

Brexit - What you need to do if you source chemical products from the UK

Part 2

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Overview

Implications regarding the following key points:

- Classifying, labelling & packaging hazardous chemicals
- Obligations to notify hazardous chemicals
- Safety data sheets (SDSs)
- Substances subject to restrictions
- Labelling/packaging/info requirements for detergent products
- Export of very hazardous chemicals
- Import of very hazardous chemicals
- Different roles and duties

Ireland/Northern Ireland Protocol

- CLP Regulation: Under the Protocol, CLP applies in respect of Northern Ireland meaning that chemicals traded between Northern Ireland (NI) and Ireland (IE) must comply with all the rules set out in the Regulation
- Detergents Regulation will apply to NI and, therefore, detergents sourced from NI, and those supplied by an Irish company to NI, must comply with the EU Detergent Regulation
- The Protocol allows for the Export/Import Regulation to apply to NI, meaning that movement of chemicals between NI and IE will not be considered as exports/imports under the Regulation

Classification, labelling & packaging

Bringing chemical substances or mixtures in directly from GB from 1st Jan 2021?

IE company (formerly a distributor or downstream user) will become an **importer**

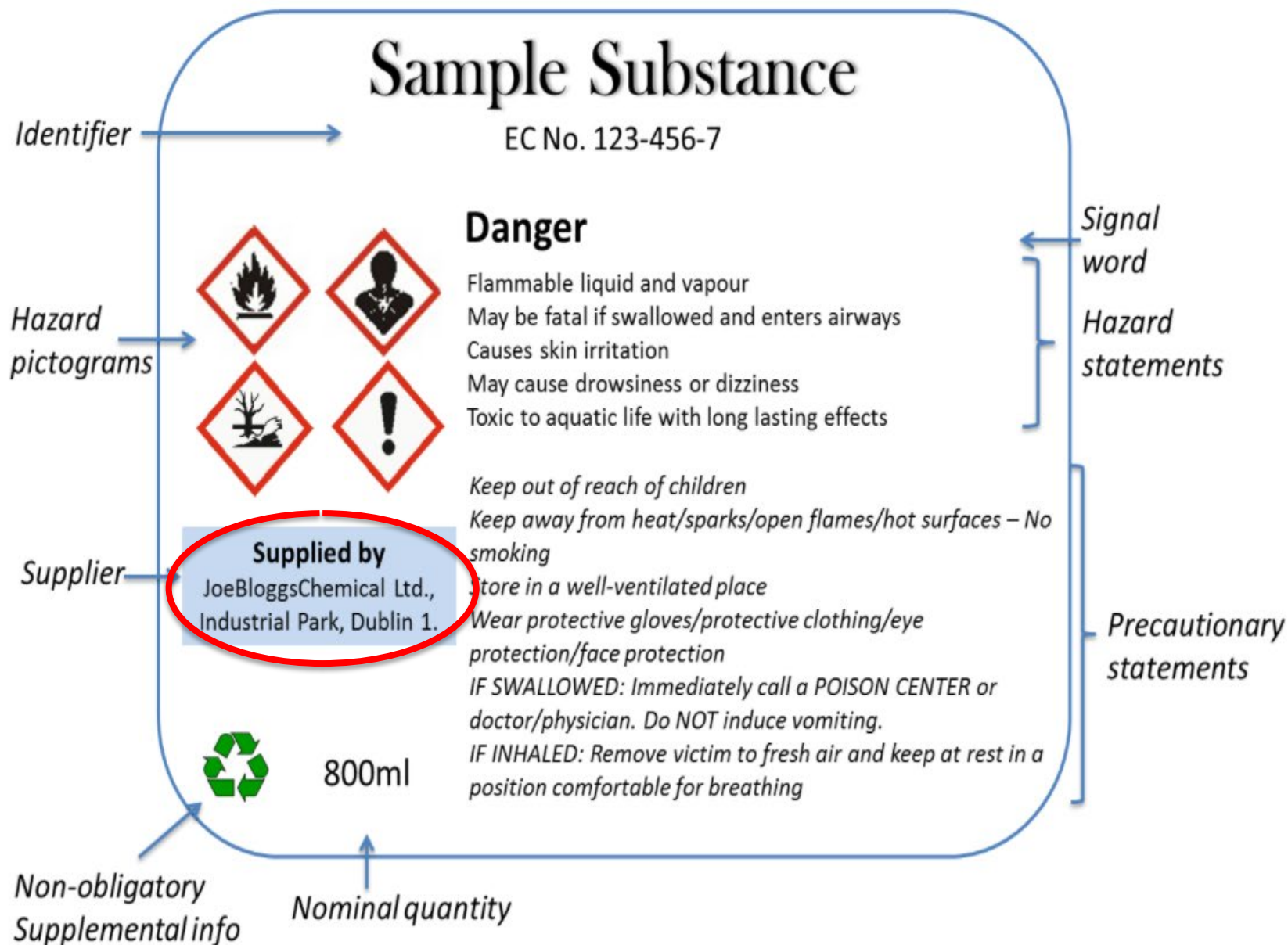
Importers have responsibilities under the [CLP Regulation](#) (No. 1272/2008):

