2020 Report of National Helpdesk Activities: Overview

7 May 2021

Disclaimer

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List of acronyms

ADR	Transport of Dangerous Goods by Road
BPR	Biocidal Products Regulation (EU) 528/2012
CLP	CLP Regulation (EC) 1272/2008
Forum	Forum for Exchange of Information on Enforcement
FTE	Full time equivalent
HelpEx	Tool to communicate and discuss questions among the members of HelpNet
HelpNet	BPR, CLP and REACH Helpdesk Network, consisting of representatives from the national helpdesks of the 27 EU Member States, as well as Iceland, Liechtenstein and Norway, ECHA and the European Commission
HelpNet Secretariat	Service within the Support and Enforcement Unit of ECHA responsible for the coordination of HelpNet activities
NIP	Northern Ireland protocol
NHD	National helpdesk
PCN	Poison centre notification
PPP	Plant protection products
UFI	Unique formula identifier
Q&A	Question and answer
REACH	REACH Regulation (EC) 1907/2006
SCIP	SCIP is the database for information on **S**ubstances of **C**oncern **I**n articles as such or in complex objects (**P**roducts) established under the Waste Framework Directive (WFD)
SDS	Safety data sheet
SiA	Substances in articles
SME	Small and medium-sized enterprise
SVHC	Substance of very high concern

Foreword by the Chair of the HelpNet

Dear readers,

The year 2020 started for ECHA staff with the move to a marvellous new building and conference centre in Telakkakatu. A brand new building in the heart of an historic shipyard area of Helsinki, integrating a great deal of Finnish history.

No one realised in the beginning of January that three short months later, Europe and the rest of the world would be confronting the most life-threatening pandemic since 1918-1920. Lockdowns all over the EU forced everyone into full teleworking mode and the workload did not go down, on the contrary.

I am impressed by the amount of work, as well as the diversity of topics, that the national helpdesks have covered this year, with the number of questions doubling compared to 2019. Despite the challenges this pandemic has brought upon us with demanding and remote working conditions, you as national helpdesks have answered about 80 000 questions in 2020. I would like to thank you for handling such an impressive number of enquiries.

The Biocidal Products Regulation (BPR) was already the regulation with the highest number of questions replied to by national helpdesks in the past years. But the number exploded during the pandemic with many questions related to placing disinfectants on the market.

On top of this, poison centre notifications (the entry into force of Annex VIII to CLP) and communication on substances of very high concern in articles – not only required under REACH Article 33, but now also embedded in the SCIP database notification as an obligation under the waste framework directive – also triggered a significant number of questions last year, as anticipated.

Last year was not only the year of COVID-19, but also the year in which the Commission adopted the Circular Economy action plan and the Chemicals' Strategy for Sustainability. Another quantum leap in the progress of chemicals legislation in the European Union that will further improve the protection of human health and the environment. It will also create new challenges and additional questions for the national helpdesks.

I remain very proud to be European and to contribute, together with all of you, in the fight against this pandemic and to the further improvement of health and environmental, while pushing for climate neutrality.

Stay safe and I hope to see you soon in Helsinki.

Erwin Annys
Chair of the HelpNet

1. Introduction

Each year, the national BPR, CLP and REACH helpdesks report to ECHA on their activities, workload, organisation and possible needs for improvements.
This report summarises the activities of the national helpdesks (NHDs) from 1 January to 31 December 2020. The HelpNet Secretariat collected the information from December 2020 to February 2021 through a web-based survey.

In 2020, the survey was open to the NHDs of 27 EU Member States and three EEA countries, observers from three EU candidate countries, as well as a third-country observer of the HelpNet (for BPR and CLP). Overall, the responses provided through the survey reflect the activities of the BPR, CLP and REACH helpdesks[1] across **33 countries**.

As a novelty, the report will include a section dedicated to ECHA's Helpdesk activities, mirroring when feasible the division of activities of NHDs carried out in 2020.

2. National helpdesks in numbers

2.1 Total number of enquiries received by national helpdesks in 2020[2]

In 2020, NHDs received almost 80 000 enquiries[3] from their customers on the BPR, CLP and REACH. This is the largest number of enquiries ever received by NHDs. Out of the total number of enquiries, 68 % were related to BPR, 17 % to CLP, and 14 % to REACH. The remaining 1 % were not allocated to a specific regulation (see Figure 1).

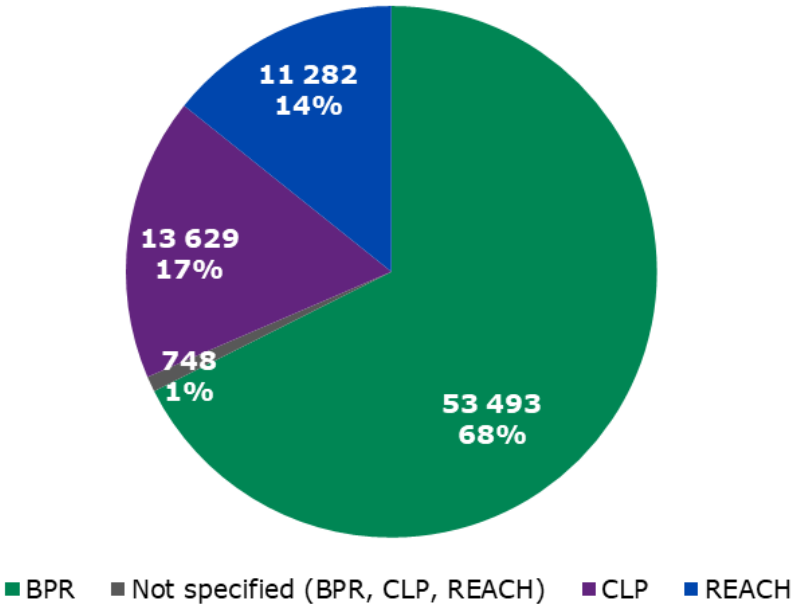

Figure 1: Enquiries received by NHDs in 2020, split by regulation

[1] 58 respondents to the survey representing 31 BPR, 33 CLP and 32 REACH national helpdesks.
[2] Disclaimer: trends presented in this report are indicative as they rely on data provided by the reporting national helpdesks, which may use different methods to keep track of enquiries received from customers and replied during the reporting period.
[3] Not including the data of two BPR national helpdesks and the REACH and CLP helpdesk of a candidate country that is an observer to the HelpNet, as the numbers were not provided.

Compared to 2019, the total number of BPR, CLP and REACH enquiries[4] received by NHDs **doubled**. This discontinues the downward trend in number of enquiries recorded by NHDs in the last three years, following a significant peak in 2017.

- ✓ The number of BPR-related enquiries was three times more than in 2019, consistently remaining the highest among all three regulations in the past seven years.
- ✓ For CLP, the number of enquiries reported increased compared to 2019.
- ✓ REACH-related enquiries slightly decreased compared to 2019.

2.2 Enquiries received by national helpdesks by regulation

The information below is based on figures reported by NHDs, with reference to each of the three regulations in their remit. It has to be noted that companies also send mixed questions, so an exact demarcation of topics is not always feasible[5].

BPR

The total number of BPR enquiries received by 31 NHDs in 2020 was 53 493, showing a substantial increase (211 %) compared to 2019 (17 188 enquiries) and representing the **highest percentage (68 %)** of all received enquiries among the three regulations. 18 NHDs received more than 1 000 questions in 2020, compared to only five NHDs in 2019, with a variation from 1 000 to almost 12 000 enquiries.

The significant increase of BPR enquiries was clearly linked to the COVID-19 pandemic triggering an urgent demand for disinfectant products and, consequently, an increase of questions related to obligations that need to be fulfilled to allow disinfectants to be placed on the market, e.g. temporary permits under Article 55(1), compliance with Member State national rules, or Article 95 of the BPR.

Many new players, including SMEs, also entered the market with less awareness of their BPR obligations, and therefore contacted the NHDs contributing to the high number of questions. NHDs were asked for procedures to fast track the placing on the market of hand and surface disinfectants, PT1 and PT2 products, respectively.

CLP

The total number of CLP enquiries received by 33 NHDs in 2020 was 13 629 questions (17 % of all received enquiries), showing an increase (27 %) compared to 2019 (10 705 enquiries). Following the trend of the last three years, three NHDs received more than 1 000 questions, with a variation from almost 1 400 to 3 200 enquiries in 2020.

