

# Frequently Asked Questions about CLP

*Version 1.2, November 2010*

The questions and answers presented here address general situations and are intended to assist those who do not have a detailed knowledge on CLP, to provide context information and to guide the reader to the most appropriate information sources, such as a specific guidance document or the CLP legal text itself. This information is also available on ECHA's website at <http://echa.europa.eu/>.

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This Frequently Asked Questions document contains information on obligations under the Regulation (EC) No. 1272/2008 (hereafter referred to as CLP Regulation or CLP) explaining how to fulfil them. This FAQ document has been agreed by and between the correspondents of the national helpdesks of the Member States, representatives of the European Commission and the European Chemicals Agency within the HelpNet network.

However, users are reminded that the text of the CLP Regulation is the only authentic legal reference and that the information in this document does not constitute legal advice. The European Chemicals Agency does not accept any liability with regard to the contents of this document.

### ***Frequently Asked Questions about CLP (version 1.2)***

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### Note to FAQ (version 1.2):

Nineteen new FAQs have been added and five existing FAQs have been updated. Due to the inclusion of these nineteen new FAQs, many of the current FAQs have been renumbered. A new chapter has been added, namely Chapter 9.

**Publication of related Commission Regulations or Guidance Documents may trigger a revision of existing FAQs. Please therefore check regularly the ECHA website for updates of this document.**

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## CHAPTER 1: CLP – A NEW REGULATION

### 1.1. What is CLP?

“CLP” or “the CLP Regulation” stands for Regulation [\(EC\) No 1272/2008](#) on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation [\(EC\) No 1907/2006 \(REACH\)](#). It implements the 2<sup>nd</sup> edition of the United Nations Globally Harmonised System of classification and labelling of chemicals (GHS) into EU law.

The CLP Regulation came into force on 20 January 2009. It will replace the Dangerous Substances Directive 67/548/EEC (DSD) and the Dangerous Preparations Directive 1999/45/EC (DPD) in a stepwise approach during a transitional period.

### 1.2. Does CLP apply to me?

CLP applies to you if you manufacture, import, use or distribute chemical substances or mixtures. You must classify, label and package any substance or mixture, regardless of its annual tonnage, in accordance with the CLP Regulation before you place it on the EU market. Placing on the market of a substance or mixture means making it physically available to third parties, whether in return for payment or free of charge.

If you are a manufacturer or importer, you are required under CLP to classify substances that are subject to registration or to notification in line with Article 7 or 9 of REACH, even if you do not place them on the market. This includes e.g. the classification of substances that are used for product and process-orientated research and development (PPORD).

If you are a manufacturer or importer, you must notify hazardous substances that you place on the market on their own or contained in hazardous mixtures above certain applicable concentration limits, regardless of the annual tonnage manufactured or imported, as well as substances subject to registration under REACH and that you place on the market, to the Classification & Labelling Inventory established at the Agency. However, the duty to notify does not apply in case you have already submitted the information which is relevant for a notification under CLP as part of a registration.

### 1.3. What happens to the directives on classification and labelling of substances and preparations?

Directives 67/548/EEC (Dangerous Substances Directive, DSD) and 1999/45/EC (Dangerous Preparations Directives, DPD) on classification and labelling will be in force until 1 June 2015. Until they are repealed in their entirety on 1 June 2015, their provisions will be replaced in a stepwise approach during a transitional period which is set out in the CLP Regulation: while substances still have to be classified in line with the DSD criteria until 1 June 2015, their CLP classifications must be provided at the latest by 1 December 2010. In the case of mixtures, they have still to be classified in line with the DPD criteria until 1 June 2015, while their CLP classifications must be provided at the latest by 1 June 2015. Further transitional rules define when the

labelling and packaging of substances and mixtures according to DSD and DPD, respectively, must be replaced by labelling and packaging according to CLP.

#### **1.4. What happened to Annex I to DSD?**

Annex I to DSD, containing the list of harmonised classification and labelling of around 8,000 substances, was already repealed upon entry into force of CLP on 20 January 2009. However, the harmonised classifications included in that Annex have been transferred to Table 3.2 of Annex VI to CLP and are legally binding. This means that a supplier must continue to use them after 20 January 2009, until the end of the transitional period on 1 June 2015.

#### **1.5. Is there any change in the existing EU transport legislation resulting from the new CLP Regulation?**

Directive 2008/68/EC on the inland transport of dangerous goods which shall have been transposed by Member States into national law by 30 June 2009 includes neither references to CLP nor to the previous legislation on classification and labelling. CLP Article 1(6) states "Save where Article 33 applies this Regulation shall not apply to the transport of dangerous goods by air, sea, road, rail or inland waterways." Accordingly, CLP does not change the transport legislation. However, CLP lays down in Article 33 specific rules for labelling of outer packaging and single packaging which are transported.

#### **1.6. What is GHS?**

GHS stands for the Globally Harmonised System of classification and labelling of chemicals. It provides a basis for uniform physical, environmental, health and safety information on hazardous chemicals at global level through the harmonisation of the classification criteria, labelling rules and guidance on the preparation of Safety Data Sheets.

The GHS is developed and maintained at United Nations level with the aim of avoiding different hazard information requirements on physical, health and environmental hazards for the same chemicals around the world. In addition, it also aims to facilitate trade: by applying GHS across different countries, it will no longer be necessary for an exported chemical to be reclassified and relabelled in order to comply with different classification criteria, labelling rules and Safety Data Sheet requirements of the importing country.

For further information on the development of the UN GHS, please see [http://www.unece.org/trans/danger/publi/ghs/histback\\_e.html](http://www.unece.org/trans/danger/publi/ghs/histback_e.html).

## 1.7. What are the differences between GHS and CLP?

The GHS was implemented through Community legislation in the form of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Regulation) which is legally binding and directly applicable in the Member States of the EU, whereas GHS is not legally binding.

GHS and CLP are not identical because CLP is also based on the old EU legislation on classification and labelling, i.e. the Dangerous Substances Directive 67/548/EEC (DSD) and the Dangerous Preparations Directive 1999/45/EC (DPD).

In addition, and based on the so-called UN GHS “building block approach”, CLP does not include all the hazard categories included for a hazard class because they were not part of DSD, e.g. category 4 of the hazard class flammable liquids, or category 3 (mild irritant) of the hazard class skin corrosion/irritation. CLP includes special labelling and packaging rules that are not part of the UN GHS, but which were brought over from the DSD and DPD, e.g. the rules on small packaging (CLP Article 29), on supplemental information for certain mixtures (Part 2 of Annex II to CLP) and for the provision of child-resistant fastenings or tactile warnings. Also, it includes rules for the situation when a substance is both covered by CLP and by transport legislation (CLP Article 33).

It should be noted that in contrast to the UN GHS, CLP does not include specific rules on Safety Data Sheets as they are already regulated by REACH, through its Article 31 and Annex II.

## CHAPTER 2: INDUSTRY ROLES UNDER CLP

### 2.1. What roles and obligations do re-fillers have under CLP?

Re-fillers are downstream users of substances or mixtures whose use is limited to transferring substances or mixtures supplied to them from one container (or packaging) into another. Re-fillers are therefore not obliged to classify in accordance with Title II of CLP, but may also take over the classification derived in accordance with Title II already by another actor in the supply chain provided the re-filler does not change the composition of the substance or mixture that is being refilled. In any case the re-filler has to ensure that the labelling and packaging is in accordance with CLP. This can mean that the original label must be replaced by another one. For example, when the contents of a 200 l drum is decanted into 25 ml bottles, the new label should be in line with the small packaging exemptions, unlike the original bigger one which required full labelling.

Note that re-fillers established within the EU who are supplied with substances or mixtures by an actor outside the EU are considered to be importers under CLP, unless they can benefit from the provisions foreseen for re-importers, see FAQ 2.2. This means that they have the obligation to classify these substances and mixtures and to notify relevant substance information to the Classification and Labelling (C&L) Inventory.

## **2.2. What roles and obligations do re-importers have under CLP?**

According to CLP Article 2(19), a re-importer is considered a downstream user. Re-importers are therefore not obliged to notify to the C&L Inventory nor to classify in accordance with Title II of CLP, but may also take over the classification derived in accordance with Title II already by another actor in the supply chain. In any case the re-importer has to ensure that the labelling and packaging is in accordance with CLP.

Note that for a re-importer to be considered a downstream user certain conditions have to be fulfilled. First, the re-imported substance must have been registered before it was exported from the EU. In addition, the substance must have been re-imported within the same supply chain. Third, a re-importer should be able to show that the re-imported substance is the same as the one that was originally exported. Finally, the re-importer should also be able to show that he has been provided with the respective information in accordance with REACH Article 31 or 32.

When any of the conditions mentioned above is not fulfilled, the re-importer is considered an importer. This means that he has the obligation to classify these substances or mixtures and to notify relevant substance information to the C&L Inventory.

## **2.3. Will distributors have to classify under CLP?**

A distributor is a natural or legal person established within the Community, including a retailer, who only stores and places on the market a substance, on its own or contained in a mixture, for third parties. Distributors are not obliged to classify themselves. In contrast to other suppliers, a distributor (including a retailer) does not have to classify substances and mixtures himself, but may take over the classification that was derived in accordance with Title II of CLP by another actor in the supply chain. Typically, the respective classification is made available on a Safety Data Sheet.

The same derogation is also granted to a downstream user as long as he does not change the composition of the substance or mixture supplied to him.

