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From:	European Commission
To:	General Secretariat of the Council
No. Cion doc.:	D057151/04
Subject:	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

Delegations will find attached document D057151/04.

Encl.: D057151/04



Brussels, **XXX**
D057151/04
[...](2018) **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) Regulation (EC) No 1272/2008 harmonises the provisions and criteria for the classification, labelling and packaging of substances and mixtures and certain specific articles within the Union.
- (2) Regulation (EC) No 1272/2008 takes into account the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) of the United Nations (UN).
- (3) The classification criteria and labelling rules of the GHS are periodically reviewed at the UN level. The 6th and 7th revised editions of the GHS result from changes adopted in 2014 and 2016 respectively by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonised System of Classification and Labelling of Chemicals.
- (4) The 6th and 7th revised editions of the GHS trigger the need to amend some technical provisions and criteria on classification, labelling and packaging in Regulation (EC) No 1272/2008. In particular, these further developments of the GHS introduce a new hazard class for desensitised explosives and a new hazard category, pyrophoric gases, within the hazard class flammable gases. Other changes include adaptations to: the criteria for substances and mixtures which in contact with water emit flammable gases, the generic cut-off values; the general provisions to classify aerosol forms of mixtures; and the detail of the definitions and classification criteria as appropriate for the hazard classes explosives, flammable gases, flammable liquids, flammable solids, acute toxicity, skin corrosion/irritation, serious eye damage/eye irritation, respiratory and skin sensitisation, germ cell mutagenicity, carcinogenicity, reproductive toxicity, specific target organ toxicity and aspiration hazard. In addition, amendments are introduced to some hazard and precautionary statements. It is therefore necessary to adapt some technical provisions and criteria in Annexes I, II, III, IV, V and VI to

¹ OJ L 353, 31.12.2008, p.1.

Regulation (EC) No 1272/2008 to take account of the 6th and 7th revised editions of the GHS.

- (5) Regulation (EC) No 1272/2008 should therefore be amended accordingly.
- (6) To ensure that suppliers of substances and mixtures have time to adapt to the new classification, labelling and packaging provisions, the application of this Regulation should be deferred.
- (7) In line with the transitional provisions of Regulation (EC) No 1272/2008 which allow the application of the new provisions at an earlier stage on a voluntary basis, suppliers should have the possibility of applying the new classification, labelling and packaging provisions on a voluntary basis before the date of application of this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 133 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council²,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1272/2008 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Regulation.
- (2) Annex II is amended in accordance with Annex II to this Regulation.
- (3) Annex III is amended in accordance with Annex III to this Regulation.
- (4) Annex IV is amended in accordance with Annex IV to this Regulation.
- (5) Annex V is amended in accordance with Annex V to this Regulation.
- (6) Annex VI is amended in accordance with Annex VI to this Regulation

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 applicability date of this article should be the 1st day of the following month***].

By way of derogation from the second paragraph, substances and mixtures may, before [***OP: please insert specific date of application***], be classified, labelled and packaged in accordance with this Regulation.

² 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).

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

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER