CLP Regulation revision - Targeted Stakeholder Survey

2. PART I. About you

1. Please provide the following details

Your Name : Giulia Sebastio
Organisation name: : Downstream Users of Chemicals Coordination Group (DUCC)
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Country of operation:

Belgium

Comments:

After completing this survey, are you willing to be contacted for any clarification, a follow-up interview and/or further updates on the impact assessment?

Yes

2. I am providing my contribution as:

Business association

3. If you represent a company, please indicate its size.

4. If you represent a company or business association, please indicate the two-digit NACE code of the primary business sector.

5. If you represent a company or business association, please indicate what activities concerning chemical products (substances and/or mixtures) your company or the members of your business association are involved in. Multiple answers are possible.

Manufacture of mixtures
Import of chemical substances and mixtures
Distribution of chemical substances and mixtures
Use of chemical products in manufacturing goods/articles or delivering services

Comments:

6. If you represent a national or regional/local authority, please indicate your role(s) in the implementation and/or enforcement of the CLP Regulation. Multiple answers are possible.

Comments:

3. PART II. Hazard identification

7. Do you agree that the following issue:

'The CLP Regulation does not provide for an exhaustive set of hazard classes',

identified by the different evaluation activities carried out for the review the Regulation, hinders the ability of CLP to reach the goals mentioned in the table below? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health					X	
The issue hinders the ability of CLP to ensure a high level of protection of the environment					X	
The issue hinders the ability of CLP to ensure free movement of chemicals					X	

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

The Fitness Check evaluation found that, overall, the EU framework of chemicals legislation is fit for purpose in terms of meeting the core policy objectives of: ensuring a high level of protection of human health, the environment and ensuring the efficient functioning of the internal market.

8. How important is it to implement the following measures to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Inclusion of a hazard class for endocrine disruptive (ED) properties					X	
Inclusion of a hazard class for Persistent, bioaccumulative and toxic (PBT) properties					X	
Inclusion of a hazard class for very persistent and very bioaccumulative (vPvB) properties					X	
Inclusion of a hazard class for persistent, mobile and toxic (PMT) properties					X	
Inclusion of a hazard class for very persistent, very mobile (vPvM) properties					X	
Inclusion of a hazard class for immunotoxic properties					X	
Inclusion of a hazard class for neurotoxic properties					X	
Inclusion of a hazard class for toxic properties to terrestrial organisms					X	

9. What other measures do you consider important for addressing the problem indicated in question 7?

Please explain:

Existing hazard classes already cover these concerns, and thus DUCC would support for additions to not to add duplication and burden to companies.

For EDs in particular, we raise that Endocrine activity (EA) is a mode of action that may or may not lead to adverse effects. CLP is designed to communicate hazards and Endocrine activity is not a hazard per se. Most adverse effects caused via an endocrine mode of action are already captured by existing CLP hazard classes and result in appropriate risk management measures. Therefore, listing EDs under REACH (as currently) would be sufficient to identify ED.

10. Are the following groups affected by the measures listed in question 8? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers		X				
Workers		X				
Regional/local public authorities		X				
National public authorities		X				
European institutions		X				
Manufacturers of chemical substances	X					
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

11. Please describe how the groups you indicated in answer to the previous question are affected.

- The introduction of new hazard classes will result in new obligations for chemical manufacturers and downstream users of chemicals.
- DU of chemicals will have labelling obligations. Especially, in consumer facing sectors, these obligations will result in reformulation costs, as labelling of certain hazard classes, even if only suspected, will act as a de-facto ban on ingredients
- consumers and workers will receive this information on labels, but the extent to which such labelling is consumer friendly, if provided without context, is debatable

12a. How would the measures considered in question 8 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment	X			
Classification and reclassification of substances	X			
Notification to the Classification and Labelling Inventory (CLI)		X		
Labelling and relabelling of substances and mixtures	X			
Update and distribution of revised safety data sheet (SDS)	X			
Packaging	X			
Reformulation of mixtures	X			
Update of IT systems	X			
Training of staff	X			

12b. How would the measures considered in question 8 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

13. Please specify any other important positive or negative impact of the measures listed in question 8, including quantitative information.

