2023 Report of National and ECHA Helpdesks Activities

7 May 2024

Disclaimer

This publication is solely intended for information purposes and does not necessarily represent the official opinion of the European Chemicals Agency. The European Chemicals Agency is not responsible for the use that may be made of the information contained in this document.

Table of Contents

List of acronyms

ADR	Transport of Dangerous Goods by Road
BPR	Biocidal Products Regulation (EU) 528/2012
BoA	Board of Appeal
Chesar	Chemical Safety Assessment and Reporting Tool
CLP	CLP Regulation (EC) 1272/2008
CMR	Carcinogenic, Mutagenic or Toxic for Reproduction
CSS	Chemicals Strategy for Sustainability
eCA	Evaluating Competent Authority
EEA	European Economic Area
FAQ	Frequently Asked Questions
Forum	Forum for Exchange of Information on Enforcement
FTE	Full time equivalent
GMOs	Genetically modified organisms
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
IUCLID	International Uniform Chemical Information Database, ECHA's central repository of chemical data
MRP	Mutual Recognition in Parallel
MSCA	Member States Competent Authorities
NHD	National helpdesk
NPE	4-Nonylphenol, branched and linear, ethoxylated (4-NPnEO)
OPE	4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated (4-tert-OPnEO)
OR	Only representative
PCN	Poison centre notification
PFAS	Per- and Polyfluoroalkyl Substances
PIC	Prior Informed Consent (Regulation)
POP	Persistent organic pollutants
PPP	Plant protection products
Q&A	Question and answer
REACH	REACH Regulation (EC) 1907/2006
REACH-IT	Central IT system to submit data under the REACH and CLP regulations
RoHS	Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment
R4BP	Register for Biocidal Products
SBP	Same Biocidal Product
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
SID	Substance Identification
SME	Small and medium-sized enterprise
SPM	Synthetic Polymer Microparticles
SVHC	Substance of very high concern

TARIC	The integrated Tariff of the European Union - database integrating all measures relating to EU customs tariff, commercial and agricultural legislation
TE	Technical Equivalence
UA	Union authorisation
UFI	Unique formula identifier

Foreword by the Chair of the HelpNet

During the last week of April, Helsinki was white again with some 20 cm of snow. We hope that spring will come very soon now. We even wish that, at the May meeting of our HelpNet Steering Group and our 3 regulatory workshops, we can have summer weather.

In the Chemicals Strategy for Sustainability much has been happening. The CLP Delegated Regulation has been agreed and is now in the very last step for ultimate approval after the legal check took place. It is introducing new hazard classes that will help to protect next generations from substances having a negative impact on health and the environment. We are preparing the necessary guidance to cover the new endpoints but also all the other changes that need to take place. The REACH revision took more time than originally scheduled and no progress is expected before the next Commission.

The combination of changes will clearly need enhanced support to companies in the coming years with an influence on the workload of the national and ECHA Helpdesks. Last year we received around 45 000 questions handled by our national helpdesks and 9 210 for the ECHA helpdesks. With all the upcoming changes we can only expect more questions to continue coming in. As the Chair of the HelpNet, I can assure you that we are already reflecting on how to handle this in the best way, using the successful experiences from the past and leaving room for more innovative approaches to support companies to be or become compliant with the legislations that we have in place in the European Union. We really need to think about how we can deliver the best service, not being limited to the bigger companies but also thinking about and exploring the best ways to interact with and inform SMEs. This support to companies with special attention for SMEs has been explicitly mentioned in the new ECHA strategy 2024 - 2028 and we are discussing and brainstorming how we can do this in the best way.

This report shows clearly that another challenge will be the new tasks that are coming to ECHA. We are steadily moving away from a REACH centred Agency towards a broader chemicals legislation Agency and not all national helpdesks can take up these other legislations which have different competent authorities.

Unfortunately, Russia’s unprovoked military aggression against the Ukraine continues. ECHA is working closely together with the Commission on the sanctions that are in place and will update stakeholders on the progress made in due course. Last year the geopolitical instability became even bigger in the world, and sometimes close to Europe. That is where the necessity of a united and stronger Europe, and the benefit of working closely together, come even more to mind.

I hope you enjoy reading this report.

Erwin Annys
Chair of the HelpNet

1. Executive summary

This report summarises the activities of the national helpdesks[1] (hereinafter NHDs) and the ECHA helpdesks during the year 2023, providing a good picture of the scale and scope of the HelpNet activities.

The HelpNet[2] is a network that brings together representatives of the European Commission ECHA, national BPR, CLP, and REACH helpdesks, candidate/third countries and industry observers[3]. The purpose of HelpNet is to enhance cooperation between its members on matters of mutual interest, in particular through information exchange, cooperation and mutual support, and in accordance with their respective mandates.

Each year, the national BPR, CLP and REACH helpdesks report to ECHA on their activities, workload, internal organisation, customers' support and cooperation with ECHA and within the network. The HelpNet Secretariat collected the reported information covering activities of the NHDs in 2023 through a web-based survey[4] over the period December 2023 to February 2024.

In 2023, the National Helpdesks (NHDs) addressed nearly 45 000 inquiries, while the European Chemicals Agency (ECHA) Helpdesk handled over 9 210 questions, encompassing regulatory and IT tool-related queries.

For the first time, NHDs and the ECHA Helpdesk identified 'hot topics', reflecting newly emerging themes or questions generating high interest or requiring specific discussions. Despite a decrease in queries since the peak in 2020, the BPR remained the regulation generating the highest number of inquiries for the NHDs. Similarly, REACH continued to dominate ECHA's inquiries, notably in registration and communication in the supply chain areas.

A notable trend in 2023 was the rising interest in restrictions, with inquiries focusing on new and proposed restrictions of broad scope. Although the number of CLP inquiries decreased overall, questions related to Annex VIII and Poison Centre Notification (PCN) duties persisted.

Most NHDs reported stable resource allocation, with an average response time of just over six days. In collaboration with the HelpNet members, ECHA increased cooperation through various channels, including 26 meetings, regulatory workshops, and video conferences. The main activities and new initiatives of the network are presented in a dedicated section of this report (see section 5. Cooperation between the National Helpdesks and ECHA).

---

[1] https://www.echa.europa.eu/support/helpdesks/
[2] More information available here:
https://www.echa.europa.eu/web/guest/about-us/partners-and-networks/helpnet/2023
[3] Industry observers:
A.I.S.E., Cefic, CEPE, CONCAWE, EDANA, EuPC, FECC, IMA-Europe, ORO and SME United
[4] The survey was open to the NHDs of the 27 EU Member States, three EEA countries (Iceland, Liechtenstein and Norway), observers from three EU candidate countries (Montenegro, Republic of Serbia and Türkiye), as well as Switzerland as a third-country observer of the HelpNet (for BPR and CLP). The report is reflecting the activities of the BPR, CLP and REACH helpdesks[4] across **34 countries** as well as the activities of the ECHA Helpdesks (Section *4 ECHA Helpdesks activities*).

2. Overview of enquiries received by national helpdesks

2.1 Total number of enquiries received and overall trends

In 2023, the National Helpdesks replied to **44 622 enquiries** on BPR, CLP and REACH and other pieces of EU chemicals legislation[5].

The NHDs received **38 872 enquiries** from their customers on the **BPR, CLP and REACH** regulations[6]. Of these enquiries, 43% were related to BPR, 18% to CLP, and 22% to REACH. A small share of 4% of the enquiries were not allocated specifically to one of the three regulations (see *Figure 1: Total number of enquiries received by NHDs in 2023, split by regulation (BPR, CLP, REACH) including other regulations*).

Generally, the number of enquiries defines the number of times the helpdesk has been contacted by a customer through several possible means of contact (contact forms, e-mails, phone calls, etc.). However, it is important to note that one contact (one e-mail or one phone call) may be counted as one single enquiry even when the customer may have asked several questions at the same time.

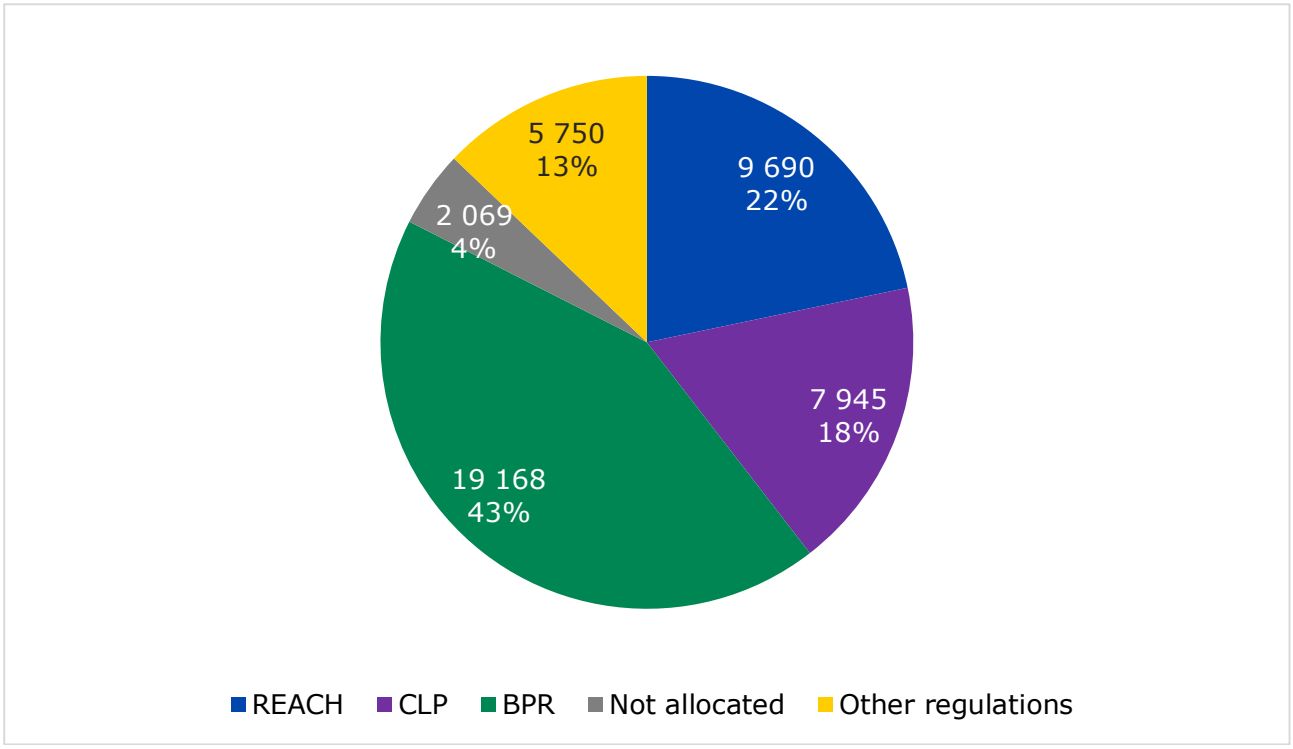

Figure 1: Total number of enquiries received by NHDs in 2023, split by regulation (BPR, CLP, REACH) including other regulations

[5] Drinking Water Directive. Chemical Agents Directive (CAD), Carcinogens and Mutagens Directive (CMD) Cosmetic products, Batteries Regulation, RoHS - Electric and electronic equipment, waste framework directive and the extension of Article 33 of REACH into the SCIP database, PIC Regulation, POPs Regulation.
[6] Trends presented in this report are indicative as they rely on data provided by the reporting NHDs only.

