



DOES IT NEED A LABEL?

Revised guide on labelling and packaging in accordance with CLP regulation finally provides clarity.

The previous version of the CLP was not always crystal clear on the topic of obligatory labelling of packaging. The reason was that different risks were being assessed and that this gave rise to different regulatory aims. The revised guideline now provides clarity and uniform instructions.

Is a CLP label required for the outer packaging of, e.g., a cardboard box containing paint cans which themselves are not dangerous goods and so do not fall under hazardous substances rules, yet which contain hazardous substances?

This question, which affects almost half the production volume in our industry, was controversial back when the CLP regulation came into force and has caused a great deal of uncertainty in practice ever since. It was answered by the ECHA in July with the publication of its revised "Guidance on labelling and packing in accordance with Regulation (EC) No. 1272/2008", version 3.0 (<https://echa.europa.eu/guidance-documents/guidance-on-clp>) in which it clarifies Article 33: "Specific rules for labelling of outer packaging, inner packaging and single packaging (2) of the CLP Regulation".

MUCH DEBATED: THE PREVIOUS CLP REGULATION

The gist of the wording of the previous version of the guide was as follows: Where a box was being used to package a customer order

composed of a mixture of products which were subject to the CLP regulation only, the various CLP labels for those products had to be affixed to that box.

Now, if this order-picking was done not by the manufacturer but by the distributor, the latter was not supplied with the additional requisite CLP labels by the manufacturer, nor might there have been enough space on that box to display all the labels. This applied no matter whether a box bundled together several identical CLP-regulated products or a mixture of substances and containers. It should be noted that, as a rule, CLP is always concerned with complete labels and not just the hazard symbols.

REVISION PROVIDES CLARITY

Sections 5.4.1. and 5.4.2 of the revised guide have clarified this situation by drawing a clear distinction between types of packaging and their labelling requirements. Thus, the CLP Regulation applies only to the packaging (inner, intermediate and outer) which is necessary for use or for supply and use by a user. Key phrases here are "intended for supply and use" and "all layers of packaging used for supply purposes".

All additional packaging (transport packaging) used for protecting supply packages during transport and handling or for consolidation (combining several supply packages into a larger load for transport)



THE NEW REGULATION HAS FINALLY CLARIFIED THE ISSUE OF LABELLING OF THE VARIOUS PACKAGING LAYERS. YOU SHOULD ASK YOURSELF:

- Whether labelling practice in your company has been done “differently” in the past.
- Whether you are dealing with CLP-regulated products which are not dangerous goods.
- Whether you use cardboard boxes and/or other types of outer packaging for these products.
- Whether you or your distributor have/has mixed-content packages.

Source: Freepik - freepik.com

“The revised guideline provides clarity and uniform instructions.”

Ulf Inzelmann

Figure 1: Application of CLP labelling on packaging used for supply and transport.



Source: “Guidance on labelling and packing in accordance with Regulation (EC) No. 1272/2008” Version 3.0

is “thus outside the scope of CLP and does not require a CLP Label”. This also applies to any storage and handling periods during which the transport packaging is not removed. However, the guide also points out that labelling obligations outside the scope of CLP and transport legislation may apply in such situations, e.g. in the warehouse where, among other things, a risk assessment may be required.

EXAMPLE

A small can of primer (containing a compound which is CLP-regulated but which is not dangerous under dangerous goods legislation) is offered for sale in a shop in a folding box, along with brush or spatula, and is removed from the box for use. In this case, both the can and the folding box must be labelled in accordance with CLP. [This is important for informing and protecting the user]. However, a CLP label is not required for a cardboard box used to transport a number of such folding boxes from the manufacturer or distributor to the shop or user (see Figure 1).

THE CHALLENGE POSED BY THE DIFFERENT ASSESSED RISKS

A closer look reveals a fundamental problem. The GHS (“Purple Book”), on which the CLP regulation is based, and the UN Recommendations on the Transport of Dangerous Goods - UN Model Regu-

lations (“Orange Book”) are now very highly correlated to each other, e.g. in their development of a broadly standardised classification system. However, the two “books” have different regulatory aims. For one, packaging is taken to mean the packaging which users takes into their hands and open for use whereas, for the other, it is the “transport unit” which ensures that the goods arrive at the user in good condition and that they do not pose any danger during transport. In other words, different risks are being assessed here. It is to be hoped that the two GHS and TDG subcommittees of the Committee of Experts at the UN will consult more closely with each other in the future and that the EU will also monitor and control this conflation more closely when imposing its additional requirements. ◀



Ulf Inzelmann
UMCO
u.inzelmann@umco.de