Note that distributors established within the EU who are supplied with substances or mixtures by an actor outside the EU are considered importers under CLP. This means that they have the obligation to classify these substances and mixtures and to notify relevant substance information to the C&L Inventory.

## **2.4. Is an establishment which is recovering a substance obliged to classify and notify it to the Classification and Labelling Inventory?**

Under CLP, recovered substances and mixtures will normally have to be treated in the same way as other substances and mixtures under CLP. This means that they have to be classified according to Title II of CLP and the substances have to be notified to the C&L Inventory, unless the establishment undertaking the recovery (manufacturer of the recovered substance) has already submitted a registration under REACH and included the information necessary for a notification. In case the establishment undertaking the recovery can rely on the exemption from the REACH registration provisions for recovered substances pursuant to REACH Article 2(7)(d), it

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would still have to notify the recovered substances to the C&L Inventory, in accordance with CLP Article 39(b) and 40.

When classifying under the CLP Regulation, the establishment undertaking the recovery may take over the classification derived in accordance with Title II of CLP already by the registrant of the same substance, if this is appropriate. When notifying in such cases to ECHA, it is recommended to retrieve the classification and labelling information provided earlier by the registrant of the original substance from ECHA's Classification & Labelling Inventory and agree to it.

### **2.5. Do professional and industrial end users have obligations under CLP?**

No, they do not. They are considered to be end users of the substances and mixtures supplied to them as long as they do not place the substances and mixtures on the market. Examples of professional users are cleaning personnel, painters or craftsmen who use e.g. paints, lime or cleaning agents in the context of their professional activity. Industrial users may use substances or mixtures supplied to them as processing aids which are not consumed by the industrial activity, e.g. surface cleaners prior to electroplating or users of lubricants for chainsaws. Formulators of mixtures are not classed as end users, but rather as downstream users of substances and mixtures.

Professional and industrial end users are required to respect the information on the label and on the Safety Data Sheet supplied to them. Further to this, they have to comply with the downstream user obligations set out in Title V of REACH on the safe handling and use of substances and mixtures.

Note that end users established within the EU who are supplied with substances or mixtures by an actor outside the EU are considered to be importers under CLP. This means that they have the obligation to classify, label and package these substances and mixtures and to notify relevant substance information to the C&L Inventory.

## **CHAPTER 3: SCOPE AND EXEMPTIONS UNDER CLP**

### **3.1. Will radioactive substances and mixtures have to be classified or notified under CLP?**

No, they will not.

Radioactive substances and mixtures within the scope of Directive 96/29/Euratom are exempted from the scope of CLP. The reason for the exemption is that this legislation already lays down provisions for the protection of workers and the general public arising from ionising radiation, so there is no need to apply CLP in addition.

### **3.2. Will substances and mixtures under customs supervision have to be classified and notified under CLP?**

No, they will not, provided the following conditions are met: if substances or mixtures are in temporary storage, in transit, in a free zone or in a free warehouse on the EU territory and are only transiting through the EU and remain under customs supervision while waiting to leave the EU, they are not subject to the provisions of the CLP Regulation.

Importers of substances or mixtures which are destined to leave the EU again, who wish to rely on the exemption from CLP, need to ensure that such substances and mixtures, while on the EU territory, meet all the following conditions:

- they are put in a free zone or free warehouse as defined under customs legislation or placed under another relevant customs procedure (transit procedure, temporary storage),
- they are kept under supervision of the customs authorities, and
- they do not undergo any form of treatment or processing during their stay in the EU. For this purpose a free zone or a free warehouse on the EU territory is regarded as being part of the EU.

In case of doubt, it is recommended to contact the customs authorities who can clarify applicable customs rules established by Regulation (EEC) No 2913/92 on the Community Customs Code which may be applied to substances and mixtures merely passing through the EU.

### **3.3. Will a non-isolated intermediate have to be classified and notified under CLP?**

No, they will not: As long as an intermediate falls under the definition of REACH Article 3(15)(a) concerning non-isolated intermediates, it is exempted from any obligations under CLP.

It must be noted, however, that quantities of the same substance may be used in other operations or under other conditions than mentioned in this definition, which would imply that those quantities cannot be regarded as “non-isolated intermediate”, but rather as a substance that may be placed on the market. Only the quantities of the substance used under the conditions qualifying it as a “non-isolated intermediate” are exempted from CLP. For the remaining quantities, the relevant requirements under CLP must be fulfilled.

### **3.4. What about new substances that were notified under Directive 67/548/EEC?**

#### **3.4.1 Do they have to be classified, packaged and labelled according to the CLP criteria?**

Yes, they will. From 1 December 2010, new substances (NONS) will have to be classified according to the CLP criteria before they are placed on the market. Such NONS will also have to be packaged and labelled in accordance with Titles III and IV of the CLP Regulation from 1 December 2010. NONS that have already been

classified, labelled and packaged in accordance with the DSD rules and that have already been placed on the market before 1 December 2010 will only have to be relabelled and repackaged in accordance with the CLP Regulation by 1 December 2012.

### **3.4.2 Do they have to notified to the Classification and Labelling Inventory?**

Yes, they will. Substances notified under Directive 67/548/EEC (NONS) are deemed to be registered under the REACH Regulation and would therefore have to be notified to the Inventory where they are placed on the market. As the respective dossiers currently only contain the DSD classifications, these would have to be updated with the CLP classifications without undue delay, in accordance with REACH Article 22. Once such updates are made, separate notification to the Inventory is no longer required.

The obligation to notify also applies to hazardous NONS manufactured and placed on the market or imported in volumes of less than 1 tonne per year. However, the respective dossiers can only be updated with the CLP classifications where the manufacturer or importer has claimed a registration number for the respective substance; otherwise, a separate notification is required. ECHA recommends industry to request a registration number and to submit an update of the relevant NONS dossier as soon as practicable.

### **3.5. Will waste have to be classified and notified to the Classification and Labelling Inventory?**

No, it will not. Waste as defined in the Waste Framework Directive 2006/12/EC is outside the scope of CLP. Waste is any substance or object which the waste holder discards, or intends or is required to discard. This may be waste from households (e.g. newspapers or clothes, food, cans or bottles) or from professionals or industry (e.g. tyres, slag, window frames that are discarded).

As waste is not considered to be a substance, mixture or article under CLP, waste treatment operators are not considered as downstream users. At the same time waste treatment operators will not receive Safety Data Sheets on how to handle a substance or mixture during the waste phase. As long as residues from waste treatment operations are waste, i.e. they are disposed of (e.g. land-filled), they do not fall under the scope of CLP. However, residues which are recovered as substances or mixtures do fall under the scope of CLP.

### **3.6. Will medicinal products need to be classified and notified to the Classification and Labelling Inventory?**

Substances and mixtures which are in the finished state and intended for the final user and which are medicinal products within the scope of Directive 2001/83/EC on the Community code for medicinal products for human use, or veterinary medicinal products within the scope of Directive 2001/82/EC on the Community code relating to veterinary medicinal products are on the whole exempted from the provisions of the CLP Regulation, i.e. they do not have to be classified, packaged, labelled and notified to the C&L Inventory.

However, in cases where a manufacturer or importer supplies substances and mixtures, e.g. active pharmaceutical ingredients (APIs) or excipients, that are not yet in the finished state, this manufacturer or importer will have to classify, package and label these substances and mixtures in accordance with CLP. In addition, if these substances are placed on the market, they will also have to be notified to the C&L Inventory.

This exemption from the provisions of the CLP Regulation does not distinguish between active and non-active pharmaceutical ingredients: it applies to any substance or mixture used in medicinal products, e.g. excipients, which is in the finished state and intended for pharmaceutical use.

### **3.7. Will medical devices need to be classified and notified to the Classification and Labelling Inventory?**

Substances and mixtures which are medical devices as defined in Directives 90/385/EEC and 93/42/EEC and which are invasive or used in direct physical contact with the human body, as well as those covered by Directive 98/79/EC, are exempted from the provisions of CLP on the whole if they are in the finished state and intended for the final user:

- Substances and mixtures covered by Directive 90/385/EEC that are invasive or used in direct physical contact with the human body would include cochlear implants, implantable cardiac pacemakers, implantable defibrillators and implantable nerve stimulators,
- Substances and mixtures covered by Directive 93/42/EEC that are invasive or used in direct physical contact with the human body would include sutures, catheters, stents, balloon catheters and wound dressings and
- Substances and mixtures covered by Directive 98/79/EEC would include reagents for diagnostic of Hepatitis C and HIV, self-diagnosis devices for the measurement of blood sugar and IVD Analysers.

As the substances and mixtures mentioned above are exempted from the provisions of CLP, they do not need to be classified, packaged, labelled and notified to the C&L Inventory. However, for substances that are manufactured or imported in volumes of at least 1 tonne per year, either on their own or contained in a mixture, the obligation to classify (but not label, package and notify) may still arise from REACH because such substances would have to be registered.

### **3.8. Will cosmetic products have to be classified and notified to the Classification and Labelling Inventory?**

Similarly to other exempted substances and mixtures referred to in CLP Article 1.5 which are in the finished state and intended for the final user, substances and mixtures in the form of cosmetic products as defined in Directive 76/768/EEC on the whole are exempted from the provisions of CLP. However, for substances that are manufactured or imported in volumes of at least 1 tonne per year, either on their own or contained in a mixture, the obligation to classify (but not label, package and notify) may still arise from REACH because such substances would have to be registered.

Note that a manufacturer, importer or downstream user (formulator) who supplies a substance or mixture which is not yet in the finished state is obliged to classify, package and label it in accordance with CLP. Furthermore, a manufacturer or

importer is obliged to notify the relevant substances in line with the provisions on notification to the C&L Inventory.

