

Dealing with CLP notification

CLP Notification: what's it all about?

Notification is a new requirement that was introduced by CLP (Articles 39 and 40). The basic obligation applies to EU/EEA legal entities who manufacture and supply, or import, substances (including in some mixtures) after 1 December 2010. They have to notify core information which identifies the substance and its hazard properties to ECHA within one month after its placing on the market. This information, together with harmonised classification and labelling information from Annex VI to CLP, is included in a Classification and Labelling Inventory maintained by ECHA.

The notification obligation is complex in its scope and there are some exceptions. However, it is relatively easy to do online using your REACH-IT account – or you can use IUCLID to prepare a dossier if you need, for example, to claim confidentiality or notify multiple classifications for a given substance. This document explains some of the finer points of the duty to help you get started.

The basic obligation

If, since 1 December 2010, you manufactured or imported any quantity of substance which is in the scope of CLP you are a *potential* notifier.

If the substance is subject to REACH registration and is not already registered by you (or an Only Representative) then you must notify it within a month of placing it on the market. But if the substance is outside the scope of REACH registration (for example, less than 1 tpy or a polymer) then you only need notify if it is classified as hazardous under CLP.

Substances imported in mixtures must be notified on the same basis, but if the REACH registration threshold is not met then notification is only required if the mixture is hazardous. Then, only the ingredient substances which are above the relevant concentration limit or make the mixture hazardous need to be notified in this case.

You must notify information including the classification of the substance. So, you need to know its identity and the classification. For lone substances you will have this information in order to meet the other obligations of CLP, for mixtures if you import you will have this information in order to compile the safety data sheet. You will also need to know the purity of the substance and the effect of any impurities on the classification.

Do I notify if...

I am an EU manufacturer of low volume (grams per year) high-purity laboratory reagents made and sold to order. I am not involved in REACH registration?

Yes, but only for substances classified as hazardous.

I am sent a sample of mixtures from the USA for evaluation?

You are an importer of this sample so you should have assessed the quantities of the ingredient substances in the sample for REACH registration. If they are over 1 tpy and not



already REACH registered, then you must notify. If they are less than 1 tpy you only need to consider the ingredients if the sample is hazardous. If it is then you must notify those ingredients which are above the concentration limit or which make the sample hazardous (e.g. flammable).

I import over 1tpy and have a full REACH registration?

No, if the classification and labelling information required by CLP has already been submitted in a REACH registration dossier a separate notification to the C&L inventory is not necessary.

It is expected that UK companies who had already notified to ECHA (or were otherwise covered by an existing notification in the EU or via an EU REACH registration) would not be expected to notify again. Under UK CLP, it is expected that the substances in scope of the notification requirements will be the same as those under the existing EU-requirements (Article 39 of EU CLP) and there will be no special arrangements (e.g., for the notification of hazardous substances supplied in quantities of less than 1 tonne per year or polymers).

Working together

CLP is a separate law to REACH and an Only Representative under REACH normally has no role under CLP. However, ECHA and the European Commission have recognised that in terms of notification this interpretation should be ignored, and it is now possible for an OR to notify. It is also possible for a group of legal entities who are *all* importers or manufacturers to notify with one taking a leading role. Similarly, a company with several manufacturing subsidiaries across the EU can organise a group notification.

How to notify

All notifications are submitted through your REACH-IT account, but there are three ways to prepare the notification: IUCLID, a bulk upload facility and an online wizard. Although the last method involves a substance by substance approach, we think it's the best option for many businesses. The format of the wizard is simple and includes a number of short cuts. For common substances each notification can usually be made in a matter of minutes once you have the information to hand.

What you will need

There are two essentials to notification:

1. A REACH-IT account. Sign up via ECHA's Accounts <https://idp-industry.echa.europa.eu/idp/>
2. The information used to classify the substance, including its identity and purity.

We think the best way for most people to learn to notify is to try it using the online wizard in REACH-IT. You will see that not all information on the template is mandatory, e.g. the P statement texts for which a field is provided although this is not required by Article 40 (f) of CLP. Omitting these data will not disrupt the page's self-check system. You will also find you are given the chance to agree with existing information in the Inventory from Annex VI entries, REACH registrations and other notifications. If you do agree (note: you must agree with an Annex VI entry) then this speeds up the process.

To help, we have developed a handy step-by-step guide to notification for our Gold subscribers, which you can find on our website in the section on C&L Notification.

Confidentiality

If you import mixtures, then under the existing legislation you should know which substances in the mixture are classified as hazardous and how. Notification in relation to imported mixtures requires nothing more than this, so there should be no issues with confidential business information if you are able to trust your overseas supplier to give you the necessary information. For notification, you **do not** need to have the full formulation details. However, we know that even providing partial formulation information can be a sensitive area and that many non-EU suppliers are challenged over it. We suggest you talk to your non-EU suppliers and work out solutions, which might involve simple trust, legal agreements, using a third-party trustee for sensitive information or a notification made on your behalf by another EU entity.

One way of avoiding problems (real or imagined) is to take a proactive approach. Put simply, you notify all the in-scope substances which are known or foreseeable ingredients of your imported mixtures. Next, tell your non-EU suppliers which substances you have notified, who then only need to alert you to any substances which are not on this list and which may be in formulations they export to you. In turn, you notify these substances on a case-by-case basis and expand your list of notified substances.

Need further help?

If you need help understanding the CLP Regulation and how it may affect your business, why not attend one of our CLP training courses? For details about our events, including the next available dates, please see our events webpage at <http://www.reachready.co.uk/events> or contact us on events@reachready.co.uk or +44 (0)207 901 1443.

As one of our Gold subscribers one of our experts will answer your questions – simply call us on +44 (0)207 901 1444 or email enquiries@reachready.co.uk.