- classify chemicals correctly according to CLP criteria/rules*
- assign the correct EU hazard labelling*
- ensure compliance with specific packaging requirements

*UK will implement GB CLP adopting the UN GHS system. Classification and labelling may differ



Hazard Label



Notification to ECHA

- Importers must notify info to European Chemicals Agency's classification & labelling inventory (Art 40 CLP)

Notify details of:

- substances subject to registration
- substances classified as hazardous **regardless of quantity**
- substances in mixtures resulting in classification of mixture

Notification must occur **within one month** of placing on EU market

How to: <https://echa.europa.eu/support/dossier-submission-tools/reach-it/notification-to-the-cl-inventory>

Summary of Classification and Labelling

Harmonised classification - Annex VI of Regulation (EC) No 1272/2008 (CLP Regulation)							
General Information			International Chemical Identification				
Index Number	EC / List no. G _H	CAS Number					
001-01-00-9	215-625-7	1333-74-0	Hydrogen				
ATP / Inserted / Updated: CLP00 G _H							
CLP Classification (Table 3)							
Classification		Labelling			Specific Concentration Limits, W-Factors, Acute Toxicity Estimates (ATE)		Notes
Hazard Class and Category Code(s)	Hazard Statement Code(s)	Hazard Statement Code(s)	Supplementary Hazard Statement Code(s)	Pictograms, Signal Word Code(s)			
Press. Gas				GHS02 GHS04 Gp ⁺			
Flam. Gas 1	H220	H220					
Signal Words							Programs
							Flame
							Gas cylinder
Seveso III (Annex II)							
Seveso Substances							Seveso Categories
Yes							Named 20

Notified classification and labelling

General Information			
EC / List no. G _H	Name	CAS Number	
215-625-7	Hydrogen	1333-74-0	

Poison Centre Notification

- All hazardous **mixtures** classified for **physical or health hazards** placed on IE market must be notified to National Poison Information Centre (NPIC) at Beaumont Hospital (Art 45 CLP)
- Currently importers and downstream users (formulators) must submit information to NPIC before adding NPIC number to section 1.4 of SDS
- Submission of information is moving to a harmonised system managed by ECHA from **January 2021**. Notifications for products placed on IE market will be submitted via a Poison Centre Notification (PCN) portal managed by ECHA
- More info: <https://www.poisons.ie/Manufacturers/Product-Registration> & <https://poisoncentres.echa.europa.eu/>

Safety data sheets

- Required and regulated under [REACH Regulation](#)
- Art 31 of REACH sets out when a SDS is required
- Annex II of REACH specifies detail required
- Importers responsible for content/accuracy & provision
- EU supplier details in section 1.3
- Label and section 2 details must match
- Irish OELs must be listed as relevant in section 8
- Extended SDSs must be compiled & passed on as required

