Commission Regulation (EU) 2019/521 of 27 March 2019 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) 2019/521

of 27 March 2019

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 1907/2006[(1)], 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 sixth and seventh 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 sixth and seventh 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

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/521. (See end of Document for details)*

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 Regulation (EC) No 1272/2008 to take account of the sixth and seventh 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 Council[(2)],

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 17 October 2020.

By way of derogation from the second paragraph, substances and mixtures may, before 17 October 2020, be classified, labelled and packaged in accordance with this Regulation.

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2019/521. (See end of Document for details)*

Done at Brussels, 27 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX I

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

1. Part 1 is amended as follows:

(a) In section 1.1.2.2.2, Table 1.1 is replaced by the following:

TABLE 1.1

Generic cut-off values

Hazard class	**Generic cut-off values to be taken into account**
Acute Toxicity:	
— Category 1-3	0,1 %
— Category 4	1 %
Skin corrosion/Irritation	1 %[a]
Serious damage to eyes/eye irritation	1 %[b]
Specific target organ toxicity, single exposure, Category 3	1 %[c]
Aspiration toxicity	1 %
Hazardous to Aquatic Environment	
— Acute Category 1	0,1 %[d]
— Chronic Category 1	0,1 %[d]
— Chronic Category 2-4	1 %

a	Or < 1 % where relevant, see 3.2.3.3.1.
b	Or < 1 % where relevant, see 3.3.3.3.1.
c	Or < 1 % where relevant, see 3.8.3.4.6.
d	Or < 0,1 % where relevant, see 4.1.3.1.

(b) Section 1.1.3.7 is replaced by the following:

1.1.3.7. *Aerosols*

In the case of the classification of mixtures covered by sections 3.1, 3.2, 3.3, 3.4, 3.8 and 3.9, an aerosol form of a mixture shall be classified in the same hazard category as the tested non-aerosolised form of the mixture, provided that the added propellant does not affect the hazardous properties of the mixture upon spraying.

(c) Section 1.3.2.1 is replaced by the following:

1.3.2.1. If propane, butane and liquefied petroleum gas or a mixture containing these substances classified in accordance with the criteria of this Annex, is placed on the market in closed refillable cylinders or in non-refillable cartridges within the scope of EN 417 as fuel gases which

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are only released for combustion (current edition of EN 417, relating to "Non-refillable metallic gas cartridges for liquefied petroleum gases, with or without a valve, for use with portable appliances; construction, inspection, testing and marking"), these cylinders or cartridges need be labelled only with the appropriate pictogram and the hazard and precautionary statements concerning flammability.

2. Part 2 is amended as follows:

(a) In section 2.1.1.1, point (c) is replaced by the following:

(c) substances, mixtures and articles not mentioned in points (a) and (b) above, which are manufactured with the view to producing a practical explosive or pyrotechnic effect.

(b) In section 2.1.2.2, point (f) is replaced by the following:

(f) Division 1.6 Extremely insensitive articles which do not have a mass explosion hazard:

— articles which predominantly contain extremely insensitive substances or mixtures;

— and which demonstrate a negligible probability of accidental initiation or propagation.

(c) In section 2.1.4.1, the third paragraph is replaced by the following:

Some explosive substances and mixtures are wetted with water or alcohols, diluted with other substances or dissolved or suspended in water or other liquid substances to suppress or reduce their explosives properties. They may be a candidate for classification as desensitised explosives (see Section 2.17).

(d) In section 2.1.4.1, figure 2.1.3 is replaced by the following:

Figure 2.1.3 **Procedure for assignment to a division in the class of explosives (Class 1 for transport)**