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Open Public Consultation on the Targeted Revision of the Regulation on Classification, Labelling and Packaging of Substances and Mixtures (CLP)

Fields marked with * are mandatory.

Introduction

The Regulation on the classification, labelling and packaging of substances and mixtures (in short the CLP Regulation) covers almost all chemicals and products containing them, from industrial chemicals to house-hold ones, from fuels to pens, from solvents to detergents. For the purpose of this questionnaire, substances and mixtures are referred to as chemicals.
The CLP Regulation aims to identify **hazards of chemicals**, such as causing cancer, disrupting aquatic life or causing allergy. Hazard identification relies on **scientific facts**. When hazards are identified for a chemical, products containing this chemical should be **labelled and/or packaged** before they are placed on the market. In addition to the hazard, labels also provide **advice on how to avoid and/or reduce exposure** to the hazardous chemical and how to deal with accidental exposure. Finally, the CLP regulation requires that **poison centres** receive information on the composition and hazards of chemicals to give the appropriate advice in case of poisoning accidents.
In other words, the first aim of the CLP Regulation is to **protect citizens and workers and the environment from dangerous substances and mixtures**. The second aim is to facilitate the **intra-EU exchange of chemicals** which can circulate freely within the European Internal Market when properly labelled and packaged according to the CLP criteria.
This public consultation will feed into the work of the European Commission in updating and improving the CLP Regulation, as pledged by the Commission in its 'Chemicals Strategy for Sustainability'.
This questionnaire consists of **two sections**. This first section contains **general questions** to which all respondents are kindly invited to provide feedback. The second section focuses on **m ore technical points** of the CLP Regulation that requires prior knowledge and expertise.

About you

* Language of my contribution

- ○ Bulgarian
- ○ Croatian
- ○ Czech
- ○ Danish
- ○ Dutch
- ◉ English
- ○ Estonian
- ○ Finnish
- ○ French
- ○ German
- ○ Greek
- ○ Hungarian
- ○ Irish
- ○ Italian
- ○ Latvian
- ○ Lithuanian
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- ○ Swedish

* I am giving my contribution as

- ○ Academic/research institution
- ◉ Business association
- ○ Company/business organisation
- ○ Consumer organisation
- ○ EU citizen
- ○ Environmental organisation
- ○ Non-EU citizen
- ○ Non-governmental organisation (NGO)
- ○ Public authority

- Trade union
- Other

* First name

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* Surname

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* Organisation name

255 character(s) maximum

The Downstream Users of Chemicals Co-ordination Group (DUCC)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

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* Country of origin

Please add your country of origin, or that of your organisation.

- Afghanistan
- Åland Islands
- Albania
- Djibouti
- Dominica
- Dominican Republic
- Libya
- Liechtenstein
- Lithuania
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines

- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria

- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu

- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **Fo r the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

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- **Anonymous**
  Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.
- **Public**
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Part I (general questions)

Question 0 - What is your level of knowledge of the following?

	Excellent knowledge	Good knowledge	Some knowledge	None
* The CLP regulation (legal text) and/or its implementation	◉	○	○	○
* Chemical hazards	◉	○	○	○

Section 1 - New Hazard Classes

Following **new scientific evidence**, the Commission is considering introducing **new hazard classes** not currently covered by the CLP Regulation. This is expected to enhance the protection of human health and environment.
The European Commission has pledged to introduce an obligation for chemical producers and retailers to identify and explicitly label the following chemicals:

- **Endocrine disruptors**. Endocrine disruptors are chemicals that cause illness by interfering with the hormonal system of human beings or of wildlife (e.g. obesity of children, infertility, etc.);
- **Persistent, bio-accumulative and toxic chemicals**. These chemicals are not easily degraded in the environment, accumulate in wild plants and animals and are toxic to humans or plants or animals;
- **Persistent, mobile and toxic chemicals**. These chemicals are not easily degraded in the environment, pass from soil into water bodies and contaminate natural resources used to produce drinking water. They are also toxic to humans or plants or animals.

Those new obligations will complement existing requirements to identify hazards in chemicals.

Question 1 - Please indicate how important it is for you to know a chemical is …?

(One single answer per row)

	Very important	Important	Not important	No opinion
* An endocrine disruptor with adverse effects on human health	○	○	○	◉
* An endocrine disruptor with adverse effects on the environment (e.g. wild life)	○	○	○	◉
* Persistent, bio-accumulative and toxic	○	○	○	◉
* Persistent, mobile and toxic	○	○	○	◉

Question 2 - Imagine you want to buy or use a product which bears a label with one of the following hazards. Would you be ready to pay more for alternative products that have the same performance, but which do not have that hazard?