SAFETY DATA SHEET
Cleanit Date of Issue: June 2010

1. Identification of the substance/mixture and of the company/undertaking
Product identified: ABC XYZ chem
Trade Name: Industrial Cleaner
Relevant identified uses: substance/mixture/Uses advised
Company name: Acme Manufacturing Ltd., 123 Main Lane, Ind. Estate, Dublin 123
Telephone number: 01 234 5678
E-mail of responsible person for SDS: tom.acme@acme.com
Emergency telephone: 01 123 4567 (9am – 5pm)

2. Hazard Identification
Classification according to Directive 67/548/EEC:
Xn, R36/38
Classification according to Regulation (EC) No 1272/2008:
Eye Irritant 2, H319
Skin Irritant 2, H319
Label elements:
Labelling: according to Regulation (EC) No 1272/2008
Signal Word: Warning
Pictogram:

Human health: Signal Word: Warning
Hazard Statements: H319 Causes skin irritation
Precautionary Statements: Precaution
Primary route(s) of entry: Inhalation: Yes; Skin - eyes: Yes; Ingestion: No
Inhalation: Irritant, alkaline liquid
Eyes: Eye contact may cause irritation.
Skin: May cause irritation.
Environment: No data available
Hazards: There are no known other hazards

3. Composition/information on ingredients

Name	EC No.	CAS No.	Co
ABC	123-456-9	1234-56-7	>1%
XYZ	123-789-0	1234-56-8	>1%

Warming: Causes serious eye irritation. Causes skin irritation. In the event of contact, these products should be removed immediately and the affected person should be advised to seek medical attention.

REACH restrictions

Article 67

General provisions

1. A substance on its own, in a mixture or in an article, for which Annex XVII contains a restriction shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, placing on the market or use of a substance in scientific research and development. Annex XVII shall specify if the restriction shall not apply to product and process orientated research and development, as well as the maximum quantity exempted.

Bringing chemical substances or mixtures in from the UK from 1st Jan 2021?

Importers have responsibilities to check for substances restricted under **REACH**

Restricted substances

- Substances of unacceptable risk to human health and the environment restricted listed in Annex XVII of REACH
- Restricted substance cannot be manufactured, used or placed on the market unless it complies with conditions of restriction (use/placing on market limited or banned)
- 74 currently on Annex XVII

Importers are **responsible** for ensuring that:

- substances imported into EU comply with restrictions
- imported mixtures do not contain banned substances/comply with restriction
- Imported articles, e.g. jewellery, do not contain restricted substances/comply with restriction

Restricted substance

ANNEX XVII TO REACH – Conditions of restriction

Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Entry 6

Asbestos fibres

(a) Crocidolite

CAS No 12001-28-4

(b) Amosite

CAS No 12172-73-5

(c) Anthophyllite

CAS No 77536-67-5

(d) Actinolite

CAS No 77536-66-4

(e) Tremolite

CAS No 77536-68-6

(f) Chrysotile

CAS No 12001-29-5

CAS No 132207-32-0

Conditions of restriction

1. The manufacture, placing on the market and use of these fibres and of articles and mixtures containing these fibres added intentionally is prohibited.

However, if the use of diaphragms containing chrysotile for electrolysis installations in use on 13 July 2016 had been exempted by a Member State in accordance with the version of this paragraph in force until that date, the first subparagraph shall not apply until 1 July 2025 to the use in those installations of such diaphragms or of chrysotile used exclusively in the

Restricted substance

<https://echa.europa.eu/substances-restricted-under-reach>

ANNEX XVII TO REACH – Conditions of restriction

Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Entry 69
Methanol CAS No 67-56-1 EC No 200-659-6

Conditions of restriction
Shall not be placed on the market to the general public after 9 May 2019 in windscreen washing or defrosting fluids, in a concentration equal to or greater than 0,6 % by weight

Detergents

- Irish companies who source **detergent** products directly from GB from 1st Jan 2021 will become detergent manufacturers (importers) & must take full responsibility for compliance of products

