaction survey to collect the visions of national helpdesks on the issue.	2.1	ECHA NHDs	Closed
4.	Poland to re-open the question in HelpEx on peel-off labels.	2.2	Polish helpdesk	Closed
5.	Bulgaria to reopen the question in Helpex on lead classification.	2.2	Bulgarian helpdesk	Closed
6.	Launch a survey[3] on cases of products such as nicotine or cannabidiol pouches that fall outside the Tobacco Products Directive but are also not straightforward covered under CLP.	2.2	ECHA	Closed
7.	Provide more details about the recruitment of participants in the simplified and digital labelling study conducted by A.I.S.E.	2.3	A.I.S.E.	Closed

[2] Readability of labels:

1. Do you agree that to ensure easily readable labels clear requirements should be set out in the legislation?
2. What do you think of expanding table 1.3 with letter size in relation to the dimensions of the label?
3. Should signal word be of another specified size?
4. Do you agree that a maximum number of languages on a label (fold-out and regular) should be introduced if readability cannot be clarified in this way in the legislation?

[3] National helpdesks to reply by 15 September 2022.

Annex IV - List of participants

Country	Name, surname
Austria	Erich NEUWIRTH
Croatia	Tajana KOVAČEVIĆ
	Zdravko LOVRIĆ
Cyprus	Maria PALEOMILITOU
Czech Republic	Jarmila SLÁDKOVÁ
Estonia	Aigi LAHE
Finland	Pauli KÄRKKÄINEN
	Tarja KARLEMO
Germany	Anja HACKMANN
	Nicolaj HEUER
	Raimund WEIß
Hungary	Nikoletta MAROSVÖLGYI
Iceland	Fifa KONRADSDOTTIR
Ireland	Louise PIERCE
	Majella COSGRAVE
	Margarete HOULIHAN
	Mervyn PARR
	Michael SLATTERY
Italy	Sonia D'ILIO
	Maria ALESSANDRELLI
Latvia	Evija PORIKE
	Sandra MATISA
Lithuania	Jurgita BALČIŪNIENĖ
	Beata VOLUJEVIČ
Luxembourg	Laurene CHOCHOIS
Netherlands	Femke AFFOURTIT
	Karin JENKEN
	Peter van IERSEL
Poland	Krzysztof DOMAŃSKI
	Monika WASIAK-GROMEK
Portugal	Isabel LAGINHA
Slovakia	Maria Skultetyova

Country	Name, surname
Slovakia	Jana CHMELIKOVA
	Lucia MURANIOVA
	Karol BLESAK*
	Zuzana DRABOVA KUSIKOVA
Slovenia	Tatjana HUMAR JURIČ
Spain	Laura ZAMORA NAVAS
Sweden	Jonas FALCK
	Susanna NORRTHON RISBERG

European Commission

DG GROW	Anna SCHUSTER

Candidate countries observers

Country	Name, surname
Montenegro	Tatjana MUJICIC

Third Country observers

Country	Name, surname
Switzerland	Markus HOFMANN

Industry observers

Organisation	Name, surname
A.I.S.E.	Cindy CHHUON
	Elodie CAZELLE
Cefic	Liisi DE BACKER
EDANA	Luminita BARBU
Fecc	Simina DREVE
ORO	Kevin HOBAN

ECHA staff

Unit	Name, surname
A2	Amandine JOMIER
	Anita TUOMAINEN
	Elena BIGI
	Evelyne FRAUMAN
	Erwin ANNYS
	Joose KORHONEN
	Julia SIERRA
	Malgorzata SZKLAREK
	Pedro ROSELLÓ VILLAROIG
	Roxana BROASCA
	Viorica NAGHY
A3	Daniele APE
	Heidi RASIKARI
B4	Outi TUNNELA
R3	Daniel NYGARD