In most countries, the increased number of questions on CLP was clearly linked to the implementation of Annex VIII to the CLP Regulation and the poison centre notifications obligation[6], in particular towards the end of the year in light of the upcoming application date

[4] For more information on 2019 statistics, see '2019 Report on National Helpdesk Activities: Overview' at: https://echa.europa.eu/documents/10162/13552/nhd_activities_2019_en.pdf
[5] The NHDs of two countries reported 748 enquiries which could not be allocated to BPR, CLP or REACH.
[6] From 1 January 2021, companies placing new hazardous mixtures for consumer and professional use on the EU market must submit a 'poison centre notification' (PCN). The obligation applies to all importers

for industry on 1 January 2021. Also, an increase of CLP inquiries due to the COVID-19 pandemic (classification & labelling requirements for disinfectants) was noted.

REACH

Based on the input provided by 32 NHDs, the total number of REACH enquiries received in 2020 by NHDs was 11 282 (14 % of all received questions). This is a slight decrease (6 %) compared to 2019 (11 978 enquiries).

Out of all REACH helpdesks, only three received more than 1 000 questions in 2020 compared to five in 2019, with a variation from almost 1 400 to 1 700 enquiries in 2020.

The COVID-19 pandemic and the more compelling issues related to it might have been one of the factors that led to a slight decrease of questions. Moreover, some NHDs reported an increase in questions related to substances in articles, which should be related to the new obligation to notify to the SCIP database for companies supplying articles containing substances of very high concern (SVHCs)[7]. In this context, it was noticed that some NHDs report SCIP questions as part of the 'REACH' questions, whereas other NHDs reported them under 'WFD' or 'other legislation' with specific numbers. Therefore, SCIP questions have contributed to some extent to the total number of 'REACH' questions in this survey.

2.3 BPR, CLP and REACH enquiries received by national helpdesks since 2015

On a general level, the BPR remains the regulation with the highest number of questions replied by NHDs, followed by CLP and REACH. This clearly differentiates NHDs from ECHA, for which the number of REACH questions has clearly been highest in the last five years.

The high demand for the BPR NHDs support in 2020 is mainly attributed to enquiries concerning disinfectants due to COVID-19, in particular requests for derogations for disinfectant products under Article 55(1) of the BPR.

The number of CLP enquiries also increased in 2020 due to questions relating to the implementation of CLP Annex VIII and poison centre notifications (PCN) obligations, while the number of REACH enquiries slightly decreased.

Figure 2 displays the number of enquiries received by NHDs since 2015.

and downstream users under Annex VIII to the CLP Regulation (EC) 1272/2008. Further application dates for the notification of mixtures for industrial use, as well as existing products, will also apply over the coming four years.

[7] Companies supplying articles containing substances of very high concern (SVHCs) on the Candidate List in a concentration above 0.1% weight by weight (w/w) on the EU market have to submit information on these articles to the SCIP database maintained by ECHA, as from 5 January 2021.

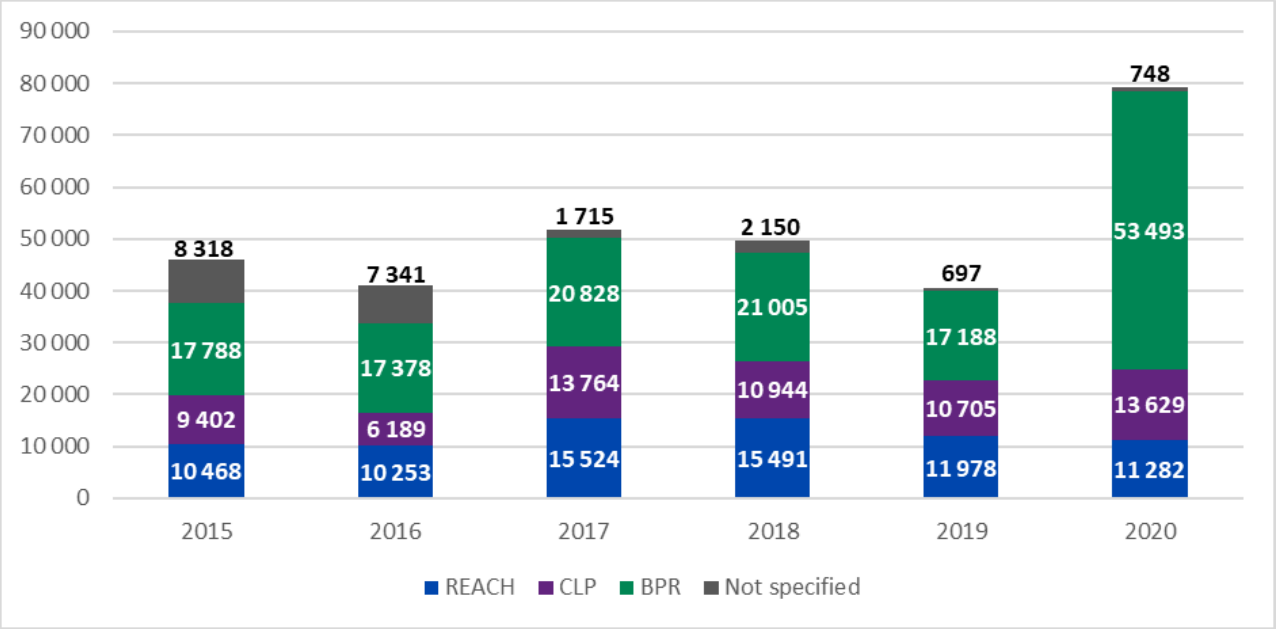

Figure 2: Total number of enquiries received by NHDs from 2015 to 2020

The **median number**[8] of BPR enquiries significantly increased compared to 2019. The median number of CLP enquiries increased and the median number of REACH enquires slightly decreased in 2020 (see Figure 3).

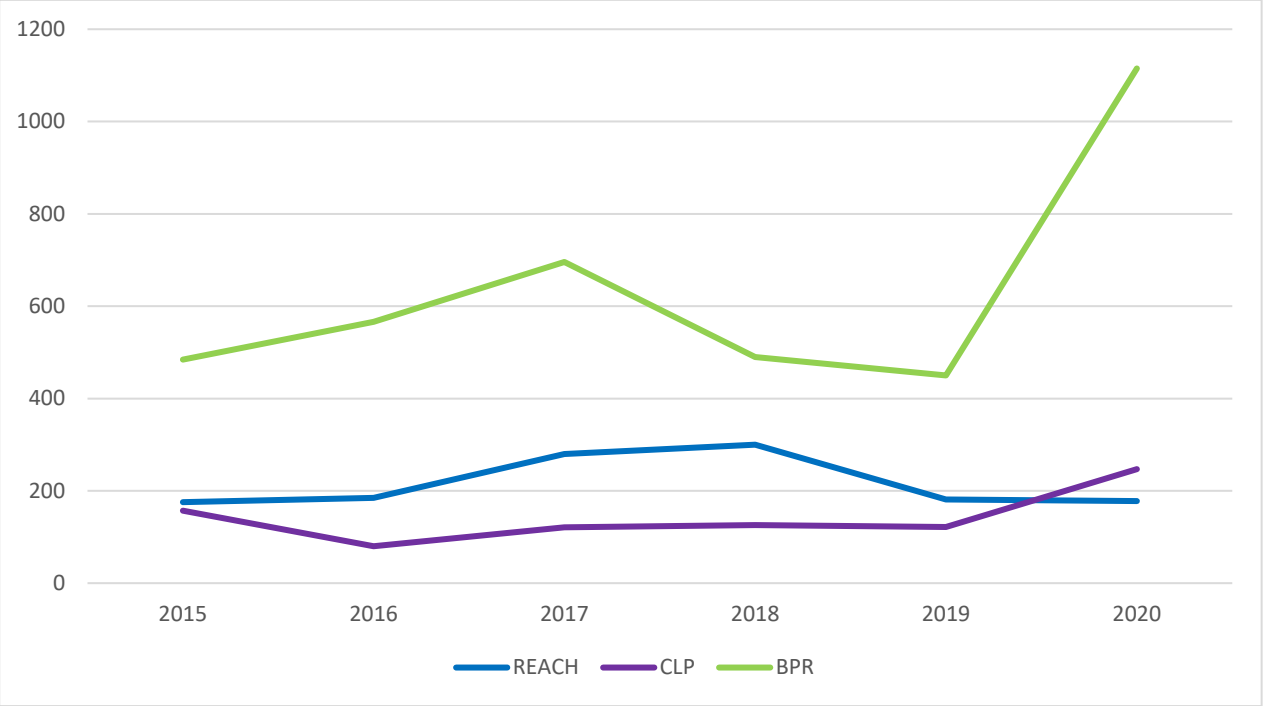

Figure 3: Median number of enquiries per helpdesk in 2015-2020.

[8] The number of enquiries reported by NHDs has been arranged from lowest to highest. The 'median' is the 'middle' value in the list.