Main observations

The total number **of BPR, CLP and REACH** enquiries received by NHDs in 2023 (38 872) decreased by almost 4 000 enquires compared to 2022 for the 3 regulations (42 762). This represents a drop of 9% overall in the number of enquiries. The number of enquiries received remains at a level comparable to the workload of the year 2019 (40 568), before the peak caused by the Covid health crisis (see *Figure 2: Total number of enquiries received by NHD from 2018 to 2023*). Three NHDs reported a total number of 2 069 enquiries that had not been specifically allocated to only one of these three regulations but are still related or touching upon more than one of these.

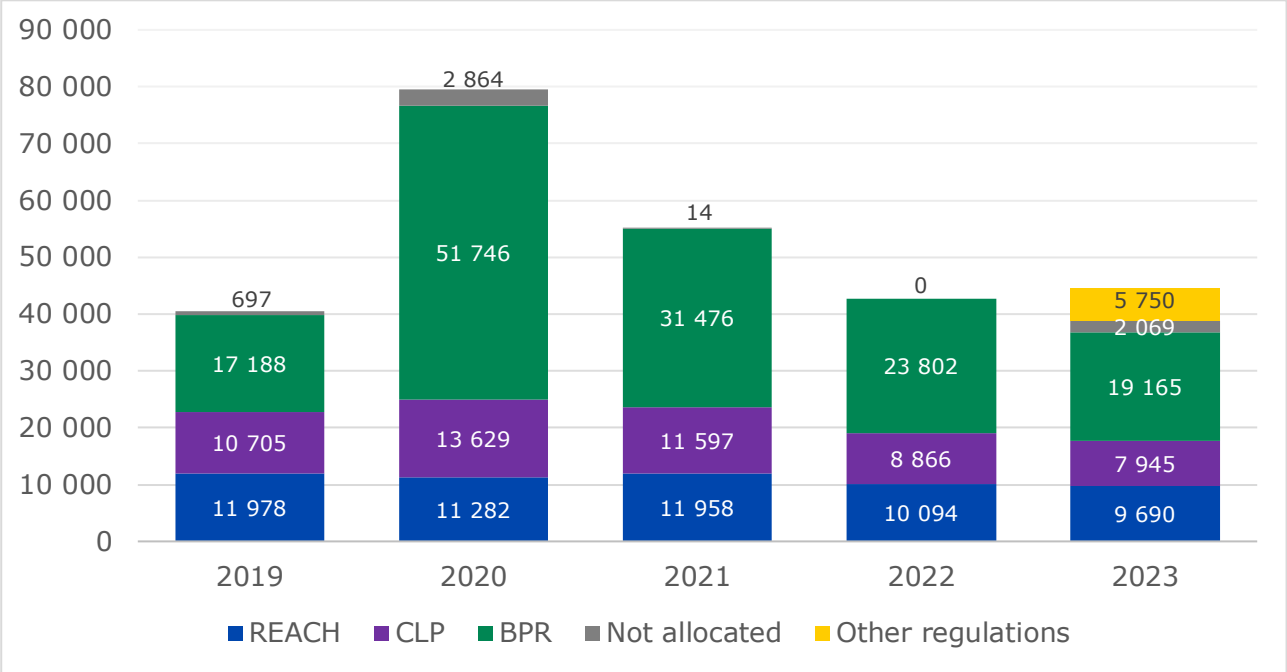

Figure 2: Total number of enquiries received by NHD from 2018 to 2023, split by regulation (BPR, CLP, REACH) including other regulations for 2023 (more details in section 2.6)

BPR continues to be the regulation with the highest number of questions replied to by NHDs (19 165), as it has been since 2014, followed by REACH (9 690) and CLP (7 945). This remains a difference between the situation of the majority of NHDs compared to ECHA and individual NHDs, for which the number of REACH questions has always been the highest.

The number of REACH enquiries slightly decreased in comparison with 2022. A drop in the number of CLP related enquiries was also noted.

Despite the general decreasing trend, 19 NHDs reported an increase in the number of enquiries received in 2023 and noted among the possible reasons for increase: the hot topics such as new restrictions entries under Annex XVII of REACH (in particular, entry 74 on diisocyanates and entry 78 on microplastic); the complexity of the questions that required follow up communications and the persistency of PCN questions.

In counterpart, 16 NHDs could not see a major change in the number of enquiries received.

Finally, 14 NHDs reported a decrease in the number of enquiries received and one of them noted in particular a significant decrease in BPR related enquiries (approximately -25%).

2.2 Recurrent and hot topics of regulatory enquiries

For the first year, the NHDs reported on both recurrent and hot topics per regulation, giving a more detailed view of the topics dealt with by the NHDs. The five most recurrent topics reported for each of the three regulations are shown below (see *Figure 3: Overview of the BPR, CLP and REACH recurrent topics received by NHDs in 2023)*.

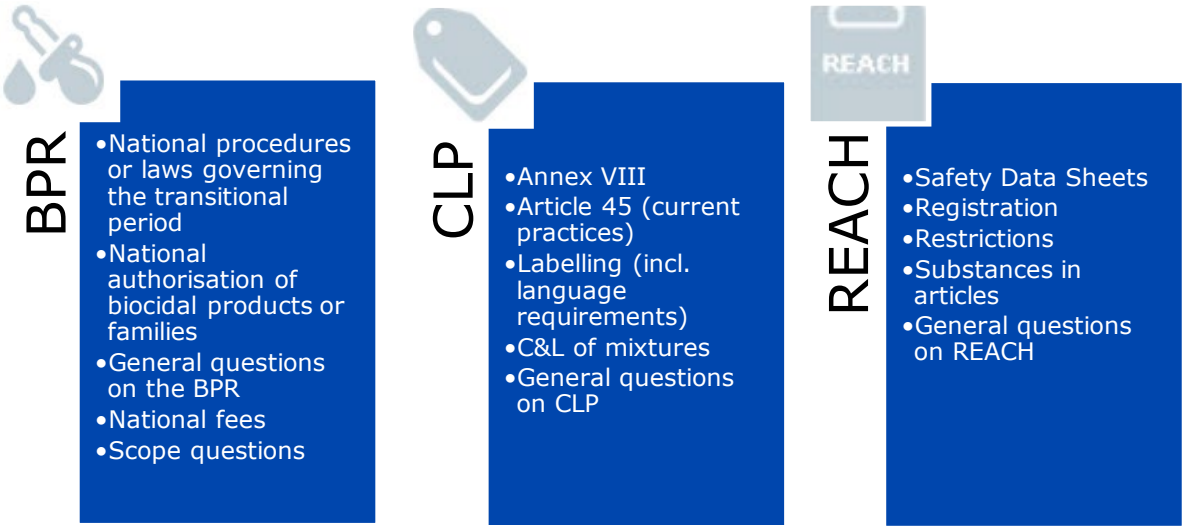

Figure 3: Overview of the BPR, CLP and REACH recurrent topics received by NHDs in 2023

NHDs also reported on hot topics, which are newly emerging topics or questions that raised a particular interest, triggered a high number of enquiries, or required specific discussions and consultations. NHDs could list up to three hot topics that they were confronted with in 2023. An overview is provided for each regulation under the relevant sub-section.

2.3 BPR enquiries received by national helpdesks

In 2023, the total number of BPR enquiries received by 31 NHDs was 19 165, representing 49% of all received enquiries, with a decrease of 19% in comparison with the previous year. This makes BPR the most popular regulation once again.

In absolute number, the BPR enquiries decreased 4 634 in 2023 compared to 2022. Four of the BPR helpdesks received above 1 000 questions in 2023, while there were eight receiving such high numbers in 2022. The NHD that received the highest absolute number of enquiries replied to 3 700 enquiries in 2023.

With reference to the decrease in BPR questions, the following reasons were highlighted:

- Decrease in number of questions related to Covid and disinfectants;
- Improved material, standard answers and webpages available. One NHD also mentioned their new contact form which automatically searches for relevant information on their website when customers are typing their questions;
- More awareness among companies and consultants of the EU BPR procedures as well as national requirements (e.g. transitional period);
- Drop in applications for transitional authorisations; and
- Entering into force of new national law and informing companies by the end of 2022 of the changes.

However, 5 NHDs reported an increase of the BPR questions. The reported reasons were as follows:

- the approval of several active substances in PTs 2, 3, 4 and 19. Especially the ones that have disinfecting properties and constitute a large number of authorised biocidal products;
- more customers switched from the phone calls to written communication (e-mail); and
- the progress made under the Review Programme, more active substances approvals or inclusion in Annex I BPR.

BPR Recurrent topics

Table 1: Recurrent topics concerning the Biocidal Products Regulation in 2023 and 2022

BPR recurrent topics in 2023		BPR recurrent topics in 2022
National procedures or laws governing the transitional period	**1**	National procedures/laws governing the transitional period
National authorisation of biocidal products or families	**2**	National authorisation of biocidal products or families
General questions on the BPR	**3**	General questions on the BPR
National fees	**4**	National fees
Scope questions	**5**	Scope questions

In 2023, the top five positions continued to be occupied by topics that fall within the remit of the national authorities, as shown in *Table 1: Recurrent topics concerning the Biocidal Products Regulation in 2023 and 2022*. There are no significant changes in the recurrent topics, compared to 2022. One NHD reported as recurrent topic advertisement and packaging of biocidal products and the labelling.

In 2023, the NHDs reported having received fewer enquiries linked to the COVID-19 pandemic. The trend is now returning to normal activity, with a transition from specific COVID-19 questions to more general queries on national procedures governing the transitional period, national authorisations, and national fees.

BPR hot topics

Hot topics reported by NHDs were grouped in 5 main categories (see *Figure 4: Overview of BPR hot topics received by NHDs* in 2023).