DUCC refers to the Economic analysis on the CSS carried out by CEFIC which concluded that 74% of products in scope to be impacted by the addition of hazards to CLP and the extension of the GRA are professional or consumer products. With 85% of these
being mixtures (when divided by product type)

4. PART III. Hazard quantification

14. Do you agree that the following issue:

> ***'Different conclusions are made in risk assessments for the same substance due to limited hazard quantification provisions under the CLP Regulation'***

identified by the different evaluation activities carried out for the review of the Regulation, hinders the ability of CLP to reach the goals mentioned in the table below? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health				X		
The issue hinders the ability of CLP to ensure a high level of protection of the environment				X		
The issue hinders the ability of CLP to ensure free movement of chemicals				X		

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

Different conclusions for risk assessment are mainly due to differences in Exposure Scenarios. DNELs and PNECs used for risk assessments are currently not included in CLP. CLP has a purpose of communication. DNEL and PNECs are currently referenced on the ECHA website, which has the benefit that values can be reviewed upon the inclusion of new data

15. How important is to implement the following measures to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Include toxicity reference values in harmonised classifications.					X	
Create a central public repository of toxicity reference values.					X	

Comments: -Toxicity reference values are not required in CLP because it is a hazard based legislation. - Reference data for substances is available in REACH dossier/ ECHA database - A central public database could have it's uses, however we do not deem this an action of priority

16. What other measures do you consider important for addressing the problem indicated in question 14?

17. Are the following groups affected by the measures listed in question 15? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'. Specify other groups if required.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers						X
Workers						X
Regional/local public authorities			X			
National public authorities			X			
European institutions				X		
Manufacturers of chemical substances	X					
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

18. Please describe how the groups you indicated above are affected.

Industry stakeholders and authorities could use this data/ have access to aligned values
The impact on consumers and workers would not be direct

19a. How would the measures listed in question 15 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment		X		
Classification and reclassification of substances		X		
Notification to the Classification and Labelling Inventory (CLI)	X			
Labelling and relabelling of substances and mixtures	X			
Update and distribution of revised safety data sheet (SDS)	X			
Packaging		X		
Reformulation of mixtures	X			
Update of IT systems	X			
Training of staff		X		

19b. How would the measures listed in question 15 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

20. Please specify any other important positive or negative impact of the measures listed in question 15, including quantitative information.

5. PART IV. Harmonised classification and labelling

21. Do you agree that the following issue:

> ***'The current procedure for harmonisation of classification and labelling in the CLP Regulation does not allow a timely and efficient addition and update of CLH dossiers'***

identified by the different evaluation activities carried out for the review of the Regulation, hinders the ability of CLP to reach the goals mentioned in the table below? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health			X			
The issue hinders the ability of CLP to ensure a high level of protection of the environment			X			
The issue hinders the ability of CLP to ensure free movement of chemicals			X			

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

As Downstream Users we may reformulate mixtures to switch from a chemical that is classified to another. If there is no harmonized classification, the result is that the current procedure would have gaps. A company could switch from a classified to a non classified alternative, of an ingredient, and then have to reformulate when there is a harmonisation of classifications. However it important not to have rushed evaluations timings for substances that lead to rushed harmonised classifications. There is also an issue with industry having newer data on substances and the timing needed for updates.
It is important to have more resources at RAC level to assess new data.

22. How important is it to implement the following measures to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Provide the Commission with the mandate to initiate and develop proposals for harmonised classification and labelling of substances.						X
Provide manufacturers, importers and downstream users with the right to propose modifications to existing harmonised classification and labelling subject to specific conditions, including priority assessment by the Commission.	X					
Improve the current prioritisation system to ensure an effective use of the limited public resources.			X			

Comments: DUCC is in favour of efficient use of public resources; it is however key that the prioritisation system remains science based Giving Manufacturers and Downstream Users of chemicals the possibility to propose modifications, for example; based on newly available data. This gives an incentive for updated research and data generation.