### **3.9. Will food and feeding stuffs have to be classified and notified to the Classification and Labelling Inventory?**

According to CLP Article 1(5)(e), substances and mixtures which are used in food for humans or feeding stuffs for animals in accordance with the Food Safety Regulation (EC) No 178/2002 are on the whole exempted from the provisions of CLP, i.e. they do not have to be classified, packaged, labelled or notified to the C&L Inventory. The exemption also includes the use of a substance or mixture when they are used:

- as food additive in foodstuffs within the scope of Directive 89/107/EEC,
- as a flavouring in foodstuffs within the scope of Directive 88/388/EEC and Decision 1999/217/EC,
- as an additive in feeding stuffs within the scope of Regulation (EC) No 1831/2003 or
- in animal nutrition within the scope of Directive 82/471/EEC.

In cases where a manufacturer or importer supplies the denoted substances or mixtures (also) in a form where no such exemptions apply, he would have to classify, package and label them in accordance with the provisions of CLP and notify the relevant substances to the C&L Inventory.

### **3.10. Do I have to notify explosive articles to the Classification & Labelling Inventory?**

If you are a manufacturer or importer of an explosive substance (explosive according to the CLP criteria) that will be incorporated into an article at a later stage you do need to notify that substance. However, you do not have to notify explosive articles.

### **3.11. Must the classification and labelling of polymers be notified to the Inventory?**

A polymer is a substance and must be notified on the basis of Article 39(b) and 40(1) of the CLP Regulation if it fulfils the criteria for classification as hazardous and it is placed on the market.

### **3.12. Will substances and mixtures used in scientific research & development (R&D) have to be classified and notified under CLP?**

Both substances and mixtures used in scientific experimentation, analysis or chemical research are exempted from the obligations of CLP as a whole, provided they are not placed on the market and they are used under controlled conditions in accordance with Community workplace and environmental legislation. However, as soon as substances and mixtures used in scientific research & development (R&D) are physically made available or supplied to another legal entity, for example by

sending samples from a university to another research institute or by importing such samples, this is considered as "placing on the market" (see CLP Article 2(18)). In this case CLP requires the supplier or importer to classify according to the available information, to label and package the sample of a hazardous substance or mixture according to CLP and to notify to the C&L Inventory the substance(s) contained therein if it/they meet(s) the criteria for classification as hazardous on the basis of available information.

### **3.13. Should companies notify substances used in scientific research & development (R&D) to the C&L inventory for which – in particular in the early stages of research – insufficient data is available for classification in line with the criteria in Title II and Annex I of the CLP Regulation?**

Quantities of substances used in R&D are by definition smaller than 1 tonne per year and are therefore not subject to registration under the REACH Regulation. If the substance used in R&D is hazardous and placed on the EU market, it, however, needs to be notified to the C&L inventory notwithstanding its volume.

According to Article 5(1) of the CLP Regulation, manufacturers, importers and downstream users shall identify the relevant information for the purpose of determining whether the substance entails a physical, health or environmental hazard.

If neither test data are available nor any other adequate information indicates that a substance should be classified, a notification to the C&L Inventory is not required. If sufficient information is available to classify, and the substance is placed on the market, and hence when the notification to the C&L Inventory is necessary, the IUPAC name of substances used in R&D can be kept confidential as set out in the Practical Guide No 7: How to notify substances in the Classification and Labelling Inventory (see also FAQs 4.32, 4.33 and 4.34). If further information becomes available that leads to a change of the classification, the C&L notification has to be updated (see also FAQ 4.30).

### **3.14. Is it necessary to notify substances to the C&L Inventory that are exempted from registration under REACH?**

Yes, it is, under the conditions of CLP Article 39(b) and 40(1): where a substance is exempted from registration under REACH, CLP requires it to be notified to the C&L Inventory if it is classified as hazardous and is placed on the market either on its own or contained in a hazardous mixture above specified concentration limits. Examples are hazardous substances that are recovered in the EU and that are exempted from registration under REACH Article 2(7)(d). On the other hand, substances which are exempted from registration under REACH and which are not classified as hazardous and placed on the market do not have to be notified to the C&L Inventory.

### **3.15. Is it necessary to notify substances to the C&L Inventory that are exempted from registration through Annex IV to REACH?**

Yes, in principle it is, if they are placed on the market and meet the criteria for classification as hazardous. On the other hand, Annex IV only includes those substances which, according to common available information, display marginal hazardous properties only. As long as a manufacturer or importer concludes that it is inappropriate to classify a specific substance listed in Annex IV as hazardous, he does not need to notify it to the C&L Inventory.

### **3.16. Is it necessary to notify substances to the C&L Inventory that are exempted from registration through Annex V to REACH?**

Yes, it is, if they are placed on the market and meet the criteria for classification as hazardous. Annex V to REACH lists categories of substances as well as individual substances, e.g. certain naturally occurring substances, fatty acids and glass, which are exempted from registration under REACH as registration is deemed inappropriate or unnecessary. For certain categories, the absence of classification is a pre-condition for the exemption from registration. Other substances which are included in Annex V may have hazardous properties and therefore need to be notified according to CLP whenever they are placed on the market. However, as long as a manufacturer or importer concludes that it is inappropriate to classify a specific substance covered by Annex V, he does not need to notify information on that substance to the C&L Inventory.

### **3.17. Will alloys have to be classified, labelled and notified under CLP?**

Alloys are considered as special mixtures under the REACH and CLP Regulations. Alloys as well as their components need to be classified and labelled in accordance with CLP. The components of an alloy will have to be notified if they are hazardous and contained in an alloy above specified concentration limits, in accordance with CLP Article 39(b).

In relation to classification for the aquatic hazard class, Annex IV, section 5.5 of the 'Guidance on the Application of the CLP Criteria' notes that metal alloys, or alloy manufacturing products, are not simple mixtures of metals or metal components, since the alloy clearly has distinctive properties compared to a classical mixture of its component metals.

Regarding labelling, point 1.3.4 of Annex I to CLP provides that metals in the massive form, as well as alloys, do not require a label if they do not present a hazard to human health by inhalation, ingestion or contact with skin or to the aquatic environment in the form in which they are placed on the market, although classified as hazardous in accordance with the classification criteria of CLP. However, the supplier shall provide the information on the classification of an alloy to downstream users or distributors by means of the Safety Data Sheet.

According to point 2.7 of Annex II to CLP, special labelling rules apply to alloys containing cadmium and which are intended to be used for brazing or soldering. They shall bear the following statement: "Warning! Contains cadmium. Dangerous

fumes are formed during use. See information supplied by the manufacturer. Comply with the safety instructions." (EUH207).

### **3.18. Will active substances contained in plant protection or biocidal products have to be classified in accordance with CLP? (New)**

Yes, they will. Active substances contained in plant protection or biocidal products will have to be classified according to the CLP criteria as of 1 December 2010. In contrast to other substances supplied and used in the industrial supply chain, all hazard classifications of these substances will normally be harmonised at the EU level. The harmonised classifications appear both in Tables 3.1 and 3.2 of Annex VI to CLP. However, where new information is available which may lead to a change of the harmonised classification, the procedure for harmonisation of classification and labelling of substances shall apply in accordance with Articles 36 (2) and 37 (1), (4), (5) and (6). It is also noted that the requirement for self-classification for hazard-classes and differentiations not covered by the harmonised classification as provided for in Article 4 (3) equally applies to plant protection or biocidal products.

### **3.19. Will active substances contained in plant protection products and biocidal products have to be notified to the Classification and Labelling Inventory?**

Yes, they will. An active substance contained in a plant protection or a biocidal product counts as being registered under REACH under the conditions explained in REACH Article 15. However, where the respective dossiers do not contain the information required for notification in accordance with CLP Article 40, a separate notification to the C&L Inventory will have to be made. This is because the update obligation for registration dossiers under REACH Article 22 does not apply to dossiers of active substances used in plant protection or biocidal products.

However, if the same substance has any non-biocidal or non-pesticidal use(s), a registration dossier in accordance with the provisions of REACH has to be submitted where the manufacture or import volume is equal to or above 1 tonne per year per manufacturer/importer for the total of these other uses. If the information required for a notification to the C&L Inventory has already been included in the registration dossier, a separate notification is not needed. If the registration dossier does not contain that information, it needs to be updated with the CLP information without undue delay.

### **3.20. Do the monomers and any other substance used for the manufacturing of a polymer have to be notified to the Classification and labelling Inventory by the importer of the polymer? (New)**

No, they do not. In accordance with Article 3(5) of the REACH Regulation, a polymer is a substance. Importing a polymer does not correspond to the placing on the market of the monomers and any other substance from which the polymer substance

originates. The C&L notification provisions for the import of a polymer can therefore only apply to the polymer substance itself.

It should be noted that any residual/unreacted monomers present in the composition of the polymer are considered as constituents of the polymer. Thus, as any other constituent, they should be taken into account for classification of the polymer.