(One single answer per row)

	Yes	Probably	No	No opinion
* Endocrine disruptors (human health)	○	○	○	◉
* Endocrine disruptors (wild life)	○	○	○	◉
* Substances that are persistent, bio-accumulative and toxic	○	○	○	◉
* Substances that are persistent, mobile and toxic	○	○	○	◉

Section 2 - Testing chemicals on animals

The foreseen introduction of new classes of hazards in CLP (such as endocrine disruptors) is likely to **incre ase testing, including on animals**, to assess if a chemical is safe or not for human health or the environment. Despite efforts made, there are **not yet full alternatives to animal testing of chemicals** for certain hazard classes.
This means that to know if a chemical is harmful, and hence to be able to take the appropriate protective measures, **tests will have to be done on some species of animals** (mainly rats, mice, fishes and invertebrates).

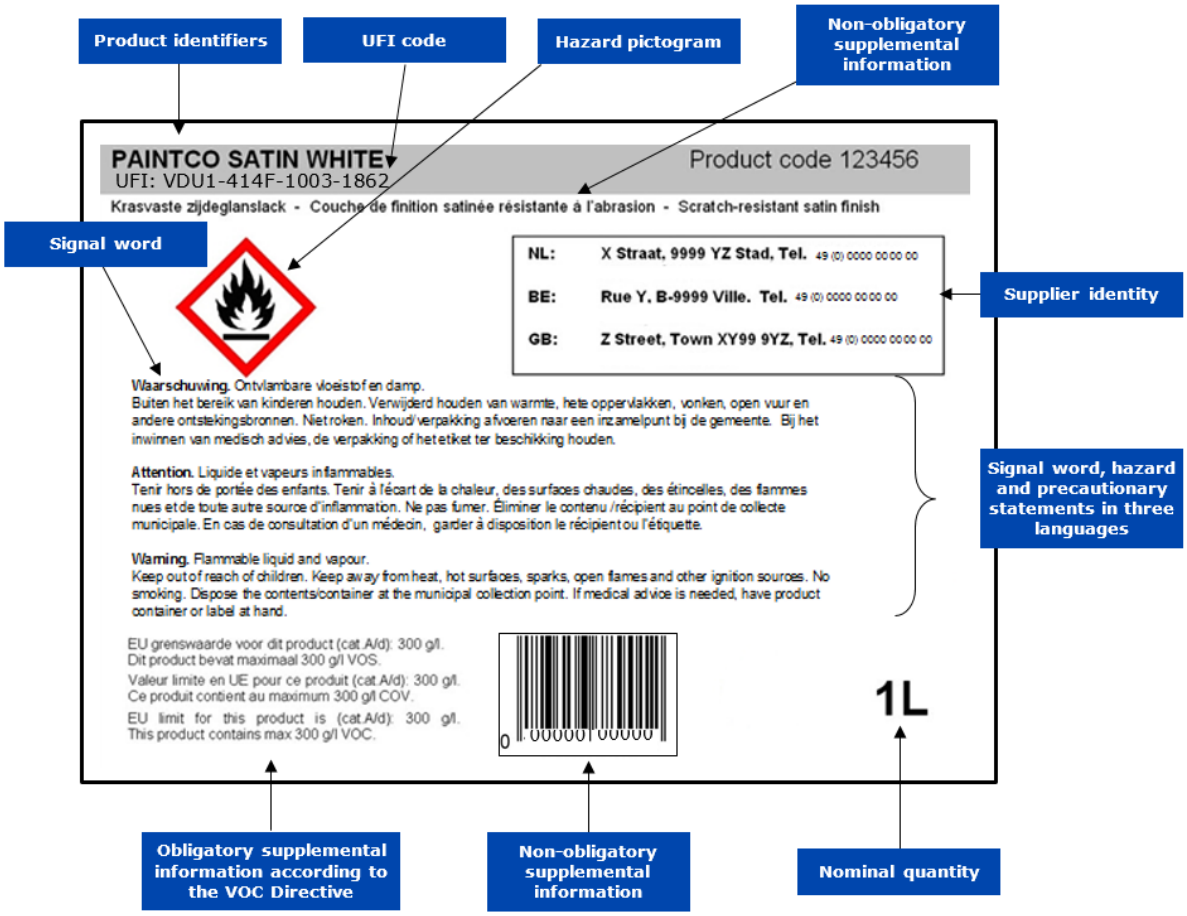
Question 3 - In order to balance the increased protection of human health and of the environment with animal welfare, do you think?