23. What other measures do you consider important for addressing the problem indicated in question 21? Please specify.

24. Are the following groups affected by the measures listed in question 22? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers						X
Workers						X
Regional/local public authorities						X
National public authorities						X
European institutions	X					
Manufacturers of chemical substances	X					
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

25. Please describe how the groups you indicated above are affected.

- Consumers/ workers should not be affected directly.
- Authorities will be affected due to regulatory changes,
- Industry will be affected through "domino" effect. Speeding up CLH will increase the frequency of re-labelling of products and lead to additional costs for manufacturers, distributors and downstream users (reformulation, re-labelling).

26a. How would the measures listed in question 22 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment		X		
Classification and reclassification of substances		X		
Notification to the Classification and Labelling Inventory (CLI)		X		
Labelling and relabelling of substances and mixtures	X			
Update and distribution of revised safety data sheet (SDS)	X			
Packaging	X			
Reformulation of mixtures	X			
Update of IT systems		X		
Training of staff		X		

26b. How would the measures listed in question 22 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

27. Please specify any other important positive or negative impact of the measures listed in question 22, including quantitative information.

Keeping CLI is important because each substance can have it's own hazard - for example regarding impurities.

6. PART V. Self-classification

28. Do you agree that the following issue:

> ***'Diverging and/or erroneous self-classifications and obsolete information in the Classification and Labelling Inventory'***

identified by the different evaluation activities carried out for the review of the Regulation, hinders the ability of CLP to reach the goals mentioned in the table below? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health			X			
The issue hinders the ability of CLP to ensure a high level of protection of the environment			X			
The issue hinders the ability of CLP to ensure free movement of chemicals			X			

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

29. How important is to implement the following measures to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Introducing compulsory periodical updates of the CLP notifications of self-classification.					X	
Publishing names of notifiers under the CLI while protecting confidentiality where appropriate.					X	
Removing of incomplete, incorrect or obsolete notifications by the ECHA.	X					
Improving the ECHA's digital tools for classification and labelling notification.	X					

Comments: DUCC supports removal of incorrect data to ensure correct/updated information is conveyed to Downstream Users

30. What other measures do you consider important for addressing the problem indicated in question 28? Please specify.

31. Are the following groups affected by the measures listed in question 29? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'. Please specify other groups if required.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers						X
Workers						X
Regional/local public authorities						X
National public authorities						X
European institutions						X
Manufacturers of chemical substances	X					
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

32. Please describe how the groups you indicated above are affected.

33a. How would the measures listed in question 29 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment		X		
Classification and reclassification of substances	X			
Notification to the Classification and Labelling Inventory (CLI)	X			
Labelling and relabelling of substances and mixtures	X			
Update and distribution of revised safety data sheet (SDS)	X			
Packaging	X			
Reformulation of mixtures	X			
Update of IT systems	X			
Training of staff		X		

33b. How would the measures listed in question 29 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

34. If applicable, please specify any other important positive or negative impact of the measures listed in question 29, including quantitative information.

7. PART VI. Labelling

35. Do you agree that the following issue:

> ***'Labelling requirements for certain substances and mixtures supplied in bulk or in small/complex packages are impractical or ambiguous',***

identified by the different evaluation activities carried out for the review of the Regulation, hinders the ability of CLP to reach the following goals? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health				X		
The issue hinders the ability of CLP to ensure a high level of protection of the environment				X		
The issue hinders the ability of CLP to ensure free movement of chemicals				X		

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

DUCC supports for labelling requirements to be end-user relevant. In this, data supporting that consumers prefer simpler labels, and the value of the use of icons, should be considered. DUCC supports the work of Commission on simplification of the label and digitalisation. For professional Users/ I&I it is key to also note that these users also receive information through other
means.

36. How important is to implement the following measures to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Derogation from labelling requirements for substances and mixtures supplied in bulk (e.g., fuels, cement, detergents).	X					
Derogation from labelling requirements for substances and mixtures contained in very small packaging (e.g., writing instruments).	X					
The use of digital labels to complement and support hazard communication (e.g. provide information in multiple languages and/or small packages, provide on the physical label the most important elements and complementing with the digital option	X					
The use of fold-out labels to provide information in the EU languages.	X					
The use of symbols instead of multilingual text descriptions for conveying information.	X					

Comments:

37. What other measures do you consider important for addressing the problem indicated in question 35? Please specify.

Product labels should be targeted to the needs of end users. Options like the use of icons to replace phrases and allow more multilingual understanding; and fold out labels can permit for information to be clearer and more targeted to end users. On labelling of smaller packaging, the label element to be placed on smaller products will also depend on other aspects like product /outer packaging that may in turn also be labelled.