## CHAPTER 4: NOTIFICATION/CLASSIFICATION & LABELLING (C&L) INVENTORY

### 4.1. Which substances have to be notified to the Classification and Labelling Inventory?

The following substances will have to be notified to the C&L Inventory, irrespective of their quantities:

- Substances which are subject to registration under REACH ( $\geq 1$  tonne/year) and placed on the market. This will include substances on their own, substances contained in mixtures and certain substances contained in articles where REACH Article 7 provides for their registration. Notification of these substances is not necessary where a manufacturer, importer or Only Representative (OR) has already registered the substance with the classification and labelling according to CLP when its notification in line with CLP Article 40(1) is due. In particular, notification is not required for the importers covered by a registration that has already been done by an OR on their behalf. However, importers will have to notify a substance placed on the market on 1 December 2010 where the OR will submit the registration later than 3 January 2011;
- Substances classified as hazardous under CLP and placed on the market irrespective of the tonnage. This includes substances which are classified as hazardous under CLP, but which are exempted from registration, e.g. polymers referred to in REACH Article 6(3); and
- Substances classified as hazardous under CLP and present in a mixture above the concentration limits specified in Annex I of CLP or as specified in Directive 1999/45/EC, where relevant, which results in the classification of the mixture as hazardous, and where the mixture is placed on the market.

According to CLP Article 40, only manufacturers of substances and importers of substances or mixtures have the obligation to notify. Therefore, it is only the importer who has to notify a substance contained in a mixture to the Inventory, where the substance is hazardous or subject to registration.

### 4.2. Would only substances manufactured or imported in quantities of 1 tonne or more per year be subject to notification?

No, according to Article 39(b) of the CLP Regulation, the requirement for notification to the Inventory includes *all* hazardous substances within the scope of CLP, either on

their own or contained in a mixture above legally defined concentration limits, and which are imported or manufactured and placed on the market within the EU. In other words: the requirement for notification goes beyond substances manufactured or imported in quantities of 1 tonne or more per year.

### **4.3. Is it necessary to notify a non-hazardous substance that is also registered under REACH to the Inventory? (New)**

Yes, it is. Article 39(a) of CLP states that “substances subject to registration in accordance with Regulation (EC) No 1907/2006” fall within the scope of the C&L Inventory when they are placed on the market. Therefore, this applies to substances subject to registration under REACH and placed on the market, regardless of whether they are hazardous or not. Where a substance is not classified, the “not classified” option should be selected in Bulk XML file or in IUCLID 5 dossier, or in REACH-IT C&L on-line wizard when notifying it to the Inventory.

However, if the substance is not subject to registration and does not meet the criteria for classification as hazardous there is no notification obligation. It is noted that where a substance has not yet been registered, the notifier should notify according to the provision of CLP Article 40(3) since notification is independent from the registration deadlines (see also FAQ 4.14). Note also that if a company has already submitted a registration dossier for the substance including the classification and labelling according to CLP, the same company does not have to submit a separate notification to the C&L Inventory.

### **4.4. What are the deadlines for notification to the Classification and Labelling Inventory?**

For substances which are placed on the market on or after 1 December 2010, the deadline for notification to the inventory is one month after they have been placed on the market.

For substances placed on the market on 1 December 2010 itself, the notification is in practice due on 3 January 2011, because 1 January 2011 will be a Saturday and 2 January a Sunday. It is of course possible to voluntarily notify before 1 December 2010.

For substances placed on the market after 1 December 2010, the one month period has to be calculated from the date they are placed on the market after 1 December 2010. This will also apply to substances which have been placed on the market before 1 December 2010, but which are not placed on the market on 1 December 2010 itself, but only again afterwards.

For example, you as manufacturer or importer place a substance on the market on 8 November 2010, then you stop doing so for a while, and then you place it on the market again on 1 February 2011. You will then have to calculate the obligatory one month notification deadline from 1 February 2011, and therefore your notification is due on 1 March 2011. You can, of course, already voluntarily notify before 1 December 2010.

Prospective notifiers should bear in mind that the period from 24 December 2010 to 2 January 2011 will be an official holiday for the Agency. Accordingly, it is recommended that, where possible, a notification is submitted before 24 December

2010, as this would allow for any technical problems with the submission tool to be resolved in a timely manner, thus reducing the risks of difficulties in making a successful notification.

#### **4.5. Do I have to notify the DSD or the CLP classifications to the Inventory? And which classifications are needed for the registration dossier?**

A notification to the Classification & Labelling Inventory requires substance classifications according to the CLP criteria.

Whether to include the classifications according to CLP or to DSD in the REACH registration dossier will depend on the timing of submission of the registration: in case you submit a registration before 1 December 2010, the dossier shall contain the DSD classification. It is advisable that you also include the classification in accordance with CLP in that registration dossier because this will make the submission of a separate notification by you unnecessary. In case you submit a registration after 1 December 2010, you must include the CLP classification. Nevertheless, you may choose to also include the DSD classification in the registration dossier. After 1 June 2015, a registration should include only the classification according to CLP.

#### **4.6. Do I have to notify substances that are classified for a physical hazard and contained in a hazardous mixture?**

Yes, you do. CLP Article 39(b) refers to all hazards. This includes notification of a substance classified for a particular physical hazard and contained in a mixture whenever the mixture is placed on the market and needs to be classified for a physical hazard due to the presence of that substance. It should be noted that the physical hazard class to which the mixture belongs could be different from that of the substance(s) causing the hazard. Expert judgment should be sought in case of doubt.

#### **4.7. In view of the obligation to notify according to CLP Article 39(b): How should an importer proceed in case he has only information on the DSD classifications of the substances contained in the mixtures he imports?**

If a mixture that is classified as dangerous (according to DPD - until 01/06/2015) or as hazardous (according to CLP) is imported, CLP Article 39(b) requires that the substances in the mixture which led to this classification be notified to the C&L Inventory. According to CLP Article 40(1), the notified classifications of substances must be the CLP classifications. It may happen that importers are only provided with the DSD classifications of the substances contained in the mixtures, e.g. by means of a Safety Data Sheet, while further data on the substances are not available to them. At the same time the mixture has to be classified as dangerous according to the DPD criteria, due to the presence of these substances. In these situations importers should use the translation table in Annex VII to the CLP and notify the relevant CLP classifications of the substances in the mixture. Further explanation on the use of the Annex VII translation tables is provided in chapter 1.7. of the "Guidance on the

application of the CLP criteria” as published on the Agency’s (ECHA’s) website under [http://guidance.echa.europa.eu/guidance\\_en.htm](http://guidance.echa.europa.eu/guidance_en.htm)

#### **4.8. CLP refers in its Article 40(1) to a “group of manufacturers or importers”. Is this the same as a SIEF?**

No, it is not. The term “group” is not defined under the CLP Regulation, in particular it does not equate to a Substance Information Exchange Forum as defined under REACH. Nevertheless, SIEF members can decide to notify to the C&L Inventory as a group. In this case the identity of each member should be specified in the notification.

#### **4.9. How should a group of manufacturers/importers for the purpose of notification to the Classification and Labelling Inventory be set up? (New)**

ECHA’s REACH-IT system will offer the possibility of signing up as a group of manufacturers or importers (hereinafter referred to as “M/I Group”), in accordance with CLP Article 40(1). The concept “Group of MI” is not further defined in the CLP. Such a group can, for example, be a corporate company with different legal entities or a SIEF. It is nevertheless important that the members of a M/I Group are all manufacturers or Importers. Further guidance can be found in the REACH-IT Industry User Manual Part 15 – Manage your Group of Manufacturers or Importers available at:

[http://echa.europa.eu/doc/reachit/industry\\_user\\_manual/reachit\\_group\\_mi\\_en.pdf](http://echa.europa.eu/doc/reachit/industry_user_manual/reachit_group_mi_en.pdf).

When a M/I Group notification is made in REACH-IT, the identity of each member should be specified in the notification. If the membership of the M/I Group is updated by adding a new member, then the new member will automatically be considered as having submitted the notification(s). It is noted that updating a notification made by a M/I Group is possible only by the group leader who has carried out the M/I Group notification. The group leader shall be careful to mention that he is submitting on behalf of the M/I Group every time he is updating the notification (otherwise the updated notification will be considered as having been made on behalf of the group leader only).

It is stressed that if the group leader who has carried out the M/I Group notification submits a registration dossier for the same substance without the M/I Group, the group is removed from the notification and the other group members are obliged to notify again. For this reason it is recommended that at least one of the group members creates his own REACH-IT account, even if this is not necessary for the group notification itself. If the group members also have their own REACH-IT account, the group leader can make a legal entity transfer to another member of the group before he submits his registration. A legal entity transfer warrants that the group notification is retained in the REACH-IT.

#### **4.10. The term "notification" has been used in various contexts in EU chemicals legislation. What is the difference between a notification under Directive 67/548/EEC, a notification under REACH, and a notification under CLP?**

Under Directive 67/548/EEC, notification is related to new substances. The notification process referred to is the submission of a dossier containing relevant information on a new substance, i.e. a substance placed on the market in the EU after 18 September 1981, to the Competent Authority of a Member State. The amount of information required depended on the quantity in which the substance was placed on the market. The notification requirement for new substances under Directive 67/548/EEC was replaced by the registration requirement under REACH after its entry into force.

The use of the term "notification" under REACH refers to two different obligations: First, it refers to the obligation to provide basic information to the Agency on substances in articles under the meaning of REACH Article 7(2). Secondly, it refers to the obligation to provide basic information on those substances to the Agency that are exempted from registration for five years because they are manufactured or imported for the purpose of product- and process-orientated research and development, within the meaning of REACH Article 9(2).

Finally, "notification" under CLP relates to the C&L Inventory established by the Agency. Manufacturers and importers are required to submit to the Inventory information on the classification and labelling of substances placed on the market, regardless of their quantities, in accordance with CLP Article 40. The Inventory is a database that was originally introduced by the REACH Regulation; it did not exist under the previous legislation.