Importers (called “manufacturers” under [Detergents Regulation](#)) must ensure that before placing on IE market :

- ✓ detergent products are labelled & packaged correctly
- ✓ an Ingredient data sheet is prepared* (must provide on request from NPIC)
- ✓ a list of ingredients is made available on website*

*For industrial detergents which are **not** made available to the general public, the above-mentioned requirements do not have to be fulfilled if equivalent information is provided by means of technical data sheets, SDSs, or similar

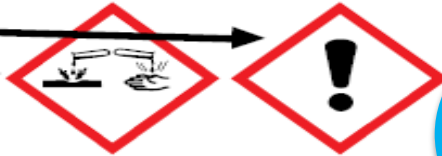
Name of Product

BRIGHT DISINFECTANT CLEANER

A gel concentrate (PC) disinfectant cleaner for the broad spectrum control of microorganisms

Biocide statement of use

Hazard Pictograms



Bright Co. Ltd.,
Bright Lane,
Dublin 123.
Ireland.
Tel. no.: 00353 1 123 4567
E-mail: brightbright@dot.com
Ingredients list: www.brightcleaning-forever.com

Supplier details/Tel. no./E-mail address for Ingredient Data Sheet and company website address

Signal word

Danger
Causes serious eye damage
Causes skin irritation

Hazard statements

Precautionary Statements – (Maximum of 6)

Keep out of reach of children.
IF IN EYES: Rinse cautiously with water for several minutes
Wear protective gloves/protective clothing/eye protection/face protection.
IF ON SKIN: Wash with plenty of soap and water.
If skin irritation occurs get medical advice/attention.
Immediately call a POISON CENTRE or doctor/physician.

Batch number Label version No.

Contains amongst other ingredients:
15-30% Anionic surfactants, 5-15% Non-ionic surfactants,
< 5 % Phosphonates, Optical brighteners, Enzymes, Perfumes, Citronello, Linalool,
Methylisothiazolinone (MIT) 2.5 % w/w and chloromethylisothiazolinone (CMIT) 1.5 % w/w

Biocide use & handling, storage and disposal information

Biocide notification no. (PCS) or authorisation no. (IE/BPA)

Label version: 2.01
Batch Number:356748762

PCS 9xxxx or IE/BPA 7xxxx

Directions for use: Dilute 150 ml of product with 2 litres of water. Apply to surfaces and leave for 20 minutes. Dry clean surfaces before rinsing treated surfaces with water. Prevent loss of waste water to STP via drains. Wear appropriate gloves and face mask. Do not decant. Store in original container. Containers are to be triple rinsed and disposed according to national waste legislation requirements.

Nominal quantity

1L

Specific labelling requirements for detergents including listing of enzymes, optical brighteners, perfumes, allergenic fragrances and preservative agents.

Biocidal active substance must be identified separately with the % weight/weight content.



Readiness Notice

https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/detergents_en.pdf



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMEs

Brussels, 24 July 2020

REV1 – replaces the notice dated

27 September 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF DETERGENTS

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom.³

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the

Export/Import Regulation (PIC)

- Exporters of banned or severely restricted chemicals* to non-EU countries have duties under the Prior Informed Consent ([PIC](#) [Regulation](#) concerning export and import of very hazardous chemicals
- Allows countries to monitor & control export and import of these chemicals including ability to refuse export/import or to place certain conditions on import
- From 1st Jan 2021, IE **exporters** of chemicals listed in Annexes to PIC to GB will have obligations including notification & reporting requirements

*Active substances in pesticides or biocidal products & industrial chemicals

Export Notification

- All chemicals listed in Annex I (Parts 1, 2 & 3) of PIC require export notification
- **Exporters** must notify intent to export to non-EU country to designated national authority (DNA) via ePIC 35 days before 1st yearly export
- Exports to GB will require export notification
- ECHA scheduled to make UK available as an importing country in ePIC by early November 2020
- Explicit consent from importing country may be required for Part 2 and 3 chemicals in addition to export notification

