CLP Briefing Note: Making a business plan

How far do you go with your business plan?

CLP is a massive change to the regulatory regime for classification and labelling. You will need to prepare carefully and make business specific plans which are right for your needs. This note will help you get started.

Our unique approach is to be pragmatic and business focussed – describing the main duties and identifying effective solutions. Other organisations have produced some helpful guidance on CLP and we will link you to the best. We suggest you visit our resources page and briefly scan the links there. But you can easily be overwhelmed – so here's some opening advice.

If you have global responsibility for classification and labelling, then you MUST know something about the source of CLP: the UN GHS system for classification and labelling. We suggest you visit the UN website at http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html and briefly read the introductory notes. We won't be going into GHS further, but the UN website is your springboard for the global changes that are in progress.

If your responsibility is limited to the EU, then only visit the UN website if you want to understand the background to the changes. If you are pressed for time don't bother. Just remember that CLP is the EU's way of getting on the road towards a global scheme – a journey started but not yet finished.

Who does what?

CLP is mainly intended to ensure that chemicals placed on the market are classified and labelled so that users (at work and in the home) are fully informed about the hazards. Doing so is achieved by imposing obligations on different actors in the supply chain.

Anyone in the supply chain who places a chemical subject to CLP on the market (for example suppliers such as manufacturers of substances, downstream users who formulate mixtures, importers of substances and mixtures, and distributors) must **classify** and **label** the chemical. Placing on the market means supplying, offering to a third party or importing. However, for those lower down the EEA supply chain (e.g. distributors and downstream users of substances) the classification and label used by another person in the supply chain may be used.

To work towards consistent classification and labelling for the same chemical a duty to notify ECHA of classifications and labels has been introduced. This obligation is triggered (with some exceptions) when a substance is placed on the market either alone or in a hazardous mixture by the manufacturer or importer – but not the formulator – of a mixture. The notification needs only be done once for each substance and need not be done if the potential notifier has registered the substance under REACH.

So that prompt and expert first aid advice can be given CLP expects EEA countries to require **composition information on mixtures to be supplied to a specially appointed body**. In these cases the obligation rests with the person defined in the national law, usually the person who imports to the country concerned or the downstream user who formulates a mixture there. See our guidance on poison centres for further details.

Finally, CLP requires a high standard of **record keeping**, with technical decisions and information kept ready for future reference and scrutiny. This responsibility affects everyone in the supply chain although the main challenge will be faced by those who first classify and label.

Preparing a CLP change plan for your business

Legal / Advisory documents

Our Briefing Note on CLP resources will help you sort out in detail what documents you need to read depending on your existing knowledge and your needs. You will need to do some background reading and have copies of some documents handy. The main source of information is the ECHA website at https://echa.europa.eu/regulations/clp/understanding-clp. As a start you could refer to two useful ECHA Documents, the *Introductory Guidance on the CLP Regulation* and Questions *and Answers on CLP*.

Only *after* you have scanned these documents and also read through our advice do we suggest you move on to the Regulations (https://echa.europa.eu/regulations/clp/legislation) and then the rather indigestible *Guidance on the Application of the CLP Criteria* (on the ECHA website above). Indeed, we suggest you only read the first section of the Guide – up to about page 70 – until you get into the actual job of classification.

Business Information

Our view is that your aim should be compliance at the lowest possible cost, there are no medals for gold plating. So, this means using the flexibility in the timetables to your advantage, seeking to avoid or minimise the business spend. So critically examine your product range, delay where you can and discuss the impact of CLP with your customers to assess their expectations and needs. Think too about what is needed to deliver compliance; more skills, more hardware, or more IT provision? How easy are these to obtain, and how much will they cost? It should be clear that this activity involves an across the business approach, it should not be confined to the regulatory affair team!

Decisions and communication

If you follow this approach you should be able to work out a plan to deal with the challenge of CLP which suits your firm and your products. You are now ready to implement it.

Need further help?

As one of our Gold subscribers one of our experts will answer your questions – simply call us on +44 (0) 207 901 1444 or email enquiries@reachready.co.uk

If you need help understanding the CLP Regulation and how it may affect your business, why not register on one of our CLP training courses? For details about our events, including the next available dates, please see our events webpage at http://www.reachready.co.uk/events, or contact us on events@reachready.co.uk or +44 (0) 207 901 1443.