

Turkey new CLP Regulation Webinar

15 May 2014, 2:00pm BST

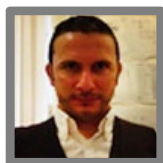
Today's webinar – aims

- ✓ To outline the regulation, focusing on key implementation issues for manufacturers and exporters;
- ✓ To outline the main differences between Turkey SEA and REACH CLP;
- ✓ To hear comments on the new Regulation from an industry viewpoint.

Speakers



Melih Babayigit, General Director, CRAD, Turkey;



Mel Biring, Manager Product Compliance Europe,
Lubrizol Limited;



Chair: Carmen Paun, Reporter, Chemical Watch.

Questions

- ✓ Please submit questions during the webinar using your chat box
- ✓ Any unanswered questions can be raised on our Forum following the webinar:
<http://forum.chemicalwatch.com/>



CRAD
Çevre Risk Analiz Denetim

Turkish SEA Regulation (GHS/ CLP implementation of Turkey)

Melih Babayiğit
CRAD

www.crad.com.tr

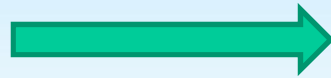
Regulation on Classification, Labelling and Packaging of Substances and Mixtures (TR-SEA)

28848 (Bis) 11.12.2013

Republic of Turkey MoEU

CLP Harmonization Concept and Comparison with EU

27092 **SAE** Regulation



DSD & DPD

New 28848 **SEA** Regulation



CLP

CLP Harmonization Concept and Comparison with EU

New 28848 **SEA** Regulation is in force by the date 11.12.2013

27092 SAE Regulation will be repealed by the date 1 June 2016

Turkish SEA

is providing an obligation for:

- ✓ manufacturers, importers and downstream users to classify substances and mixtures placed on the market;
- ✓ suppliers to label and package substances and mixtures placed on the market;
- ✓ manufacturers and importers of substances to notify to the competent authority in order to form a C&L inventory.
- ✓ manufacturers, producers of articles and importers to classify those substances not placed on the market that are subject to notification under the scope of C.I.C.Regulation 27092.

Turkish SEA (Scope)

This regulation sets out the principles on

- Classification of substances and mixtures that are placed on the market,
- Labelling and Packaging of hazardous substances and mixtures,
- Classification of substances not placed on the market that are meeting the conditions as set out in Titles 1,3,4&5 of Annex VIII of this regulation.

Turkish SEA (Scope)

This regulation shall not apply to

- substances and mixtures within the scope of regulation 25869 on Safe transport of radioactive substances
- substances and mixtures which are subject to customs supervision, provided that they do not undergo any treatment or processing, and which are in temporary storage, or in a free zone or free warehouse with a view to re-exportation, or in transit;
- non-isolated intermediates;
- substances and mixtures manufactured or imported for scientific research and development, provided they are used under controlled conditions in accordance with Turkish workplace and environmental legislation;

Turkish SEA (Scope)

This regulation shall not apply to

- Waste as defined in regulation 26927 on General principles on waste management,
- to the transport of dangerous goods by air, sea, road, rail or inland waterways, saving where Article 35 applies,
- Competent authorities may allow for exemptions from this Regulation in specific cases for certain substances or mixtures that are manufactured or imported, where necessary in the interests of defence.

Turkish SEA (Scope)

Also this regulation shall not apply to the substances and mixtures in the following forms, which are in the finished state, intended for the final user:

- medicinal products that are under the scope of Regulation 25904 on Labelling and packaging of Human medicinal products,
- veterinary medicinal products that are under the scope of Regulation 28152 on veterinary medicinal products, and Regulation 28145 on non medical veterinary care products,
- Cosmetic products that are under the scope of Regulation 25823 on Cosmetic products,

Turkish SEA (Scope)

Also this regulation shall not apply to the substances and mixtures in the following forms, which are in the finished state, intended for the final user:

- Medical devices that are under the scope of Regulation 27957 on active medical devices which are invasive
- Products that are under the scope of Regulation 28157 on Turkish Food codex,
- Feeding stuff that are under the scope of Regulation 28155 on use and placing on the market of feedstuff.

