

# Guidelines regarding the CLP Regulation



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## Background Information

In the past, different countries, had different laws regarding the identification of the hazardous properties of chemicals, known as classification, and the way this information about these hazards is passed to different users, mainly through the use of labels and safety data sheets for workers. This led to some confusion, where different countries were using different hazard descriptions for the same chemical substance. This also had a negative impact on international trade.

To reflect the constant grow of the international market in chemical substances and mixtures, to help protect people as well as the environment, and to simplify trade, the United Nations has developed a 'Globally Harmonised System' (GHS) on classification and labelling. The GHS is a single worldwide system for classifying and communicating the hazardous properties of industrial and consumer chemicals. GHS works hand in hand with the United Nations (UN) 'Transport of Dangerous Goods' system.

The UN brought together experts from different countries to create the GHS with the aim to globally have the same:

1. Criteria for classifying chemicals according to their health, environmental and physical hazards;
2. Hazard communication requirements for labelling and safety data sheets.

Since the UN GHS is a non-legally binding international agreement, every country must create local or national legislation to implement the GHS.

The UN GHS aims to ensure that information on the hazardous properties of chemicals is available throughout the world in order to enhance the protection of human health and the environment during the handling, transport and use of chemicals. GHS also provides the basis

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<sup>1</sup> **European Regulation (EC) No 1272/2008** on the classification, labelling and packaging of substances and mixtures.



for harmonising regulations on chemicals at national, regional and worldwide level. This is not only important for facilitating trade but also serves as means to provide a structure for countries that do not yet have a classification and labelling system.

## Benefits

The UN anticipates that once fully implemented, the GHS will:

- Enhance the protection of human health and the environment by providing a system for hazard communication that is understandable throughout the world;
- Provide a recognised framework for those countries without an existing system;
- Reduce the need for testing and evaluation of chemicals (agreeing/harmonising classification will help to reduce the need for animal testing); and
- Facilitate trade in chemicals whose hazards have been properly assessed and identified on an international basis.

In the long run, GHS and the CLP Regulation should make classification of mixtures **easier, cheaper, more accurate**, and allow for **more flexibility** on the part of the classifier.

## The CLP Regulation

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

The CLP Regulation adopts the United Nations' Globally Harmonised System on the classification and labelling of chemicals (GHS).





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, was directly applied on all EU member states. The rules to follow when classifying chemical substances have changed and a new set of hazard pictograms have been introduced as shown in the table below:

Table 1: The Old & New versions of GHS hazard pictograms






New Version	Old version
<p data-bbox="252 936 427 969"><b>Explosive – E</b></p> 	
<p data-bbox="252 1400 427 1433"><b>Oxidizing - O</b></p> 	
<p data-bbox="252 1868 608 1901"><b>Extremely Flammable – F+</b></p>	



	
<p>Highly Flammable – F</p> 	
<p>Very Toxic – T+</p> 	

<p><b>Toxic – T</b></p> 	
<p><b>Harmful - Xn</b></p> 	
<p><b>Irritant - Xi</b></p> 	



<p><b>Corrosive - C</b></p> 	
<p><b>Gas under pressure</b></p> 	
<p><b>Dangerous for the environment</b></p> 	

## What is hazard classification, labelling and packaging?

The hazard of a substance or mixture is the potential for that substance or mixture to cause harm. This depends mainly on the intrinsic properties of the substance or mixture. In this context, hazard evaluation is the process by which information about the intrinsic properties of a substance or mixture is assessed to determine their potential to cause harm. In cases where the nature and severity of an identified hazard meets the classification criteria, hazard classification is the assignment of a standardised description of this hazard of a substance or a mixture causing harm due to its physical properties or its effects on human health or the environment.

One of the main aims of the CLP Regulation is to determine whether a substance or mixture displays properties that lead to a classification as hazardous. Once such properties are identified and the substance or mixture is classified accordingly, **manufacturers, importers, downstream users** and **distributors** of substances and mixtures, as well as **producers and importers of certain specific articles**, must communicate the identified hazards of these substances or mixtures to other actors in the supply chain, including consumers. Hazard labelling allows for the communication of hazard classification to the user of a substance or mixture, to alert the user to the presence of a hazard and the need to manage the associated risks.

