



Downstream Users of Chemicals Co-ordination group

Comments on Development and Implementation of the Second Amendment to CLP Annex VIII

DUCC welcomes the announcement by Commission Services of a final consultation on the second amendment to Annex VIII of the CLP Regulation and dissemination of a draft legal text. As communicated previously, DUCC wholly supports the second amendment to CLP Annex VIII, as it brings about essential and constructive change. However, DUCC is concerned about the development and adoption of the second amendment to CLP Annex VIII.

Whilst the outbreak of SARS-CoV-2 and the sequential nature of certain deliverables (e.g. IT tools and guidance require a final legal text) are acknowledged, the delay to finalisation and adoption of this second amendment is of increasing concern to industry. This delay has reduced the time available for downstream formulators to prepare for and meet their Annex VIII obligations by 1st January 2021. Of key concern are:

- Legal requirements for both the general and sector-focused workability solutions.
- An updated Poison Centre Notification (PCN) format, including workability solutions.
- Updated ECHA Guidance addressing workability solutions.
- The lack of a corrigendum to the Romanian and Spanish language Annex VIII legal texts to provide for the appropriate acronym for the Unique Formula Identifier (i.e. UFI not IUF).

In addition, second amendment changes will have significant, wide ranging and time-consuming effects for economic operators. The trickle-down impact is extensive and spans:

- Regulatory Affairs – Standard operating procedures and practices.
- Procurement and Installation – IT infrastructure¹.
- Human Resources – Recruitment and training.
- Production – Upstream and downstream supply chain communication, UFI printing.

Industry must be allowed enough time to manage these complex changes, in order to support the transition from national to centralised notification in time for current applicability deadlines.

DUCC also highlights the limited time available to the Commission to adopt this forthcoming delegated act as per established interinstitutional arrangements². It appears that multiple complex tasks will need to be completed in rapid succession following CARACAL consultation. This is unsettling as it increases the risk of delay (via deferral or extension of parliamentary scrutiny) or error (e.g. during translation). Any significant delay would be highly detrimental to downstream actors' ability to implement essential workability solutions before 1st January 2021.

Therefore, DUCC encourages Commission Services to act and ensure that downstream formulators are enabled to prepare for and meet their Annex VIII obligations in a timely and ordered manner. DUCC remains available to provide further input when required.

Brussels, 08 May 2020

¹ [DUCC's CARACAL-33 comments on Annex VIII IT Tool Update and Roll Out](#)

² Deadline: 15 July as per Paragraph 14 of the Annex to the Interinstitutional Agreement on Better Law-Making



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About DUCC

DUCC is a joint platform of **11 European associations** whose member companies use chemicals to **formulate mixtures** (as finished or intermediary products) for professional and industrial users, as well as for consumers.

DUCC focuses on the downstream users' needs, rights, duties and specificities under **REACH** and **CLP**.

DUCC's membership represents several important industry sectors, ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants and chemical distributors industries. Altogether, their membership comprises more than **9.000 companies** across the respective sectors in Europe, the vast majority being SMEs. The calculated turnover of these companies is more than **215 billion euros** in Europe.

For more information on DUCC: www.ducc.eu

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DUCC's public ID number in the **Transparency Register of the European Commission** is: **70941697936-72**