#### **4.11. Who must notify to the Classification and Labelling Inventory?**

Both manufacturers who place a hazardous substance on the market and importers of a hazardous substance will have to notify the classification and labelling of the substance to ECHA. This applies to substances on their own or contained in a hazardous mixture above a relevant concentration limit, which results in the classification of the mixture as hazardous, and irrespective of the quantity placed on the market. The obligation to notify will also apply to manufacturers and importers placing on the market a substance that is subject to registration under REACH, regardless of the classification. A separate notification is not required where the same information (i.e. the classification in accordance with the CLP criteria) has already been submitted as part of a registration under REACH by the same manufacturer or importer. If the registration dossier does not contain that information, it needs to be updated with the CLP information without undue delay. Notification can also be done by a group of manufacturers or importers.

#### **4.12. Who is not expected to notify to the Classification and Labelling Inventory?**

Downstream users, including formulators of mixtures, producers of articles as well as distributors of hazardous substances and mixtures do not need to notify to the C&L

Inventory. This is because the notification of the respective substances should already have occurred at an earlier stage in the supply chain.

Importers of articles are also exempted from the obligation to notify the substances contained in imported articles in all cases where registration of these substances is not required, in accordance with REACH Article 7.

Natural or legal persons that manufacture substances, formulate mixtures or produce articles outside the EU cannot notify a substance to the C&L Inventory.

Only Representatives (OR) established under REACH are only entitled to notify where they have submitted the information which is needed for notification to the C&L Inventory as part of a registration dossier. However, they are not entitled to submit a separate notification to the C&L Inventory as an OR has no role under the CLP Regulation.

#### **4.13. The registration deadline for a phase-in substance which is manufactured/ imported in quantities of 1 tonne per year is 1 June 2018. Will this substance have to be notified to the C&L Inventory by 3 January 2011?**

Yes, it will. Any hazardous or non-hazardous substance subject to registration and placed on the market on 1 December 2010 has to be notified to the C&L Inventory by 3 January 2011, unless it has been registered or notified earlier by the same manufacturer or importer. It should be noted that the duty to notify to the C&L Inventory applies to substances subject to registration under REACH irrespective of their registration deadline.

#### **4.14. For substances with REACH registration deadlines in 2013 or 2018, is it necessary to notify a substance to the Inventory before the registration deadline? (New)**

Yes, it is. Notification is independent from the REACH registration deadlines. A substance, either on its own or contained in a mixture, must be notified to the Inventory within one month of placing it on the market using any of the notification tools available. The first notification deadline is 3 January 2011.

#### **4.15. Will substances which are in stock on 1 December 2010 have to be notified by 3 January 2011?**

No, they will not. Substances that are 'in stock' on 1 December 2010 are not considered to be 'placed on the market' on that day, and therefore will not have to be notified by 3 January 2011. However, when placed on the market, they will have to be notified within 1 month after their placing on the market by their manufacturer or importer. A distributor who takes substances off the shelves where they have been stored for a while, in order to sell them to others, will not have to notify to the C&L Inventory as this obligation affects only manufacturers and importers.

#### **4.16. What substance identity information is required for notification to the Classification and labelling Inventory? (New)**

The substance identity information required for notification to the C&L Inventory is set out in CLP Article 40 (1) (b); it includes the items listed in point 2.1 to 2.3.4 of Annex VI to REACH. In order to ensure proper identification of a substance, the provided information on substance identity should be consistent and unambiguous.

For example, in the case of a multi-constituent substance, the concentrations of its constituents should ideally add up to 100%. The identifiers provided by the notifier (i.e. IUPAC name, EC number, CAS name and CAS number) should also be consistent and they should refer to one substance.

For the purpose of notification of an imported substance either on its own or contained in a mixture, the importer should contact his non-EU supplier(s) to find out as much as possible about the identity of his substance.

Further guidance on the information required for the identification of substances is provided in the document Guidance for identification and naming of substances under REACH as published on the Agency's (ECHA's) website under [http://guidance.echa.europa.eu/guidance\\_en.htm](http://guidance.echa.europa.eu/guidance_en.htm).

#### **4.17. Is analytical information such as HPLC data, gas chromatograms or a description of the analytical method required for notification to the Classification and labelling Inventory? (New)**

The following substance identity information is not required for the purposes of notifying to the C&L inventory: spectra, HPLC (high-pressure liquid chromatography) data, gas chromatograms nor a description of the analytical methods used for the identification of the substance and its possible impurities and additives. This is in contrast to the registration requirements under REACH where this information is required.

#### **4.18. When notifying a substance to the Classification and Labelling Inventory, will its constituents, additives and impurities also have to be notified separately?**

No, they will not. Constituents, additives and impurities of a substance do not need to be notified individually, even if they are hazardous and contribute to the classification of the substance. This is because they are included in the definition of a substance, pursuant to CLP Article 2(7): 'substance' means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition. However, if these impurities, additives or constituents are also marketed as separate substances, these will of course have to be notified.

IUCLID 5.2 allows the indication of the presence of any impurities and additives necessary to preserve the stability of a substance as well as their contribution to a classification of the notified substance in section 1.2.

#### **4.19. Can a company appear in more than one group of manufacturers/importers?**

Yes, this is possible. A company may appear in more than one group of notifiers provided the substances being notified are different.

#### **4.20. How should aqueous solutions of substances be notified according to Article 39 and 40 of CLP? (New)**

By definition, a solution composed of two or more substances is a mixture, see CLP Article 2(8) and REACH Article 3(2).

Therefore, substances contained in aqueous solutions should be notified to the C&L Inventory under the conditions of CLP Article 39(a) or (b) when they are placed on the market.

However, certain diluted acids and bases may be listed with the notation “%” in Annex VI to CLP. Such entries are treated as substances and should be notified as such to the C&L Inventory under the conditions of CLP Article 39(b) when they are placed on the market. In these cases, the harmonised entry as listed in Annex VI and any self-classifications for the hazard classes or differentiations not covered by this entry, if applicable, should be notified.

#### **4.21. Does a manufacturer or importer have to notify substances listed in Annex VI of CLP? (New)**

Yes, he does; substances listed in Annex VI have to be notified in accordance with CLP Article 40 if placed on the EU market. Where a particular hazard class or differentiation is harmonised through Annex VI, this classification has to be used when notifying the substance. It is noted that for substances with a minimum classification in Annex VI, the notifier must classify in a more severe hazard category in cases where he has further information which shows that this is more appropriate (see also FAQ 7.2).

For non-harmonised hazard classes or differentiations of substances listed on Annex VI to CLP, the manufacturer or importer should self-classify the substance and introduce the resulting classification and labelling in his notification to the C&L Inventory according to Article 4(3) of CLP. In case he concludes that the substance should not be classified for these hazard classes or differentiations, the reason should be given in accordance with Article 40 (1) (d) of CLP.

Where a notifier proposes to apply a different non-harmonised classification and labelling for a substance than that which has already been submitted to the Inventory by another actor, the notifier has to provide a reason for his classification as part of his notification to the Inventory.

#### **4.22. In relation to non-harmonised classifications, will it be possible to notify a classification to the Inventory which**

## **differs from already existing entries on the Inventory for the same substance?**

Yes, it will. On the C&L Inventory differing classifications for the same substance can have different reasons, e.g. different impurity profiles. In other cases, notifiers or registrants may have reached a different classification for the same substance due to interpretation differences in the process of evaluation of available data or in the application of the classification rules for CLP.

However, Article 41 of CLP requires notifiers and registrants to make every effort to come to an agreed entry for the same substance, unless a justification (e.g. impurity profile) can be provided for deviating classifications.

## **4.23. Once a substance has been notified to the C&L Inventory, will manufacturers or importers still have to notify the same substance although it is already on the Inventory? (New)**

Yes, they will. A notification must be made by each legal entity that places the substance on the market. Nevertheless, manufacturers or importers may prefer to notify as a group where only one notifier introduces the notification in REACH-IT on behalf of the other notifiers while introducing the identity of the latter as well.

In addition, if you are using the online REACH-IT tool for the submission of a notification and: a) the substance has already been notified by other manufacturer or importer and; b) you consider the displayed C&L for that substance appropriate, you can just tick the box "I agree" and the relevant fields of your notification dossier are automatically filled in.

## **4.24. Does the notifier have to give the reason for no classification according to CLP Art. 40 (1) (d) in cases where classification for an endpoint is excluded by definition? (New)**

Yes, he does. Notifiers, i.e. manufacturers and importers, will always have to provide a justification for "no classification". In line with the principles applied in Data Submission Manual 5 - How to Complete a Technical Dossier for Registrations and PPORD Notifications, available on the ECHA web site at: [http://echa.europa.eu/reachit/supp\\_docs\\_en.asp](http://echa.europa.eu/reachit/supp_docs_en.asp) (page 23):

"The reason for no classification should be selected according to the following principles:

- "data lacking" should be selected if you do not have relevant data or other adequate and reliable information that can be compared with the classification criteria;
- "inconclusive" should be selected if you have data or other information but which is not reliable (e.g. data of poor quality) or if you have several equivocal study results or information. The available data/information cannot be regarded as a firm basis for classification;
- "conclusive although insufficient for classification" should be selected in cases where a substance is tested with the appropriate high quality study or where other high quality information is available.

It is also pointed out that there are certain 'classification waivers' in CLP:

- if a substance is classified for skin corrosion cat.1, it does not need to be classified for serious eye damage (but not vice versa),
- if a substance is classified for certain physical hazards, it does not need to be classified for certain others,
- if a substance has a particular physical state, e.g. it is a gas, it does not need to be classified as an oxidising solid or as corrosive to metals.