The CLP Regulation sets general packaging rules, in order to ensure the safe supply of hazardous substances and mixtures.

## CLP and the assessment of risk

The classification of a substance or a mixture is the process that identifies the way chemicals can cause harm – the hazards. It should not be confused with risk assessment, which relates a given hazard to the actual exposure of humans or the environment to the substance or mixture displaying this hazard. Nevertheless, the common denominators for both classification and risk assessment are **hazard identification** and **hazard assessment**.





## Changes to the CLP Regulations

Like its predecessor Directives, the CLP Regulation is regularly updated to take into account new emerging scientific knowledge about chemicals and technical development. These amendments are known as adaptations to technical progress or in short, ATPs. In general there are two series of ATPs:

1. Proposed new harmonised substance classifications – these are independently assessed and, if agreed, will amend the list of entries in Annex VI to CLP. Expected to be approximately every 12 months; and
2. Amendments made to the classification criteria and technical annexes to the GHS:
  - a) These amendments reflect the periodic rhythm of the UN GHS, and need to be incorporated into CLP so would be expected every 2 years.
  - b) These amendments may also align GHS more closely to the transport regulations.

The ATPs are voted on by Member States and, if agreed, are published as European Commission Regulations.

## Chemicals not covered by CLP

Although the CLP Regulation covers the majority of industrial chemicals there are other chemicals that have a more specialised job and thus are covered by a specific legislation.

In fact the CLP Regulation **does not apply** to the following list of chemicals:

- Radioactive substances and mixtures
- Substances and mixtures subject to customs supervision
- Non-isolated intermediaries
- Substances and mixtures for scientific research and development which are not placed on the market and are only used in controlled conditions



- Waste.

The CLP Regulation **does not apply** to the following chemicals that are in the **finished state** intended for the final user:

- Medicines
- Medical devices
- Veterinary medicines
- Cosmetics
- Food
- Feeding stuffs (i.e. food additive; food flavouring; feeding stuffs used in animal nutrition).

Except where Article 33 applies, the CLP Regulation **does not apply** to the transport of dangerous goods by air, sea, road, rail or inland waterways.

## CLP and occupational health and safety

When a company, as the employer, supplies hazardous chemicals within the EU, it has the obligation to label them in accordance with the CLP Regulation. The requirements of the CLP Regulation ensure that the hazards presented by chemicals are clearly communicated to workers and consumers in the EU through appropriate classification, labelling and packaging. Since workers at different places of work make use of a vast number of chemicals, this regulation aids to improve and protect the health and safety of workers from risks imposed by hazardous substances. In fact, Directives related to the use of chemicals at the place of work, including chemicals known as carcinogens, contain references to the classification and labelling system. Locally, the competent and enforcement authority of the CLP Regulation is the Malta Competition and Consumer Affairs Authority (MCCAA).



## ***OHSA, March 2023***

*The information provided in this Guidance does not, and is not intended to, constitute legal advice; the information is for general purposes only and to serve as a guidance for duty holders to ensure a safe system of work and a safe place of work. The information provided in this Guidance may also be cited as examples of good practice by the Occupational Health and Safety Authority during workplace inspections and in Law Courts. In addition, every effort has been made to ensure that the information in this document is correct and provided in good faith according to regulations and current best practice - it is also strongly recommended that one should consider all relevant regulations related to this subject.*

## **References**

- Introductory Guidance on the CLP Regulation. [online] Available at:

[https://echa.europa.eu/documents/10162/23036412/clp\\_introduutory\\_en.pdf/b65a97b4-8ef7-4599-b122-7575f6956027](https://echa.europa.eu/documents/10162/23036412/clp_introduutory_en.pdf/b65a97b4-8ef7-4599-b122-7575f6956027)

## **Further Information**

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