



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2014) XXX draft

COMMISSION REGULATION (EU) No .../..

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)

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(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 mixtures¹, and in particular Article 53(1) thereof,

Whereas:

- (1) Regulation (EC) No 1272/2008 harmonises the provisions and criteria for the classification and labelling of substances, mixtures and certain specific articles within the Union.
- (2) That Regulation 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 UN level. The fifth revised edition of the GHS results from changes adopted in December 2012 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. It contains amendments concerning, inter alia, a new, alternative method for the classification of oxidising solids, changes to the provisions on classification for the hazard classes for skin corrosion/irritation and serious eye damage/irritation, and aerosols. Furthermore, it includes changes to several precautionary statements, as well as changes in the order of some precautionary statements, as reflected by a deletion of the entry and a separate insertion at the new location of the entry. It is therefore necessary to adapt the technical provisions and criteria in the Annexes to Regulation (EC) No 1272/2008 to the fifth revised edition of the GHS.
- (4) Following the fourth revision of the GHS, Commission Regulation (EU) 487/2013² introduced a labelling derogation for substances or mixtures classified as corrosive to metals but not classified for skin corrosion or serious eye damage. Whereas the content of the derogation should remain unchanged, a more precise formulation should be provided for the hazards addressed by the derogation.

¹ OJ L 353, 31.12.2008, p. 1.

² Commission Regulation (EU) No 487/2013 of 8 May 2013 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 (OJ L 149, 1.6.2013, p.1).

- (5) Redundancy in the labelling of mixtures containing isocyanates and certain epoxy constituents should be avoided while maintaining the longstanding and well known specific information about the presence of these particular sensitizing substances. Therefore, the use of the hazard statement EUH208 should not be obligatory where a mixture is already labelled in accordance with the hazard statements EUH204 or EUH205.
- (6) To ensure that suppliers of substances and mixtures have some time to adapt to the new classification and labelling provisions introduced by this Regulation, a transitional period should be provided and the application of this Regulation should be deferred. That should allow for the possibility to apply the provisions laid down in this Regulation on a voluntary basis before the transitional period is over.
- (7) 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 Council³,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) In Article 23, point (f) is replaced by the following: “(f) substances or mixtures classified as corrosive to metals but not classified as corrosive to skin or as causing serious eye damage.”
- (2) Annex I is amended in accordance with Annex I to this Regulation.
- (3) Annex II is amended in accordance with Annex II to this Regulation.
- (4) Annex III is amended in accordance with Annex III to this Regulation.
- (5) Annex IV is amended in accordance with Annex IV to this Regulation.
- (6) Annex V is amended in accordance with Annex V to this Regulation.
- (7) Annex VI is amended in accordance with Annex VI to this Regulation.
- (8) Annex VII is amended in accordance with Annex VII to this Regulation.

Article 2

By way of derogation from Article 3, substances and mixtures may, before *[OPOCE: please insert specific date of applicability determined as under Article 3]*, be classified, labelled and packaged in accordance with Regulation (EC) No 1272/2008 as amended by this Regulation.

By way of derogation from Article 3, substances and mixtures classified, labelled and packaged in accordance with Regulation (EC) No 1272/2008 and placed on the market before *[OPOCE: please insert specific date of applicability determined as under Article 3]* shall not be required to be relabelled and repackaged in accordance with this Regulation before

³ 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).

[OPOCE: please insert specific date determined as follows: date of applicability determined as under Article 3 plus 2 years].

Article 3

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

This Regulation 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.]

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*