2.4 Hot topics

NHDs reported on the 'hot topics' raised by their customers on the BPR, CLP and REACH in 2020[9]. The five most frequent topics reported for each regulation are shown in Figure 4.

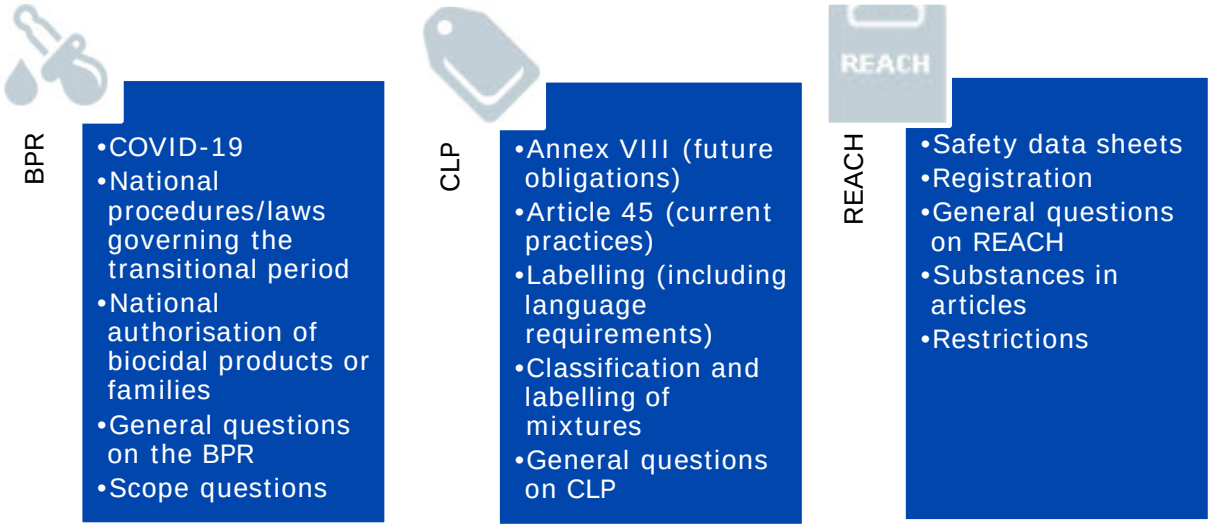

Figure 4: Overview of the hot topics under the BPR, CLP and REACH in 2020.

The top ten most frequently asked topics in 2020 and 2019 are presented below for the BPR (Table 1), CLP (Table 2) and REACH (Table 3).

[9] Respondents were asked to rank their 'Top 5' topics for the relevant regulations by choosing the five most relevant topics from a list and ranking them from 1 to 5 (1 = most frequently asked, 5 = least frequently asked). If topics other than those listed in the survey were among their 'Top 5', respondents were asked to specify them in the open fields marked 'Other'. Topics were given an overall rank by taking into account the 1-to-5 ranking by each respondent and the frequency of each response option. Trends presented in this report are based on the data provided by the NHDs. To be noted that nine REACH, 10 CLP and 12 BPR helpdesks reported on more than five hot topics per regulation.

Table 1: Hot topics concerning the Biocidal Products Regulation in 2020 and 2019

2020		2019
COVID-19[10]	**1**	National procedures/laws governing the transitional period
National procedures/laws governing the transitional period	**2**	National authorisation of biocidal products or families
National authorisation of biocidal products or families[11]	**3**	General questions on the BPR
General questions on the BPR[12]	**4**	National fees
Scope questions[13]	**5**	Scope questions
In situ generation of active substances	**6**	Active substance approval
National fees	**7**	*In situ* generation of active substances
Treated articles	**8**	Classification, labelling & packaging of biocidal products
Article 95	**9**	Treated articles
Classification, labelling & packaging of biocidal products	**10**	Article 95

For the BPR, there is one significant change in the hot topics as the number one in 2020 is related to the **COVID-19** enquiries from companies placing disinfectants on the market.

As expected, the other four top positions remain occupied by the topics that fall within the remit of national authorities (e.g. **national procedures**, **national authorisations**, **national fees** and **scope questions**), while **'Article 95'**, which falls under ECHA's remit, occupies the ninth position among the hot topics ranking. Other hot topics, such as **'*In situ* generation of active substances'**, **'Treated articles'** and **'Classification, labelling & packaging of biocidal products'** remain among the top ten most frequent topics at the sixth, eighth and 10th positions, respectively.

NHDs reported that many of the companies that approached their helpdesks for the purpose of placing disinfectants on the market were unaware and confused about general BPR obligations, such as the Article 95 obligations, the active substance approval process, or product authorisation.

Other recurrent issues were related to the establishment of substance identity. This seems to be particularly difficult when it comes to the distinction between active substance releasers vs *in situ* generated active substances.

[10] Questions related to the placing on the market of disinfectants.
[11] Including questions on mutual recognition, same biocidal product authorisation, simplified authorisation and renewals of biocidal product authorisations and mutual recognitions.
[12] Questions on roles, processes and obligations under BPR.
[13] Questions on the nature of the product (biocidal product, treated article, neither), borderline between the BPR and other legislation (e.g. cosmetics, medicinal products, veterinary medicinal products, plant protection products, etc.), borderline between different product types.

Table 2: Hot topics concerning the CLP Regulation in 2020 and 2019

2020		2019
Annex VIII (future obligations)	**1**	Annex VIII (future obligations)
Article 45 (current practices)	**2**	Article 45 (current practices)
Labelling (including language requirements)	**3**	Labelling (including language requirements)
Classification and labelling of mixtures	**4**	Classification and labelling of mixtures
General questions on CLP[14]	**5**	General questions on CLP
Packaging	**6**	Classification of substances
Classification of substances	**7**	Harmonised classification/Annex VI
Harmonised classification/Annex VI	**8**	Packaging
Notification of substances in C&L Inventory	**9**	Use of alternative chemical name
Related EU chemicals legislation[15]	**10**	Related EU chemicals legislation

For CLP, there are minor differences between the top ten topics considering the received questions although there are no differences for the top five, with **'Annex VIII'** and **'Article 45'** again occupying the first two positions and **'Labelling'**, **'Classification and labelling of mixtures'** and **'General questions of CLP'** in the third to fifth positions, respectively.

'Related EU chemicals legislation' – covering a variety of specific issues – remains in the same position, while the new entry, **'Notification of substances for the C&L Inventory'**, was reported by five NHDs in the **'Others'** open field. Other hot topics that remain in the list, although in a slightly different order than in 2019, include: **'Packaging'**, '**Classification of substances'** and **'Harmonised classification / Annex VI'**.

Up to 12 NHDs noticed an increase in Annex VIII-related questions towards the end of the year, due to the approaching compliance date for industry. Furthermore, NHDs have highlighted the specific issues they have been confronted with, such as the technicalities for submitting poison centre notifications to ECHA, the transitional period, or the difference between professional and industrial use. It is worth mentioning the latter which, despite also affecting the REACH Regulation, has a direct impact on determining if a given notifier can benefit or not from the transitional period for Annex VIII to CLP.

Further topics reported by the NHDs in the open fields of the survey include: use of alternative chemical names; ECHA Submission portal-related questions (technical, availability, website, UFI); national submission fee and payment method for poison centre notifications; and overlapping regulations to CLP (Plant Protection Products (PPP), Transport of Dangerous Goods by Road (ADR)).

Related to the COVID-19 pandemic, two NHDs reported an increased number of questions on labelling and language requirements for disinfectants, including questions from new suppliers on the biocidal market, highlighting that this topic remains high in the list.

[14] Questions on scope and exemptions, as well as on roles and obligations under CLP.
[15] Questions on other EU chemicals legislation related/at the borderline/overlapping or parallel with CLP.

Table 3: Hot topics concerning the REACH Regulation in 2020 and 2019

2020		2019
Safety data sheets	**1**	Safety data sheets
Registration[16]	**2**	Registration
General questions on REACH[17]	**3**	General questions on REACH
Substances in articles	**4**	Restrictions
Restrictions	**5**	Substances in articles
SCIP	**6**	Downstream user obligations
Authorisation	**7**	Authorisation
Related EU chemicals legislation[18]	**8**	Data sharing and joint submission
Substance identity	**9**	Related EU chemicals legislation
Data sharing and joint submission	**10**	Substance identity

For REACH, the observed trends of the hot topics in the last three years are very similar. The ranking of the first three topics **'Safety data sheets', 'Registration'** and '**General questions on REACH'** remained the same as in 2019. While the number of **'Registration'** enquiries slightly decreased compared to 2019, it remains one of the most important REACH topics.