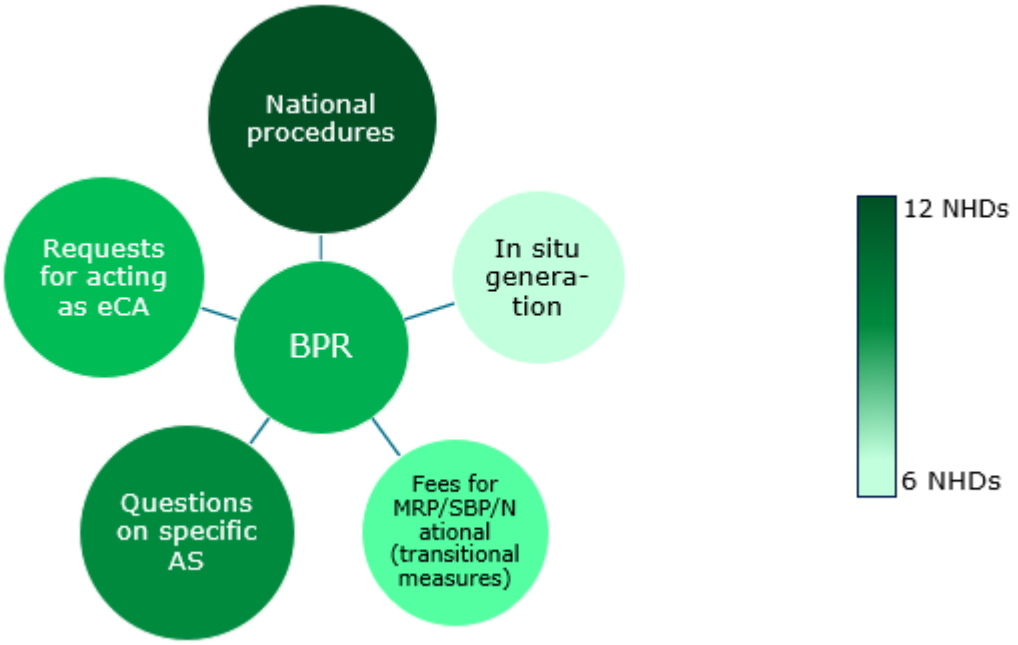

Figure 4: Overview of BPR hot topics received by NHDs in 2023

The number one hot topic, 'national procedures', was mentioned by 12 NHDs. With reference to the placing on the market of products under national law, one NHD informed that questions were linked to the changes of such products and another NHD that the customers were interested in the deadlines for submitting the applications for placing on the market of products under national law during the transition period; this after the approval has been already granted for active substance in accordance with Art. 89 (2) of the BPR. The majority of the NHDs did not report detailed issues related to this topic.

The second hot topic was related to questions on specific active substances (ozone, active chlorine species, free radicals), identified by 11 NHDs. Moreover, 8 NHDs stated that they were contacted by the prospective applicants with the request to act as Evaluating Competent Authority (eCA), making this the third hot topic in 2023. Questions related to fees in general were received by 7 NHDs, covering fees for mutual recognition in parallel (MRP), same biocidal product (SBP) and/or transitional measures, while 'in situ generation' was mentioned by 6 NHDs.

Other topics, not allocated to any category above, included: the scope of the BPR, treated articles, prolongation of the Review Programme Regulation, technical questions related to the dossier preparation for the upcoming submissions under the BPR (especially on the information requirements for the efficacy and risk assessment for biocidal product), UFI, matters of enforcement and mutual recognitions. One NHD reported problems with repellents and insecticides against bedbugs – also in the context of possible derogation under Art. 55 (1) of the BPR.

It should be noted that the questions related to labelling reported in 2022 by many NHDs were mentioned only by one NHD in 2023.

2.4 CLP enquiries received by national helpdesks

The total number of CLP enquiries received by NHDs (7 945) represented 21% of all the enquiries, with an overall decrease of 10%. However, the share of CLP enquiries out of all enquiries received remained similar to the previous years. Out of all CLP helpdesks, two received more than 1 000 questions in 2023 and 2022, in comparison with three in 2021 and

2020. The highest number of queries received by one national helpdesk was 1 700 enquiries in 2023, compared to 1 500 the previous year and 2 350 in 2021. These elements support the observation that, overall, companies have contacted their NHDs less.

While overall the number of CLP questions has decreased, some NHDs indicated an increase. The NHDs did not provide any reason for this, although one NHD pointed to the Annex VIII of CLP (PCN) topic as the cause of the increase and another NHD suggested the new way of working, with ECHA forwarding customers to their relevant NHD, as a potential reason for this increase.

CLP recurrent topics

As presented in Table 2: Recurrent topics concerning the CLP Regulation in 2023 and 2022, there were relatively few differences between the top five topics in 2023 compared to 2022.

Table 2: Recurrent topics concerning the CLP Regulation in 2023 and 2022

CLP recurrent topics in 2023		CLP recurrent topics in 2022
Annex VIII	**1**	Labelling (including language requirements)
Article 45 (current practices)	**2**	Annex VIII
Labelling (incl. language requirements)	**3**	Article 45 (current practices)
Classification & labelling of mixtures	**4**	Classification and labelling of mixtures
General questions on CLP	**5**	General questions on CLP[7]

The biggest difference is the rise of the topics related to poison centre notification (Annex VIII and Article 45 of CLP, current practices) to the first and second position, making questions on labelling move down to the third position. This change can be directly related to the compliance date of Annex VIII of CLP for industrial use type and how the national rules are adapting to it. The results of the hot topics are consistent with this trend.

The other two topics of 'Classification and labelling of mixtures' and 'General questions on CLP' have remained stable compared to last year. The complexity of classifying and labelling mixtures, and the width of the scope of general questions explain their presence in the top five for many years.

In general, the NHDs have not noticed any significant change in the recurrent topics, with up to 12 stating so. Nevertheless, five NHDs reported a different situation, and the following was noted:

- Increased number of Annex VIII of CLP questions, in particular related to the UFI, and to the identification of the duty holders;
- Lower number of questions related to labelling and mixture classification; and
- Increased number of questions related to packaging.

[7] Questions on scope and exemptions, as well as on roles and obligations under CLP

CLP hot topics

The hot topics reported by the NHD are reported below (see *Figure 5: Overview of CLP hot topics received by NHDs in 2023*):

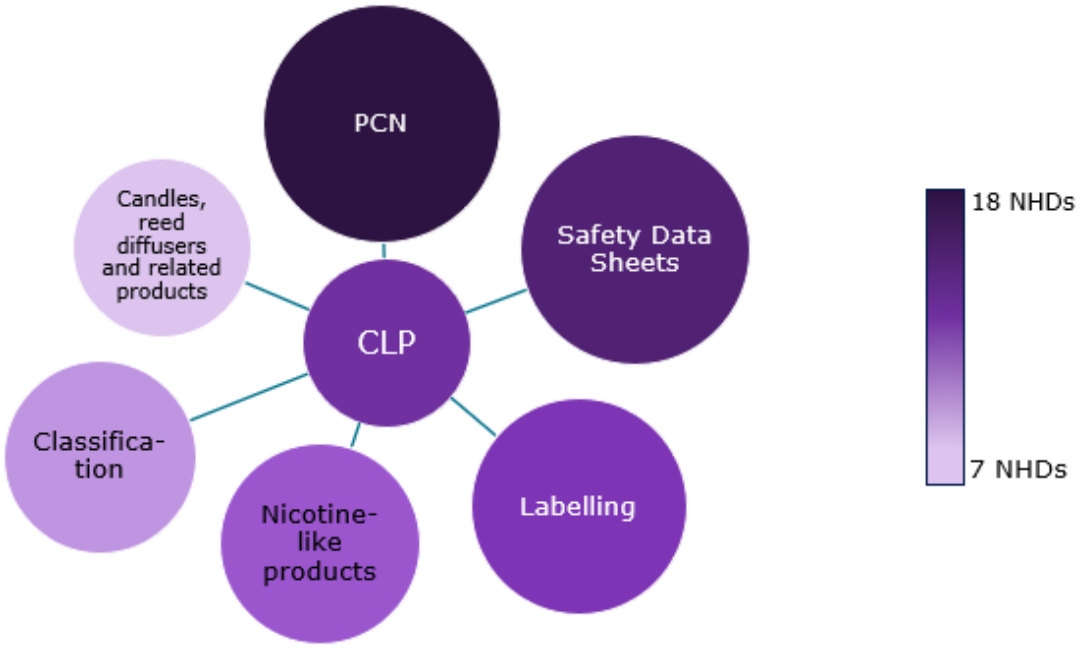

Figure 5: Overview of CLP hot topics received by NHDs in 2023

The PCN hot topic covers, as highlighted by the 18 NHDs listing it amongst their hot topics, language requirements as well as fees and other aspects under the national schemes. It was no surprise that this was also the most recurrent topic of enquiries. In second place, mentioned by 15 NHDs, the Safety Data Sheets (SDS) topic appears both under CLP and REACH. Under CLP, the questions related to the emergency phone number to be included in Section 1.4, and more generally about the classification and labelling information that needs to be included in several sections of the SDS. The third topic is 'Labelling in general', though some of the 12 NHDs who listed it have pointed out specifically the derogations established under Articles 23 (for special cases) and 29 (labelling and packaging).

The next hot topic, reported by 10 NHDs, were questions related to 'nicotine-like products' which covers enquiries received on nicotine pouches, e-liquids and other non-nicotine products. Their interplay with other pieces of legislation has been raising questions for several years.

The fifth topic, as indicated by 8 NHDs is a more general one, 'classification', which also covers some more specific sub-topics like 'mixture classification', or 'classification of specific products', such as detergents or fuels.

As sixth topic, which is still shared by 7 NHDs, candles, wax melts, reed diffusers and other related products were listed. The questions regularly deal with the labelling of these products, and the duty to submit a PCN for them or not.

The following hot topics have been mentioned by some NHDs:

- Labelling conditions of REACH restriction (Annex XVII of REACH) entry 74 on diisocyanates;
- Request for alternative chemical name;
- Harmonisation through Annex VI of REACH; and
- On-line sales.

2.5 REACH enquiries received by national helpdesks

The total number of REACH enquiries (9 690) represented 25% of all enquiries received by NHDs. This percentage decreased only slightly in comparison with the previous year. In absolute numbers, the REACH enquiries decreased by 4%. Out of all REACH helpdesks, three received more than 1 000 questions in 2023, as seen since 2020. The highest number of queries received by one national helpdesk was 1 389 enquiries in 2023, compared to 1 428 in 2022.

Several NHDs noted receiving more complex enquiries, and observed a slight increase in the number of questions they received in 2023, in particular for restriction-related questions. Other NHDs highlighted having developed further support material on their websites, which could explain a decrease in the numbers of enquiries.

REACH Recurrent topics

Table 3: Recurrent topics concerning the REACH Regulation in 2023 and 2022

REACH recurrent topics in 2023		REACH recurrent topics in 2022
Safety Data Sheets	**1**	Safety Data Sheets
Registration	**2**	Registration[8]
Restrictions	**3**	General questions on REACH[9]
General questions on REACH	**4**	Restrictions
Substances in articles	**5**	Substances in articles

As shown in Table 3: Recurrent topics concerning the REACH Regulation in 2023 and 2022, for REACH, the observed trends of the recurrent topics in the last three years are very similar. The first two topics, namely 'Safety Data Sheet' and 'registration' remained the same as in 2022, as did the first five too, although their ranking changed slightly.

Enquiries concerning Restrictions have taken a higher position in the top five topics, now in third position. This is likely related to the number of questions triggered by the adoption of

[8] Questions on registration obligation, dossier preparation and update, tonnage requirements, information requirements.
[9] Questions on scope and exemptions (e.g., Annex V of REACH) as well as on roles and obligations (such as importer and only representative roles) under REACH.

new restrictions, in particular the restrictions of synthetic polymer microparticles (SPM) commonly known as "the microplastics restriction" (entry 78), diisocyanates (entry 74), tattoo inks (entry 75) and formaldehyde (entry 77), as well as new restriction proposals, such as the universal PFAS restriction proposal, as indicated by some NHDs.