Exporter duties under PIC

- Chemicals to be exported must be labelled & packaged according to CLP
- Export details of chemicals on Annex I from IE to GB must be reported annually to Health and Safety Authority (for industrial chemicals) and to Dept. of Agriculture, Food and the Marine (for pesticides/biocides)
- **Report** actual quantities of PIC chemicals **exported** during previous calendar year by 31 March
- [ECHA Webinar “Know your obligations...”](#)

Importer duties under PIC

- Import details of chemicals from GB to IE must be reported annually to Health and Safety Authority (for industrial chemicals) and to the Dept. of Agriculture, Food and the Marine (for pesticides)
- **Report** actual quantities of PIC chemicals **imported** during previous calendar year by 31 March



Readiness Notice

https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/prior-informed-consent_en.pdf



EUROPEAN COMMISSION
DIRECTORATE-GENERAL ENVIRONMENT

Brussels, 17 July 2020

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF EXPORT AND IMPORT OF HAZARDOUS CHEMICALS (“PRIOR INFORMED CONSENT”)

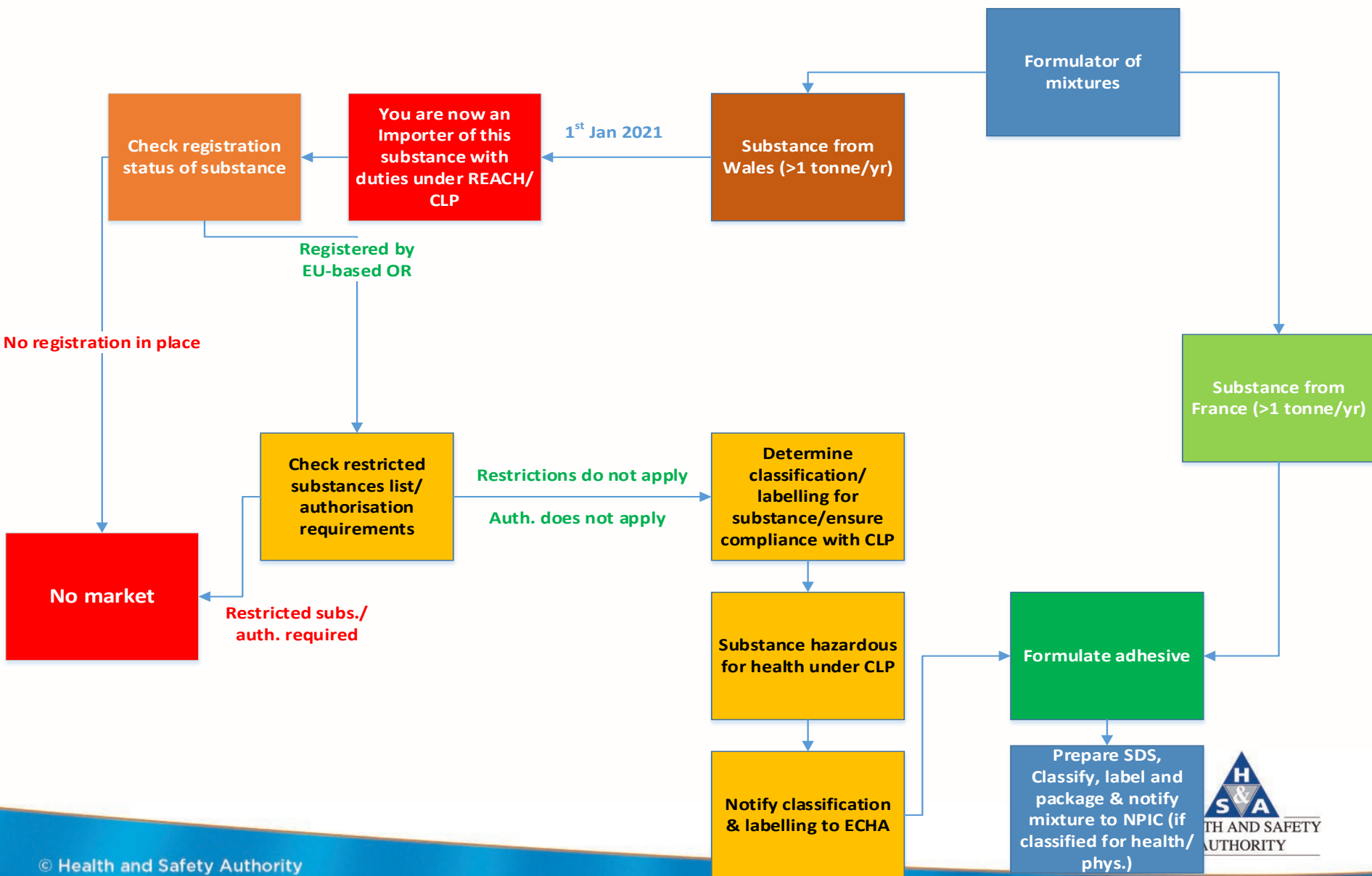
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Example scenarios

