



Downstream Users of Chemicals Co-ordination group



## ONLINE SALE OF CHEMICAL MIXTURES

### Industry Guidance at a Glance



All chemical substances and mixtures supplied in Europe need to be classified, labelled and packaged according to the hazard they pose to humans and the environment. The rules set out in the Classification Labelling and Packaging (CLP) Regulation<sup>1</sup> help to protect humans and the environment by ensuring that users of chemicals are informed about hazardous properties in a consistent and harmonised manner. For chemicals supplied to the general public hazard information is communicated via the on-pack label.

When a hazardous mixture is made available for sale to the general public and they cannot see the on-pack label in advance of purchase (e.g. internet sale), the CLP Regulation requires that the purchaser receives hazard information via the advertisement of sale. Consequently, CLP online sales obligations may apply to a broad range of advertisers such as importers, formulators, re-fillers/re-packagers/re-labellers, retailers, wholesalers or distributors who sell hazardous mixtures to the general public.

## HAZARD INFORMATION ON LABEL

If a chemical is hazardous it is assigned one or more hazard classes (e.g. flammability) and a hazard category (e.g. Category 1, 2 or 3) to quantify the severity of the hazard. This information must be reported using the on-pack label, which must include (where applicable):

- Hazard pictogram(s)
- Signal word(s)
- Hazard statement(s)
- Precautionary statement(s)
- Supplementary information (e.g. supplemental hazard statements, UFI, etc.)

The label must also be written in the official language of the country where the substance/mixture is placed on the market (unless otherwise specified). The label can be in multiple languages provided the same details appear in all languages used.

## CLP ONLINE SALES REQUIREMENTS

CLP requires that if a mixture is advertised for sale to the general public (without the public having sight of the mixture label), and if the mixture is either:

- hazardous according to CLP
- OR
- is itself not classified according to CLP but contains a substance(s) classified as hazardous, triggering special labelling rules

The advertisement must mention the type(s) of hazard indicated on the mixture label. All online advertisements of mixtures should include all relevant hazard statements and supplemental hazard statements.

The European Chemicals Agency recommends that online advertisements also clearly display:

- Hazard pictogram(s)
- Signal word

Hazard information must be clearly visible and reported in the appropriate European language in advertisements. European authorities report that in an advertisement it is sufficient to provide either:

- a visible and legible image of hazard information on the product label
- OR
- both a product description (meeting CLP requirements) and a suitable image of a product label.

European Authorities also report<sup>2</sup> that to meet CLP online sales requirements it is not sufficient only to provide a link from an advertisement to the product Safety Data Sheet (SDS).

<sup>1</sup> Regulation (EC) No. 1272/2008, see: <https://echa.europa.eu/regulations/clp/legislation>

<sup>2</sup> European Chemicals Agency's Forum. (2018) Report – [Forum Pilot Project on CLP Focusing on Control of Internet Sales](#). Helsinki: ECHA

## ENFORCEMENT OF ONLINE COMPLIANCE

During 2017 European authorities conducted an enforcement pilot project<sup>2</sup> on CLP hazard communication requirements for hazardous mixtures being sold online to the general public. 1,314 online advertisements for hazardous mixtures to consumers by professional suppliers (e.g. direct sale and 3rd party sale) and non-professional suppliers were inspected. 1,083 cases of non-compliance were identified, of which:

- 83.3 % of non-compliant ads did not provide hazard statements.
- 9.0 % of non-compliant ads did not meet obligations for language
- 5.1 % of non-compliant ads provided incomplete/partial hazard statement information

Following this pilot project, European authorities will conduct a full enforcement project targeting CLP obligations for chemicals sold online in all EEA countries during 2020.

## ADDITIONAL CONSIDERATION

In addition to CLP obligations, online retailers need to comply with requirements of the EU's REACH Regulation<sup>3</sup>. REACH identifies three types of chemical user:

- Industrial user
- Professional user
- Consumer user

On this basis REACH prohibits the sale to and use of chemicals by consumers that are only assessed as safe for industrial or professional use. Any chemical on sale to the general public (including via the internet) and where there are no purchase controls is regarded as a chemical for consumer use. Additional controls (to prevent consumer purchase) are required when selling chemicals for professional or industrial users because these chemicals are intended to be used by skilled/trained workers in a controlled environment. A safety data sheet must also be provided to professional or industrial users (where it is required).

Also, online retailers need to correctly dispatch and transport the chemicals they sell online. Most chemicals are considered as 'dangerous goods' under transport legislation and depending on the circumstance may be subject to dispatch/transport obligations, e.g. shipment of dangerous goods by post is generally prohibited. It is advised that retailers consult the relevant pieces of legislation depending on the transport mode when dispatching chemicals<sup>4</sup>.

## FURTHER INFORMATION

This document provides targeted information to promote safety standards for hazardous chemicals (primarily) in relation to the CLP Regulation and does not address parallel obligations that may be applicable to overlapping legislation (e.g. consumer protection) at either an EU or national level. For more detailed information, the European Chemicals Agency (ECHA) provides detailed information and guidance on both CLP<sup>5</sup> and REACH<sup>6</sup>.

Mixture hazard classifications often change over time. CLP compliance should be reviewed periodically for all mixtures that you or your organisation supply.

### **About DUCC**

*DUCC is a collaboration between 11 sectors of European industry who make chemical mixtures for consumer, professional and industrial use. With a diverse membership ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants and chemical distributors, DUCC seeks to address the needs, rights and duties of these sectors in common and co-ordinated manner.*

### **About SMEUnited**

*SMEUnited is the association of crafts and SMEs in Europe with around 70 member organisations from over 30 European countries. SMEUnited is a recognised employers' organisation and European Social Partner and acts on behalf of its members in the European Social Dialogue and in discussions with the EU institutions. SMEUnited speaks on behalf of the 24 million SMEs in Europe which employ almost 95 million people.*

<sup>2</sup> European Chemicals Agency's Forum. (2018) Report – [Forum Pilot Project on CLP Focusing on Control of Internet Sales](#). Helsinki: ECHA

<sup>3</sup> Regulation (EC) No. 1907/2006, see <https://echa.europa.eu/regulations/reach/legislation>

<sup>4</sup> ADR for transport by road: [http://www.unece.org/trans/danger/publi/adr/adr\\_e.html](http://www.unece.org/trans/danger/publi/adr/adr_e.html)

ICAO Technical Instructions for transport by air: <https://www.icao.int/safety/DangerousGoods/Pages/technical-instructions.aspx>

IMDG Code for transport by sea: <http://www.imo.org/en/OurWork/Safety/Cargoes/DangerousGoods/Pages/default.aspx>

<sup>5</sup> ECHA information on CLP, see: <https://echa.europa.eu/regulations/clp/understanding-clp>

<sup>6</sup> ECHA information on REACH, see: <https://echa.europa.eu/regulations/reach/understanding-reach>