Questions related to substances in articles decreased slightly in 2023 for some NHDs. However, it remained one of the most frequent topics. Regarding Authorisation, it continued to be a recurrent topic, and some NHDs noted that they received an increased number of questions on chromates. Other topics highlighted as recurrent ones included downstream user obligations, SVHC substances, legal entity changes, Substance identification and communication obligations, including the notifications to the SCIP database, PPORD, imports, licensing, IUCLID, recovered substances, by-products and end-of-waste criteria.

REACH Hot topics

NHDs also reported REACH hot topics, which are newly emerging topics or questions that raised a particular interest, triggered a high number of enquiries, or required specific discussions and consultations. The main areas of those hot topics included registration, restriction, and communication along the supply chain (see *Figure 6: Overview of REACH hot topics received by NHDs* in 2023).

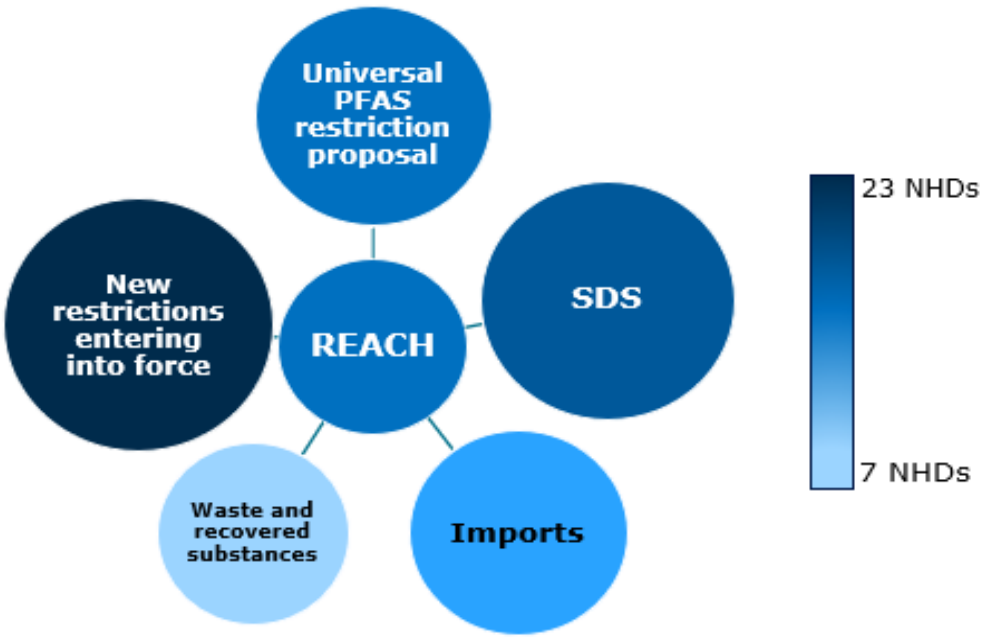

Figure 6: Overview of REACH hot topics received by NHDs in 2023

Twenty-three NHDs indicated the new restrictions amongst their identified hot topics for 2023, specifically: microplastics (entry 78), Diisocyanates (entry 74), Lead in gunshot in wetlands (under entry 63), but also substances which are classified as carcinogenic, mutagenic or toxic for reproduction (CMR) in products for general public use (entry 72) and Formaldehyde (entry 77).

Seventeen NHDs also indicated Registration obligations as an important topic in 2023. They mentioned questions related to imports, TARIC and customs codes, to by-products, waste and recovered substances, but also to only representative (OR) obligations and substance identity issues. The universal PFAS restriction proposal was also highlighted as one of the hottest topics for 2023 by 11 NHDs.

Finally, Safety Data Sheets was also listed as one of the hot topics by 15 NHDs since a high number of questions on many relevant aspects were received, including compilation, content and format, emergency phone number, languages, and changes triggered by the latest amendment of Annex II to REACH[10]. Due to the overlap with CLP obligations (emergency phone number in Section 1.4, for example) this topic has also been identified as a hot topic under that Regulation, showing industry's interest on the matter.

2.6 Support provided by national helpdesks on other EU regulations

As indicated in section 2.1, in addition to BPR, CLP and REACH enquiries, the competent authorities where the BPR, CLP and REACH NHDs are located provided advice on other EU chemicals legislation. NHDs reported having replied to 5 727 enquiries, mostly related to Persistent Organic Pollutants (POPs), Prior Informed Consent (PIC), Waste Framework Directive (WFD), and Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) (See *Figure 1: Total number of enquiries received by NHDs in 2023, split by regulation (BPR, CLP, REACH) including other regulations*).

In 2023, NHDs from 26 countries reported that they replied to 5 750 enquiries on EU chemicals legislation other than BPR, CLP and REACH, which is a reduction of 26% compared to 7 738 in 2022. Among those, three NHDs replied to more than 500 enquiries on such topics and one to almost 2 920 enquiries. However, many NHDs are essentially responsible for REACH, CLP and BPR Regulation only.

The top five most common pieces of legislation triggering enquiries were the Persistent Organic Pollutants Regulation (POPs - Regulation (EU) 2019/1021), Export and import of hazardous chemicals (PIC - Regulation (EU) 649/2012), Waste Framework Directive (WFD - Directive 2008/98/EC) and the extension of REACH Article 33 obligations into the SCIP database, the restriction of the use of certain hazardous substances in electrical and electronic equipment Directive (RoHS - Directive 2011/65/EU) and the Batteries Directive (Directive 2006/66/EC) (see *Figure 7: Number of NHDs providing support on other pieces of EU regulations*).

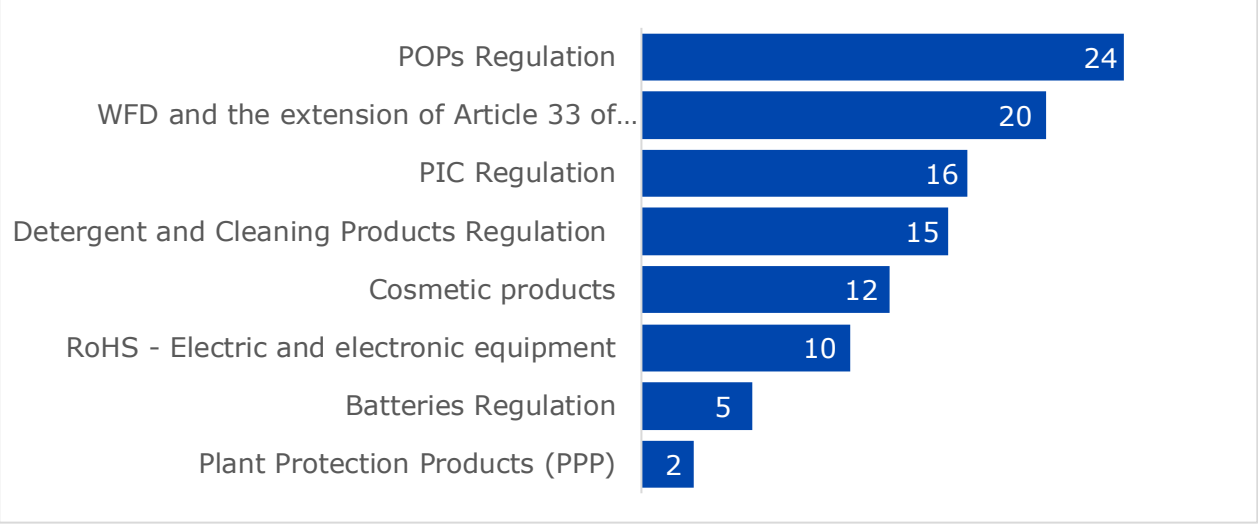

Figure 7: Number of NHDs providing support on other pieces of EU regulations

[10] Commission Regulation (EU) 2020/878

3. National helpdesks and customer support

3.1 Communication channels, service response time, and resources

Communication channels

In 2023, over 85 % enquiries replied by NHDs were received online, through the contact forms, and by e-mail, which is in line with the previous year. Only two NHDs mentioned that they do not have a contact form. Some NHDs noted an increase in the number of questions received by email.

Almost the same percentage of enquiries as the year before were replied by phone or other means of communication. A higher percentage of enquiries have been replied during meetings, webinars, and training sessions organised by the competent authorities, which make difficult to record the exact numbers of course. The share of each communication channel used can be seen below (see *Figure 8: Communication channels used by customers to contact NHDs*).

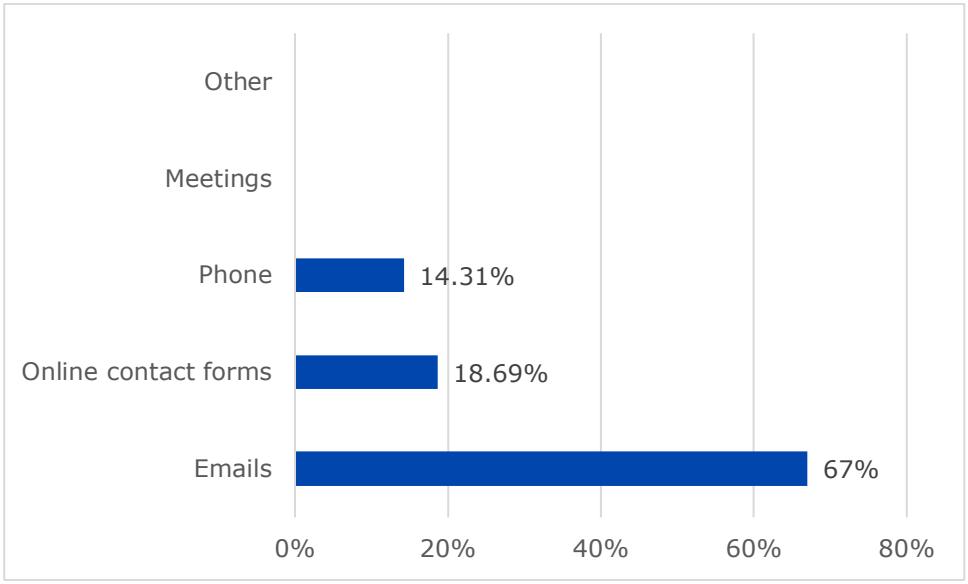

Figure 8: Communication channels used by customers to contact NHDs

Service response time

In general, NHDs are replying to enquiries within the deadlines required by national laws or internal procedures, aiming to reply as quickly as possible. For staff responsible of other tasks within the competent authority, prioritisation could affect the time required to answer.

In 2023, the average response time have increased for both simple and complex questions, with time frames from a week to 60 days for simple and complex questions respectively.

For NHDs located in about 16 countries, there are no clear criteria for grouping the questions according to their complexity. Enquiries were replied based on their urgency and the availability of resources. Therefore, no clear conclusion can be drawn here about different response times.

Based on the information provided by the reporting NHDs, on average the response time was around 6.1 days. For simple questions, the average response time across NHDs who provided an answer is 3.7 days and for complex questions it was 13.25 days.

The minimum and maximum response timeframe for different types of questions received in 2023 is shown in *Table 4: Minimum and maximum response time on average (day)*.