The following slides outline certain duties under REACH, CLP and Detergents Regulations for different actors in the supply chain from 1st January 2021 after the withdrawal of the UK from the EU

We formulate an adhesive using a substance sourced from a company in Wales & one from France



My company is an end user of a reagent which we buy in from a distributor based in Scotland

Chemical reagent sourced from company in Scotland

1st Jan 2021

Your company is now an Importer under REACH & CLP

Check if substances in mixture require registration

All substances <1t/yr

Check restricted substances list/ authorisation requirements

No restrictions apply/ no authorisation req.

Ensure classification, labelling and packaging correct

Classified as flammable

Notify classification to NPIC via ECHA PCN portal

Determine/check classification of individual substances in mixture

Notify C&L of substances causing overall products classification to ECHA

Check correctness of information on SDS

Use reagent



We distribute oven cleaner to IE companies & buy the product directly from a company in London

Oven cleaner sourced from company in London

1st Jan 2021

You are now an Importer with duties under REACH, CLP & Detergents Regs

Check if substances in mixture require registration

Check restricted substances list/authorisation requirements

Ensure classification, labelling and packaging correct. Add your supplier details to label

Determine/check classification of individual substances in mixture

Check correctness of information on SDS. Ensure supplier details, NPIC no., OELs correct

Ensure detergent labelling assigned, website contains ingredient list, IDS is available