(One single answer)

- ○ Animal testing is unacceptable for chemicals safety purposes and should stop now
- ◉ Animal testing should be the last resort and used only when alternative tests are not available
- ○ No opinion

Section 3 - Labelling

Chemicals labels are often full of information. See the example below.



Question 4 - In your view, how clear and easy to understand are labels of chemicals in general (think for instance of products you often use, such as detergents, glues, paints, etc.)

(Only one answer possible)

- ○ Very clear and easy to understand
- ○ Clear/ understandable
- ◉ Unclear and hard to understand
- ○ Unclear and very hard to understand
- ○ No opinion

Question 5 - Considering the example above, if you would like to improve this label, what would you prefer?

(Only one answer possible)

- ◉ Less information but clearer information on the label
- ○ As much information as possible. This may make reading the label more difficult in some cases.

Question 5a - Considering the example above, which pieces of the label would you like to keep?

(Select as many options as needed)

- [x] Pictogram showing the risk (e.g., flame symbol for flammable chemical)
- [x] Hazard statement and signal word (e.g., Danger It can cause cancer)
- [x] Instructions of use
- [ ] Precautionary statements on how to store, dispose, prevent accidents etc.
- [ ] The name of the chemicals causing the hazard
- [ ] Additional specific labelling information (e.g. in case of chemicals containing lead, 'Warning! contains lead')
- [x] Identification code for poison centres (so called UFI code and allows poison centres to know the composition of a chemical)
- [x] Other piece(s) of the label
- [ ] None of the provided options

Question 5a.i - Please identify which additional parts of the label should be kept.

While the chemicals contributing to the classification are not relevant to all end users, thus for consumer products these could be placed online, we think the ingredients triggered by the EUH208 statement should stay on-pack
Allowing the option of simplifying certain H and P statements, and/or replacing these with icons/pictograms would also permit information to be better conveyed to consumers. For professional products much more safety information is provided in SDS than on the label, thus, for such products P phrases could be removed from professional label.
Electronical scanning of bar code, QR code, etc. could provide access to the instructions of use.

Question 6 - Would you like to be able to consult labels of chemicals digitally in the future (e.g. on your computer or smartphone?)?

It might be a digital consultation of the whole label or just part of it.

(Only one answer possible)

- (•) Useful
- ( ) Not very useful
- ( ) Useless
- ( ) No opinion

Question 7 - Imagine you buy a detergent in bulk in a grocery. You have brought your own bottle which does not bear a label for this detergent. What would be the best option to inform you on the hazards and safety

instructions?

(Only one answer possible)

- ○ You do not need any information
- ○ Information is displayed at the point of sale only
- ○ Information is provided in the form of a document provided by the seller (leaflet or on the counter ticket)
- ○ You can access the information digitally (scanning of a QR code for example)
- ◉ Other option(s)
- ○ No opinion

Question 7a - Please detail your additional option(s)

Each execution of refill sale will result in different change management variables being considered. Currently, four generic scenarios are foreseen.
1) Same SKU but change in batch: Customer buys the exact same product (same company, brand, and name) via a refill or bulk sale. Thus, the only change will be those to consider in a batch to batch change.
2. Different SKU, but same product type/same company: Customer buys the same product type (e.g., a laundry detergent) from the same manufacturer, however it is not the same product as before (e.g., different fragrance).
3. Different SKU, but same product type/different company Customer buys the same product type (e.g., a laundry detergent, automatic dishwash) but from two different manufacturers.
4. Different product types/from different companies: Customer buys completely different product type, from a different company via bulk or refill sale (e.g. using a laundry detergent package to buy fabric conditioner).
For each of these four scenarios, different executions could permit management of the change in variables to ensure legal compliance of each product.
Refer to A.I.S.E. Guidance:
https://www.aise.eu/cust/documentrequest.aspx?DocID=4894

As a general rule for bulk products DUCC suggests:
1) to provide possibility to access the information digitally (eg., scanning QR code),
2) Self-adhesive labels could be provided in the shop.

Question 8 - Individual pens are very small items, with little room for a label and information about hazards. What would be the best option for you to inform on the hazardous substances they may contain and the safety instructions?