Turkish SEA

(similarities & differences on legal text)

While interpreting and evaluating the scope and principles of SEA regulation after this presentation, please consider that;

- ✓ REACH is not yet adopted in Turkey; so Turkish SEA regulation can not refer to REACH as CLP does,
- ✓ 453/2010 EC is not yet adapted thus the Turkish SDS regulation is not yet updated according to SEA yet,
- ✓ The legal text is texted for Legal Entities in Turkey thus may not always clearly define situations for legal entities that are exporting to Turkey (Like CLP does not for non EU Legal entities either).
- ✓ And please consider that this presentation is prepared on the basis that the most of the audience has the knowledge on general principles and obligations set out by 1272/2008 EC (CLP) thus mostly subjects are covered in this presentation on the basis of differences and similarities for the ease of explanation and understanding.

Turkish SEA

(similarities & differences on legal text)

Annexes

Annexes	comparison with CLP	Description
I	same	CLASSIFICATION AND LABELLING REQUIREMENTS FOR HAZARDOUS SUBSTANCES AND MIXTURES
II	same	SPECIAL RULES FOR LABELLING AND PACKAGING OF CERTAIN SUBSTANCES AND MIXTURES
III	Same (in Turkish)	LIST OF HAZARD STATEMENTS, SUPPLEMENTAL HAZARD INFORMATION AND SUPPLEMENTAL LABEL ELEMENTS
IV	Same (in Turkish)	LIST OF PRECAUTIONARY STATEMENTS
V	same	HAZARD PICTOGRAMS
VI	few differences	HARMONIZED CLASSIFICATION AND LABELLING FOR SOME HAZARDOUS SUBSTANCES
VII	same	TRANSLATION TABLE FROM CLASSIFICATION UNDER 27092 TO CLASSIFICATION UNDER THIS REGULATION

Turkish SEA

(similarities & differences on legal text)

Annexes

Annexes	Description	Refers to
VIII	CONDITIONS REGARDING CLASSIFICATION AND NOTIFICATION OF SUBSTANCES	Article 6-7 of 1907/2006 REACH
IX	GENERAL RULES FOR ADAPTATION OF THE STANDARD TESTING REGIMES	Article 13(3) of REACH and Annexes VII to XI of REACH
X	DISSEMINATION OF INFORMATION TO PUBLIC ACCESS	Article 119 of REACH
XI	HAZARD ASSESSMENT AND FORMAT FOR SUBMISSION OF HARMONISED CLASSIFICATION	Annex I sec. 1.2.3 & 7 of REACH

Turkish SEA

(similarities & differences on legal text)

details on differences

Annex VI is identical with CLP 4th ATP but;

- There are only differences in entries for Boron compounds for the ones classified as Repr. Cat.2 / Repr. 1B
- Signal words are given as ;

English text	Turkish text
Danger	Tehlike
Warning	Uyarı

Turkish SEA

(similarities & differences on legal text)

details on differences

Annex VI is identical with CLP 4th ATP but;

- Also the abbreviations used for Hazard Class and category codes are in Turkish and given as below examples;