Classified as corrosive

Notify classification to NPIC via ECHA PCN portal

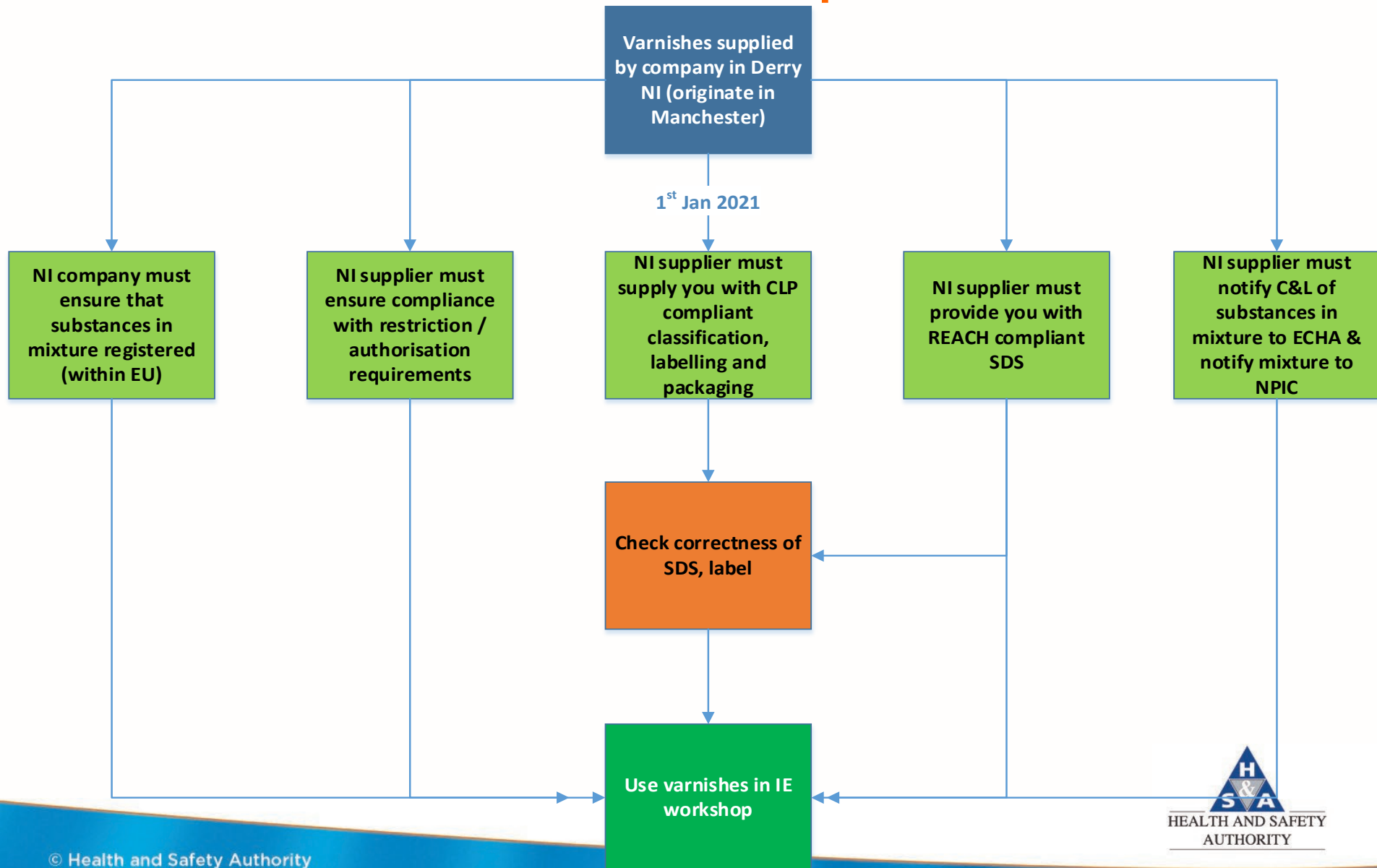
Notify C&L of substances causing overall mixture classification to ECHA

Distribute to Irish companies

All substances <1t/yr

No restrictions apply/ no authorisation req.

We buy varnishes from a company in Derry for use in our workshop



Take away

Sourcing chemicals from GB from 1st Jan 2021?

You are now the **importer & the EU responsible person** ensuring that:

- ✓ the classification, labelling and packaging is correct
- ✓ you've notified hazardous substances to ECHA
- ✓ details are supplied to NPIC via ECHA
- ✓ SDS is correct & compliant
- ✓ your supplier details are on the label/package & SDS
- ✓ substances are registered
- ✓ that restrictions, if applicable, are complied with
- ✓ substances subject to authorisation are covered by a decision
- ✓ you report on import of chemicals under PIC annually (if relevant)



If you export PIC chemicals to GB from 1st Jan 2021:

- ✓ complete an export notification at least 35 days prior to export
- ✓ check if explicit consent required
- ✓ report on annual exports

Support

- HSA chemicals helpdesk: chemicals@hsa.ie
- HSA webpages www.hsa.ie/brexit
- ECHA webpages on UK withdrawal
<https://www.echa.europa.eu/support/qas-support/browse/-/qa/70Qx/view/topic/theukswithdrawalfromtheeu>
- ECHA: <https://echa.europa.eu/support/getting-started/importer>
- European Commission Notices on REACH, Detergents & PIC
- IE Government Departments and Agencies

Thank you