- ○ You don’t need any information
- ○ Information displayed in the shop
- ○ Information in the form of a document provided by the seller (leaflet or on the receipt)
- ○ Information on the outer packaging, overwrapping a set of 10 pens
- ◉ Access the information digitally (scanning of a QR code for example)

- ○ Other option(s)
- ○ No opinion

Section 4 - Online sales

Question 9 - Online shopping of chemicals is becoming more and more common. Do you think it is important to receive the same safety information when you buy chemicals in a shop or online?

- ◉ Yes
- ○ No
- ○ No opinion

Question 9a - When should you receive such information on hazards?

- ○ Before ordering the chemical online
- ○ When the chemical is delivered to you
- ◉ In both cases
- ○ No opinion

Question 9a.i - Which information would you like to receive before ordering?

- ○ Most important information (type of hazards, presence of hazardous components)
- ◉ All pieces of information which are on the label
- ○ No opinion

Section 5 - Scope of the CLP regulation

Currently the product categories listed below are exempted from the CLP Regulation on classification and labelling.

- Medicines
- Veterinary medicines
- Cosmetics
- Medical devices (e.g. lens cleaning solutions)
- Food such as food additives, flavouring foodstuffs, or feed such as animal nutrition complement.

This is because hazards to human health are generally identified and dealt with by specific pieces of legislation. However, information on environmental hazards (such as “substance toxic to aquatic life”) are not identified and information is not provided to the users of the above products.

Question 10 - When buying or using the product categories listed below, you might not be informed that they could be hazardous to the environment. What is your opinion?

	An issue which should be immediately solved	An issue where future improvement would be welcomed	Not an issue	No opinion
Medicines	○	○	◉	○
Veterinary medicines	○	○	◉	○
Medical devices (e.g. lens cleaning solutions)	○	○	◉	○
Cosmetics	○	○	◉	○
Food or feed, such as additives	○	○	◉	○

Question 11 - in case you you would like to share anything else in addition to the previous questions and in the view of the targeted revision of the CLP regulation (optional):

1. Product(s) mentioned in CLP art 1(5) are all covered by product specific regulations and have (or will have) all, dedicated and robust environmental safety assessment frameworks defined. Environmental hazard communication should not be considered an issue for those products.
2. DUCC as a coordination group for downstream users, felt that it is not in DUCCs competence to answer general questions geared towards consumers. Thus, for such questions the option “no opinion” was chosen.

Question 12 - in case you would like to share a document in the view of the targeted revision of the CLP regulation, please upload it below (optional):

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Part II - Questions for experts

This section should be answered by people having an excellent or good understanding of the CLP, from a legal or implementation perspective, or of chemical hazards.

Section 1 - New hazard classes

Endocrine disruptors

The World Health Organisation (WHO) has defined criteria for endocrine disruptors which are the basis for the existing criteria for endocrine disruptors in plant protection and biocide products.

Question 13 - For known endocrine disruptors, do you think...?

- ○ The WHO's definition and criteria should be taken over, word for word, in the foreseen EU CLP criteria.
- ◉ The foreseen CLP criteria should be the criteria in place for plant protection products or for biocide products, which are based on the WHO definition and criteria.
- ○ It is necessary to further refine WHO's definition and criteria and/or existing criteria for plant protection and biocide products to develop the foreseen CLP criteria.

Question 14 - Are you in favour of a sub-categorisation for chemicals with a high level of certainty on their endocrine disrupting properties, as for mutagenic chemicals (e.g. Categories 1A and 1B)?

- ○ Yes
- ◉ No
- ○ No opinion

Question 15 - What would you suggest as criteria for a second category for chemicals with a lower level of certainty on their endocrine disrupting properties (human health and environment), as for mutagenic chemicals?

Category 2 is not justified because of lack of internationally recognized criteria/methods.

Question 16 - According to you, what would be the best statement on a label for chemicals identified as toxic to reproduction and as an ED according to the foreseen ED criteria?

- ○ May cause infertility or damage to the unborn child
- ○ May cause infertility or damage to the unborn child via an endocrine mode of action
- ○ - May cause infertility or damage to the unborn child
  - May cause endocrine-related adverse effects on human health
- ◉

Other option(s)

No opinion

Question 16a - Please provide alternative labelling options

The question is vague and hard to answer. It is unclear whether the ED effect is linked to the reproductive effect. If it is linked, the second option is preferred as it clarifies that the effect has been mediated through the endocrine mode of action. The third option separates the two, but it does not clarify what is the disruptive effect. An ED effect could also be an effect on an organism in the environment.