38. Are the following groups affected by the measures listed in question 36? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'. Please specify other groups if required.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers						X
Workers						X
Regional/local public authorities						X
National public authorities						X
European institutions						X
Manufacturers of chemical substances		X				
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

39. Please describe how the groups you indicated above are affected.

Adding labelling requirements to small packaging will result in additional labelling requirements for Downstream Users/ producers of certain mixtures. However consumers will be largely unaffected - data has shown that consumers do not often read product labels, and there is no reason they will read it for smaller packaging. Also to note is that professional users have other means to acquire product information (SDS, TDS, SUMIs) (Information on the SUMIs: https://static.ducc.eu/media/file/2021-08/CLP%20Guidance%20at%20a%20Glance%20-%20Online%20Sales%20%28final%29%2018-Dec-19.pdf)

40a. How would the measures listed in question 36 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment		X		
Classification and reclassification of substances		X		
Notification to the Classification and Labelling Inventory (CLI)		X		
Labelling and relabelling of substances and mixtures			X	
Update and distribution of revised safety data sheet (SDS)		X		
Packaging			X	
Reformulation of mixtures		X		
Update of IT systems		X		
Training of staff		X		

40b. How would the measures listed in question 36 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

41. Please specify any other important positive or negative impact of the measures listed in question 36, including quantitative information.

8. PART VII. CLP scope exemptions

42. Do you agree that the hazards borne by the following chemical products may not be covered by sectorial legislation to the extent provided by CLP? Please rate your answer on the scale from 'strongly agree' to strongly disagree' and explain your response in the text-box below.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
Medicinal products						X
Veterinary medicinal products						X
Medical devices				X		
Cosmetics products					X	
Food						X
Feeding stuffs						X

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

The listed product categories have their own audience and category specific standards - additional elements will not be needed or useful

43. How important is it to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Improve the risk or conformity assessment in sectorial regulation to address all hazards covered by the CLP Regulation.					X	
Enhance cross-references between sectorial and CLP regulations when it comes to hazard assessments.		X				
Revoke the exclusion from CLP Regulation for those sectors where the exemptions are no longer fit for purpose.					X	

Comments: There will be reasons, based on sector specificities for CLP regulation not to be followed by sectoral legislations, or sectoral legislations to carry out their own assessments.

44. What other measures do you consider important for protection from hazards borne by the products that are currently exempted from the CLP Regulation? Please specify.

45. Are the following groups affected by the measures listed in question 43? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'. Please specify other groups if required.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers						X
Workers						X
Regional/local public authorities						X
National public authorities						X
European institutions						X
Manufacturers of chemical substances						X
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

46. Please describe how the groups you indicated above are affected.

47a. How would the measures listed in question 43 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment				X
Classification and reclassification of substances				X
Notification to the Classification and Labelling Inventory (CLI)				X
Labelling and relabelling of substances and mixtures				X
Update and distribution of revised safety data sheet (SDS)				X
Packaging				X
Reformulation of mixtures				X
Update of IT systems				X
Training of staff				X

47b. How would the measures listed in question 43 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

48. Please specify any other important positive or negative impact of the measures listed in question 43, including quantitative information.

9. PART VIII. Online sales of chemicals

49. Do you agree that the following issue:

> ***'CLP does not specifically address online sales, and this results in a lower level of protection from hazards borne by substances, mixtures or products sold online from EU and non-EU countries'***

identified by the different evaluation activities carried out for the review of the Regulation, hinders the ability of CLP to reach the goals mentioned in the table below? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health			X			
The issue hinders the ability of CLP to ensure a high level of protection of the environment			X			
The issue hinders the ability of CLP to ensure free movement of chemicals			X			
The issue hinders the ability of CLP to ensure competitiveness on the internal EU market			X			
The issue hinders the ability of CLP to ensure competitiveness in the EU trade with third countries			X			

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

Clear information on products needs to be available for all items sold via online platforms. The requirements to list product ingredients as well as hazard and precautionary information needs to be same for online stores as it is in physical stores. However DUCC refers to the Digital Product act and question if CLP is the adequate framework for this discussion.