Table 4: Minimum and maximum response time on average (day)

Complexity of enquiry	Response time (days)	
	Minimum	Maximum
Simple	1	30
Complex	1	60

Resources

In 2023, 63 BPR, CLP and REACH NHDs providing information on their resources, reported no change in the resources allocated to the helpdesk activities (see *Figure 9: Resources available to provide helpdesk advice in 2023*),

Thirteen NHDs (3 BPR, 5 CLP and 5 REACH) reported more resources and 15 NHDs (5 BPR, 4 CLP and 5 REACH) faced resource cuts.

In terms of full-time equivalents (FTEs), in total NHDs reported between 0.1 and 10 FTEs allocated to helpdesk activities.

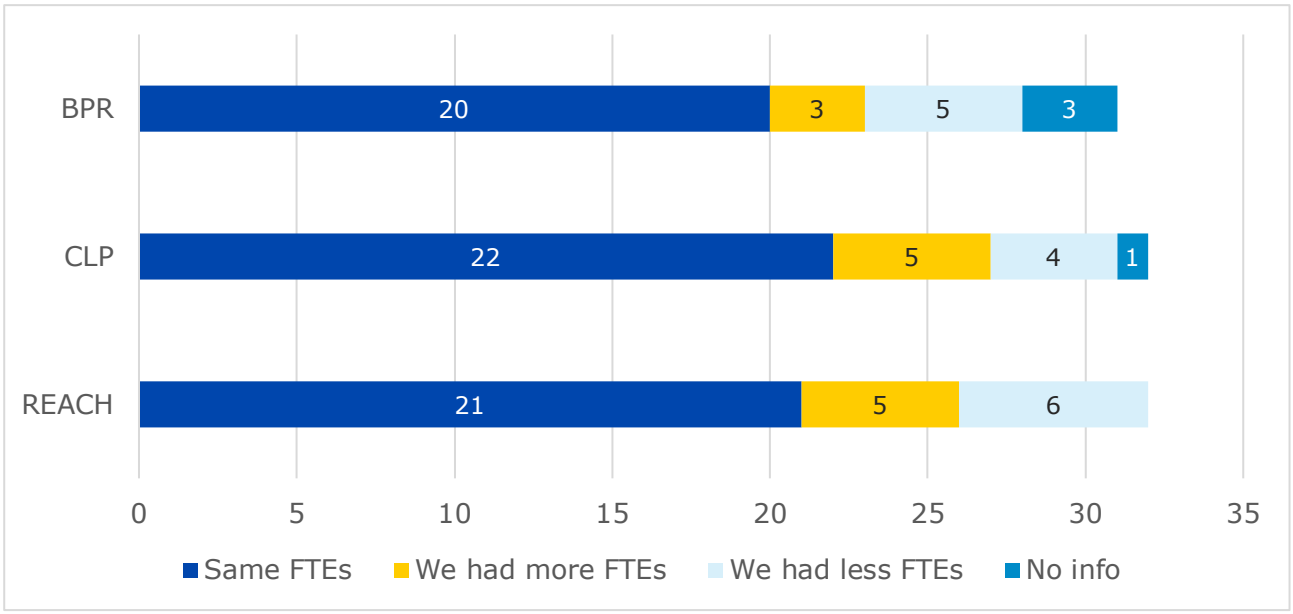

Figure 9: Resources available to provide helpdesk advice in 2023

3.2 Ways to support companies including small and medium-sized enterprises

In 2023, NHDs interacted with their customers through various communication channels and shared their experiences on what they found to be the most useful ways to support their customers.

NHDs continued to provide information through regular updates of their websites. Some ensured that information on recurrent topics was highlighted on the main page, which lead to a decrease in requests with regards to these topics. NHDs also used their websites to issue news for important legislative changes such as new restrictions under REACH and PCN obligations.

Following the mention in the ECHA strategy statement for 2024-2028[11] of the focus on SMEs, NHDs provided specific information on their support to companies with special attention for SMEs for the purpose of this report. NHDs have organised meetings, conferences, workshops, targeted seminars, information campaigns for SMEs, participated in meetings and fairs, issued instructions, publications and newsletters, and launched new projects on how to reach out to companies. One NHD mentioned that meetings are organised remotely rather than on-site, to reach more stakeholders and SMEs.

Fifteen NHDs reported on specific activities targeted to SMEs:

- Targeting mostly the SMEs when reaching out to companies with information on regulatory obligations;
- Being available on the phone (e.g. two-hour phone service provided by one NHD every day in the national language);
- Participating in meetings on request;
- Using social media (e.g. LinkedIn) to share the latest developments (e.g. publication of new restrictions and associated obligations) or hot topics/questions;
- Communication with associations representing SMEs;
- Publication of FAQs, factsheets and short guidance documents; and
- Cooperation with the European Enterprise Network.

One competent authority developed e-Learning courses[12] and a tool available for businesses (SME focused) to help them prepare their safety statements for workers and risk assessments required under various legislations.

3.3 Events

Events organised in 2023

In 2023, NHDs organised slightly more physical than online/hybrid meetings. Amongst the organised events in 2023, there were general topics events on EU chemicals legislation, the Chemicals Strategy for Sustainability (CSS) and responsibilities of the different actors in the supply chain.

For BPR, events organised covered general information sessions on the biocidal products regulation, and more specific themes such as Dietary and human health risk assessment of QUATs[13] active substances.

For REACH and CLP, the events covered topics such as updates on REACH and CLP, events on

[11] Available here 936c121f-9ba0-e677-40e1-d27c0cbdbacb (europa.eu)
[12] https://hsalearning.ie/ and https://www.besmart.ie/
[13] quaternary ammonium

specific new restrictions or proposed restrictions, including on the universal PFAS restriction proposal, the microplastics restriction (entry 78), the diisocyanates restriction (entry 74), SDS, information sessions on CLP classification and revision of CLP. More specific events addressed issues linked to recovered substances, authorisation requirements for OPE and NPE[14] and Lithium salts classification.

Speakers from the European Commission, ECHA, and industry joined some of the events.

Events planned for 2024

The REACH and CLP revisions will be topics on the agenda of several NHDs as well as events targeted to SMEs. The following events are already foreseen for 2024:

- Seminars on biocidal products families: possibilities & limitations, assessment of efficacy, assessment of exposure of occupational users;
- CLP new hazard classes, Annex VIII of CLP regulation; CLP revision and
- REACH restrictions in general and specifically the universal PFAS restriction proposal, microplastics restriction, SDS, communication in the supply chain.

Other NHDs are considering events that are planned to also cover regulations other than the ones in the remit of the BPR, CLP and REACH helpdesks, for example Detergents and Fertilisers Regulations.

[14] 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated (4-tert-OPnEO), and 4-Nonylphenol, branched and linear, ethoxylated (4-NPnEO)

4. ECHA Helpdesks activities

4.1 Regulatory enquiries received

In 2023, the regulatory helpdesk received 4 215 regulatory enquiries, of which 3025 on REACH, 540 on CLP and 650 on BPR (see *Figure 10: Regulatory enquiries received by ECHA in 2023 for REACH, CLP and BPR*).

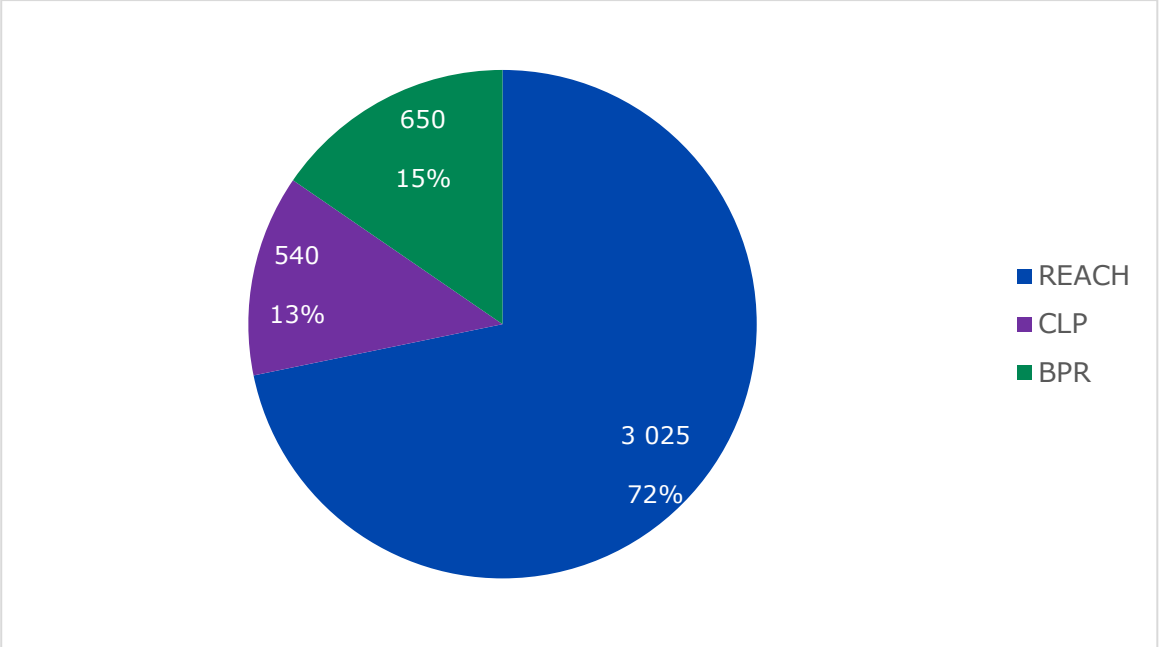

Figure 10: Regulatory enquiries received by ECHA in 2023 for REACH, CLP and BPR

The total number of regulatory BPR, CLP and REACH enquiries received by ECHA Helpdesk in 2023 remained stable compared to 2022 (see *Figure 11: Total number of regulatory enquiries received by ECHA 2018-2023*). It should be noted that, while the number of REACH questions increased by 9%, CLP related enquiries dropped by 31% and those for BPR dropped by 16%.

Despite the application date of Annex VIII to CLP to industrial use type mixtures, the overall number of CLP questions continued to decrease. This is probably the effect of an increased understanding by companies of their PCN duties, and thus it is expected that the number will continue to decrease next year.

However, the impending CLP revision and the entry into force of the new hazard classes will likely result in an increase in related enquiries already in 2024.

The increase under REACH can be explained by the number of enquiries received for broad scope restrictions with high level of interest such as entry 78 on microplastics or the ongoing process for the universal PFAS restriction proposal.

