Commission Regulation (EU) 2016/918 of 19 May 2016 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) 2016/918

of 19 May 2016

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[(1)], 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 UN 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/eye 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) No 487/2013[(2)] 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

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2016/918. (See end of Document for details)*

content of the derogation should remain unchanged, a more precise formulation should be provided for the hazards addressed by the derogation.

(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 Council[(3)],

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 skin corrosion or as serious eye damage (Category 1).

(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 1 February 2018, 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 1 February 2018 shall not be required to be relabelled and repackaged in accordance with this Regulation before 1 February 2020.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2016/918. (See end of Document for details)*

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 1 February 2018.

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

Done at Brussels, 19 May 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2016/918. (See end of Document for details)*

ANNEX I

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

A. Part 1 is amended as follows:

(1) The title of Section 1.1.3.4 is replaced by the following:
1.1.3.4*Interpolation within one hazard category*

(2) Section 1.3.6 is replaced by the following:

1.3.6 ***Substances or mixtures classified as corrosive to metals but not classified as skin corrosion or as serious eye damage (Category 1)***

Substances or mixtures classified as corrosive to metals but not classified as skin corrosion or as serious eye damage (Category 1) which are in the finished state and packaged for consumer use do not require on the label the hazard pictogram GHS05.

B. Part 2 is amended as follows:

(1) Section 2.1.3 is replaced by the following:

2.1.3 ***Hazard Communication***

Label elements shall be used for substances, mixtures or articles meeting the criteria for classification in this hazard class in accordance with Table 2.1.2.

TABLE 2.1.2

Label elements for explosives

Classification	**Unstable Explosive**	**Division 1.1**	**Division 1.2**	**Division 1.3**	**Division 1.4**	**Division 1.5**	**Division 1.6**
GHS Pictogram							
Signal Word	Danger	Danger	Danger	Danger	Warning	Danger	No signal word
Hazard Statement	H200: Unstable Explosive	H201: Explosive; mass explosion hazard	H202: Explosive; severe projection hazard	H203: Explosive; fire, blast or projection hazard	H204: Fire or projection hazard	H205: May mass explode in fire	No hazard statement
Precautionary Statement Prevention	P201 P250 P280	P210 P230 P234 P240 P250	P210 P230 P234 P240 P250	P210 P230 P234 P240 P250	P210 P234 P240 P250 P280	P210 P230 P234 P240 P250	No precautionary statement

		P280	P280	P280		P280	
Precautionary Statement Response	P370 + P372 + P380 + P373	P370 + P372 + P380 + P373	P370 + P372 + P380 + P373	P370 + P372 + P380 + P373	P370 + P372 + P380 + P373 P370 + P380 + P375	P370 + P372 + P380 + P373	No precautionary statement
Precautionary Statement Storage	P401	P401	P401	P401	P401	P401	No precautionary statement
Precautionary Statement Disposal	P501	P501	P501	P501	P501	P501	No precautionary statement

NOTE 1: Unpackaged explosives or explosives repackaged in packaging other than the original or similar packaging shall include all of the following label elements:

(a) the pictogram: exploding bomb;

(b) the signal word “Danger”; and

(c) the hazard statement: “Explosive; mass explosion hazard”

unless the hazard is shown to correspond to one of the hazard categories in Table 2.1.2, in which case the corresponding symbol, the signal word and/or the hazard statement shall be assigned.

NOTE 2: Substances and mixtures, as supplied, with a positive result in Test Series 2 in Part I, Section 12, of the UN RTDG, Manual of Tests and Criteria, which are exempted from classification as explosives (based on a negative result in Test Series 6 in Part I, Section 16 of the UN RTDG, Manual of Tests and Criteria) still have explosive properties. The user shall be informed of these intrinsic explosive properties because they have to be considered for handling — especially if the substance or mixture is removed from its packaging or is repackaged — and for storage. For this reason, the explosive properties of the substance or mixture shall be communicated in Section 2 (Hazards identification) and Section 9 (Physical and chemical properties) of the Safety Data Sheet and other sections of the Safety Data Sheet, as appropriate.

(2) In Section 2.1.4, Figure 2.1.3 is replaced by the following:

Figure 2.1.3