(Very) persistent, (very) bio-accumulative and toxic substances

The introduction of criteria for persistent, bio-accumulative and toxic (PBT) or very persistent and very bi-accumulative (vPvB) substance in the CLP Regulation is expected, based on the criteria laid down in Annex XIII of the REACH regulation.

Question 17 - Do such criteria as provided in Annex XIII of REACH need to be updated before their foreseen introduction into the CLP Regulation?

Yes

No

No opinion

Question 18 - Do you think a category for suspected PBT (and one for suspected vPvB) would be needed?

Yes

No

No opinion

Question 19 - According to you, what is the best statement on a label for chemicals on the foreseen PBT, vPvB hazard classes?

If a chemical is identified as PBT and carcinogen category 1, its label should display:

(Only one answer possible)

- May cause cancer
  - Persistent, bio-accumulative and toxic (PBT)
- May cause cancer
  - Persistent (P)
  - Bio-accumulative (B)

Other option(s)

No opinion

Question 19a - Please provide alternative labelling options

- May cause cancer
- Persistent, bio-accumulative and toxic to the environment (PBT)

(Very) persistent, (very) mobile and toxic substances

The foreseen introduction of criteria for **persistent, mobile and toxic (PMT) or very persistent and very mobile (vPvM) substances** aims at improving protection, from chemical contamination, of water bodies when **used for drinking water purposes** (to protect human health).

Question 20 - Do you think environmental toxicity should be part of the toxicity criterion?

- Yes
- No
- No opinion

Question 21 - do you think a category for suspected PMT (and one for vPvM) would be needed?

- Yes
- No
- No opinion

Question 21a - Please provide suggestions for criteria for category 2 for PMT and vPvM

We think a category for suspected PMT (and one for vPvM) is not needed

Question 22 - According to you, what is the best statement on a label for chemicals on the foreseen PMT, vPvM hazard classes?

If a chemical is identified as PMT and carcinogen category 1, its label should display:

(Only one answer possible)

- - May cause cancer
  - Persistent, mobile and toxic (PMT)
-

- May cause cancer
- Persistent (P)
- Mobile (M)

◉ Other option(s)

○ No opinion

Question 22a - Please provide alternative labelling options

- May cause cancer
- Persistent, mobile and toxic to the environment (PMT)

Other hazard classes

Question 23 - In the environmental classification of chemicals, do you consider it relevant to use toxicity data obtained on terrestrial organisms to complement the information on toxicity for aquatic organisms?

(Please rate from 0 - not relevant to 10 - very relevant)

2

Question 24 - Immunotoxicity effects are currently covered under the hazard classes 'Specific target organ toxicity' and 'Reproductive toxicity' (in case of developmental immunotoxicity). Do you consider relevant to develop a separate specific hazard class/criteria for Immunotoxicity?

(Please rate from 0 - not relevant to 10 - very relevant)

0

Question 25 - Neurotoxicity effects are currently covered under the hazard classes 'Specific target organ toxicity' and 'Reproductive toxicity' (in case of developmental neurotoxicity). Do you consider relevant to develop a separate specific hazard class/criteria for neurotoxicity ?

(Please rate from 0 - not relevant to 10 - very relevant)

0

Possible impacts of the new hazard classes

Question 26 - The CLP regulation requires to use all available data to identify hazards in chemicals. Data may come from REACH registration(s) or public scientific litterature. To what extent do you think that the data currently available on chemicals are sufficient to perform an assessment for the foreseen hazard classes mentioned above?

	Totally sufficient (with specific data on all substances)	Sufficient (incl. read-across and bridging)	Only partially sufficient covered (incl. read-across and bridging)	Not sufficient at all	No opinion/Not relevant to me or my organisation
Endocrine disruptors (human heatlh)	○	○	◉	○	○
Endocrine disruptors (environment)	○	○	◉	○	○
PBT/vPvB	○	◉	○	○	○
PMT/vPvM	○	○	◉	○	○

Question 27 - Considering the suggested new criteria for additional hazard classes, do you foresee a need to invest significant resources to get the expertise to assess the hazards of chemicals?

	Need to invest in significant additional resources	Need to invest in some additional resources	Need to invest in little additional resources	No investment needed at all	No opinion or not relevant to me or my organisation
Endocrine disruptors (human heatlh)	◉	○	○	○	○
Endocrine disruptors (environment)	◉	○	○	○	○
PBT/vPvB	○	○	◉	○	○
PMT/vPvM	○	◉	○	○	○

Question 28 - Do you or your organisation/company already have an estimate of the number of impacted chemicals due to the potential new hazard classes?