50. How important is it to implement the following measures to improve the ability of the CLP Regulation to reach its goals? Please rate the importance of each option from 'very important' to 'not important at all' and explain your response in the textbox below.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Clarifying responsibilities and obligations for compliance with the CLP Regulation in online sales of chemicals.	X					
Establishing uniform conditions and frequency of checks for compliance with the CLP Regulation for products sold online.	X					
Introducing the responsibility of online marketplaces for the safety of goods they sell or facilitate selling on their apps and websites.	X					
Improving cooperation between competent authorities and consumer groups on the EU and national levels.		X				
Harmonising the way hazard information must be provided online.	X					

Comments:

51. What other measures do you consider important for addressing the problem indicated in question 49? Please specify.

Online platforms must be more transparent on product information, where they are located, and explicitly define their role in the supply chain (i.e., are they an importer, distributor, or have no role within the EU). All companies, including those with no legal entity in the EU, are still responsible for compliance for products they place on the market. Online platforms are not precluded from being aware of the label or packaging elements that are required under REACH and CLP regulation and being responsible for ensuring these criteria are being conveyed to consumers.
DUCC would support for a guideline checklist, that could be inspired from the DUCC factsheets to be available on the websites of the Member States enforcement authorities and the information on requirements to be conveyed to online platforms.
(Reference DUCC factsheets on online sales: https://static.ducc.eu/media/file/2021-08/CLP%20Guidance%20at%20a%20Glance%20-%20Online%20Sales%20%28final%29%2018-Dec-19.pdf)

52. Are the following groups affected by the measures listed in question 50? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'. Please specify other groups if required.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers	X					
Workers		X				
Regional/local public authorities						X
National public authorities						X
European institutions						X
Manufacturers of chemical substances		X				
Manufacturers of mixtures		X				
Importers of chemical substances and mixtures		X				
Distributors of chemical substances and mixtures		X				
Downstream users of chemicals (e.g., manufacturers of articles)		X				
Platforms for online sales	X					

53. Please describe how the groups you indicated above are affected.

Ensuring the requirements to list product ingredients as well as hazard and precautionary information is the same for online stores as it is in physical stores is important for consumer information and to ensure a level playing field for all companies placing products on the EU market

54a. How would the measures listed in question 50 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Hazard assessment				X
Classification and reclassification of substances				X
Notification to the Classification and Labelling Inventory (CLI)				X
Labelling and relabelling of substances and mixtures		X		
Update and distribution of revised safety data sheet (SDS)		X		
Packaging		X		
Reformulation of mixtures		X		
Update of IT systems		X		
Training of staff		X		

54b. How would the measures listed in question 50 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

55. Please specify any other important positive or negative impact of the measures listed in question 50, including quantitative information.

The issue of online sales is related to enforcement of current rules, it should not bring additional burden or costs.

As a separate point, improving communication, especially to consumers, through simpler labels can also facilitate in setting consumer expectations for which product label details are to be conveyed and expected for compliance.

10. PART IX. Poison centres

56. Do you agree that the following issue:

> ***'National poison centres may not have all available information on chemicals placed on the market required for an adequate health emergency response'***

hinders the ability of CLP to reach the following goals? Please rate your answer on the scale from 'strongly agree' to strongly disagree'.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
The issue hinders the ability of CLP to ensure a high level of protection of human health				X		
The issue hinders the ability of CLP to ensure free movement of chemicals				X		
The issue hinders the ability of CLP to guarantee a level playing field				X		

Please explain why you agree or disagree that the issue hinders the ability of CLP to reach one or more of its goals:

Since the implementation of the CLP Annex VIII requirements, industry is providing comprehensive information to authorities on mixtures to support the objectives of CLP

57. How important is the implementation of the following measures to improve the ability of the CLP Regulation to reach its goals? Rate the importance of each option from 'very important' to 'not important at all'.

