

CLP Briefing Note: Dealing with notification

CLP Notification: what's it all about?

Notification is a completely new requirement which was introduced with CLP (Articles 39 and 40). The basic obligation is on those who manufactured or imported substances (including in some mixtures) after 1 December 2010. They have to notify core information to ECHA within 1 month of the manufacture or import. The obligation is complex in its scope and there are some exceptions. However it's a once and for all action and is relatively easy to do online.

The basic obligation

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

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

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

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

Do I notify if...

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

Yes, but only for substances classified as hazardous.

I am sent samples from the USA for evaluation?

You are an importer of these samples so you should have assessed the quantities of the ingredient substances in the samples for REACH registration. If they are over 1 tpa and not already REACH registered, then you must notify. If they are less than 1 tpa you only need to consider the ingredients if the sample is hazardous. If it is then you must notify those ingredients which are above the concentration limit or which make the sample hazardous (e.g. flammable).

I import over 1000 tpa and have a full REACH registration?



No, you do not need to notify.

I import 400 tpa and my supplier has appointed an Only Representative for registration in 2013?
You, or the Only Representative, must notify for imports you made after 1 December 2010.

Working together

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

How to notify

There are three ways to notify, via IUCLID 5, via a bulk upload facility and via REACH-IT. Although the last method involves a substance by substance approach we think it's the best option for many businesses. The format is simple and includes a number of short cuts. We estimate that for common substances each notification can be done in a matter of minutes once you have the information to hand.

What you will need

There are two essentials to notification:

1. A REACH-IT account. Sign up via <https://reach-it.echa.europa.eu/reach/public/welcome.faces>
2. The information used to classify the substance, including its identity and purity.

We think the best way for most people to learn to notify is to try it using REACH-IT. Many of the problems you anticipate will disappear. You will see that not all information on the template is mandatory, e.g. the P statement texts for which a field is provided although this is not required by Article 40 (f) of CLP. Omitting these will not disrupt the page's self-check system. You will also find you are given the chance to agree with some existing information such as Annex VI or REACH registrations. If you do agree (and normally you would unless your substance is affected by impurities) then this speeds up the process.

We have developed a handy step-by-step guide to notification for our Gold subscribers – we suggest you read it if you need to notify. It cross refers to the current ECHA Guidance.

Confidentiality

If you import mixtures then under existing law you should know which substances in the mixture are classified as hazardous and how. Notification in relation to imported mixtures requires nothing more than this. So there should be no issues with confidential business information if you are able to trust your overseas supplier to give you the necessary information. You don't need to have the full formulation details.



We know that this is a sensitive area and that many non-EU suppliers are challenged over it. So you need to talk to them and work our solutions.

One way of avoiding problems (real or imagined) is to take a proactive approach. Put simply, you notify all the substances which are foreseeably part of you imports. You then tell your importers what you have notified. *They then only need to alert you to any substances which are not on this list and which may be in formulations they export to you.* In turn you notify these case by case and expand your list of notified substances.

Finally...

Notification is an important part of CLP and you can expect to be challenged on it by enforcers and customers. But let's be clear it's not the same as REACH with "no data, no market". We think the vital part of CLP is getting your new labels out on time. So we suggest you prioritise realistically, don't panic, get your plans in place and work through your substance notifications.

Need further help?

If you are one of our Gold subscribers one of our experts will answer your questions – simply call us on +44 (0)207 901 1444 or email enquiries@reachready.co.uk If you need help and haven't joined us yet, sign up to REACHReady's Gold service at <http://www.reachready.co.uk/>

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