The new obligations for suppliers of articles to notify articles containing SVHCs to the SCIP database has led to an increased number of enquiries concerning '**SCIP'** and **'Substances in articles'**, especially in the second half of 2020, closer to the notification obligation starting in January 2021.

Furthermore, enquires on new and existing **'Restrictions'** were received, while an increased number of **'Authorisation'** questions were observed, in particular related to uses of alkylphenol ethoxylates, due to their approaching sunset date in January 2021.

Regarding **'Related EU chemicals legislation'**, NHDs reported an increasing number of questions on the borderline between the Waste Framework Directive, REACH (e.g. SiA obligations/SCIP), and various other pieces of legislation (Cosmetics Products, PIC – export and import of hazardous chemicals, food, Medicinal Products Regulation, SEVESO Directive). Lastly, '**Substance Identity**' appeared in the ninth position (possibly including questions on 'Polymers and Monomers'), followed by '**Data sharing and joint submission**'.

[16] Questions on registration obligations, dossier preparation and updates, tonnage requirements, information requirements etc.
[17] Questions on scope and exemptions, as well as on roles and obligations (such as importer and only representative roles) under REACH.
[18] Questions on other EU chemicals legislation related/at the borderline/overlapping or parallel with REACH, such as Medicinal Products Regulation, PIC, Cosmetic, Seveso Directive, Water Directive, etc.

2.5 Enquiries related to the transitional period for the UK withdrawal and applicable legislation or the Northern Ireland Protocol

The BPR, CLP and REACH NHDs received approximately 700 questions on 'Brexit', including questions on chemicals legislation applying in the UK. In line with the high number of BPR enquiries reported in 2020, half of the 'Brexit' questions addressed to NHDs concerned the BPR, namely:

- 362 BPR enquiries focusing on the issue of changing the reference Member State;
- 123 CLP enquiries concerning: Article 40 and notifications duties; Article 45 and the transition period; use of a 'British Unique Formula Identifier' and use of 'British notification to the portal (poison centre notifications)';
- 207 REACH enquiries, mainly related to registration duties;
- 41 enquiries related to other regulations, such as PIC, detergents, etc.

For the distribution of enquiries on 'Brexit' among regulations, see Figure 5:

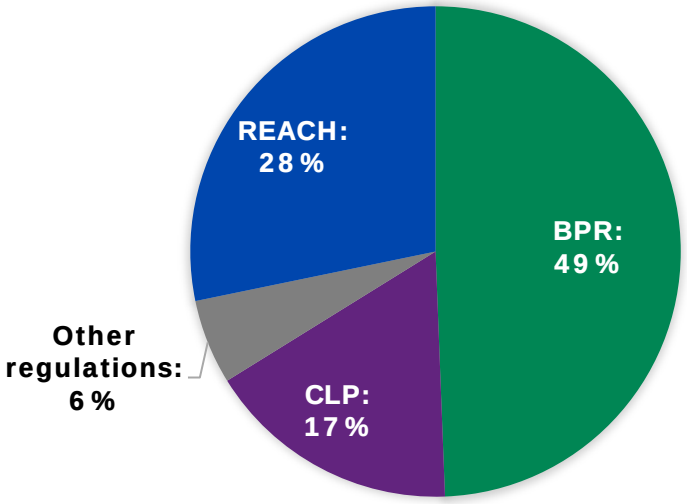

Figure 5: Distribution of enquiries on Brexit

While the majority of NHDs received between 2 and 10 questions on 'Brexit', the top three most impacted NHDs received up to 100 BPR questions, 37 CLP questions and 34 REACH questions.

2.6 Support provided by national helpdesks on other regulations

In 2020, NHDs reported that they replied to 5 219 enquiries allocated to pieces of chemical legislation other than BPR, CLP and REACH. Almost 3 300 enquiries were replied by one competent authority responsible for 15 pieces of legislation in addition to the BPR, CLP and REACH.

Almost half of the REACH NHDs provided support on the Waste Framework Directive (WFD) and the extension of REACH Article 33 into the SCIP database[19], the Persistent Organic Pollutants (POPs) and the Prior Informed Consent (PIC) regulations, respectively (see Figure 6).

[19] Article 9(1)(i) of the WFD requires any supplier of an article, as defined in Article 3(33) of the REACH Regulation, to provide the information according to Article 33(1) of that regulation to ECHA as from 5 January 2021.

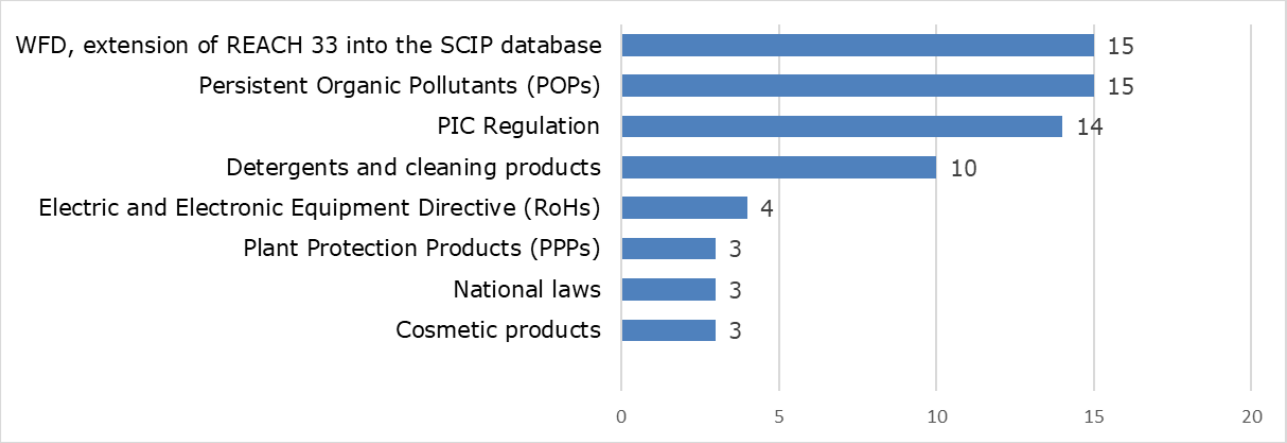

Figure 6: Other pieces of EU chemicals legislation on which NHDs provide support, in particular those related to ECHA's 'new tasks'

The following most common pieces of legislation on which NHDs provided support were the Detergents and Cleaning Products Regulation, Electric and Electronic Equipment Directive (RoHS), the Cosmetic Products Regulation, the Plant Protection Products Regulation (PPP), Toys Directive, Battery Directive and Fertilisers Regulation, followed by national laws.

3. Customer support

3.1 Communication channels

Contact forms and emails played a significant role in the way customers interacted with NHDs in 2020. Due to the COVID-19 pandemic, face-to-face meetings and events delivered by NHDs to companies were mostly replaced with online meetings. It is to be noted that some NHDs do not keep track of the questions received during meetings.

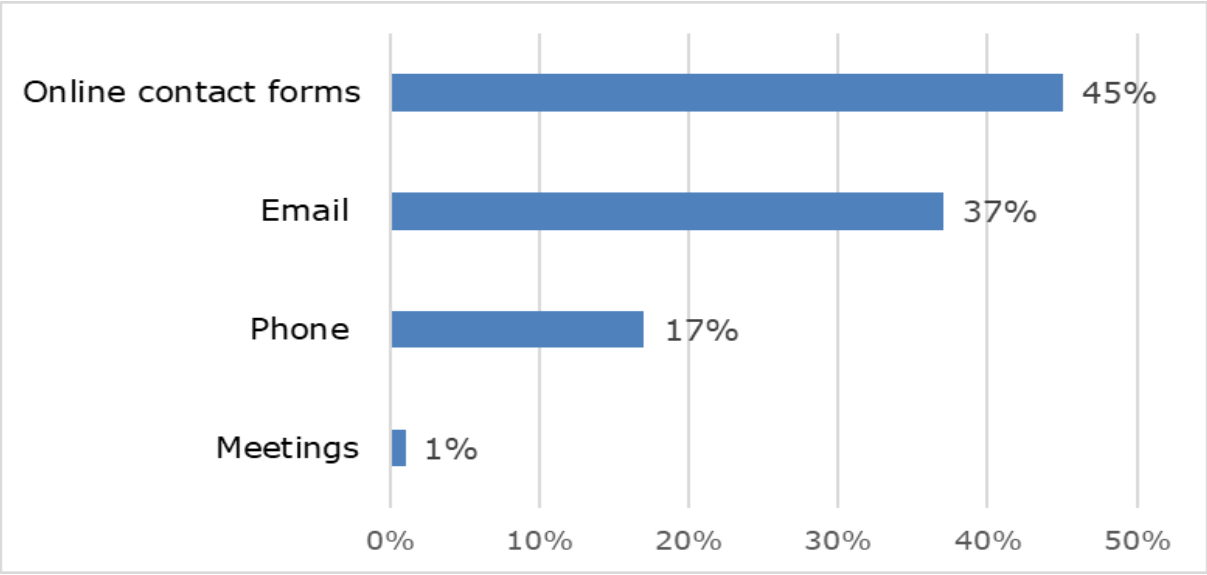

Figure 7: Communication channels

3.2 Service response time

According to the information provided by the 42 reporting NHDs in 2020, the average response time is determined only in part by the complexity of the questions received, while the availability of resources also plays a role, together with the need to receive input from colleagues within the same organisation or other competent authorities, when needed.