	Very important	Fairly important	Neither important nor unimportant	Fairly unimportant	Not important at all	Don't know
Introduce an obligation on distributors (including re-branders/re-labellers depending on their activity) under Article 45 to notify information relevant for poison centres following the format under Annex VIII.						X
Add a notification obligation in case of hazardous substances (classified for human health and physical hazards) in the scope of Article 45 of the CLP Regulation.					X	

58. What other measures do you consider important for addressing the problem indicated in question 56? Please specify.

59. Are the following groups affected by the measures listed in question 57? Please rate your answer on the scale from 'largely affected' to 'largely unaffected'. Please specify other groups if required.

	Largely affected	Affected	Neither affected nor unaffected	Unaffected	Largely unaffected	Don't know
Consumers						X
Workers						X
Regional/local public authorities						X
National public authorities						X
European institutions						X
Manufacturers of chemical substances	X					
Manufacturers of mixtures	X					
Importers of chemical substances and mixtures	X					
Distributors of chemical substances and mixtures	X					
Downstream users of chemicals (e.g., manufacturers of articles)	X					

60. Please describe how the groups you indicated above are affected.

Increasing the CLP Annex VIII obligations bring additional burden to manufacturers of mixtures.
It will also add workload to ECHA and Poison Control Centers.

61a. How would the measures listed in question 57 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Classification and reclassification of substances		X		
Notification to the Classification and Labelling Inventory (CLI)		X		
Labelling and relabelling of substances and mixtures	X			
Update and distribution of revised safety data sheet (SDS)	X			
Packaging	X			
Reformulation of mixtures		X		
Update of IT systems	X			
Training of staff	X			

61b. How would the measures listed in question 57 affect the following activities? Please specify other activities if required.

	Increase in costs	No change	Decrease in costs	Not applicable / Don't know
Preparation and assessment of regulatory proposals (CLH, SVHC identification, restrictions)				
Evaluation of substances				
Operation of health responses				
Update of IT systems				
Training of staff				
Monitoring				
Reporting				
Enforcement activities				

62. Please specify any other important positive or negative impact of the measures listed in question 57, including quantitative information.

Including substances under Article 45 will not bring added value. Most poisoning cases are for mixtures not substances and information of substances is available to physicians through other databases (including by not limited to the ECHA portal, Cosmetics CosIng Database, and also industry voluntary databases).

11. PART X. Wrap-up

63. Please provide any other comments or suggestions you would like to share regarding the revision of the CLP Regulation here. The next question will provide the option of uploading any files you deem relevant to the study.

Since its creation in 2001 DUCC has acted in a common objective to contribute, with a common voice, to the successful implementation of the requirements of the REACH and CLP Regulations. DUCC fully supports the objectives of the Green Deal and CSS and is committed to continuing to support the durable implementation of CLP. We are however concerned by the impacts of changes being proposed.

The "Economic Analysis of the Impacts of the Chemicals Strategy for Sustainability" carried out by CEFIC highlighted that the cost impact on Downstream users of adding new CLP hazard classes and applying GRA warrants further exploration. The analysis has shown that 74% of products in scope to be impacted by the addition of hazards to these requirements to CLP are Downstream Uses, covered in large part by DUCC. More than half of them were classified as Professional use products (60%), one quarter of products were classified as Industrial use products (26%), and the remaining are considered Consumer use products (14%).
The change to GRA and CLP would also affect the sector's employment. It is estimated that, by 2040, over 40,000 jobs in the EU chemicals sector would be lost against the baseline (to which job losses in Downstream sectors would also need to be added.)

These figures are highly concerning and DUCC urges Commission and authorities to also take account of the impacts of these proposals in their revision of CLP. Downstream regulation will also need to be amended based on these changes.

Ref: https://cefic.org/app/uploads/2021/12/Economic-Analysis-of-the-Impacts-of-the-Chemicals-Strategy-for-Sustainability-Phase-1.pdf

64. Please upload any files of relevance that you wish to provide here. There is a limit of 3 files, if you have further information to provide, please contact the study team via clp.revision@rpa-europe.eu