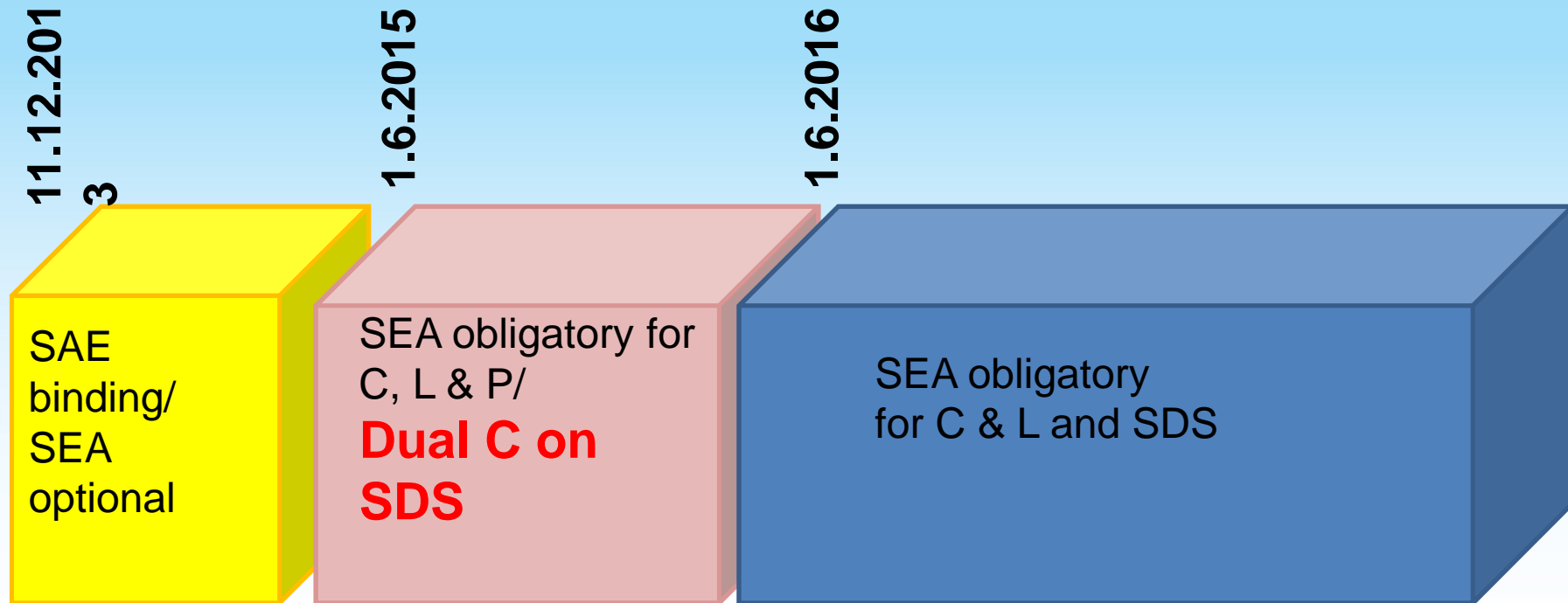
CLP Hazard Class	SEA Hazard Class
Acute Tox. 1 - H300	Akut Tok. 1- H300
Aerosol 1 - H222, H229	Aerosol 1- H222, H229
Aquatic Acute 2 - H401	Sucul Akut 2- H401
Aquatic Chronic 1 - H410	Sucul Kronik 1- H410
Asp. Tox. 1 - H304	Asp. Tok. 1- H304
Carc. 1A - H350	Kans. 1A- H350
Expl. 1.1 - H201	Pat. 1.1- H201
Eye Dam. 1 - H318	Göz Hsr. 1- H318
Eye Irrit. 2 - H319	Göz Tah. 2- H319
Flam. Gas 1 - H220	Alev. Gaz 1- H220

Critical dates of Turkish SEA Regulation

- **1st June 2015** - deadline for classification and labelling of substances according to SEA.
- **1st June 2016** -deadline for classification and labelling of mixtures to according to SEA.
- **1st June 2015** - deadline for notification to C&L inventory for substances placed on the market before 1st June 2015

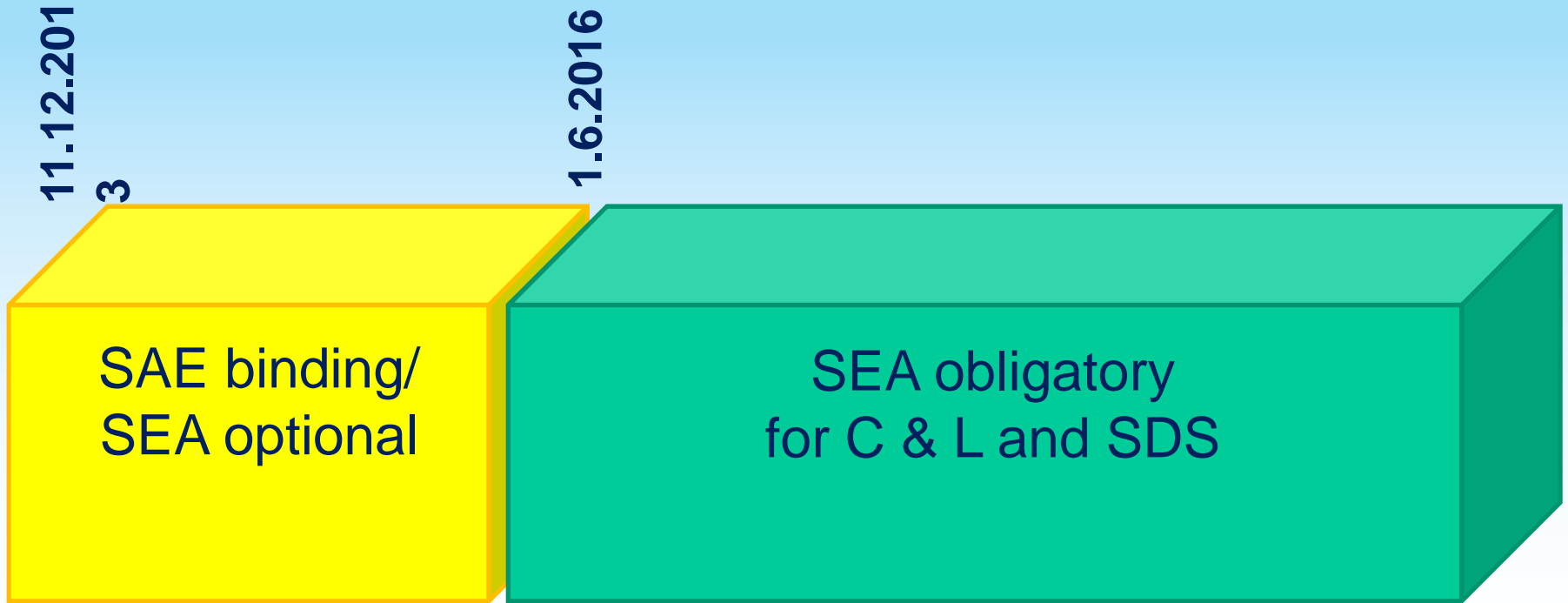
Critical dates of Turkish SEA Regulation

