

To GROW-CARACAL@ec.europa.eu,
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Caracal Members and observers via Circa BC,
Ms. Cristina de Avila and Ms. Kirsi Ekroth-Manssila

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Subject: Postponement of applicability dates for harmonized reporting to Poison Centers (CLP Annex VIII)

A.I.S.E. acknowledges Commission, EU Member States and ECHA efforts to support a smooth implementation of the new provisions according to CLP Annex VIII (Regulation EC No 1272/2008). Since the beginning of the discussions in 2010, A.I.S.E. has fully supported the principle of harmonisation for the submission of information to Poison Centres and has actively contributed in that sense.

However, A.I.S.E. is highly concerned about the approaching deadline (1st January 2020 mixture for consumers use) and the lack of legal certainty on several key topics:

- **EU appointed bodies preparedness** - In a recent survey conducted by ECHA on June 2018 43% of EU Appointed Bodies/Poison Centres declared that they will not be ready to receive submission of information according to the new harmonized format by January 2020.
- **Duty holders responsibilities** – Key aspects of Annex VIII are still under debate and diverging views on duty holders role have been expressed by Commission and Member States (e.g. the application of Annex VIII requirements to re-labellers/re-branders is still unclear). This topic is particularly relevant for EU SMEs.
- **Upcoming amendment to Annex VIII** – Several clarifications and changes to the current text of Annex VIII have been recently discussed. This could result in an amendment of the legal text modifying current regulatory requirements few months before the first date of applicability.
- **ECHA Guidance** – ECHA guidance on new provisions of Annex VIII is not finalized yet. A draft version (only in English) is available on ECHA website; however, its content is still subject to changes and there are no available translations in other EU official languages.
- **Workability study** – Commission recently launched a study with the aim to investigate and propose options to address the workability issues raised by some stakeholders. The expected outcome is that potential additional amendments of Annex VIII might be proposed very close to the 2020 deadline.
- **IT tools** – ECHA Poison Centres Notification portal is a key element for a swift implementation of Annex VIII. ECHA expects to release a first version of the portal with limited functionalities in Q1 2019 with an additional release foreseen for November 2019.



The key topics above outlined create a lack of legal certainty for all actors on how to implement the new provisions of Annex VIII CLP, with less than 14 months before the first deadline. This new approach requires important changes in the way economic operators manufacture and place on the market their mixtures (updates of IT systems, revision of contractual arrangements with suppliers and customers etc.). Appointed bodies will have also to carry out significant investments to insure compliance with the new system.

In order to ensure a smooth transition and avoid disproportionate costs, ***it is proposed to consider a postponement of the applicability dates provided by Section 1 Part A Annex VIII of Regulation 1272/2008.*** A postponement of 12 months should allow to amend Annex VIII, to complete guidance/IT tools and insure a smooth implementation, which would ultimately benefit the wider populace, appointed bodies and economic operators: applicability dates under Sections 1.1 and 1.2 Part A Annex VIII CLP could be postponed of 12 months (i.e. from 1 January 2020 to 1 January 2021 for mixtures for consumer use and from 1 January 2021 to 1 January 2022 for mixtures for professional use). Applicability dates under sections 1.3 and 1.5 Annex VIII CLP would not be affected (mixtures for industrial use and sunset dates for previous submission).

It should also be mentioned that a postponement of the applicability dates will not have significant negative effects in terms of emergency health response since national appointed bodies will continue to operate according to the existing national schemes, as introduced by art. 17 Directive 1999/45/EC and Art. 45 Regulation 1272/2008.

A.I.S.E. would be grateful if this request for the postponement of the applicability dates could be considered and discussed at the upcoming Caracal 28 meeting agenda item 7 CLP session (next 22 November 2018). We would also appreciate if this note could be uploaded on Circa BC.

A.I.S.E., the International Association for Soaps, Detergents and Maintenance Products, is the official representative body of this industry in Europe. Our membership totals 29 national associations across Europe, 18 corporate members and 6 value chain partners. The A.I.S.E. network of members represents over 900 companies supplying both household and professional cleaning and maintenance products and services across Europe.