- ○ Yes (it will unfold a series of more detailed questions)
- ◉ No information or no opinion

Section 2 - Classification

Question 29 - In order to increase the number of substances with harmonised classification, to what extent do you agree to the following statements?

The European Commission should also have the right to initiate European classification for some substances

0

The European Commission should help Member States to submit more dossiers.

0

Question 30 - Setting toxicological/ecotoxicological values such as DNEL /DMEL, PNEC is part of the hazard assessment. These values are currently

derived in accordance with REACH or specific sectorial regulations (e.g. food contact materials, cosmetics, biocidal products, workers protection). As part of the 'One substance, one assessment' concept, the Commission intends to include a procedure to harmonise values for some toxicological /ecotoxicological parameters in CLP. Such harmonised values could be then used for risk assessment in the different EU chemicals legislations.
How important would you rate the harmonisation of toxicological /ecotoxicological values?

	Important	Neutral	Not important	No opinion
Harmonising DNELs (Derived No-Effect Limits) in CLP	○	○	◉	○
Harmonising DMELs (Derived Minimum-Effect Limits) in CLP	○	○	◉	○
Harmonising PNECs (Predicted No-Effect Concentrations) in CLP	○	○	◉	○

Question 31 - How would you assess the possible impact of the harmonisation of toxicological/ecotoxicological parameters (e.g. DNELs or PNECs)?

	Important	Neutral	Not important	No opinion
Increase the level of protection of human health and the environment	○	◉	○	○
Ensure level playing field across sectors	○	◉	○	○
Increase workload of the Risk Assessment Committee	◉	○	○	○
Increase of burden and regulatory requirements	○	◉	○	○

Question 32 - Currently CLH dossiers can be submitted by national competent authorities and in some cases by companies. Once received, the dossiers are checked for accordance.
What is your opinion about the three following statements?

The system should allow prioritisation of substances for which serious concerns are raised (e.g. priority given to substances highly suspected of being an endocrine disruptor, once the criteria are adopted)

5

The system should allow low prioritisation of substances of lower concerns.

5

No need to modify the current approach as the system already contained a prioritisation mechanism (National Authorities' priorities, ECHA screening)

-5

Question 33 - Currently economic operators (manufacturers, importers, downstream users, distributors) are not allowed to submit a proposal to ECHA to revise an existing harmonised classification for an Annex VI entry. Only Member states can submit such a proposal.
Please select the preferred option amongst the following ones:

- The system should not change to avoid a proliferation of CLH revision requests by stakeholders
- The CLH revision request by a stakeholder should be addressed first at the EU Commission for decision on the need of an action at Community level. If accepted by Commission, the request will be provided to ECHA against the payment of a fee covering all expected costs.
- The revision request by a stakeholder should be allowed and be provided to ECHA against the payment of a fee covering all expected costs.

Question 34 - To derive the correct classification of certain chemicals, the use of animal testing is still necessary.
Would you be confident to classify (your) products on the basis of alternative methods only?

- In the case the result of a test performed with an alternative method is positive, to classify (your) chemicals accordingly:

  - Yes
  - No

- In the case the result of a test performed with an alternative method is negative, not to classify (your) chemicals for that hazard class:

  - Yes
  - No

Question 35 - Currently, where the notification to the classification and labelling inventory (C&L inventory) results in different entries for the same substance, manufacturers and importers shall make every effort to come to an agreed entry in the inventory. Despite this obligation, different entries for the same substances are very frequent and significantly reduce the usefulness of the inventory.
Please provide your views on the potential following options below.

	Agree	Disagree	No opinion
The system should not change.	○	◉	○
The obligation to come to an agreed entry should be strengthened.	◉	○	○
ECHA should be able to remove/refuse notifications that seem incorrect after having informed the notifier.	◉	○	○

Section 3 - Labelling

Question 36 - Did you experience issues with double or contradicting labelling obligations (CLP v. other legislation)?

- ◉ Yes
- ○ No

Question 36a - Please describe the situations of double or contradicting labelling obligations.

Besides the labelling requirements stemming from the CLP Regulation, labelling obligations for example for detergents overlaps with the Biocidal Products Regulation (BPR), detergents regulation: ingredients triggering classification (e.g., surfactants); ingredients concentration (e.g., surfactants); skin sensitizers; nomenclature to be used.

