

Request from the Swiss authorities to participate in the CLP work of the HelpNet

46th Meeting of the Management Board 21-22 June 2017

Proposal

The Management Board is invited to agree that Switzerland participates as observer in the work of the CLP HelpNet.

Background

On 17 May 2017, the Swiss Federal Office of Public Health as national Notification Authority for Chemicals applied for the status of observer in the CLP HelpNet. The Swiss application letter provides detail on the reference that the Swiss Chemicals Legislation makes to the CLP Regulation as well as on the work of the Swiss national helpdesk.

At its 37th meeting on 19-20 March 2015, the Management Board gave its consent for its Chair to invite Switzerland to participate in the work of ECHA under the Biocidal Product Regulation (MB/10/2015). Following the respective invitation, Switzerland has since participated in the work of the Biocidal Product Committee (BPC) and of the BPR HelpNet.

The Handbook of the BRP, CLP and REACH Helpdesk Network (HelpNet) stipulates that "the HelpNet Steering Group may, by consensus of its members, agree to the participation of observers in the HelpNet Steering Group. Observers are required to provide advice directly to industry on the regulatory requirements of the BPR, CLP and/or REACH Regulations. Observers from other third countries than candidate countries need additionally to be agreed to by the Management Board." This is in line with the provision of Article 106 of the REACH Regulation.

Rationale

Switzerland has implemented GHS in accordance with the CLP Regulation. The Swiss Chemicals Legislation refers to the CLP for the classification, labelling and packaging of chemicals. The revised chapter on biocidal products of the Mutual Recognition Agreement between the EU and Switzerland also necessitates alignment with CLP.

The close substantial relationship between the CLP and BPR regimes supports the Swiss request. Given the economic ties between Switzerland and the European Union, providing advice and assistance to Swiss companies also on matters of classification and labelling makes sense. To the knowledge of the ECHA Secretariat, the Swiss national helpdesk is well equipped to do so. Its participation as an observer in the work of the CLP HelpNet, complementing its equivalent status in the BPR HelpNet, will allow ECHA to keep the Swiss helpdesk abreast with CLP-related developments as well as the helpdesk to benefit from sharing information and best practice with all EU and EEA CLP helpdesks as well as other observers.

Already ahead of the formal Swiss application, the services of the European Commission have indicated their favourable stance towards such a Swiss observer status.

Following a favourable decision by the Management Board, the Chairman of the HelpNet Steering Group would invite Switzerland as an observer, subject to the consent of the members of the CLP HelpNet, which the HelpNet Secretariat will seek by written procedure.

Alternative options

To decline consent to the Swiss application and thus limit the participation of the Swiss national

helpdesk to the activities of the BPR HelpNet.

Drawbacks

A favourable decision may encourage Switzerland to further request to become an observer also in the REACH HelpNet. However, given the need for a case-by-case approval by the ECHA Management Board, such a favourable decision would have no direct prejudicial effect.

Attachment:

- Annex: Application from the Swiss Federal Office of Public Health of 17 May 2017

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