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Delegations will find attached document D050725/02.

Encl.: D050725/02



Brussels, **XXX**
D050725/02
[...](2017) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**amending, for the purposes of its adaptation to technical and scientific progress,
Regulation (EC) No 1272/2008 of the European Parliament and of the Council on
classification, labelling and packaging of substances and mixtures**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006¹, and in particular Article 53(1) thereof,

Whereas:

- (1) Tables 3.1 and 3.2 of Annex VI to Regulation (EC) No 1272/2008 contain the list of harmonised classification and labelling of hazardous substances but only in English for all language versions of that Regulation.
- (2) On 2 December 2008² the Commission committed itself to ensure that the chemical names corresponding to the International Chemical Identifications in Tables 3.1 and 3.2 of Annex VI to Regulation (EC) No 1272/2008 are published in the same language as the language versions in which that Regulation has been published.
- (3) Table 3.1 of Annex VI to Regulation (EC) No 1272/2008 has been amended several times to reflect technical and scientific progress, by adding, deleting or modifying substances or their classification. To take account of those changes and to ensure that all the chemical names in Table 3.1 of Annex VI to Regulation (EC) No 1272/2008 are in the same language as the language versions in which that Regulation has been published, Table 3.1 needs to be replaced partially.

¹ OJ L 353 31.12.2008 p. 1.

² Corrigendum to the position of the European Parliament adopted at first reading on 3 September 2008 with a view to the adoption of Regulation (EC) No.../2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 – P6_TA(2008)0392 (COM (2007)0355 – C6-0197/2007 – 2007/0121 (COD))

- (4) In view of the derogation³ which applies to the translation into Irish of acts which are not adopted jointly by the European Parliament and the Council, the chemical names in Table 3.1. of Annex VI should not be translated into Irish.
- (5) Table 3.2 lists the harmonised classification and labelling of hazardous substances based on the criteria set out in Annex VI to Council Directive 67/548/EEC⁴, which has been repealed with effect from 1 June 2015. As a consequence, Table 3.2 is to be deleted in accordance with Article 1(2) of Commission Regulation (EU) No 2016/1179⁵ with effect from 1 June 2017. That table should therefore not be changed. As a result Table 3.1 has been renamed to Table 3 in accordance with Article 2(2) of Commission Regulation (EU) No 2017/776⁶ with effect from 1 June 2017.
- (6) Suppliers should be given sufficient time to adapt the labelling and packaging of substances and mixtures to the new translation provisions and to sell existing stocks.
- (7) Suppliers should have the possibility of applying this Regulation before its date of application to ensure a high level of protection of human health and of the environment and to provide sufficient flexibility to suppliers.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁷,

HAS ADOPTED THIS REGULATION:

Article 1

The entries set out in Annex VI to Regulation (EC) No 1272/2008 corresponding to the entries set out in the Annex to this Regulation are replaced by the entries set out in the Annex to this Regulation.

³ Council Regulation (EU) No 1257/2010 of 20 December 2010 extending the temporary derogation measures from Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community introduced by Regulation (EC) No 920/2005 (OJ L 343, 29.12.2010, p. 5).

⁴ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1).

⁵ Commission Regulation (EU) No 2016/1179 of 19 July 2016 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures.

⁶ Commission Regulation (EU) No 2017/776 of 4 May 2017 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures.

⁷ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396 30.12.2006, p. 1).

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from [*OPOCE: please insert date to be determined as follows: Date of entry into force plus 18 months – the date should be the 1st day of the following month.*]

By way of derogation from the second subparagraph, substances and mixtures may before [*OPOCE: please insert specific date of applicability determined under paragraph 2*] be classified, labelled and packaged in accordance with Regulation (EC) No 1272/2008, as amended by this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*