Question 37 - How do you rate the economic impact (cost savings) of the following five policy options?

	Significant savings	No significant savings	No opinion
Exempt small products (pens, lighters) from certain labelling requirements	◉	○	○
Exempt bulk chemicals (fuels) from certain labelling requirements	○	○	◉
Allow a wide use of multilanguage labels / fold-out labels	◉	○	○

Provide certain obligatory labelling information digitally instead of on the label	◉	○	○
Provide additional information digitally	○	◉	○

Question 38 - How do you rate the health, safety and environmental impacts of the following policy options? Please justify your choice in box below

	Significant positive impacts	No significant impacts (neutral)	Significant negative impacts	No opinion
Exempt small products (pens, lighters) from certain labelling requirements	○	◉	○	○
Exempt bulk chemicals (fuels) from certain labelling requirements	○	○	○	◉
Allow a wide use of multilanguage labels / fold-out labels	◉	○	○	○
Provide certain obligatory labelling information digitally instead of on the label	◉	○	○	○
Provide additional information digitally	○	◉	○	○

Section 4 - Online sales

Question 39 - Some chemicals purchased online from non-EU countries often do not comply with EU law (e.g. are not providing obligatory safety information). In those cases, it is very difficult to identify the responsible company and take corrective measures.
In such a case, do you think the online service providers, platforms should be considered responsible?

- ◉ Yes
- ○ No
- ○ No opinion

Question 40 - How would you rate the need to apply the same CLP obligations (e.g. labelling, classification and notifications to poison centres) also to hazardous chemicals purchased online (compared to traditional purchase)?

5

Question 41 - How would you rate the need to have a responsible actor for compliance with CLP located in the EU also for chemicals purchased online?

5

Question 42 - What in your view are the major problems with online sales to ensure a level-playing field between companies?

(Please select as many answers as needed)

- [x] Wrong or incomplete advertising
- [x] Wrong or incomplete information on the webpage where the order is placed
- [x] Wrong or incomplete labelling/packaging of chemicals
- [x] Other problems than listed above
- [ ] No problem
- [ ] No opinion

Question 42a - Please add any additional issue related to on-line sales of chemicals

Problems with returns of products to the on-line seller.
Issues related to counterfeit products.

Question 43 - What in your view are the major problems with online sales to ensure the same level of health, safety and environmental protection?

(Please select as many answers as needed)

- [x] Wrong or incomplete advertising
- [x] Wrong or incomplete information on the webpage where the order can be placed
- [x] Wrong or incomplete labelling/packaging of products
- [x] No poison centre notifications
- [ ] None of the options above

Question 44 - Do you think that the CLP regulation should address problematic issues arising from on-line sales of hazardous substances and mixtures?

- (•) Yes
- ( ) No
- ( ) No opinion

Section 5 - Scope of the CLP regulation

Question 45 - Do you consider that there are gaps or overlaps between Article 1(5) of the CLP regulation and provisions in other legislations or that the wording is unclear?

	Overlaps	Gaps	Lack of clarity	Everything is clear	No opinion
Medicines as defined in Directive 2001/83/EC	☐	☐	☐	☑	☐
Veterinary medicines as defined in Directive 2001/82/EC	☐	☐	☐	☑	☐
Medical devices as defined in Regulation (EU) 2017/745 and Directive 98/79/EC	☐	☐	☐	☑	☐
Cosmetics as defined in Regulation (EC) No 1223/2009	☐	☐	☐	☑	☐
Food and feeding stuffs as defined in Regulation (EC) No 178/2002, including flavouring of foodstuffs, animal nutrition and feed additives	☐	☐	☐	☑	☐

Question 46 - Currently neither the CLP nor the specific ('sectorial') legislation applying to the products listed in the table below require that information on classification and labelling of environmental hazards is provided to the users.

In your view, what would be the best option to make users aware of these environmental hazards?

	Add an obligation to classify and label according to CLP for environmental hazards.	Add an obligation to assess and label according to sectorial legislation	Promote voluntary use of CLP classification and labelling for environmental hazards	No opinion
Medicines	○	○	○	◉
Veterinary medicines	○	○	○	◉
Medical devices	○	○	○	◉
Cosmetics	○	○	○	◉
Food and feeding stuffs, including				

flavouring of foodstuffs, animal nutrition and feed additives	○	○	○	◉

Section 6 - Notifications to poison centres

Question 47 - CLP states that mixtures classified on the basis of their health and physical effects shall be submitted to appointed bodies (poison centres) in the Member States to provide emergency health response. CLP also provides that hazardous substances shall be notified to ECHA's classification and labelling inventory (C&L inventory) which is publicly accessible.
For poison centre purposes, is it useful to submit information also on substances?