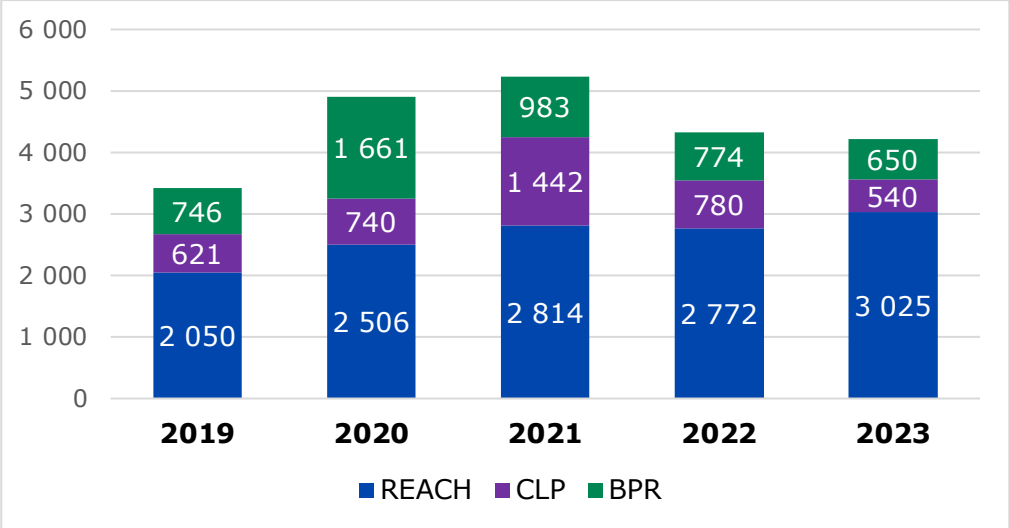

Figure 11: Total number of regulatory enquiries received by ECHA 2018-2023

In 2023, ECHA collected data on both recurrent and hot topics, in the same way as the NHDs reported. Hot topics are emerging subjects that customers have frequently inquired about for seeking assistance in 2023, whilst recurrent topics are the most popular topics in terms of number of enquiries received by ECHA.

The recurrent topics of regulatory enquiries received by ECHA are presented below (see *Figure 12: Overview of the BPR, CLP and REACH recurrent topics received by ECHA in 2023***.**), with the hot topics identified by ECHA (see *Figure 13: Overview of the BPR hot topics received by ECHA in 2023* for BPR, *Figure 14: Overview of the CLP hot topics received by ECHA in 2023* for CLP and *Figure 15: Overview of the REACH hot topics received by ECHA in 2023* for REACH).

4.2 Recurrent and hot topics of regulatory enquiries

The recurrent topics reported for each regulation are topics that have been asked about regularly in 2023.

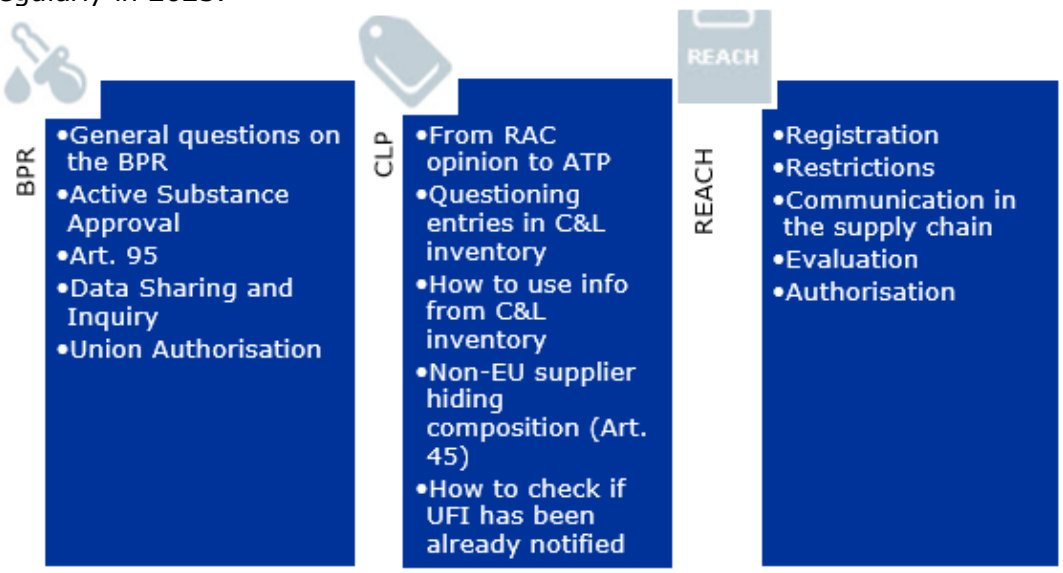

Figure 12: Overview of the BPR, CLP and REACH recurrent topics received by ECHA in 2023

4.3 BPR enquiries received

In 2023, the ECHA Helpdesk replied to 650 BPR questions. This represents a decline of about 16% compared to 2022 and it is the lowest number in the last 5 years. However, this has a positive connotation as customers are more aware of support material, with fewer question touching upon issues already addressed by Q&As or guidance on the ECHA website.

BPR Recurrent topics

The top three topics on the BPR remained the same as in 2022: general questions on the BPR regulation, followed by questions on active substance approval and Article 95.

The general questions on the BPR dropped to 31.5% of the total of enquiries received (against 39% in 2022). Besides questions related to the application of transitional measured under Article 89, the queries touched upon the guidance documents and the possible extension (and the scope of it) of the Review Programme Regulation.

Questions on active substance approval represented 15% of the total number of BPR questions remaining at the same level as in 2022. Especially the approval of ADBAC/BKC[15] (C12-16)/PT2 was still of high interest, followed by the status of Eucalyptus citriodora oil, hydrated, cyclized (CAS 1245629-80-4)/PT19 and related substances (Mixture of cis- and trans-p-menthane-3,8 diol (Citriodiol) and 2-hydroxy-α,α,4-trimethylcyclohexanemethanol.

Article 95 was, as in 2022, the third popular topic reaching 10% of the total received enquiries. Article 95 obligation for the precursor for in situ generated substances was in the spotlight. Many companies also consider the Art. 95 list as a marketing tool and contacted ECHA with complaints that supplier(s) included on the list refused to sell them substances.

It should be noted that in 2023 the questions related to data sharing and inquiry made 7.5% of the total questions and replaced technical equivalence, the topic which in 2022 occupied the fourth position. The rise of the questions on data sharing may be related to the fact that more and more active substances are becoming relevant for Art. 95 obligations. Hence, alternative suppliers need to know how to reach the data submitter and how to proceed with the data sharing negotiations. The other reason generating the interest is the expiry of data protection under Art. 95(5).

For enquiries related to union authorisations (UA), which represented 6% of the BPR questions, ECHA received a high number of questions from prospective applicants who had encountered difficulties in finding an evaluating Competent Authority (eCA) for their upcoming UA submission. Many customers wanted to explore the possibility of grouping changes as per Article 4 of Commission Implementing Regulation (EU) No 354/2013.

BPR Hot topics

The BPR hot topics are presented below (see *Figure 13: Overview of the BPR hot topics received by ECHA in 2023*). Questions on the expiry of the data protection for the active substances falling under Art. 95 (5) were brought to ECHA initially by Cefic, then by companies themselves. The questions touched upon many aspects e.g. if Art. 95 (5) applies also to in situ generated system covered by Art. 93 of the BPR; if Art. 95 (5) applies to the renewal data; if the post-approval data falls within the scope of Art. 95 (5).

The topic of re-definition of the active substance Bardap 26 was brought to ECHA first in the context of the inclusion on the Art. 95 list, then it was followed by questions related to the

[15] Alkyl (C12-16) dimethylbenzyl ammonium chloride

dissemination of this substance (the name of the active substance) and the link to the new substance identity (DMPAP[16]).

The alternative suppliers included on the Art. 95 list are also becoming increasingly aware of the active substance renewal process and they approached ECHA asking about their obligations, especially to know where to find the list of the data relevant for the renewal, whether they would be informed by ECHA on the publication of such lists, or whether the list would be updated.

There was also quite a significant number of questions related to the technical equivalence (TE), in relation to Art. 95 inclusion, as the Art. 95 list was seen as the list of equivalent sources, whilst this is not the case. The inclusion of a supplier in the Article 95 list does not automatically indicate the technical equivalence of their active substance. Questions received pointed to the belief that without the assessment of technical equivalence companies cannot be listed. Although for approved active substances this sequence is recommended, there is no legal obligation to obtain a positive ECHA decision on the TE before submitting Article 95 application.

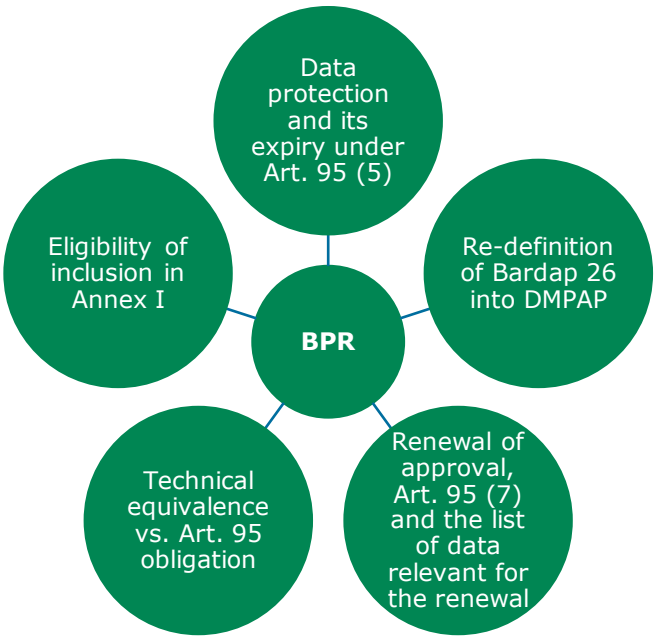

Figure 13: Overview of the BPR hot topics received by ECHA in 2023

4.4 CLP enquiries received

In 2023 ECHA received a total of 540 questions on CLP matters. This is a drop of 31% compared to the 780 received the previous year. Against expectations, the questions about Annex VIII of CLP duties have not increased significantly and this could lead to the conclusion that customers are aware of their duties and understand better the PCN submission tools.

Looking towards the future, seeing that the CLP guidance documents and IT tools are being updated to include the new hazard classes, questions could be expected on those topics in 2024. Also, the CLP revision is bound to be a source of new hot topics. Finally, the end of the

[16] Reaction mass of N,N-didecyl-N-(2-hydroxyethyl)-N-methylammonium propionate and N,N-didecyl-N-(2-(2-hydroxyethoxy)ethyl)-N-methylammonium propionate and N,N-didecyl-N-(2-(2-(2-hydroxyethoxy)ethoxy)ethyl)-N-methylammonium propionate (DMPAP)

transitional period for Annex VIII of CLP may generate recurrent questions towards the end of 2024, and the beginning of the next one for the late comers.

CLP Recurrent topics

Annex VIII of CLP has been the source for most of the recurrent topics' questions, corresponding to 45% of all the questions received. It is a relatively new duty and some scenarios have been brought to light only now. Because the transitional period extends until 31 December 2024, newcomers have sought clarifications and, within Annex VIII of CLP, the most frequent topics were scope questions (which mixtures have to be notified? Who is the duty holder?) and how to prepare the actual dossier, based on the information available to the duty holder. Both non-EU suppliers and importers contacted ECHA when suppliers did not want to share the compositional information with their customers.

As in previous years, the next two most recurrent topics were classification and labelling with 18% of the CLP questions, and SDS, with 16% of the CLP queries received. These percentages are very similar to the previous year. In more detail, the classification questions have been on mixture classification and on how to apply the classification criteria. The hazard classes which have raised the most questions have been carcinogenicity, mutagenicity and reproductive toxicity. Labelling and SDS is a relatively broad scope. The questions ranged from interpretation of the Article 23 derogations, to how to combine hazard statements and to where and how to report information about classification in the SDS.