CLP Harmonization /Time table for substances



*No need for a re-labelling for substances placed on the market before 1.6.2015 till 1.1.2017

CLP Harmonization /Time table for mixtures



* No need for a re-labelling for mixtures placed on the market before 1.6.2016 till 1.6.2018

Time table differences for CLP EU vs Turkey



EU

- ∅ EU had given the industry for implementation a transition term of
- 2 years for the substances
 - 6,5 years for mixtures
- from the date of publication of CLP



TR

- ∅ TR had given the industry for implementation a transition term of
- 1,5 years for the substances
 - 2,5 years for mixtures
- from the date of publication of SEA

Time table differences for CLP EU vs Turkey



EU

- Ø Term for CLP classification & labelling of mixtures from the latest date of CLP classification for substances is **4,5** years



TR

- Ø Term for CLP classification & labelling of mixtures from the latest date of CLP classification for substances is **1** years

Time table differences for CLP & SEA EU vs Turkey

Ø From 1.6.2015 to 1.6.2016 Turkey still requires to communicate dual classification for substances on SDS.

(while EU repeals DSD/DPD classification).

CLP Harmonization C&L notification

- Substances placed on the market before 1.6.2015 are to be notified in a period from 1.6.2014 to 1.6.2015
- Substances placed on the market after 1.6.2015 are to be notified within one month at the latest after placing on the market for the first time.

*Term is subject to availability of the notification tool

CLP Harmonization C&L notification

Who will notify ?

- Notification can be made by Manufacturers or Importers or groups thereof which have a LE in Turkey
- For companies that dont have a LE in Turkey may over take the notification obligation thorough their Legal representatives that are appointed with a letter of assignment. (article 41)
- As there is no REACH implementation available by now, derogation to notify to C&L inventory for registered substances does not apply as it was in EU.

TR SEA C & L notification

Which substances will be notified for imported substances and mixtures?

- Substances which meet the criteria for classification as hazardous and are imported, either on their own or in a mixture above the concentration limits specified in this Regulation (SEA/CLP) or Regulation 27092 (SAE/DPD), where relevant, which results in the classification of the mixture as hazardous.
- Please consider that ;
 - ü Active substances of Biocidal Products
 - ü Active substances of Plant Protection Products
 - ü Substances listed in ELINICS as NONS are subject to classification and notification as far as they meet the above mentioned conditions.

CLP Harmonization

C & L notification

What will be notified?

- Below listed information for each importer of the substance;
 - Name, Address, phone, fax , e-mail of importer LE,
 - Contact Person
 - Place of manufacturing (if applicable)
- Substance identity as stated on Art.39 (1)
- Classification of the substance in accordance with Art. 15;
- Reasons and justifications if there is lacking or non conclusive data if the substance is not classified for some hazard classes and not being classified due to differences ion of the in accordance with the regulation,
- If applicable specific concentration limit values and M- factors;
- Labelling data and Hazard statements of the substance.

CLP Harmonization

C & L notification

How the notification will be submitted?

- ✓ C&L notifications will be submitted via KKS tool of Environmental Information System (EIS).
- ✓ Notification submission system is similar to REACH IT C&L notification tool in means of fields to fill in and has a TCC in means of obligatory fields.
- ✓ The notification tool is mostly ready but still needs modifications for group notifications.

Turkish SEA will effect;

- ✓ Notifications submitted under the scope of 27092 C.I.C. Regulation, but the notification tool is not ready to update the classification and labelling data according to SEA/CLP ions will be submitted via KKS tool of Environmental Information System (EIS).