- ○ Yes
- ◉ No
- ○ No opinion

Question 48 - What are in your view the most suitable transitional periods until the new rules become applicable for the different aspects amended under CLP?

	As soon as possible	18 months	24 months	36 months	48 months	No opinion
Introduction of new hazard classes	○	○	○	○	◉	○
Harmonised DNEL, PNEL, PNEC	○	○	○	○	◉	○
Improvements to CLH process (prioritisation mechanism, ECHA dossier submitter)	◉	○	○	○	○	○
Improve self-classifications	○	○	○	○	◉	○
Remove certain exemptions from CLP (medical devices, medicines, cosmetics etc.)	○	○	○	○	◉	○
Simplify labelling	○	◉	○	○	○	○
Tackle online sales lack of compliance	○	◉	○	○	○	○
Improve notification to poison centres	○	○	○	○	◉	○

Question 48a - Please provide the reasons for the above proposed timelines for the applicability period.

"Introduction of new hazard classes", "Harmonized DNEL, PNEL, PNEC" and “Remove certain exemptions from CLP (medical devices, medicines, cosmetics etc.)” 48 months is a necessary transitional period as those are major changes and industry should be provided a sufficient amount of time to prepare. In order to comply with new legal changes companies might need to prepare new SDSs, additional testing might be needed, usual supply chains might be disturbed, and companies might need to find new substance suppliers and even might need to reformulate their products.
“Improvements to CLH process (prioritisation mechanism, ECHA dossier submitter)”, “Tackle online sales lack of compliance” – could be applicable ASAP as it mostly requires political will from EU COM and Member States.
“Improve self-classifications” – for introducing any legal obligations certain transitional period should be provided to industry. Depending on “possible legal requirements foreseen” longer transitional periods could be needed.
“Simplify labelling” – for introducing any legal obligations certain transitional period should be provided to industry. If the change would not require re-labelling of existing stocks, then the change could be applicable in 18 months.
Regarding "Improve notification to poison centres" - 48 months is a necessary transitional period if any major changes would be foreseen.

Section 7 - final (additional) feedback

Question 49 - in case you you would like to share anything else in addition to the previous questions to experts and in the view of the targeted revision of the CLP regulation (optional):

CLP has wide ranging impacts on sectorial legislations and impacts from changes in CLP will transfer to other legislations. Thus, for an accurate assessment, DUCC strongly urges the European Commission to include evaluation of sectorial implications in CLP impact assessment.
DUCC also urges the European Commission not to rush decision-making processes for CLP (or any other legislation) in order to meet unrealistic deadlines, set in the CSS, but to ensure that these are conducted properly in line with the principles of Better Regulation. Realistic transition periods to implement any changes to CLP should be introduced and, as DUs rely to an extent on information from upstream suppliers, consideration should be given to sequential application deadlines and/or grace periods to sell stocks. That would ensure sustainable clearance of available stocks without unnecessary waste and/or product re-work and unnecessary transport of goods. DUCC also considers that potential changes of the CLP regulation should consider consistency with international regulatory instruments and definitions. DUCC is of the opinion that the inclusion of new hazard classes should first be done under the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS) framework. This approach would ensure a level playing field for the European industry at global level, as divergences from the UN GHS global standards may affect hazard communication for exported EU-manufactured chemicals.
It is also very important to assess the impacts of proposed changes to the hundreds of DUs (a lot of them being SMEs) operating in EU, as, taking into account the additional hazard identification, notification and the possible associated re-labelling, the monetary and administrative burden for DUs could be significant.
Disproportionate action should be avoided for substances that are merely “suspected” of hazard properties.
Regulatory links should be legally clear, also to avoid negative impact on SME’s being not aware of all regulatory changes.

Question 50 - in case you would like to share a document in the view of the targeted revision of the CLP regulation, please upload it below (optional):

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

201a1516-4f09-4346-b820-3156a756f78a/2021-09-20_DUCC_input_to_consultation_on_Simplification_and_digitalisation_of_labels.pdf
ffdcf72f-919b-44cc-b2c9-aa6d3bdce578/DUCC_comments_on_Raodmap_PCo_for_CLP__FINAL_20210531.pdf

Contact

ENV-CLP-revision@ec.europa.eu