



Health and Safety Authority

Function and Scope of REACH and CLP Helpdesks



Introduction



The EU Regulation for Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) entered into force on 1st June 2007. One of the objectives of the Regulation is to ensure a high level of protection of human health and the environment, whilst maintaining market competitiveness and innovation within the EU.

The REACH Regulation requires, in Article 124, that;

“Member States establish national helpdesks to provide advice to manufacturers, importers, downstream users and any other interested parties on their respective responsibilities and obligations under this Regulation”.

The EU Regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation) entered into force on January 20th 2009. This Regulation aims to ensure that hazardous chemicals are described and labelled the same throughout the world. As with the REACH Regulation, the CLP Regulation, in Article 44, requires that Member States establish a helpdesk to provide advice on the Regulation.

The Health and Safety Authority (HSA), (the lead Competent Authority (CA) in Ireland for REACH and joint CA with the Pesticides Control Service for CLP), has established both a REACH helpdesk and a CLP helpdesk within its Workplace Contact Unit (WCU).. The function of these helpdesks is to provide assistance and information to manufacturers, importers, downstream users and other interested parties in meeting their requirements under both the REACH and CLP Regulations. The helpdesk particularly aims to provide this service for Small to Medium Enterprises (SMEs).

Function and scope of the helpdesks

The function of the helpdesks is to provide assistance and information to stakeholders, particularly SMEs, on REACH and CLP and to answer questions on stakeholders' responsibilities and obligations under these Regulations. Where necessary, the helpdesks may refer a stakeholder to an alternative source of information (e.g. European Chemicals Agency (ECHA) helpdesk, technical guidance documents, industry helpdesk etc.). The helpdesks will offer factual information based on the technical guidance documents that exist. Where specific questions go beyond the scope of the helpdesks, the enquirer will be advised of this and shall be referred to further sources of information. The helpdesks will also encourage enquirers to contact their specific industry association for further information and guidance on REACH and CLP.

The helpdesks will focus on providing information on the legal obligations of companies and stakeholders and where to find technical requirements and details, including relevant guidance documents. Importantly, the helpdesks will support industry in defining and understanding its specific role in relation to the Regulations (e.g. manufacturer, importer, distributor, formulator, downstream user, third party). This is in order to allow industry to use the guidance documents according to the role they will have under REACH and CLP.

Additionally, the helpdesks will participate in an EU wide network of Member State REACH and CLP helpdesks. This confidential network consists of a nominated

representative from each MS helpdesk, along with a representative from the ECHA. The overall aim of this network is to ensure high quality and harmonisation of support and answers to queries on REACH and CLP. The HSA has designated correspondents as their primary contact points within the network. The network forms the basis of an exchange forum through which questions on REACH and CLP can be processed e.g. if a question received from a customer cannot be answered by the national helpdesk, the question can be submitted to the network of Member State helpdesks for its consideration. In this way, the national helpdesks can avail of the entire expert group to receive harmonised answers to particularly difficult questions. If our helpdesk is intending to forward a query to the network of MS helpdesks, the customer will be informed of this prior to the query being forwarded and his permission to do so will be sought.

It is not within the scope of the helpdesks to give advice which requires detailed industry sector knowledge or substance-specific knowledge. The helpdesks will not be providing substance specific advice nor will it work with individual companies to prepare registrations, prepare chemical safety assessments, classify chemicals or to define compliance strategies. Where the helpdesks receives queries that may be outside of their remit, staff will endeavour to indicate to the customer where he/she can find the required information or help.

Accessibility of the Helpdesks

The REACH and CLP helpdesks can be contacted in the following ways;

Phone: 1890 289 389

Fax: 01-614 7020

Email: REACH queries can be emailed to reachright@hsa.ie while CLP queries can be emailed to clp@hsa.ie

Internet: www.reachright.ie or www.hsa.ie/clp

Note: the Pesticides Control Service, as joint CA for the CLP Regulation, will answer queries in relation to the CLP of biocides and plant protection products. Such queries can be emailed to PCS-CLP@agriculture.gov.ie. All CLP queries in relation to industrial chemicals should be addressed to the HSA.

The helpdesks will operate during normal business hours; 09:00 to 17:00 hrs, Monday to Friday.

How do the Helpdesks deal with queries?

A customer can make contact with the helpdesks using one of the routes outlined above. The query will be taken and recorded by WCU staff and then passed to the REACH and CLP technical teams.

Every effort will be made to respond to queries within 48 hours. In certain cases, however, more technically difficult questions may take longer to respond to. In this case

an interim [holding] response may be provided to the customer, informing them that the query is being looked into and that somebody will be back to them as soon as possible. Currently the time frame for response to such queries is up to 14 days, in line with the working procedures within WCU.