In general, NHDs aimed to answer enquiries as soon as possible, respecting the deadlines required by national laws or internal rules. The official response time required by various national laws ranges between 5 and 30 days in the reporting countries.

It is worth mentioning that not all NHDs are keeping records of the response time while others make annual estimates only. Based on the information provided by the reporting NHDs, the average response timeframe - for different types of questions received in 2020 - is shown in Table 4.

Table 4. Average response time considering the complexity of enquiries received by NHDs

Complexity of enquiry	Response time	
	Minimum	Maximum
Simple	5 minutes	30 days
Moderate	1 hour	40 days
Complex	1 day	50 days

3.3 Helpdesk resources

HelpNet members ensure high quality and harmonisation of support and answers to queries on the BPR, CLP and REACH. As presented in Section 2, NHDs are also responsible for scientific and technical support on other EU chemicals legislation and national laws.

In 2020, a higher number, specifically 12 NHDs (six BPR, three CLP and three REACH), reported having more resources allocated for providing helpdesk support compared to 2019.

For BPR helpdesks, this increase was mainly triggered by the increased number of enquiries on disinfectants. At the same time, five BPR, five CLP and three REACH helpdesks encountered resource cuts (see Figure 8).

In terms of full-time equivalents (FTEs), 56 NHDs reported between 0.2 and 5 FTEs – resources allocated to helpdesk activities – with an average of 1.2 FTE per national helpdesk. On average, one FTE replied to about 1 160 enquiries last year, almost double than in 2019.

When the helpdesk staff performs tasks related to both helpdesk and competent authority activities, allocation of resources is difficult to estimate. For example, one BPR helpdesk could not provide information on how helpdesk resources evolved in 2020 as they do not differentiate between the hours invested in the BPR authorisation process and the helpdesk activities. Another NHD hired one new member of staff to support on SCIP notifications as they started a collaboration with the competent authority responsible for the Waste Framework Directive. For another NHD, having no additional resources but an increase in enquiries, staff had to develop new routines to handle the high amount of disinfectant questions.

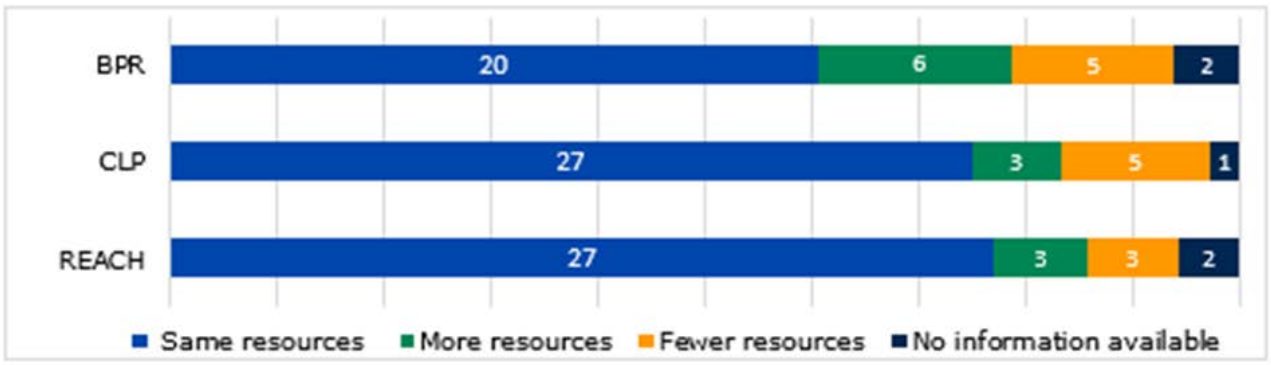

Figure 8. Resources available to provide helpdesk advice in 2020 compared to 2019

4. National helpdesk activities

4.1 Ways to support companies

Challenged by the demanding times caused by the COVID-19 pandemic and remote working in 2020, the majority of NHDs adapted well to the new ways of working, interacting with companies through digital platforms and by phone. The NHDs used various means to reach their customers and provide support on the chemicals legislation within their remit, among which in particular: creating new information materials on their website (Q&As, leaflets); referring companies to the ECHA's support web page and organising targeted online events for industry, webinars and ad hoc calls.

The NHDs shared their experiences in supporting companies in relation to the hot topics, as summarised below.

Events, webinars, training sessions:

- Generally, face-to-face meetings were converted to online events due to the COVID-19 pandemic. Targeted workshops, seminars and webinars addressing hot topics and practical issues (e.g. rules for disinfectants, PCNs) were organised by the NHDs for stakeholder groups.

National web pages and ECHA's website:

- The NHDs continued to update their websites with support material, FAQs and redirect customers to ECHA's website for specific Q&As, guidance documents and practical guides.

Contact forms:

- To better handle the increased number of enquiries received from their customers, the NHDs improved the usual service for written enquiries by developing automatic responses and updating their contact forms.

Support on 'hot topics':

- In providing robust answers to companies, NHDs used the HelpEx knowledgebase for difficult questions and for developing new frequently asked questions. NHDs enriched their websites with new support material and Q&As and continued to provide support to companies, especially SMEs, in their own language.

Cooperation:

- In 2020, cooperation was strengthened between NHDs and ECHA, Member States and the European Commission (e.g. meeting hosted by the European Commission on emergency measures such as derogations), between competent authorities and the appointed bodies (e.g. PCN issues) and between CLP and BPR helpdesks (e.g. on enquiries regarding disinfectant products).

Social media:

- The activities of NHDs were promoted through social media (Facebook, LinkedIn), e-bulletins and video presentations.

Regarding suggested areas in which ECHA could continue or increase support to NHDs on hot topics, the majority of the respondent NHDs appreciated the work and support provided by ECHA (guidance material and Q&As), the events organised (webinars in particular) and the opportunity for requesting a speaker to NHD events.

The HelpEx knowledgebase was confirmed as a useful tool, as it allows NHDs to share views and best practice with other Member States. Furthermore, the tool also provides them with easy access to a broad range of expertise and knowledge available from other Member States. Some NHDs stressed that the tool should be used even more and particularly for BPR questions.

In addition, NHDs made the following suggestions for improvement:

- Improved search functions for registered substances and in general for the Q&As.
- Provide NHDs with regular updates on Q&As agreed with the national helpdesks.
- More videos on the REACH and CLP processes and webinars subtitled (with subtitles at least in English).
- Introduction of short leaflets covering all the obligations for each type of product.
- Increased informal contacts (e.g. video conferences) between ECHA and NHDs.

NHDs also gave some suggestions of topics for webinars and training sessions, namely:

- SCIP database.
- How to submit information on hazardous mixtures using the poison centre notifications (PCN) portal.
- Interlink between the REACH Regulation and the Waste Framework Directive.
- New functionalities of IUCLID, CHESAR, REACH-IT.

The NHDs recognised the considerable effort made by ECHA, but they reiterated that the translation of the material available on the ECHA website is of the utmost importance, in particular with reference to: webinars, the ECHA support section and the ECHA submission portal and its guidance documents.

4.2 Events organised by national helpdesks in 2020

In 2020, initial plans made by NHDs for 2020 were affected by the COVID-19 pandemic, therefore face-to-face meetings were replaced with virtual workspaces, especially from March onwards.

The events covered a wide range of topics, including the most demanding ones triggered by the pandemic and turned out to be very popular with a high number of participants, even higher than in pre-COVID times.

Representatives of NHDs also participated in events organised by competent authorities and industry and increased their cooperation remotely. It is worth mentioning the efforts to onboard companies (such as the 'Basics of REACH and CLP regulations' or 'Basic information about biocides') and also to provide a comprehensive overview to companies by tackling several pieces of legislation at once, since most products have to comply with many regulations at the same time.

For the BPR, the most common topic addressed the requirements for placing disinfectants on the market.