Questions about harmonisation and Annex VI of CLP came in a constant flow throughout the year representing 14% of the overall total number. Some of them where about the process of forming the CLH opinion and the interpretation of Annex VI of CLP legal requirements and its modifications. Many more questions were about the situation of specific substances. These substances where either in the steps prior to the formal CLH process, or in an opinion already submitted to the European Commission.

The questions about requests for alternative chemical name came in similar numbers as in previous years, reaching 3% of CLP enquiries. It is worth mentioning that the number of non-EU companies asking about this provision is growing. Questions about the C&L inventory represented 3% of the received CLP questions too. The customers enquired about the possibility to proceed with their own hazard assessment, compile an SDS or conduct academic research, or argued the validity of the published information and how it could be referred to. They have regularly asked either to correct the data or initiate enforcement actions on the notifiers.

As for the NHDs, ECHA received questions from candle makers, and similar products. Their questions touched upon the scope of CLP, classification, labelling, and Annex VIII of CLP duties.

CLP Hot topics

The year 2023 started with the matter of the classification of alloys, which had been highlighted already in 2022 by the NHDs. Still touching upon alloys, the questions about how the labelling derogations of Article 23 apply to them and to polymers have also been a hot topic, with customers consulting ECHA after contacting their relevant NHD. The Commission Delegated Regulation (EU) 2023/707 had already its own hot topic, with industry associations seeking clarification on its application dates. These topics were discussed with NHDs, see section 5.3 Videoconferences.

The next two hot topics referred specifically to Annex VIII of CLP. The first one combined the derogation of limited submissions for industrial uses with the concept of a voluntary submission in a scenario which had not been reported before. The second one originated from

the interpretation of the legal text on the use of the UFI, which can be used in different notifications by different companies.

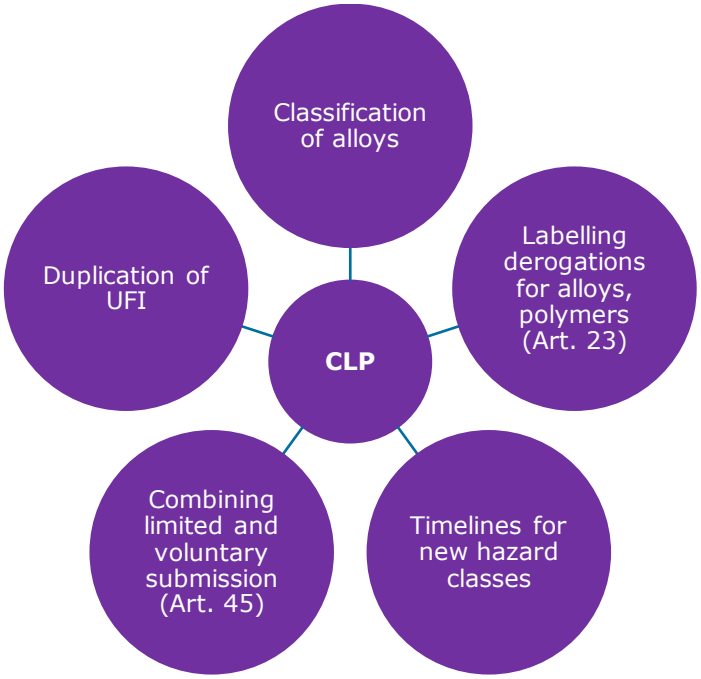

Figure 14: Overview of the CLP hot topics received by ECHA in 2023

4.5 REACH enquiries received

In 2023, the ECHA Helpdesk received 3 014 enquiries related to the REACH regulation, which was about 9% higher than in 2022. As a result, it remained the regulation triggering the highest number of enquiries for the ECHA Helpdesk. Details are provided below on the most recurrent topics and identified hot topics.

REACH Recurrent topics

The registration process gained significant attention this year, as indicated by the increase in enquiries compared to last year from 40% of the REACH questions received in 2022 to 46% this year. Questions on general obligations were frequent, with a special emphasis on data sharing and joint submission topics, substances identification (SID), exemptions, and the role and obligations of Only Representatives. Additionally, several queries were received on topics regarding analytical data requirements, in which registrants sought clarification on the types of tests and analyses needed to support their dossiers. Finally, questions on Annex V of REACH exemptions were common.

The second most recurrent topic encountered in 2023 was the restriction process, representing 19% of questions received about the REACH Regulation. In 2022, this topic represented 8% of the REACH enquiries, which indicates a significant increase in interest. This increase can be explained by the entry into force of the microplastics restriction and the general interest in the universal PFAS restriction proposal. Additionally, general questions on the restriction procedure and proposals for new restrictions, such as those concerning per- and polyfluoroalkyl substances (PFAS) in firefighting foams or cyclic siloxanes (D4, D5, and D6) remained common.

Communication of risk management advice through the supply chain (including SCIP notification obligations under the Waste Framework Directive, SVHC content in articles and

SDS) made up about 11% of all the questions received about REACH in 2023. These inquiries encompassed questions regarding the presence of SVHCs in articles, notifications as per Article 7(2), and obligations for communication along the supply chain in adherence to Article 33. On the other hand, there were fewer questions about the obligation to notify to the SCIP database under the Waste Framework Directive.

In fourth position, the dossier evaluation and substance evaluation questions has maintained stability with figures for this year similar to the previous year, accounting for 10% of the REACH inquiries. Topics mentioned concerned requests to extend the deadlines for testing in the final decision or specific questions on tests and testing strategy, questions relating to the possibility and timeline to downgrade the tonnage during the evaluation procedure, obligations under Article 53 REACH and data sharing obligation after a final decision.

Similarly, questions concerning authorisation remained consistent with last year's numbers, representing 7% of the REACH inquiries. Under this topic, the recurrent questions were on understanding the scope of SID for REACH Annex XIV entries. Moreover, updates to the Candidate List of Substances of Very High Concern (SVHCs) prompted inquiries regarding candidate list inclusion criteria and associated obligations. Furthermore, clarifications on authorisation exemptions, such as those for scientific research and development (SRD), mixtures, and medical devices, are sought to ensure compliance with regulatory requirements.

Below, a detailed breakdown of hot topics is provided, which shows insights of the primary concerns and trends observed during the year.

REACH Hot topics

The hot topics related to the REACH regulation are presented below (see *Figure 15: Overview of the REACH hot topics received by ECHA in 2023*).

As indicated above, restrictions under REACH have created a lot of interest, both for new restrictions entering into force, as the microplastics restriction, and for proposed restriction such as the universal restriction proposal on PFAS. These enquiries highlighted the growing concerns on PFAS and regulatory efforts to comply with the new rules of the recently adopted restrictions.

Another identified hot topic was the registration obligations for substances recovered from waste and the potential registration exemptions from other articles under REACH (Annex V of REACH, reimported substances, etc). These questions have raised highly complex scientific and regulatory considerations and initiated an interaction between ECHA and various national helpdesks and national enforcement authorities.

Still on registration, another hot topic was the repercussions of sanctions related to the aggression to Ukraine. Additionally, ECHA has seen an increase in requests for access to data concerning 12-year-old robust studies summaries.

Finally, the significant development from the European Court of Justice judgment[17] annulling the granted authorisation for certain uses of chromium trioxide triggered some questions and discussions. However, the volume of questions on this topic has been lower than anticipated, possibly due to the dissemination of a Frequently Asked Questions document by the Commission[18].

[17] European Court of Justice judgment ECLI:EU:C:2023:302 from 20 April 2023 annulling Commission Implementing Decision C(2020) 8797 of 18 December 2020 partially granting an authorisation for certain uses of chromium trioxide under REACH

[18] https://ec.europa.eu/docsroom/documents/56174

Figure 15: Overview of the REACH hot topics received by ECHA in 2023

4.6 Technical enquiries received

The IT external helpdesk provided support to industry, authorities, and other stakeholders on ECHA's IT tools (REACH-IT, R4BP, ECHA submission portal[19], IUCLID and Chesar) and information disseminated on the ECHA website. National helpdesks have limited technical competence and most technical questions are channelled to ECHA.

In 2023 the ECHA IT external helpdesk replied to 4 997 technical enquiries, of which 1 490 on REACH, 975 on PCN, 1 002 on IUCLID/Chesar, 850 on WFD, 507 on BPR and 173 on CLP (see *Figure 16: Technical enquiries received by ECHA in 2023*). Compared to 2022, the total number of enquiries received remained stable (5 092 enquiries in 2023) although there has been a decrease of 20% of enquiries received on BPR and 13% of enquiries received on REACH, and an increase of 13% of questions on IUCLID/Chesar and 10% on WFD.

[19] Tool that allows EU-based companies to submit information on chemicals regulated by several legislations, including poison centre and SCIP notifications and EFSA applications.

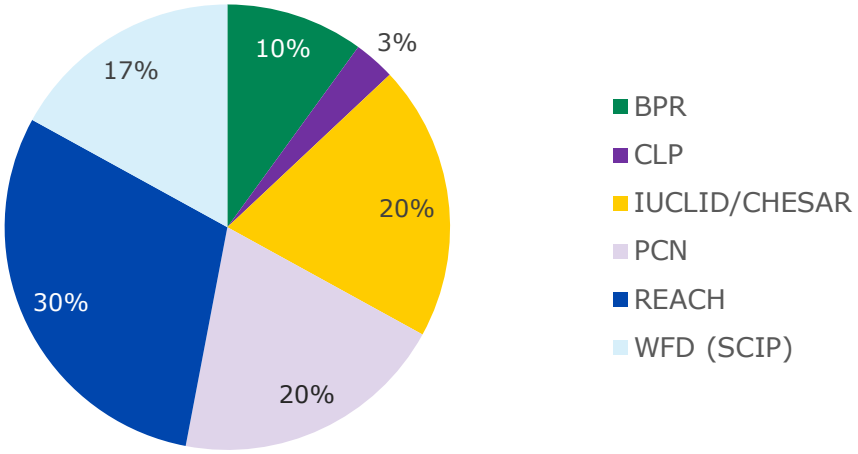

Figure 16: Technical enquiries received by ECHA in 2023

Breakdown of questions

Technical inquiries related to REACH have covered a variety of topics, including the creation and submission of dossiers, changes in legal entities, access to submitted dossiers, management of only representative accounts, and inventory management.

In the context of the PCN, ECHA has received inquiries on issues related to submission failures, quality warnings, the process of dossier creation, and managing accounts.
In IUCLID/CHESAR questions related to desktop and server installations, upgrade and migration of data, functionality issues, e.g., report generation and printing, user management, running the validation assistant, performance issues, and import, export, and backup of dossiers.

In WFD/SCIP questions ranged from IUCLID guidance on dossier creation, update, grouping, referencing, dossier submission, Cloud Services account management, S2S submission service, simplified notification, submission validation rule failures, use and update of TARIC material codes, Candidate List Package updates, SVHC queries and substitution, the foreign user functionality, searching the public database and database factsheet processing/ publication delays.

With reference to BPR, the questions both from industry and authorities are mostly related to SPC IUCLID functionalities and its integration into R4BP 3.

