



BIURO DO SPRAW
SUBSTANCJI
I PREPARATÓW CHEMICZNYCH

Process of Implementing CLP regulation in Poland

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Mariusz Godala

Bureau for Chemical Substances
and Preparations
Poland

www.chemikalia.gov.pl



Bureau for Chemical Substances and Preparations

- Bureau for Chemical Substances and Preparations is an institution of governmental administration responsible for the control of placing of chemical products on the market
- **Competent authority under the REACH regulation**

(Art. 121 of REACH regulation: Member States shall appoint the competent authority or competent authorities responsible for performing the tasks allotted to competent authorities under this Regulation and for cooperating with the Commission and the Agency in the implementation of this Regulation).

Bureau was a natural candidate:

- It was a competent authority for chemicals under the existing legislation
- It has run the project „Preparations of implementation of REACH in Poland”
- It has the appropriate staff)



CLP regulation - responsibility for negotiations

- In Poland the responsibility for negotiations within the Working Party on Technical Harmonization (Dangerous Substances), established by the EU Council to prepare the political agreement for **GHS/CLP**, laid with the Ministry of Economics
- Ministry of Economics closely cooperated with the Bureau for Chemical Substances and Preparations



CLP regulation – important issue for Poland during negotiations

- some definitions (package, packaging, intermediate packaging)
- article 4 – general obligations to classify, label and package
- article 7 (animal and human testing)
- article 8 (generating new information for substances and mixtures – new test for physical hazards)
- article 26 (request for use of an alternative chemical name)
- article 41 (obligation to notify to the Agency)
- article 44 (Helpdesk)
- Article 58 (transitional provisions)



CLP

Regulation (EC) No **1272/2008** of the European Parliament and of the Council of 16 December 2008 on **classification, labelling and packaging of substances and mixtures**, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006



Entry into Force

- The CLP Regulation entered into force 20 days after publication – **20 January 2009**
- Titles II (Hazard classification), III (Hazard communication in the form of labelling) and IV (Packaging) shall apply in respect of substances from **1 December 2010** and in respect of mixtures from **1 June 2015**
- from **1 June 2015** substance and mixture classification according **CLP** regulation. From this date the old legislation (**DSD** and **DPD**) will be repealed and classifications according to DSD or DPD will no longer be allowed



Entry into Force

- Until 1 December 2010, substances shall be classified, labelled and packaged in accordance with Directive 67/548/EEC
- Until 1 June 2015, mixtures shall be classified, labelled and packaged in accordance with Directive 1999/45/EC
- it can be some derogation



Entry into Force

- By way of derogation from the second subparagraph of article 62 of CLP regulation and in addition to the requirements of paragraph 1 of article 61, **substances and mixtures may before 1 December 2010 and 1 June 2015 respectively, be classified, labelled and packaged in accordance with CLP**. In that case, the provisions on **labelling and packaging** in Directives 67/548/EEC and 1999/45/EC shall not apply
 - the CLP regulation can be apply now
 - important: classification in both systems (CLP and DSD/DPD)



Entry into Force

- From 1 December 2010 until 1 June 2015, substances shall be classified in accordance with both Directive 67/548/EEC and CLP regulation. They shall be labelled and packaged in accordance with CLP regulation
- **important:** this will apply to both Safety Data Sheets for the substances on their own and to Safety Data Sheets for mixtures containing these substances



Entry into Force

- By way of derogation from the second subparagraph of article 62 of CLP regulation, substances classified, labelled and packaged in accordance with Directive 67/548/EEC and already placed on the market before 1 December 2010, are not required to be relabelled and repackaged in accordance with CLP regulation until 1 December 2012
- By way of derogation from the second subparagraph of article 62 of CLP regulation, mixtures classified, labelled and packaged in accordance with Directive 1999/45/EC and already placed on the market before 1 June 2015, are not required to be relabelled and repackaged in accordance with CLP regulation until 1 June 2017
- re-labelling and re-packaging of substances and mixtures which are already in the supply chain (on the shelves) before 1 December 2010 (substances) and before 1 June 2015 (mixtures) may be postponed until 1 December 2012 (substances) and 1 June 2017 (mixtures) – the additional two years for re-labelling and for re-packaging



CLP regulation – duty of Member States

- appoint the competent authority or competent authorities responsible for proposals for harmonised classification and labelling
- appoint authorities responsible for the enforcement of the obligations set out in CLP regulations
- establish national helpdesk to provide advice to manufacturers, importers, distributors, downstream users and any other interested parties on their respective responsibilities and obligations under CLP regulation
- introduce provisions for penalties for non-compliance with the provisions of CLP regulation
- notify the commission of the provisions for penalties,
- appointment of bodies responsible for receiving information relating to emergency health response



Necessary amendments to the Polish legal system

- Act on chemical substances (and mixtures)
- Acts on authorities responsible for enforcement
- Other acts from the field of chemicals (for example: act on plant protection)
- Executory provisions



Necessary amendments to the Polish legal system

- Act on chemical substances (and mixtures):
amendments to the scope of the Act
- Act describes the competence of authorities in the field of fulfilling duties set out in Regulation (EC) 1907/2006 (REACH), 684/2004 (on detergents), 689/2008 (on the export and import of dangerous chemicals) and **1227/2008 (CLP)**



Necessary amendments to the Polish legal system

Act on chemical substances (and mixtures):

- **Definitions:**

Term mixture instead of preparation

The use of so called static references – to certain provisions of the CLP regulation:

- hazard class,
- hazard category,
- hazardous substances and mixtures



Necessary amendments to the Polish legal system

Act on chemical substances (and mixtures):

- **Broadening the task of the Inspector for Chemical Substances**

- Acting as a competent authority in the meaning of CLP regulation (article 43 of CLP regulation),

Establishing national helpdesk (article 44 of CLP regulation)



REACH HelpDesk / CLP HelpDesk

REACH - strona główna - Krajowe Centrum Informacyjne ds. REACH - Windows Internet Explorer

https://reach.blaster.pl/home

REACH - strona główna - Krajowe Centrum Informa...