In case of such classification waivers you should select "conclusive, but not sufficient for classification" as a reason for no classification.

Note that one reason must be selected where a particular classification is not provided. It is up to the company to decide which reason to select. In case you do not fill in any reason for "no classification" in IUCLID 5, the dossier will fail the TCC (technical completeness check).

#### **4.25. What is the difference between the labelling information required for a notification to the C&L Inventory under CLP and for a registration under REACH? (New)**

Pursuant to CLP Article 40(1)(f), a notification to the C&L Inventory should include the applicable CLP hazard pictograms, signal words and hazard statements as well as any supplemental hazard statements set out in sections 1.1 and 1.2 of Annex II of CLP or provided in Part 3 of Annex VI of CLP.

For a registration from 1 December 2010, the same CLP labelling elements as for a notification to the Inventory should be given. In addition, the registrant is requested to provide the relevant precautionary statements for a hazardous substance. When considering all identified uses covered in the registration dossier more than six precautionary statements may be necessary to reflect the nature and the severity of the hazards. This reflects the provisions of Section 4 of Annex VI to REACH as amended by CLP Article 58(11).

CLP Article 28(3) states that not more than six precautionary statements shall be given on the label, unless necessary to reflect the nature and the severity of the hazards. Since for many hazardous substances, the number of precautionary statements that can be assigned based on the classification of the substance will exceed the specified number of six statements, the manufacturer or importer will have to select them from those set out in the tables in Annex IV to CLP, in line with CLP Articles 22 and 28. The Agency is currently preparing guidance on the selection of precautionary statements for the CLP hazard label.

#### **4.26. Would a notifier have to pay a fee when notifying to the Classification and Labelling Inventory?**

No, he would not. The submission of a notification to the C&L Inventory is free of charge. Similarly, there are no fees for an update of the notification.

#### **4.27 Is it advisable to include the CLP classifications in a registration dossier to be submitted before 1 December 2010?**

Yes, it is. As of 1 December 2010, all submitted registrations need to include the CLP classifications without undue delay. Before that date, only the DSD classifications are obligatory while the CLP classifications may be included on a voluntary basis. However, to prevent unnecessary administrative burden and costs for the registrant it is recommended to include them as well because this will make an extra update of the dossier with the CLP classifications after 1 December 2010 unnecessary.

#### **4.28. Would a company with subsidiaries in Finland and Sweden have to notify a substance twice when it manufactures it both in Finland and Sweden?**

Yes, it would. As the Finnish and the Swedish subsidiaries are separate legal entities, each legal entity would have to notify the substance separately if it meets the criteria for notification in accordance with CLP Article 39(a) or (b) and 40(1). Alternatively, both legal entities may prefer to notify as a group of manufacturers/importers.

#### **4.29. Would only substances manufactured or imported in quantities of 1 tonne or more per year be subject to notification?**

No, according to CLP Article 39(b), the requirement of notification to the C&L Inventory includes all hazardous substances within the scope of CLP, either on their own or contained in a hazardous mixture above defined concentration limits, and which are imported or manufactured and placed on the market within the EU. In other words, the requirement for notification applies irrespective of the tonnage manufactured or imported per year.

#### **4.30. When preparing for the REACH registration of substances which have previously been only used for R&D purposes in amounts below 1 tonne per year used under strictly controlled conditions, potential registrants must collect available data, determine if relevant existing information is in line with Annex XI to the REACH Regulation and develop a testing programme. During this period there is a high likelihood that the classification of the substance will change. Is it required to update the C&L notification every time new information relevant for classification becomes available or are companies allowed to wait until they register the substance?**

Article 15(1) of the CLP Regulation obliges manufacturers, importers and downstream users to assess new information "without undue delay". Article 40(2) of

the CLP Regulation further requires C&L notifiers to update their C&L notification “when, ---, a decision to change the classification has been taken”.

ECHA recommends that the potential registrant carefully considers on a case-by-case basis when to update the C&L notification. Factors to be taken into consideration could, for instance, be additional time needed until the registration dossier is submitted, potential impact on the safe uses of the substance and practical consequences of revising the safety data sheet and labels. Companies should also keep all documentation available and consult the relevant authorities of their Member State.

#### 4.31. Do I have to notify the DSD or the CLP classifications to the Classification & Labelling Inventory?

A notification to the Classification & Labelling Inventory requires substance classifications according to the CLP criteria only.

#### 4.32. Is it possible to flag confidentiality of certain information when notifying to the C&L Inventory?

Yes, it is. Manufacturers and importers can flag confidentiality of the IUPAC name when notifying certain substances to the Inventory. The substances for which confidentiality of the IUPAC name is possible are those listed in Articles 119(2)(f) and (g) of REACH, i.e.

- non-phase in substances,
- substances only used as one or more of the following:
  - as intermediates,
  - in scientific research and development,
  - in product and process orientated research and development.

Where confidentiality of the IUPAC name is flagged when a substance is notified to the Inventory, the IUPAC name will not be displayed on the public part of the Inventory on ECHA’s website. Where the IUPAC name has already been claimed confidential under a registration of the substance and ECHA has accepted the justification, the confidentiality claim will automatically be valid for the Inventory as well.

#### 4.33. How to flag confidentiality of the IUPAC name for an eligible substance when notifying it to the C&L Inventory?

To flag confidentiality of the IUPAC name in the C&L Inventory, a manufacturer or importer has to prepare a IUCLID dossier for notification of the substance to the Inventory. In that IUCLID dossier, he is requested to:

- set a **confidentiality flag** for the IUPAC name of the substance by ticking the appropriate box;
- attach a **justification**, including a clear indication whether the substance ranks among those referred to by REACH Article 119(2)(f) and (g), see FAQ 4.21, and

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- introduce an **alternative name** which would be disseminated on the public part of the Inventory instead of the IUPAC name. To derive an alternative name, he should apply the rules set out in Part B of Annex VI to Directive 1999/45/EC (Dangerous Preparations Directive), which is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:200:0001:0068:EN:PDF>

Notifiers **are requested** to provide all three elements for flagging confidentiality.

Nota bene: When notifying substance classifications to the C&L Inventory, notifiers must introduce the confidentiality flag through a IUCLID dossier. The other notification tools, i.e. the online and the bulk tool, do NOT include the possibility to flag confidentiality of the IUPAC name.

#### 4.34. Is it necessary to pay a fee for flagging confidentiality?

No, it is not. Manufacturers and importers who flag confidentiality of the IUPAC name for a substance referred to by REACH Article 119(2)(f) and (g) do not have to pay a fee when notifying it to the Classification and Labelling Inventory.

#### 4.35. What is the meaning of “placing on the market” in the context of CLP? **(New)**

Placing a substance or mixture on the market under CLP means supplying or making available to third parties, whether in return for payment or free of charge within the territory of the EU Member States and those EEA-EFTA countries which have implemented the CLP Regulation. In addition, import, defined as the physical introduction of a substance or mixture into the customs territory of the EU and those EEA-EFTA countries which have implemented the CLP Regulation, is deemed to be placing on the market.

In relation to notification, placing on the market is a pre-condition: substances which are referred to in CLP Article 39 have to be notified to the C&L Inventory if they are placed on the market. However, no notification is required if the information mentioned under CLP Article 40 has already been provided as part of a previous registration or notification by the same notifier.

The notification deadline is dependent on the date on which the substance is placed on the market. When a substance is placed on the market on 1 December 2010, it must be notified to the C&L Inventory within 1 month, i.e. the notification deadline is 3 January 2011. If a substance is placed on the market before 1 December 2010, e.g. on 10 October 2010, and placing on the market is done again on 17 January 2011, then notification will be due by 17 February 2011.

In relation to import, as of 1 December 2010, the 1-month timeline is counted from the day when the substance or mixture is physically introduced into the customs territory of the EU Member States and those EEA-EFTA countries which have implemented the CLP Regulation. See also FAQ 5.1.

## CHAPTER 5: LABELLING

### **5.1. Should substances or mixtures which have already been placed on the market before 1 December 2010 or 1 June 2015 respectively and still in stock after 1 December 2010 or 1 June 2015 respectively be relabelled according to CLP? (New)**

According to Article 61(4) CLP, if the substance or mixture classified, labelled and packaged in line with Directive 67/548/EEC (Dangerous Substances Directive, DSD) or in case of mixtures Directive 1999/45/EC (Dangerous Preparations Directive, DPD) has already been placed on the market before 1 December 2010 or 1 June 2015 respectively, the substance or mixture which is still in stock does not have to be relabelled and repackaged in accordance with the CLP rules by the supplier before 1 December 2012 or 1 June 2017 respectively.

It is pointed out that under certain conditions, substances manufactured before 1 December 2010 and stored in the manufacturer's warehouse after 1 December 2010 and mixtures prepared before 1 June 2015 and stored in a formulator's warehouse after 1 June 2015 can benefit from the transitional arrangements provided for in Article 61(4). This would normally be the case where the transfer of ownership of the substance or mixture has taken place before 1 December 2010 or 1 June 2015 respectively although the substance or mixture does still remain in the manufacturer's or formulator's warehouse, i.e. no physical hand-over of the substance or mixture. For the notion of "placing on the market" under CLP see also FAQ 4.35.