For CLP, Article 45 and Annex VIII to CLP were the most popular topics. The following were also tackled: classification of substances and mixtures, the scope of CLP, and the relation with REACH and the BPR. It is worth highlighting that a NHD provided an introduction to CLP for

new staff in enforcement authorities.

For REACH, the most common topics addressed in 2020 were: new requirements for safety data sheets (SDSs), chemical risk management for suppliers and users of chemicals in the formulation of mixtures and production of articles, downstream user obligations, communication in the supply chain, obligations related to substances in articles including substances of very high concern (SVHCs) and requirements for SCIP notifications.

More specific topics covered the LIFE project AskREACH (Scan4Chem[20] application), a roadmap for companies to find out their legal obligations, and substitution of hazardous chemicals with examples of substitution.

4.3 Events planned by national helpdesks in 2021

The NHDs also reported on events they plan to organise in 2021. More than two-thirds of the reporting NHDs informed that they are planning events in 2021 similar to those organised last year, including participating in virtual workshops organised by industry.

For the BPR, the topics of seminars and campaigns will address obligations under Article 95, internet sales and biocides market control.

As expected, the CLP events planned in 2021 will focus on Annex VIII to CLP – the poison centre notifications (PCNs) and promoting ECHA's PCN submission tool – and a campaign on the message of pictograms for industry and the public.

On the agenda of the REACH events there are lectures for workers in the chemical industry and safety data sheets (SDSs), information campaigns on articles under REACH and the SCIP database, and possibly the restriction on tattoo inks.

One NHD reported that online webinars on Brexit would continue in 2021.

In 2021, three NHDs invited ECHA to participate in their future events, and REACH and CLP were the regulations receiving most interest, with a focus on poison centre notifications and information requirements for the SCIP database on articles containing Candidate List substances.

[20] https://www.askreach.lu/consumer/scan4chem-app

5. Annual ECHA Helpdesk activities

For the first time this year, after consulting the NHDs in the annual survey (see Annex I), the NHD annual report includes a dedicated section to ECHA Helpdesk's activities.

The figures and trends presented in this section rely on data recorded by the ECHA Helpdesk (Regulatory Support Team and IT External Support Team in ECHA's Support and Enforcement Unit)[21].

5.1 Enquiries received by ECHA Helpdesk

5.1.1 Number of regulatory enquiries received per regulation in 2020

In 2020, the ECHA Helpdesk received approximately 4 900 regulatory enquiries for all three regulations. The majority of regulatory enquiries were related to REACH (2 506 questions; also counting 843 questions on the SCIP database requirements) at 51 %, followed by 1 661 enquiries on BPR (34 %) and 740 enquiries on CLP (15 %) (see Figure 9).
This does not include the 5 272 technical questions involving IT tools, dissemination, submissions, and applications dealt with by iTEX (IT External Support Team) colleagues during 2020 (34 % REACH, 16 % BPR, 18 % IUCLID, 13 % SCIP, 17 % dissemination).

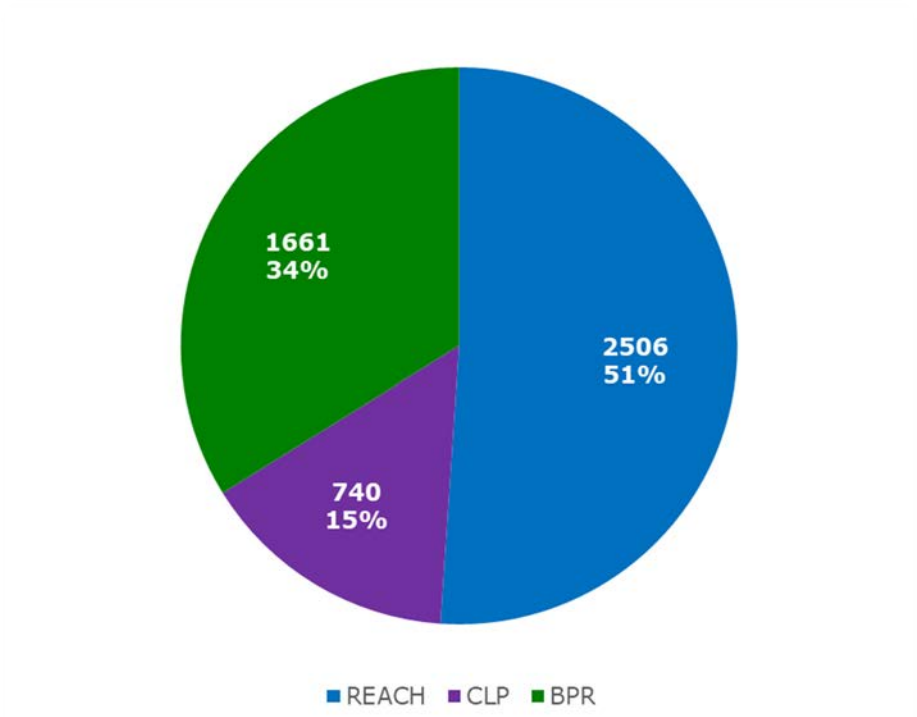

Figure 9: Enquiries received by ECHA in 2020, split by regulation

In comparison with 2019, the total number of regulatory BPR, CLP and REACH enquiries received by ECHA Helpdesk in 2020 increased by 44 %. This is slightly higher than the total number of regulatory enquiries received during the year of the last registration deadline (2018), though it represents a very different distribution of enquiries among the three regulations (see Figure 10).

[21] Reference is made, where relevant, to selected data collected by other teams and units in ECHA, which may use different channels in receiving enquiries and various approaches in recording and classifying received enquiries.

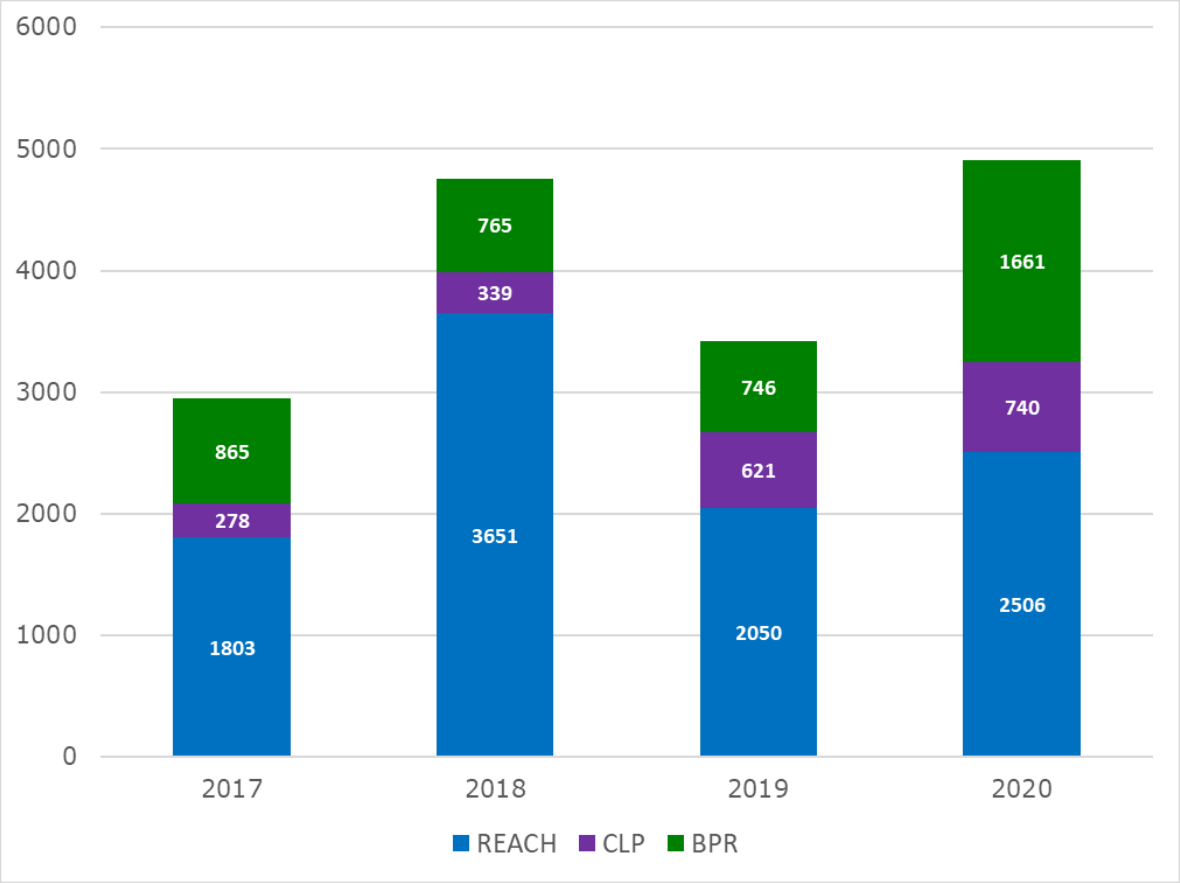

Figure 10: Total number of enquiries received by ECHA 2017-2020

- ✓ The number of enquiries on the BPR in 2020 was more than twice as high (122 %) as 2019 and the highest number of BPR enquiries received annually so far.
- ✓ The CLP-related enquiries in 2020 slightly increased (19 %) compared to 2019 and were the highest number of CLP enquiries received annually so far.
- ✓ The enquiries on REACH in 2020 increased (22 %) compared to 2019 (this also includes questions on the SCIP database requirements).