KRAJOWE CENTRUM INFORMACYJNE **REACH HelpDesk**

REACH - strona główna

Strona główna - aktualności
Informacje dotyczące strony internetowej
Akty prawne i Dokumenty
ECHA - poradniki
Inne dokumenty i publikacje
Podstawowe informacje
Podstawowe pojęcia
Nawigator
Rejestracja
Rejestracja wstępna
Obowiązki
Kalendarz
FAQs
Odnosiniki
Zagadnienia szczegółowe
ECHA
REACH-IT

Rejestracja / Logowanie

REACH - strona główna

1) Narzędzie do sprawdzania kompletności informacji przedkładanych przy zgłoszeniu PPORD oraz nowe poradniki

1) Informujemy, iż na stronach poświęconych oprogramowaniu IUCLID 5 dostępne jest narzędzie do sprawdzania kompletności informacji przedkładanych przy zgłoszeniu PPORD - [TUTA1](#). Narzędzie pozwala na sprawdzenie kompletności informacji przed przesłaniem zgłoszenia do Europejskiej Agencji Chemikaliów (ECHA).

2) ECHA opublikowała na swoich stronach internetowych dwa nowe poradniki:

Poradnik dot. włączania substancji do Załącznika XIV, ang. Guidance on inclusion of substances in Annex XIV - [TUTA1](#)

Poradnik określający kryteria priorytetyzacji dossier, propozycji badań oraz substancji do oceny, ang. Guidance on priority setting for evaluation - [TUTA1](#)

Poradniki dostępne są w angielskiej wersji językowej.

2) Uaktualnienie formularza przesyłanego razem z dossier w ramach procedur tymczasowych - 1 sierpnia 2008

Informujemy, iż Europejska Agencja Chemikaliów (ECHA) opublikowała uaktualniony formularz (wersja 3) - ang. submission form, który przesyłany jest w ramach procedur tymczasowych razem z dokumentacją dla celów rejestracji, zgłoszenia PPORD oraz zapytania (art. 26 rozporządzenia REACH).

W formularzu dodano nową sekcję, pozwalającą przedsiębiorstwom wskazać alternatywne dane kontaktowe. [Formularz](#). Dokument [Data Submission Manual 3: How to complete the submission form \(release 3\)](#). Uaktualniony poradnik dot. wypełniania formularza, który przesyłany jest razem z dossier.

3) Szablon do przygotowywania raportu bezpieczeństwa chemicznego/Broszury dotyczące poradników

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Necessary amendments to the Polish legal system

Act on chemical substances (and mixtures):

- **Authorities responsible for the enforcement (art. 43 of CLP regulation: Member State shall appoint competent authorities responsible for the enforcement of the obligations set out in this regulation)**
- The State Sanitary Inspection:
 - Is the leading enforcement authority
 - It has the staff of highly qualified inspectors specialising in control of marketing of chemicals
- Within their competences, following authorities will also be responsible for enforcement:
 - Environment Protection Inspection
 - Trade Inspection
 - State Labour Inspection
 - Customs service



Necessary amendments to the Polish legal system

Act on chemical substances (and mixtures):

- **Penalties**

(art. 47 CLP regulation – Member States shall notify to the Commission of the provisions for penalties by 20 June 2010)

- Manufacturer or importer or group of manufacturers or importers who places on the market a substance within the scope of art. 39 of CLP regulation, who contrary to the provisions of article 40 of this regulation does not notify the required by this provision information – shall be subject to a fine



Necessary amendments to the Polish legal system

Repealed provisions:

- Regulation of the Minister of Health: inventory of dangerous substances with their classification and labelling

Article 55 of CLP regulation: Amendments to Directive 67/548/EEC: Annex I (list of dangerous substances) to Directive 67/548/EEC shall be deleted

From 20 January 2009 Annex VI to CLP regulation contain a list of dangerous substances



Necessary amendments to the Polish legal system

- It is necessary to amend many Polish provisions:
Many provisions issued on the basis of the act on chemical substances:
 - regulation concerning classification of chemical substances and mixtures
 - regulation concerning labelling of dangerous substances and dangerous mixtures
 - regulation concerning the way of labelling the sites, pipelines, containers and tanks containing or used for storage of dangerous substances and dangerous mixtures
 - regulation concerning types of dangerous substances and dangerous mixtures the containers of which require child-resistant fastenings and tactile warning of danger
 - regulation concerning restrictions on the marketing and use of certain dangerous substances and mixtures
 - regulations concerning with Good Laboratory Practice



CLP regulation – what we are going to do

- Bureau is going to continue activities concerning dissemination knowledge and information about CLP (website, conference for chemical producers importers and downstream users)
- Bureau is going to organize trainings and workshops for inspections
- due to new classification and especially labelling we are planning dissemination knowledge and information about CLP among consumers



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**Thank you
for your attention!**