### **5.2. Is it allowed to use label elements according to Directive 67/548/EEC or 1999/45/EC together with elements according to the CLP Regulation on the same label?**

No, this is not allowed as this would lead to confusion on the market and hamper the transition to the CLP classification and labelling system. In other words, only one labelling system shall be applied on any label; which one to choose will depend on the timing in relation to the transitional deadlines of 1 December 2010 and 1 June 2015 (see FAQ 1.3). In case you decide to already classify, label and package a substance according to the CLP rules before 1 December 2010 or a mixture before 1 June 2015, you must not use any labelling elements in accordance with DSD or DPD, respectively.

### **5.3. Is the number of hazard statements on the label limited?**

The number of hazard statements on the label is in principle not limited as they will normally have to reflect all hazard classifications of a substance or mixture. The only exemption is for evident duplication or redundancy.

#### **5.4. Is the number of precautionary statements on the label limited?**

In contrast to the number of hazard statements, the number of precautionary statements is limited on the label. The general rule is that no more than six precautionary statements shall appear on the label **unless** they are necessary to reflect the nature and the severity of the hazards. Guidance on the selection from more than 100 different precautionary statements will be provided by the Agency.

#### **5.5. Is a label which is designed according to legislation of non-EU countries implementing the GHS accepted in the EU?**

In the EU, only those labels which comply with the CLP rules will be accepted. This means that those provisions that are laid down in Title III of the CLP Regulation and the details regulated in its Annexes I – V must be respected. However, many aspects in relation to the arrangement of labelling elements and in relation to supplemental labelling information are at the discretion of the supplier of the hazardous substance or mixture.

#### **5.6. Is it mandatory to include the hazard and precautionary statements together with their codes on the label?**

No, it isn't. CLP Articles 21 and 22 require that the statements as such are put on the label, in accordance with the wording provided in Annex III and Annex IV, Part 2. The codes corresponding to these statements are not required for the label, but are not explicitly excluded. It is up to the supplier to decide whether he will include the codes on the label as well.

#### **5.7. When preparing hazard labels, the pre-printing of the diamond form may result in labels where not all diamonds are filled with hazard symbols. Would such empty diamonds be allowed on labels of hazardous substances and mixtures?**

**(New)**

It is acknowledged that mass pre-printing of labels is current practice in industry. This means that the label background is printed first before it is overprinted with the specific label information in a second step. This two-step process may lead to the situation that in case only few hazard pictograms are needed for the label, one or more pre-printed diamonds may have to be left empty or, alternatively, be blacked-out in a second step.

While CLP does not explicitly forbid the use of blank or blacked out diamonds on the label, Article 19(1) requires suppliers to include relevant hazard pictograms on the label which are intended to convey specific information on the hazards concerned. While on the other hand, CLP Article 25(3) requires that any information which goes beyond the mandatory label elements must not contradict or cast doubt on the messages provided by the latter.

Therefore, due to the current lack of suitable printing techniques afforded by SMEs, it may not always be possible to only include hazard pictograms that fulfil these conditions. This means that any blank or blacked out diamond(s) should be seen in the light of this provision.

In general, CLP leaves the decision on how to label so as to comply with the labelling requirements of the CLP Regulation to suppliers. ECHA recommends suppliers to carefully check whether any such empty diamonds may lead to confusion among the customers. Where empty diamonds are unavoidable, it is recommended to at least black them out, so as to avoid the impression that relevant hazard symbols have been left out through a printing mistake insofar as possible.

### **5.8. Will plant protection or biocidal products have to be labelled in accordance with CLP? (New)**

Yes, they will. An active substance or mixture containing one or more active substance, in a biocidal or plant protection product, will have to be labelled in accordance with CLP, including any supplemental information required by Directive 91/414/EEC (plant protection products) as set out in CLP Article 25(2) or Directive 98/8/EC (biocidal products) as set out in CLP Article 32(6), as appropriate. Such information would have to be placed in the section for supplemental information on the label.

Any update to the classification or labelling of a plant protection or a biocidal product, should be performed in accordance with the provisions of the relevant legislation, see CLP Article 15(5) and 30(3).

### **5.9. Will active substances within the scope of Directives 91/414/EEC or 98/8/EC, if placed on the market on their own, have to be labelled in accordance with CLP? (New)**

Yes, they will. The timing of the labelling of active substances according to CLP will have to be in line with the transitional provisions set out in CLP Article 61. The supplier of a substance or a mixture within the scope of Directive 91/414/EEC or Directive 98/8/EC shall update the label in accordance with those Directives as provided for in CLP Article 30(3). Any additional labelling information required by these two previously mentioned Directives will be considered as supplemental information for the purposes of CLP. Note that the same substance can also be placed on the market for non-pesticidal or non-biocidal uses. In these cases, the information on labels should be updated in accordance with the provisions of CLP Article 30 (1) and (2).

## **CHAPTER 6: REQUEST FOR USE OF AN ALTERNATIVE CHEMICAL NAME**

### **6.1. What is the process to request the use of an alternative chemical name for a substance contained in a mixture?**

Before 1 June 2015, where a mixture has not yet been classified, labelled and packaged according to the CLP Regulation, any request for use of an alternative chemical name which refers to a substance contained in the mixture should be

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submitted to a Member State Competent Authority under Article 15 of, and Annex VI to, Directive 1999/45/EC (Dangerous Preparations Directive; DPD). Should the request be approved before 1 June 2015, the use of the approved alternative chemical name can also continue after 1 June 2015. Please note that an approved request to a Member State Competent Authority under Article 15 of, and Annex VI to, Directive 1999/45/EC (the Dangerous Preparations Directive; DPD) is in the first place valid only in the Member State that took the decision. In case a company wants to place the mixture also in other Member States on the market it shall forward a copy of this decision to the respective Member States that are, as a rule, required to treat the approved confidential name as secret.

In case a mixture is classified, labelled and packaged in accordance with the CLP Regulation before 1 June 2015, the corresponding request should be done in line with the provisions under Article 24 of the CLP Regulation, and not in accordance with the provisions of DPD. This includes the submission of the request to the Agency, and not to the Member State Competent Authority. Any request approved by the Agency will be applicable in all EU Member States.

### **6.2. Can Annex VI to Directive 1999/45/EC still be used for such requests?**

Yes, it can still be used, namely in case a mixture is still classified, labelled and packaged in line with the DPD rules, but not yet in accordance with CLP, and where the request has to be made to the Member State Competent Authority.

### **6.3. Is there a form available for an application to request the use of an alternative chemical name for a substance contained in a mixture?**

The Agency is currently developing formats applicable to requests for use of an alternative name under Article 24 of the CLP Regulation. They will be made available by the Agency in due course.

### **6.4. What fees are payable for requests for use of an alternative name? New**

A manufacturer, importer or downstream user of a substance in a mixture may submit a request to the European Chemicals Agency, hereinafter 'the Agency', to use an alternative chemical name on the label and in the safety data sheet. Such requests under Article 24(1) should be accompanied by a fee. The level of the fees collected by the Agency, as well as the rules for payment are determined by Regulation (EU) No 440/2010 of 21 May 2010 on the fees payable to the European Chemicals Agency, are pursuant to Regulation (EC) No 1272/2008.

### **6.5. When diluting a substance in water, can we consider the result of this dilution as a mixture and, as such, to fulfil the conditions of Article 24 (1) of the CLP Regulation allowing**

## submission of a request to use an alternative chemical name?

**(New)**

According to CLP Article 24(1), a request to use an alternative chemical name on the label and on the safety data sheet refers to a substance in a mixture where the substance meets the criteria set out in Part 1 of Annex I to CLP.

When a substance is diluted with water, the water can be separated from the substance without affecting the stability or changing the composition of the latter, see CLP Article 2(7). Consequently, the diluent water must be considered as a substance on its own. When a diluent is mixed with another substance, a mixture in accordance with the definition set out in CLP Article 2(8) is generated.

Thus, a substance which is diluted in water and which meets the criteria set out in part 1 of Annex I to CLP is eligible for a request for an alternative chemical name according to CLP Article 24.

## CHAPTER 7: ANNEX VI TO CLP

### 7.1. What is the meaning of the “Footnote” mentioned in particular substance entries in the column displaying the specific concentration limits in Table 3.2 of Annex VI to CLP?

Table 3.2 of Annex VI to the CLP Regulation took over the harmonised classifications previously contained in Annex I to Directive 67/548/EEC. The "Footnote" in the Specific Concentration Limits column of Table 3.2 contained in Annex VI to CLP reflects, for a number of substances, the "Footnote" appearing for those substances in Annex I to Directive 67/548/EEC where differing concentrations resulted in differing classifications for the flammable, explosive and oxidizing hazards. In other words, these specific concentration limits have been retained in Table 3.2 of Annex VI to CLP with mention of the related differing classification.

For example, the entry 007-004-00-1 relating to nitric acid is displayed with the following specific concentration limits: C; R35:  $C \geq 20 \%$ , C; R34:  $5 \% \leq C < 20 \%$ , Footnote: O; R8:  $C \geq 70 \%$ .

The Footnote refers to the classification as O; R8 (oxidising) of the substance; a mixture containing that substance, e.g. a water-based solution of nitric acid, will only have to be classified as oxidising if it contains nitric acid in concentrations at or above 70%.

Using the term “Footnote” helps those familiar with Directive 67/548/EEC to see the parallel to the system under that Directive. The term "Footnote" does not mean that there is an explanation for the term to be found in Part 1 of Annex VI, which is in contrast to the explanations provided in that Part for the Notes appearing in the Notes column of Table 3.2, e.g. Note B, C or H.