5.1.2 Hot topics

The five most frequent topics of regulatory enquiries per regulation, as observed by the ECHA Helpdesk, are shown in Figure 11.

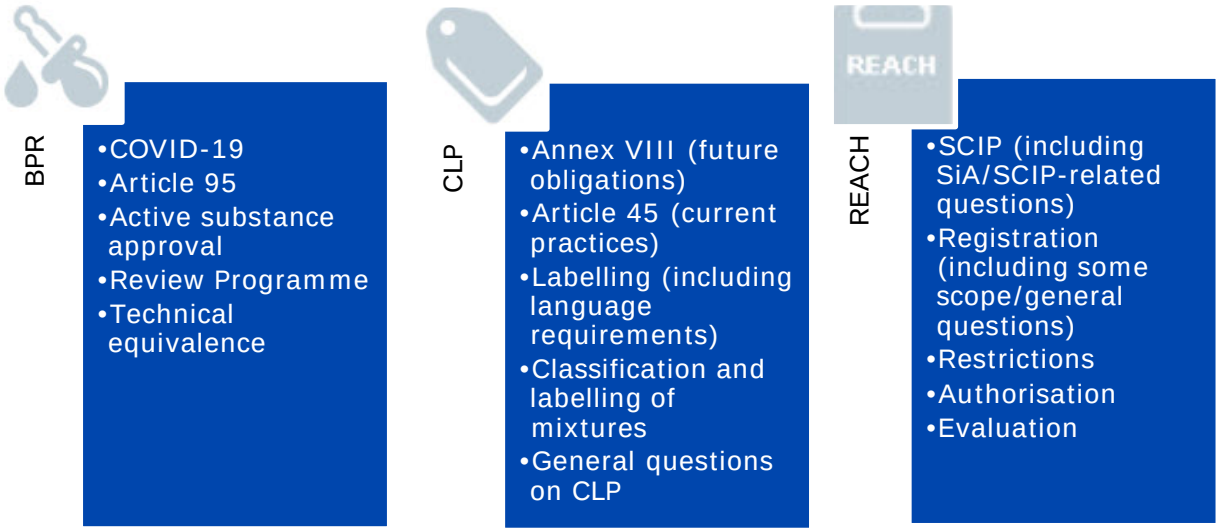

Figure 11: Overview of the hot topics of regulatory enquiries received by ECHA under the BPR, CLP and REACH in 2020

BPR

In 2020, the ECHA helpdesk received 1 661 BPR regulatory questions. The increase by more than double of the number of BPR enquiries in 2020 was predominantly due to the COVID-19 pandemic and the demand for disinfectant products (mainly PT1 and PT2 biocidal products).

Among the BPR enquiries, 42 % were **COVID-19 related**, 17 % were linked to the **Article 95 obligation** and around 10 % were connected to **active substance approval**. Other less popular topics included the management of the Review Programme and technical equivalence. The increase in the total amount of questions and the most popular topic (COVID-19) mirrors the trend observed by NHDs, as described in Sections 2.2-2.4 of this report.

CLP

The regulatory enquiries received on CLP in 2020 were 740 in total, marking an increase compared to the figures in 2019. The majority of these questions (64 %) related to the implementation of CLP **Annex VIII** and **poison centre notification** duties in the context of the first application date for industry on 1 January 2021[22].

Recurring questions observed included: difficulties arising from non-EU based suppliers not willing to provide the full composition of the imported mixture, understanding duties in the supply chain based on the activity of each actor, understanding the transitional period set in Annex VIII, consequences of the UK withdrawal from the EU on labelling, reporting microorganisms and working with a toll formulator.

Aside from PCN-related questions, another CLP topic that triggered a number of complex enquiries is the **labelling and classification of mixtures containing titanium dioxide**. The rise in the number of questions followed the harmonisation of the TiO_2 classification with Commission Delegated Regulation (EU) 2020/217 (the 14th ATP to the CLP Regulation).

[22] The overall number of PCN questions received by ECHA, including questions related to the IT tool in 2020 was **2 071**. Due to the high-paced legal changes to Annex VIII, with a direct and extended impact on the IT tools and the support material, it was decided to closely involve other units in ECHA in replying to the related questions. This has led to some inconsistencies in the report in the details of the numbers. Trends in numbers and hot topics, however, are still representative.

REACH

The ECHA Helpdesk received 2 506 regulatory enquiries related to the REACH Regulation in 2020. Among those, the largest number of enquiries (34 %) was linked to the new duties of producers, importers, or suppliers of articles under the Waste Framework Directive, to notify articles containing SVHCs to the **SCIP database as from 5 January 2021**. Since these enquiries frequently touched upon obligations for substances in articles as well as borderline cases on articles, they were also counted under the REACH regulatory enquiries, despite falling more appropriately under the Waste Framework Directive, as also pointed out by some NHDs. The questions on SCIP were mainly on the scope of the obligation as well as on the definition of duty holder and information requirements in the notifications.

Besides SCIP enquiries, 24 % of all REACH enquiries were questions on **registration** obligations (including some scope and general questions on REACH). Other hot topics on REACH included: enquiries on **restrictions** (existing restrictions, e.g. entry 72 on CMR substances in clothing, textiles and footwear, entry 68 on perfluorooctanoic acid (PFOA) and its salts in relation to the POPs Regulation, entry 51 on phthalates in articles, and restriction proposals, e.g. intentionally added microplastics, lead in ammunition (gunshots and bullets) and fishing tackle, certain substances in tattoo inks and permanent make-up, and formaldehyde); on **authorisation** (predominantly on uses of alkylphenol ethoxylates and authorisation exemptions due to their sunset date in January 2021; uses of hexavalent chromium; scope of SVHC entries) and questions on dossier **evaluation** under REACH (in particular on the extension of decision deadlines due to difficulties in getting tests done in laboratories due to the COVID-19 pandemic).

Consequently, the three most frequent regulatory 'hot topics' observed during 2020 for BPR, CLP and REACH, were:

- **SCIP-related questions** (843 enquiries), which increased significantly in the second half of 2020 due to the launching of the SCIP database in October 2020;
- **COVID-19 related questions on disinfectants** (743 enquiries), with a noticeable peak during March-August 2020, due a lack of disinfectants on the market;
- **Annex VIII-related questions** (473 enquiries) which significantly increased during the last quarter of 2020, due to the upcoming first compliance date for PCNs.

Other frequent and emerging topics of regulatory enquiries were related to the UK withdrawal from the EU (**'Brexit'**) (169 enquiries), which decreased by approximately 30 % from 2019, possibly due to the dedicated support web pages and Q&As on Brexit that were published and frequently updated on the ECHA's website.

Finally, enquiries were also received on the new obligations to report **nanoforms** of substances and the related amendment of the REACH annexes, but remained at a stable rate over the year (72 enquiries). It needs to be noted that enquiries on nanoforms are also received through different channels in ECHA, such as the European Union Observatory for Nanomaterials[23] (EUON).

[23] https://euon.echa.europa.eu/

5.2 Customer support

5.2.1 Communication channels and service response time

ECHA receives enquiries through its dedicated regulatory and technical contact forms, as well as through other channels (ECHA Switchboard, functional mailboxes).
The ECHA Helpdesk is committed to replying to regulatory enquiries within a period that varies between 15 working days and two months[24] depending on the workload and complexity of the questions. The questions are analysed as they arrive, and the easier questions, or urgent questions (as analysed by ECHA Helpdesk) are typically answered within a few days. The median answering time is approximately five working days. Questions posted in the HelpEx tool for discussion among NHDs are typically more complex than questions posted by companies, and may require longer response times.

5.2.2 Information resources and ways to support companies

The ECHA Helpdesk uses various resources to respond to questions, setting aside the relevant EU legislation, including Guidance documents, manuals, practical guides, factsheets, Questions and Answers (Q&As), HelpEx database, internal knowledgebase of questions and other supporting material publicly available on the support tab on ECHA's website.

