



Council of the
European Union

129767/EU XXVII. GP
Eingelangt am 08/02/23

Brussels, 8 February 2023
(OR. en)

5909/23
ADD 1

ENT 19
MI 67
COMPET 61
ENV 83
SAN 50
CONSOM 23
CHIMIE 6
IND 29
DELACTION 18

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	16273/22 + ADD 1 - C(2022) 9383 final
Subject:	Commission Delegated Regulation (EU) .../... of 19.12.2022 amending Regulation (EC) No 1272/2008 as regards hazard classes and criteria for the classification, labelling and packaging of substances and mixtures - Intention not to raise objections to a delegated act - Joint Statement by Slovakia and Finland

Joint Statement by Slovakia and Finland

regarding point 21 at Coreper 1 on 8 February 2023:

Commission Delegated Regulation (EU) .../... of 19.12.2022 amending Regulation (EC) No 1272/2008 as regards hazard classes and criteria for the classification, labelling and packaging of substances and mixtures

Slovakia and Finland support the EU initiatives to implement the goals of the EU's Chemicals Strategy in order to better protect EU citizens and the environment, and to boost innovation for safe and sustainable chemicals.

However, we raised a few concerns regarding the Commission Delegated Regulation, which proposes to introduce three new hazard classes (ED, PBT/vPvB, PMT/vPvM) in Regulation (EC) 1272/2008 (CLP Regulation).

Slovakia and Finland are of the opinion that the EU initiatives related to the introduction of new hazard classes/criteria in the CLP Regulation should fully reflect and follow the outcome of the discussion at the UN level to ensure compliance with the UN GHS (United Nations' Globally Harmonized System of Classification and Labelling of Chemicals) principles and secure a global process of harmonization of chemicals. In our view, this approach, which is also reflected in Recital 77 of the CLP Regulation, has not been respected in the above mentioned Commission Delegated Regulation.

Additionally, according to our reading of Article 53(1) the power of the Commission is limited only to make the amendments to the CLP Regulation that have already been made/implemented at the UN level in UN GHS, since, in our view, only those amendments can be considered as non-essential element of the CLP Regulation. Amendments that have not been made/implemented to the UN GHS yet, should be considered as an essential element, and cannot be implemented via a Delegated Act.

We are also of the opinion that the introduction of new hazard classes in the CLP Regulation before any changes/amendments take place at UN level might create barriers in the global market of chemicals, and negatively impact competitiveness and the free movement of substances, mixtures, and articles, and thus might disadvantage the EU industry in a global market.

For the reasons stated above, Slovakia and Finland are against the Commission Delegated Regulation (EU) .../... of 19.12.2022 amending Regulation (EC) No 1272/2008 as regards hazard classes and criteria for the classification, labelling and packaging of substances and mixtures.