Finally, it is worth mentioning that ECHA embarked on a significant transformation of its dissemination framework by starting the development of ECHA CHEM[20]. ECHA CHEM is ECHA's new public chemicals database launched in early 2024. Initially, it includes data that companies have submitted in their REACH registrations. Over the coming years, ECHA will gradually transfer the data it makes publicly available from their current location (Search for chemicals) to ECHA CHEM.

This initiative aims to revitalize the dissemination platform with cutting-edge technology, ensuring it is prepared for future demands. The transition from the old platform to the new,

[20] ECHA CHEM - ECHA (europa.eu)

fully operational system has generated numerous inquiries from the industry. This trend is likely to continue until 2025, when the new data availability system will completely replace the old platform.

4.7 Other enquiries

In addition to queries on the three chemical legislations BPR, REACH and CLP, responses were provided to 27 inquiries regarding POPs and 9 related to the new regulations such as Batteries regulation (1) and the Drinking Water Directive (8).

Beyond the queries addressed by regulatory and IT external helpdesks as previously mentioned, ECHA also addressed enquiries from companies on particular topics or procedures. These included regulatory and technical issues concerning the PIC regulation, queries about ongoing completeness checks, invoicing, or SME verification. These questions are handled by the Units specifically responsible for these processes, and their numbers are not included in the statistics in this report.

4.8 Stakeholder and customer support

Communication channels and service response time

ECHA receives enquiries through its dedicated regulatory and technical contact forms, as well as through other channels (e.g., ECHA Switchboard or functional mailboxes, post mail).

The ECHA Helpdesk is committed to replying to regulatory enquiries within 15 working days. Depending on the workload and complexity of the question, this may take up to two months, as indicated in the ECHA Code of good administrative behaviour. The questions are analysed as they arrive, and the easier or urgent questions are typically answered within a few days. While the overall median answering time is five working days, it varies per topic, reaching up to two months in the most complicated areas or when third party consultation (e.g., European Commission) is needed.

Information resources and ways to support companies

In 2023, ECHA worked on updating its available support material and developing new tools and guidelines[21] to help companies to comply with their obligations in several areas.

In particular:

- The guidance on intermediates was updated in January 2023;
- The guidance on monomer and polymer was updated in February 2023 following a Board of Appeal decision[22];
- The guidance on data sharing was updated in December 2023 with minor editorial corrections;
- The guidance on the BPR: Volume II Efficacy, Assessment + Evaluation (Parts B+C) was updated in August 2023 to include a section on Preservatives for liquid-cooling and processing systems and another section on Slimicides;
- New guidance on Analysis of alternatives published in January 2023;
- An overview of dates when evaluating competent authorities are planning to submit assessment reports for biocidal active substance approvals or renewals (MSCA

[21] Guidelines are usually revised together with experts from the Member States or, for example, via a CARACAL consultation.
[22] Board of Appeal Decision A-001-2020

Assessment Reports submission plan) was published in October 2023; and
- The ECHA/EFSA guidance on the impact of water treatment processes of residues of active substances in drinking water was updated in August 2023;
- New Q&As[23] on PCN, restrictions and nanomaterial.

Notably, in 2023, ECHA organised a webinar on the *Restriction of per- and polyfluoroalkyl substances (PFAS) under REACH*, involving the MSCA of Germany, the Netherlands, Denmark, Norway and Sweden.

Another support tool worth mentioning comes from the discussion at HelpNet 17th on possible cooperation of national helpdesks with industry associations and involvement in sharing answers to re-occurring questions. At this event, ECHA committed to improve the ECHA web page on BPR transitional measures, by collecting the links to BPR national transitional requirement and present a summary in English. The feedback from 23 NHDs was received. ECHA is updating the information on a regular basis[24].

5. Cooperation between the National Helpdesks and ECHA

5.1 Queries redirected to the REACH and CLP national helpdesks

This new way of working together was implemented again successfully along all 2023, during which 15.3 % of REACH questions coming from EU customers and 19 % from non-EU customers were redirected to the national helpdesks by ECHA. With reference to CLP, 24 % of the questions coming from EU customers and 17 % from non-EU customers were redirected to the national helpdesks by ECHA, based on the division of competence agreed with NHDs and reflected in ECHA webpage[25]. The data includes the number of questions received and redirected for **both regulatory and technical** topic-related enquiries (the latter for CLP only). These percentages are quite comparable to 2022.

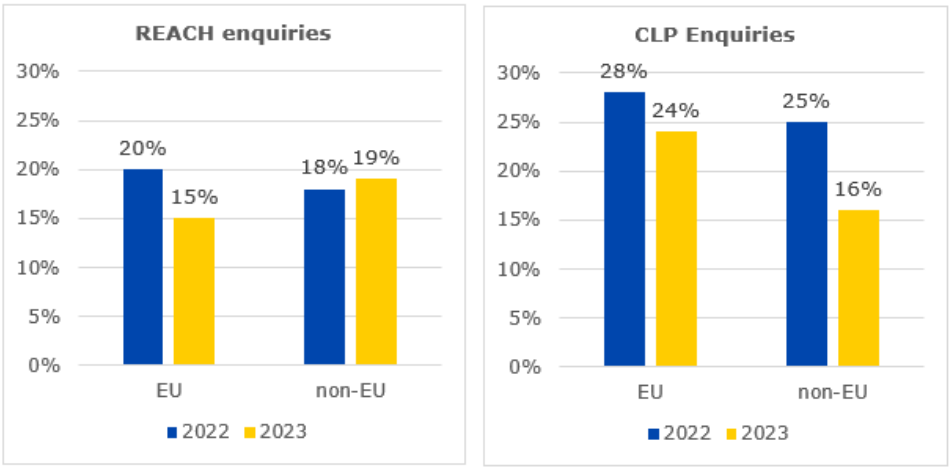

Figure 17: Proportion of REACH and CLP enquiries redirected to NHDs in 2022 and 2023

[23] Support - ECHA (europa.eu)
[24] https://echa.europa.eu/support/bpr-national-transitional-procedures
[25] https://echa.europa.eu/contact/regulatory-support

5.2 Steering Group meeting and workshops

In 2023, ECHA and the national helpdesks continued to nurture and promote their cooperation through the HelpNet network. The 18th Steering Group meeting took place in Helsinki on 24 May 2023. The HelpNet Secretariat also organised two REACH workshops, two CLP workshops and two BPR workshops in May and November 2023. Those meetings included presentations from the European Commission, ECHA, Member States Competent Authorities and the national helpdesks on different topics of interest, as well as break-out groups' discussion session and hands-on training. The minutes of the meetings are available on the HelpNet page[26].

In addition, HelpNet REACH, CLP and BPR members attended two online Forum training sessions*:*

- REACH Forum *'Training for the enforcement trainers on the enforcement of imports'* on 22 and 23 November 2023; and
- BPR Subgroup training on Summary of Product Characteristic (SPC) for biocides and related information on labels (basic level); biocides borderline issues; critical/forbidden claims on 1 December 2023.

HelpNet members and observers were informed on topics of their interest through the HelpNet updates issued in June and December 2023. NHDs continued to use and refer to the HelpEx platform that they find very helpful and valuable to exchange views and interpretations with other members of the network.

5.3 Videoconferences

To support the increased work for the NHDs and enhance synergies and harmonisation with regards to difficult and hot topics, REACH, CLP and BPR videoconferences were maintained during 2023 between NHDs and ECHA experts. These regular exchanges complemented the existing cooperation tool (HelpEx) where questions could be posted, issues discussed, and interpretations shared between members of the network.

In 2023, six CLP videoconferences took place, attended in average by 36 participants and up to 50. They covered topics in line with the identified hot topics by NHDs in section 2.4 CLP enquiries received by national helpdesks, e.g. classification and labelling of alloys, PCN obligations, and SDS.

Eight REACH videoconferences took place in 2023, with in average, 36 participants, and up to 45 participants. The topics covered in these videoconferences resonate with the hot topics identified by NHDs in *2.5 REACH enquiries received by national helpdesks* of this report. The topics discussed ranged from the recent restrictions (synthetic polymer microparticles, diisocyanate), authorisation, registration obligations (PPORD exemption, substances in stock, recovered substances) to SCIP obligations for distributors.

Following the success of REACH and CLP videoconferences, BPR videoconferences were also launched in 2023. BPR videoconferences are attended also by the observers from industry and candidate countries, when in open sessions. Two BPR videoconferences were organised in 2023, to which an average of 26 participants attended (up to 30). The topics brought by NHDs for discussion in these videoconferences touched upon specific products or systems, borderline cases with other regulations such as veterinary medical products and questions on the allocation of the product to specific product type.

[26] https://echa.europa.eu/about-us/partners-and-networks/helpnet/2023

5.4 Borderline working group

The Borderline working group (BWG) was set up under the HelpNet in March 2021, to assess difficult cases of article versus substance/mixture definition based on difficult questions received by NHDs and ECHA. In 2023 the BWG met 4 times.

The group consists of HelpNet members, FORUM inspectors and ECHA experts as well as representatives of the HelpNet secretariat.

The main output has been the catalogue of borderline cases[27] of substances in articles, a compilation of cases agreed by the members of the Working Group, and which was published on the HelpNet page of ECHA's website initially in March 2023 with 19 detailed assessments of cases. It was updated in November 2023 with an additional 8 detailed assessments of cases. In the 17th HelpNet Steering Group meeting of October 2022, the mandate for the BWG was extended until June 2024 to enable the group to discuss further cases and complement the catalogue when possible.

Members of the Borderline working group are currently discussing, amongst other things, the following difficult cases:

- Recovered aggregates;
- Fibres cases;
- Cases from the Commission Toy Safety Expert Group in relation to restriction entry 78 of microplastics.

[27] https://echa.europa.eu/documents/10162/17240/borderline_cases_substances_articles_catalogue_en.pdf/869ddf1b-288c-2265-88ee-b5dffdbdc684?t=1678943461714

6. Conclusions

The overall trend shows that the number of queries addressed to the NHDs and ECHA are still decreasing after the peak in 2020. BPR remains the regulation with the highest number of enquiries received by NHDs in the past eight years. Similar to last year, the most popular topics were topics that fall within the remit of national authorities, i.e., 'National procedures and laws governing the transitional period', 'National fees and 'National authorisations of biocidal products or families. For ECHA, REACH continues to be the regulation triggering the highest number of enquiries, in particular in the areas of 'Registration' and 'Communication along the supply chain'. Emerging as a new trend in 2023 was the increase of enquiries and overall interest about restrictions and specifically queries about new restriction entering into force and proposed restriction of broad scope and high interest. For all helpdesks, the number of CLP enquiries decreased, although questions related to Annex VIII of CLP and PCN duties continued to require assistance both from the regulatory and technical side.

HelpNet members and ECHA continued working together in 2023, increasing their cooperation through several channels and 26 meetings overall, among which the 18th Steering Group meeting in May, 6 regulatory workshops and multiple videoconferences, as mentioned above.

Looking ahead, ECHA reaffirms its commitment to reinforce collaboration with national helpdesks, stakeholders, candidate countries and SMEs with, among others, meetings, workshops and ad hoc working groups. This collaboration is crucial, especially with the forthcoming CLP revision and growing responsibilities, to uphold the quality of regulatory, scientific, and technical advice across the European Union, ensuring the protection of human health and the environment.