FACTSHEET

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Scope, application and relevance of CLP-GHS for specialty feed ingredients (SFIs)

The European legislation known as CLP prescribes labelling for communication of hazards. It requires that labels be applied to the immediate receptacle and then to any higher level of packaging, including any outer packaging layer. CLP (Classification Labelling and Packaging) contains information about the hazards of chemical substances and mixtures and how to inform others about them. The purpose of CLP is to have the same classification for chemicals in all countries. The CLP Regulation adopts the United Nations' Globally Harmonised System on the classification and labelling of chemicals (GHS) across all European Union countries. Those substances that have already been classified by the authorities are listed in Annex VI of the CLP Regulation (List of substances with a harmonised classification). If a substance is not on the list of harmonised classifications the manufacturer or importer shall assess if the substance shall be classified as hazardous. This is called self-classification. In practice, not all substances marketed as SFIs are unambiguously classified: different systems for classifying and labelling chemicals have been causing confusion, errors and misunderstandings among workers and downstream users alike. FEFANA has made great efforts to consolidate the classification of several substances (*i.e.* for Organic Acids and their salts, Vitamins and Carotenoids) and the work is ongoing to update existing listings, tackle new substances (*i.e.* trace elements) and requirements (*e.g.* poison centres notifications).

1. Feed additives and CLP

Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (herein after CLP Regulation) lays down uniform requirements for the classification, labelling and packaging of chemical substances and mixtures according to the UN' Globally Harmonized System (GHS). It requires companies to classify, label and package appropriately their hazardous chemicals before placing them on the market.

2. Feed and scope of CLP

The CLP Regulation applies only to substances and mixtures as defined in Article 2 (7) and (8) of the CLP Regulation (i.e. micro-organisms are out of the scope). According to Article 1(5)(e), the CLP Regulation does not apply to food and feeding stuffs, as defined in Regulation (EC) No 178/2002 (Food Safety Regulation), and which are in the finished state intended for the final user. Substances or mixtures used in feeding stuffs at any stage of production are not exempt from CLP and therefore must be classified, packaged, labelled and notified. For instance, the CLP Regulation applies to the manufacturer/supplier of a feed additive (i.e. preservatives) who supplies the substance or mixture to another company that uses it during the feed production process. In such a case, the chemical substance in the form in which it is supplied should not be regarded as a product being in the finished state intended for the final user, and the exemption stated in Art. 1(5)(e) CLP is not applicable. In accordance with the information given in the Q&A document on the scope and exemptions of the CLP available on the ECHA website, it was accepted that whilst complementary feeds which are usable for direct feeding were out of scope, those designed for mixing into feed (i.e. not intended for the final user) were in scope.

3. FEFANA activity

Actually, the EU legislator suggests that manufacturers and importers of the same substance make every effort to agree on a single classification for that substance. In practice, not all substances marketed as SFIs are unambiguously classified. When products are subject to CLP, FEFANA has a role to play on proposing how to deal with harmonised classification. To this end, FEFANA has been working with its experts' network in order to keep consolidating a classification of additives in its dedicated website page. Listings published on the website are living document, being periodically updated while work is ongoing to tackle some cases of harmonized classification of additional substances (e.g. trace elements). New EU requirements are being set by the competent EU authorities and the FEFANA Expert Group on CLP-GHS is following up on the implications for the industry. A good debriefing of the latest developments in the area can be found in the report of the FEFANA workshop dedicated to CLP which was held in Brussels on 20 April 2017. FEFANA experts currently embarked on a dialogue with ECHA and DG GROW services as to explain their stand point and contribute to finding solutions good for both user safety governance and business.

4. What's next?

FEFANA EG CLP-GHS will follow-up with its update and widening of available consolidated classification of substances. FEFANA is also involved in the ECHA focus groups dealing with the development of a portal for a canalized notifications system (to poison centers) and its guideline for the industry. Goal of FEFANA experts remains that of supporting pragmatism and simplification vis-à-vis the EU decision makers.

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