## **7.2. What should you do where you have to use a harmonized classification which is marked as minimum classification in Table 3.1 of Annex VI to CLP?**

In order to take full account of the work and experience accumulated under DSD, all previously harmonised DSD substance classifications have been translated into harmonised CLP classifications. They can be found in Table 3.1 of Annex VI to CLP. For substances with harmonised classifications for the hazard classes acute toxicity and STOT (repeated exposure), minimum classifications were assigned. These minimum classifications take account of the fact that the exact translation of the DSD criteria into the CLP criteria was not possible, based on the lack of available data.

Manufacturers or importers should apply this minimum classification ("asterisk classification"), but must classify in a more severe hazard category in cases where they have further information, e.g. in the form of an LD50 value, which shows that this is more appropriate. In other cases the minimum classification should be further refined based on the translation table in Annex VII to CLP: when the physical state of the substance used in the acute inhalation toxicity test is known to the manufacturer or importer, the classification as obtained from Annex VII shall then substitute the minimum classification indicated in Table 3.1 of Annex VI if there is a difference.

## **7.3. When will the harmonised classifications contained in the 1st adaptation to technical progress (1st ATP) of the CLP Regulation have to be applied?**

The CLP Regulation was adapted to technical progress for the first time by Commission Regulation (EC) No 790/2009 of 10 August 2009 that entered into force on 25 September 2009. This first Adaptation to Technical Progress (ATP) requires manufacturers, importers and downstream users to apply the harmonised classifications of the substances included in the first ATP from 1 December 2010. However, the harmonised classifications of these substances may already be applied before that date.

## **7.4. What should a supplier do in case he has reliable and adequate information which suggests a change to the harmonised classification and labelling elements of a substance listed in Annex VI to CLP? New**

A supplier may come to the conclusion that a substance should be classified differently from the harmonised classification and labelling elements listed in Annex VI to CLP. In such situations, according to Article 37(6) of CLP, he shall submit a proposal to change the harmonised classification to the Competent Authority of a Member State where the substance is placed on the market. Based on the evidence provided, the Competent Authority may decide to submit a proposal justifying a revision of the existing classification to the Agency.

It is pointed out that it is not possible for a manufacturer, importer or a downstream user to submit a proposal directly to the Agency to amend an existing harmonised classification for a hazard class or differentiation already listed in Annex VI to CLP.

However, according to Article 37(2) of CLP, a manufacturer, importer or downstream user of a substance may submit a proposal directly to the Agency for harmonised classification of other hazards not yet covered by the Annex VI entry of that substance.

Note that for a substance to be registered under REACH, a registrant should always include in the registration dossier (IUCLID 5) any relevant hazard information, including information that suggests a classification other than that listed in Annex VI to CLP.

### **7.5. If a substance is subject to harmonised classification, do I have to classify it for the hazards which are not covered by the entry in Part 3 of Annex VI?**

Yes, you do. A substance which is listed on Annex VI must be classified in accordance with the entry in Part 3 of Annex VI. Furthermore, the manufacturer, importer or downstream user of such a substance has to carry out a self-classification in accordance with Title II for those hazard classes or differentiations where no harmonised classification is contained in the entry in Part 3 of Annex VI. For example, a substance may have a harmonised classification for acute oral toxicity, but not for acute dermal toxicity. This means that a supplier would have to explore, using the information available, whether the classification criteria for acute dermal toxicity are fulfilled, and classify accordingly. For harmonised classifications referring to the aquatic hazard classification acute or chronic category 1 where no M-factor appears on Annex VI, the classifier must set an M-factor.

Self-classification may entail new testing for those physical hazards where no harmonised classification exists and where, pursuant to CLP Article 8(2), adequate and reliable information is not available.

## **CHAPTER 8: CLASSIFICATION**

### **8.1. If a substance does not meet the classification criteria under the Dangerous Substances Directive, will it therefore also not be classified under CLP?**

No, not necessarily. For a range of hazards, the classification criteria have changed, e.g. for many physical hazards where the test methods which determine the classification criteria are often different from those of DSD. For other hazards, the applicable concentration limits for taking into account the classification of its constituents, additives and impurities contained in the substance have changed, e.g. for the irritation and corrosive hazards. This means that in cases where there is no reliable test information on the substance as a whole and the bridging principles cannot be applied, use of the calculation rules using concentration limits may lead to a classification under CLP, even though the same substance was not classified under DSD.

## **8.2. May a supplier use data which is available in open literature, e.g. from the internet, online databases, for the purpose of physical hazard classification under CLP?**

Yes, he may, provided the data is reliable and adequate for the purpose of hazard classification. Further to this, available studies should be sufficiently documented to assess their quality and adequacy.

The physical hazards of substances and mixtures should be determined through testing based on the methods or standards referred to in part 2 of Annex I to CLP. These methods can be found for example in the UN Manual of Tests and Criteria, see the website: [http://www.unece.org/trans/danger/publi/manual/manual\\_e.html](http://www.unece.org/trans/danger/publi/manual/manual_e.html), which is normally used to classify substances and mixtures for transport. However, testing is not mandatory in cases where adequate and reliable information from reference literature or databases is already available and where the substance to be classified and the substance described in the reference are comparable with regard to homogeneity, impurities, particle size etc.

Open literature or databases often use secondary data sources. When such data is used, the original source should be cited and checked by an expert. This should involve the check that there is sufficient documentation to assess the suitability of the test used, and that the test was carried out using an acceptable level of quality assurance. Useful data compilations containing physicochemical data are listed in section R.7.1.1.2 of the Guidance on information requirements and chemical safety assessment on ECHA's website.

## **8.3. In a case where the classification for physical hazards depends on the particle size of a substance, will a supplier have to classify for all particle sizes?**

No, this is not necessary. A supplier will only have to classify the substance in the form that is going to be placed on the market and in which it can reasonably be expected to be used.

As the particle size may have a significant effect on the test result, it should be explicitly specified in the test report for the relevant hazard what the particle size is. This does not mean that several classifications have to be performed in order to cover different particle sizes of the same substance. It means that the classification based on the particle size that is placed on the market has to be provided. In cases where several particle sizes are placed on the market or where the particle size may be altered during transport or storage, a worst-case approach should be used. This would normally imply using the classification based on testing the smallest particle size that could occur.

If particle size is relevant for classification and safe handling and use, this should be mentioned in the Safety Data Sheet. Information on deviating classifications due to different particle sizes should be mentioned in the Safety Data Sheet as well.

#### **8.4. In relation to the determination of the aspiration hazard of paints and varnishes: how to convert the viscosity derived from flow time measurements using a flow cup at 23°C ± 5°C according to ISO 2431 into the kinematic viscosity of the paint or varnish at 40°C?**

Under CLP, the classification criteria for the aspiration hazard require the determination of the kinematic viscosity while the viscosity based on flow time is not part of the classification criteria. ISO 2431 contains correlations between flow time and kinematic viscosity. However, there is no general correlation describing the temperature dependence of the viscosity, and expert judgement is necessary.

### **CHAPTER 9: HAZARD COMMUNICATION WITH MEANS OTHER THAN LABELLING (NEW)**

#### **9.1. When does a supplier have to introduce the CLP classifications into the Safety Data Sheet (SDS) for substances and mixtures? (New)**

A supplier must introduce CLP information into the Safety Data Sheet (SDS) relating to CLP classifications for substances from 1 December 2010 and relating to CLP classification for mixtures from 1 June 2015. However, substances already placed on the market before 1 December 2010 and classified, labelled and packaged according to DSD they do not need to be re-labelled or re-packaged according to CLP until 1 December 2012 (see FAQ 5.1) and therefore their SDS do not need to be aligned with the CLP classification until 1 December 2012.

A similar transitional arrangement is provided for mixtures. If mixtures have already been placed on the market before 1 June 2015 and classified, labelled and packaged according to DPD they do not need to be re-labelled or re-packaged according to CLP until 1 June 2017 and therefore their SDS do not need to be aligned with the CLP classification until 1 June 2017.

Taking into account Annex I of Regulation (EC) No. 453/2010, from 1 December 2010, the classification of substance(s) in a mixture must be provided in accordance with both the DSD and CLP classification, in case, where the CLP classification for those substance(s) has been made available to the supplier of that mixture. However, in conformity with Article 2(7) of Regulation (EC) No. 453/2010 without prejudice to Article 31(9) of REACH, the SDS for mixtures provided to any recipient at least once before 1 December 2010 may continue to be used and need not comply with Annex I of Regulation (EC) No. 453/2010 until 30 November 2012. It is noted that Annex II of REACH is replaced by Annex I of Regulation 453/2010 with effects from 1 December 2010 and by Annex II of Regulation 453/2010 with effects from 1 June 2015 (both Annexes applicable for substances and mixtures).

Early implementation of CLP requirements is allowed for both substances and mixtures as long as the SDS and labels are aligned and contain the required

information to allow others to continue to classify their mixtures according to the current DPD provisions.

## **9.2. Which kind of information must be provided in an advertisement for hazardous substances according to CLP Article 48? (New)**

CLP Article 48(1) outlines the information which must be provided in an advertisement for a substance classified as hazardous. The advertisement shall contain the hazard class and/or the applicable hazard categories, as appropriate, e.g. acute oral toxicity category 3.

## **9.3. What kind of information must be provided in an advertisement for mixtures according to CLP Article 48? (New)**

CLP Article 48(2) outlines the information which must be provided in an advertisement for mixtures classified as hazardous and for non-hazardous mixtures that contain a hazardous substance. The advertisement shall contain the applicable hazard pictogram, signal word and hazard statement(s) that are otherwise required on the label for the mixture. This also includes the supplemental hazard statements as referred to in CLP Article 25(6).