As mentioned previously, if the REACH or CLP helpdesk cannot answer a particular query, it may submit that query to the network of MS helpdesk for consideration and answering. If the helpdesk wishes to submit a query to this network, the helpdesk will firstly contact the customer to inform them of this and to seek the permission of the customer to do this. The query will be submitted to the network as it was initially submitted to the helpdesk. Regardless of whether the network answers the question or not, the ultimate responsibility for answering it lies with the helpdesk to whom the question was originally posed.

Customers of the Helpdesks

The main group of companies contacting the helpdesks are Irish businesses, particularly SMEs. This comprises of individual companies in addition to sector organisations or trade associations. Other groups such as employees, licensing bodies, consultants and third parties, consumers and NGOs also contact the helpdesks.

The work of the helpdesks is mostly aimed at Irish companies. Companies who have queries on REACH or CLP and who are based in another EU country are requested to contact the REACH or CLP helpdesk in their own Member State for assistance. Companies based outside the EU are requested to contact ECHA, who will assist them.

Confidentiality

A database of Q&As received by the helpdesks will be maintained by the Authority. This database will be used to generate new FAQ's and provide information for our web-site on a periodic basis to facilitate accurate and up to date responses to customer queries. The database will be employed for internal HSA use only and, as such, may contain information supplied by customers of the helpdesk considered to be confidential.

The helpdesks Q&A database processes will respect any confidential information given as such. Confidential information will not be included in any document or FAQs, etc. published on the internet, or in any way be made public. However, confidentiality should not be interpreted as allowing anonymity between the helpdesks and the customer. The customer must provide basic information to the helpdesk in order to receive an answer to a query.

As outlined previously, the helpdesks may, from time to time, submit queries to the network of MS helpdesks for assistance and consideration. This network operates in a confidential manner and no information will be made available to any persons outside the network. Additionally, as also indicated above, if the helpdesk wishes to submit a query to the network, the helpdesk will check with the customer that they are in agreement before proceeding. It is intended that questions submitted to the network, and answers

agreed on, will be stored in a knowledge database within the network. ECHA will use the information in this database to form its FAQs which will be published on its web-site and will remove any confidential information from the Q&As before publishing the FAQs.

Liability

The helpdesks do not take legally binding decisions when they give an answer to a question. The helpdesks will be giving answers in good faith, but would not be able to know all circumstances of the operation or the substance in question and would not know if the enquirer had correctly framed the question they were seeking to have answered. Therefore the enquiring company remains at all times responsible for compliance with the REACH and CLP Regulations. The helpdesks will answer questions by means of correct and complete information about the Regulations, but in the event of any dispute about compliance, the only legally valid document is the text of the Regulations themselves. The Regulations give companies the final responsibility for their implementation; therefore the enquirer who incurs damage through the possibility of an incorrect interpretation of information about REACH or CLP obtained from the helpdesks will not be able to hold the helpdesks liable.

Enquirers to the REACH helpdesk will be made aware of this by the use of a “disclaimer” on all answers. This disclaimer is as follows:

The information provided here is given as guidance only based on the REACH Regulation no 1907/2006, and is not intended to be a legal interpretation of the Regulation. The REACH helpdesk accepts no liability with regard to how this information may be interpreted or used. Interpretation of, and compliance with, the REACH Regulation in relation to specific substances remains the responsibility of those who are manufacturing, importing, distributing or using such substances.

A similar disclaimer is used by the CLP helpdesk:

The information provided here is given as guidance only based on the CLP Regulation (EC) No 1272/2008. The information provided is not, and is not intended to be, a legal interpretation of the Regulation and does not constitute legal advice. The CLP helpdesk accepts no liability with regard to how this information may be interpreted or used. Interpretation of, and compliance with, the CLP Regulation in relation to specific substances or mixtures remains the responsibility of those who are manufacturing, importing, distributing or using such substances or mixtures.

Overall Tasks and Responsibilities of the REACH and CLP Helpdesks

- Accept and record all contacts made for information on REACH and CLP
- Deal with queries concerning REACH and CLP that are within the scope of the helpdesks, as outlined above.
- Provide responses to helpdesk customers in a timely manner.
- Ensure harmonisation and consistency in the answers provided by the helpdesks.
- Provide information for the Authority Q&A database, which will in turn be used to keep the information supplied to customers via the internet and FAQs up to date.

- Participate in the workings of the Network of MS Helpdesks to ensure harmonisation of answers and an EU level and co-operation with the helpdesk of the European Chemicals Agency (ECHA)