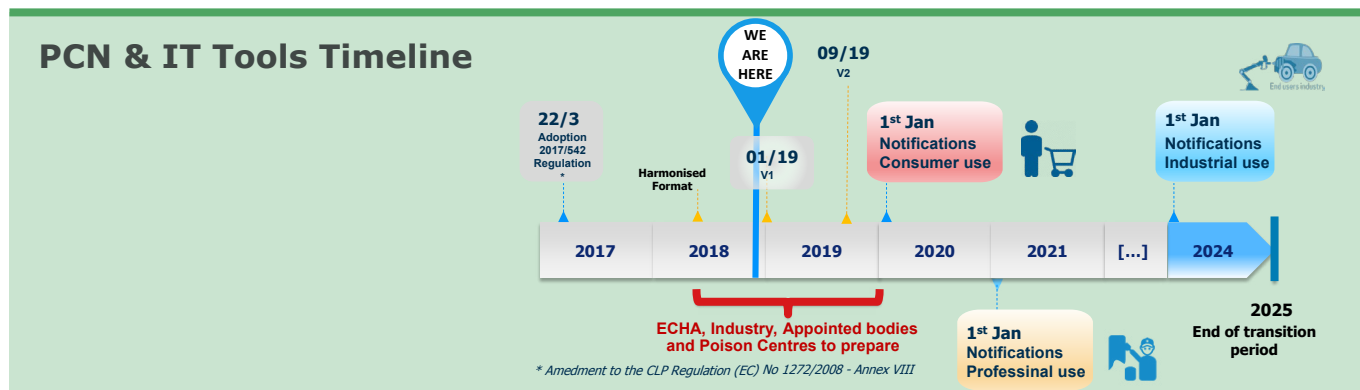


05/2018

09.11.18



## Call for postponing application dates for Annex VIII of the CLP - Your support is needed!

Annex VIII of Regulation (EC) No 1272/2008 (CLP), defining the conditions and obligations for the submission of harmonised information relating to emergency health response was adopted in March 2017. It was adopted despite a list of tasks which knowingly needed to be accomplished before it shall first be applied as of 1 January 2020. The list consisted inter alia of



- presenting a [European product categorisation system](#) (EuPCS)
- agreeing the [Poison Centre Notification format](#) (PCN format) and
- creating a **Poison Centre Notification portal** (PCN portal) and providing IT tools allowing manufacturers preparing and submitting their dossiers,
- drafting a **Guidance** for users, to support a common understanding and implementation of Article 45 and Annex VIII of the CLP and last but not least
- conducting a **Workability Study** for the issues originally put forward by the construction and petroleum sector and presenting solutions

Since early 2017 only the first two tasks on the list have been fully accomplished. In contrast to that, the list of workability issues has increased as other sectors' issues have been added to the original list and also key aspects of Annex VIII are subject to a controversial debate between Member States, European Commission and stakeholders.

The PCN format was only adopted last summer, which was a precondition for developing the **IT tools and PCN portal** which are currently being tested in a pilot. A **first version** of the PCN portal shall be **available to the public by the end of 2018** and a second may eventually follow in the third quarter of 2019. Ho-

wever, using the portal without the general interpretation and implementation Guidance could result in faulty submissions, creating burden both on the submitting and receiving side. A [first public draft of the Guidance](#) was published and seemingly sent to the Expert Group of Competent Authorities for REACH and CLP (CARACAL) for discussion (but not yet circulated online).

**Even if IT tools and Guidance were available early 2019, Annex VIII, as adopted, continues being inapplicable for some sectors (see [EMO common input to the workability study](#)). Solutions resolving the workability issues and possibly also the final agreement on the interpretation of key aspects of Annex VIII are therefore expected to require an amendment of the legal text.**

EMO followed the work progress with great concern and strongly **emphasised in all meetings the need for adequate time for implementation by manufacturers. By the end of 2017 EMO started questioning the feasibility of the application dates. The concerns grew also in the alliance of the seven construction product sectors affected by Annex VIII of the CLP as well as in other chemical sectors.** In October A.I.S.E. (Association for Soaps, Detergents and Maintenance Products) and the alliance of construction sectors were the first to openly and strongly call for a postponement of the application deadline, followed now also by a position from DUCC (Downstream Users of Chemicals Co-ordination Group). All three positions have been circulated to CARACAL and will be considered at their meeting on 21/22 November 2018 (see box on the right).



(click on logos to download positions)

For the European Commission to consider a postponement it is vital that national CARACAL experts support the need for a postponement of applicability dates at their next meeting. EMO members are therefore urged to contact their national representatives in CARACAL and support the position of the alliance of construction sectors. To help contacting the experts, EMO secretariat has compiled an [indicative list of CARACAL members](#) from the accessible internet sources. However, check carefully, as the list may not be up to date and may also contain stakeholders.

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