In 2020, ECHA worked on updating its available supporting material and developing new guidelines and tools to support companies in complying with their (new) obligations. Selected support material developed by ECHA, relevant to the 'hot topics' and other regulatory enquiries received during 2020, is listed below:

- ***Guidance update***

Guidance documents that were **updated** during 2020 include: *Guidance on the compilation of safety data sheets*; *Guidance on the preparation of an application for authorisation*; *Guidance on harmonised information relating to health emergency response - Annex VIII to CLP* and *Guidance on labelling and packaging in accordance with CLP*.

- ***Q&A (FAQ) update and development***

In 2021, ECHA has developed **new** Q&As on emerging or recurring topics, such as Brexit, nanoforms of substances and SCIP requirements. More Q&As are planned for these topics in the course of 2021. There were up to 52 Q&As for poison centres, most of which have been either created or updated during 2020[25]. These are published in the dedicated microsite for poison centre notifications[26].

- ***SCIP requirements***

In addition to the new Q&As on SCIP, a wealth of support material was generated in 2020 on SCIP requirements to assist duty holders in fulfilling their notification obligations. This includes the following documents, available on the SCIP support web pages: 'Requirements for SCIP notifications' (translations available); 'Materials categories for the SCIP database'; 'How to prepare and submit a SCIP notification'; 'Tools to refer to SCIP data already submitted to ECHA'; 'Validation rules for SCIP notifications'; 'Dissemination and confidentiality in the SCIP

[24] This is in line with ECHA's Code of Good Administrative Behaviour, which contains the basic principles for the staff of the Agency to direct their relations with the public. The aim of the code is to guarantee the delivery of high-quality service to the public by the Agency and to inform the public of the standards of conduct that they have a right to expect in their dealings with ECHA.
[25] They have been developed by another unit in ECHA, and it is planned for the ownership to be transferred to A2 during 2021, therefore aligning them with the Helpdesk best practice.
[26] https://poisoncentres.echa.europa.eu/

Database' and 'Key tips for successful SCIP notifications'.

- ***Poison centres obligations***

ECHA provided support to companies in preparing for the 1 January 2021 compliance date to notify hazardous mixtures to poison centres for consumer and professional uses. This support came in different formats such as sharing videos on useful tips, as part of the e-Learning section and producing In Brief publications (with translations) on the unique formula identifier, information requirements for poison centre notifications, and preparing and submitting information to poison centres. Furthermore, duty holders received dedicated support material in less conventional forms, such as the *"This week in Helpdesk"* documents, published in the Q&A section of the poison centres website dealing in detail with the hot topics. Finally, a dedicated LinkedIn discussion group [27]was created as a source for more practical advice and discussion among customers.

- ***COVID-19***

To help companies understand their regulatory obligations and to ensure that disinfectants could quickly enter the market, ECHA published a dedicated COVID-19 web page. The ECHA Helpdesk team and BPR experts developed a set of Q&As for "companies seeking to place disinfectants on the EU/EEA market", which were used as a basis to respond to questions during the peak period (March-August 2020). Furthermore, information about the extensions to companies' deadlines due to the COVID-19 pandemic was published in May and the web pages were regularly updated.

- ***UK withdrawal from the EU ('Brexit')***

In 2020, ECHA continued publishing and adapting information to follow the developments of the UK's withdrawal from the EU ('Brexit'), including updates on: IT tools, the manual *'How to transfer your UK REACH registrations prior to the end of the transition period of the UK withdrawal from the EU',* Q&As with advice to companies in the dedicated web pages and a list of substances registered only by UK companies.

- ***Nanoforms of substances***

Besides the new Q&As developed on nanoforms of substances, ECHA has published a new manual '*How to prepare registration dossiers covering nanoforms'*, which is meant to be used as an add-on to the generic registration manual.

5.3 ECHA events

5.3.1 ECHA events in 2020

Due to the COVID-19 restrictions imposed in 2020, ECHA had to organise its annual Safer Chemicals Conference online (2-3 June 2020)[28], which focused on Annex VIII to CLP and the SCIP database.

Among the webinars organised for stakeholders were two on poison centre notifications and the first compliance date (February and November); two on SCIP notification and the SCIP database (March and November; including more than 700 questions responded during the webinar); one on the revised completeness check (January); one on practical advice for registering nanoforms of substances (February; including published Q&As) and one on how to manage a biocidal product family (October).

[27] https://www.linkedin.com/groups/12364138/
[28] https://echa.europa.eu/fi/-/safer-chemicals-conference-2020

In addition, the ECHA HelpNet Secretariat organised, remotely through WebEx, seven HelpNet events in 2020: a Steering Group Meeting (19 October), two REACH workshops (26 May, 22 October), two CLP workshops (25 May, 21 October), a BPR workshop (20 October) and a joint HelpNet/Forum event on 'Borderline cases on the article definition' (10 November).

Concerning the HelpNet visiting programme[29], ECHA visited the Serbian NHD for BPR, CLP and REACH and participated in the first Stakeholders' Day in Serbia (28-29 January).

Due to travel restrictions linked to the COVID-19 situation, the other visits planned for 2020 were suspended.

5.3.2 Planned events in 2021

In 2021, ECHA will once again be organising its annual Safer Chemicals Conference remotely. It is scheduled to take place on 6 October 2021. Registration for the event will open on 6 August and the full programme will be available soon on ECHA's website.

The ECHA HelpNet Secretariat plans to organise, remotely through WebEx, six HelpNet events in 2021: a REACH and CLP workshop in June, the 16th Steering Group meeting, and a BPR, CLP and REACH workshop in November. In addition, several meetings of the Working Group on 'Borderline cases on the article definition' will take place during the year (from March until September).

The Working Group on the 'Borderline cases on the article definition' has been established by the HelpNet Secretariat to discuss difficult questions received by NHDs and ECHA on substances in articles and create a catalogue on the topic to be shared with ECHA, NHDs and the Forum (Forum for Exchange of Information on Enforcement). The 'Borderline cases on the article definition' working group includes four NHDs and ECHA.

6. Summary and conclusions

In 2020, the NHDs replied to 80 000 enquiries from their customers and continued working together, adapting to the new and challenging ways of working remotely caused by the COVID pandemic. The ECHA Helpdesk replied to 4 900 questions, also working from March 2020 mainly remotely.

The responses provided through the survey reflect the activities of the BPR, CLP and REACH helpdesks across 33 countries. Helpdesks of three candidate and third countries reported on their 2020 activities, complementing the picture of chemicals legislation implemented in Europe.

The number of enquiries and hot topics dealt with by NHDs in relation to the BPR, CLP and REACH were as follows:

- For BPR, the number of enquiries (53 493) reported in 2020 represents a more than three-fold increase compared to 2019 (17 188). BPR remains the regulation with the highest number of enquiries from all three regulations in the past seven years. 60-70 % of enquiries replied by NHDs were related to COVID-19, but also national procedures/laws governing the transitional period and national authorisations of biocidal products, or families.

[29] Information about the visiting programme is available in S-CIRCABC under the dedicated folder (path: /CircaBC/echa/HelpNet/Library/Visiting programme)

- For CLP, the number of enquiries (13 629) replied in 2020 remained approximately at the same level as in 2017 and increased by 27 % compared to 2019. The questions continued to target Article 45 of CLP (current practices), labelling (including language requirements), classification and labelling of mixtures, but also general questions on CLP.

- For the REACH helpdesks, the number of enquiries slightly decreased (11 282) in 2020 compared to 2019 (11 978), when NHDs and ECHA prepared for the post-registration phase, offering companies support on safety data sheets, registration, general questions on REACH, but also substances in articles and restrictions.

The trends observed in enquiries received by ECHA were in line with the observations by the NHDs, albeit the highest number of questions still relates to the REACH Regulation, if we include the SCIP questions. Among the regulatory enquires received, 1 661 enquiries were on BPR, 740 enquiries on CLP and 2 506 on REACH. The ‘hot topics’ for ECHA in 2020 were SCIP, COVID-19 and poison centre notifications.

The NHDs and ECHA adjusted their services to handle the difficulties caused by the global pandemic, by increasing online meetings and the support material for industry on their websites. HelpNet members and ECHA staff continued working remotely under different lockdown formats, adjusting their work, and communicating with each other by mail, webinars, video conferences and other available virtual means to coordinate efficiently and ensure the support of companies.

While ECHA and NHDs look forward to being able to conduct physical meetings and have face-to-face discussions again in the future, these challenging times have taught us that virtual meetings and training can reach out to an even higher number of stakeholders. The circumstances have confirmed to us that communication and cooperation are essential tools to help us achieve consistent and harmonised advice on chemicals legislation.