Thank you for your attention.

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Turkish CLP – Some Industry Issues

Mel Biring, Manager Product Compliance Europe

Issues for Industry: Turkish C&L notification

To reiterate the needs.....

- Substances placed on the market before 1.6.2015 are to be notified in the period from 1.6.2014 to 1.6.2015
- Substances placed on the market after 1.6.2015 are to be notified within one month at the latest after placing on the market for the first time.
- No derogation for hazardous substances notified under ClCR. Such substances are not considered 'registered' for the purposes of the SEA Regulation.

Issues for Industry: Turkish C&L notification

Who will notify?

- Notification can be done by Manufacturers or Importers or groups which have a legal entity in Turkey
- For companies that don't have a legal entity in Turkey it is possible to take over the notification obligations through a Legal representative that is appointed with a letter of assignment. (Article 41)
- All hazardous substances above the threshold for product classification are in scope as well as substances notified under CICR that are hazardous
- However, scope limited to those substance types listed by Melih earlier.

Issues for industry: Turkish C&L Notification

- Similar to those faced under CLP
- Initially need to understand how much C&L work you will need to do
 - compile a snap-shot of all products
 - extract section 3 substance and C&L information
 - compare against previous CICR notifications to ensure you missed nothing
- Furthermore you have a 1 month period after 01 June 2015 to perform any new C&L notifications, and there is a need to monitor those that have changed.
- Consider available and/or new tools you will need to help with reporting

Issues for industry: Turkish C&L Notification

IT system (known as KKS tool of Environmental Information System)

(As the on-line system is not yet publically available it is difficult to comment too much). However:

- IT system itself is not compatible with REACH-IT or ECHA EML tool and hence existing EU C&L notification files cannot be used for Turkish C&L notification
- Key to understand how it works once available as a factor in determining the cost for your company to comply with this aspect of the regulation

Issues for industry: CBI

CBI

- Many industry sectors place great emphasis on protection of CBI
- Customer may not have full composition disclosure for proprietary chemistry

Alternative name applications will be possible as per the EU, but are valid for 6 years.

For C&L notification this creates an issue and you may have 3 options:

- Give away your CBI
- Tell your customer he can no longer ship your product to Turkey
- Support your customers importation via a group notification

Issues for industry: CBI (cont.)

C&L notification support via a group notification might be preferred option but creates issues of its own in terms of:

- Cost (internal resource or external if using agents).
- Maintenance of notifications (new ones and changes to existing ones).
- Ensuring consistency with CICR reporting
- Understanding which importers are importing what

A decorative graphic at the top of the slide features a blue wave-like shape that spans across the width of the page. The wave is composed of several overlapping, slightly offset lines, creating a sense of motion and depth. The background of the wave is a light blue color, and the overall effect is modern and professional.

Issues for industry: EHS systems

Consistencies with internal EHS systems for example:

- Switchovers from one regulation to another need careful management in EHS systems
- For C&L notifications made between 01 June 2014 and 01 June 2015 SEA classification is to be used for C&L notification. Will this reflect your SDS statements?
- Internal EHS systems for Turkish language classification and labelling inconsistencies if having a 3rd party translate English versions of your SDS for the purposes of C&L notification?

Further Issues for industry

As implementation of the Regulation proceeds there will remain many known unknowns for which we need to watch out for, such as:

- When will the Public C&L Inventory be available and how maintained?
- As per the EU, there will be a need for notifiers to make 'every effort' to agree on inventory entries. How would this work?!
- Will the Turkish CLH process lead to increased discrepancies compared to CLP Annex VI
- In practice how will the alternative name application process work?

Issues for industry: Conclusions

Some key take home questions to consider

- Will your existing compliance systems allow you to comply?
- Will you resource the notification activity internally or externally?
- What is the C&L notification cost going to be?
 - How does support of customers C&L needs impact these costs?
 - Is your business willing to pick up these costs for your continued Turkish business?
- What will you do to keep on top of developments as they occur?



THANK YOU FOR YOUR ATTENTION!

Thank you for attending



Please give us your feedback by completing our email survey.

A downloadable recording of this presentation (with slides) will be available shortly.

If you have any questions, please contact Lorna (lorna@chemicalwatch.com)

NEXT

Free Webinar: EU Poison Centres

Tuesday 27 May, 9am UK time

www.chemicalwatch.com/poison-centres-webinar