

# The CLP Regulation

European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures came into force on 20 January 2009 in all EU Member States, including the UK. It is known by its abbreviated form, 'the CLP Regulation' or just plain 'CLP'.

The CLP Regulation adopts the United Nations' Globally Harmonised System on the classification and labelling of chemicals (GHS) across all European Union countries, including the UK.

As GHS is a voluntary agreement rather than a law, it has to be adopted through a suitable national or regional legal mechanism to ensure it becomes legally binding. That's what the CLP Regulation does.

As GHS was heavily influenced by the old EU system, the CLP Regulation is very similar in many ways. The duties on suppliers are broadly the same: classification, labelling and packaging.

The existing legislation on classification, labelling and packaging has been agreed at European Union level and, from 2015, will be directly applied on all EU member states, including the UK.

The rules they have to follow when they are classifying will change though, and a new set of hazard pictograms (quite similar to the old ones) are used:

## GHS hazard pictograms



## Transition arrangements

Currently, chemical classification law is a mix of EU and domestic legislation running side-by-side.

The CLP Regulation entered into force across all EU member states, including the UK, on 20 January 2009.

However CLP is being introduced gradually and has a fairly lengthy transitional period before it applies in full – from 1 June 2015. This means that the ‘old’ rules (CHIP) are currently being phased out. For a relatively short period certain arrangements have been put in place to allow the two systems to run side-by-side.

If suppliers want to apply CLP ahead of its mandatory compliance date they are free to do so, provided the transitional arrangements are followed.

## CLP and substances

The CLP Regulation has applied to substances that are placed on the market since 1 December 2010.

## CLP and mixtures (preparations)

It is not mandatory to use the CLP classification system to classify chemical mixtures (preparations) until 1 June 2015. This is a sensible approach and recognises that there are millions of mixtures placed on the market and that suppliers will need time to make the necessary adjustments.

## Exemptions for re-labelling and re-packaging

There are certain limited circumstances where these transitional arrangements for substances and preparations/mixtures can be extended: the re-labelling and re-packaging of substances and mixtures which are already labelled and packaged and in the supply chain (‘on the shelves’) on the above compliance dates may be postponed until 1 December 2012 and 1 June 2017 respectively.

**Note: there are no exemptions for classification responsibilities.** Until 2015 there is simply a choice of whether to use the older or newer system in classifying mixtures.

## CLP and CHIP – similarities and differences

Like its predecessor Directives, CLP deals with classification, hazard communication and packaging. CLP applies to substances and mixtures (preparations) in general. But other specific groups of chemicals may also be subject to additional control and protective regimes: i.e. pesticides, biocides, carcinogens etc.

The CLP Regulation is direct-acting on all member states. Unlike directives, no implementing national law is needed. However we do need national legislation to allow CLP to be enforced and to appoint the national CLP Competent Authority.

In some instances, use of the GHS/CLP system results in slightly different classifications to older systems.

The CLP Regulation generally provides for more flexibility than the CHIP system it is replacing - particularly for those who already have extensive data on their products or on similar products.

For instance, where classifiers have access to reliable data and experience of the effects of their chemicals on humans – principles known as ‘weight of evidence’ and ‘expert judgement’ – suppliers can use these as the basis for a less severe classification than would have resulted from the older system.

In some instances though, use of GHS/CLP system could result in slightly more severe classifications than the older system, because GHS lists different ‘concentration thresholds’.

Because the system is slightly different, in some cases different symbols will appear on labels of chemical products. This does not mean that the chemical itself is any more – or less – dangerous than it was before. It is just a result of a slightly different classification system being followed.