Commission Regulation (EU) 2015/1221 of 24 July 2015 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, for the purposes of its adaptation to technical and scientific progress (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/1221

of 24 July 2015

amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, for the purposes of its adaptation to technical and scientific progress

(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 37(5) thereof,

Whereas:

(1) Part 3 of Annex VI to Regulation (EC) No 1272/2008 contains two lists of harmonised classification and labelling of hazardous substances. Table 3.1 lists the harmonised classification and labelling of hazardous substances based on the criteria set out in Parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008. Table 3.2 lists the harmonised classification and labelling of hazardous substances based on the criteria set out in Annex VI to Council Directive 67/548/EEC[(2)].

(2) Proposals for new or updated harmonised classification and labelling of certain substances have been submitted to the European Chemicals Agency (ECHA) pursuant to Article 37 of Regulation (EC) No 1272/2008. Based on the opinions on those proposals issued by the Committee for Risk Assessment of ECHA, as well as on the comments received from the parties concerned, it is appropriate to introduce or update harmonised classification and labelling of certain substances by amending Annex VI to that Regulation.

(3) With regard to the substance nitric acid … % (EC number: 231-714-2), new scientific data has been made available for the hazard class ‘acute toxicity’ which suggests that the classification for this hazard class as recommended in the RAC opinion, which is based on older data, might not be appropriate. Therefore, this hazard class should not be included in Annex VI to Regulation (EC) No 1272/2008 until RAC has issued an opinion on the new information, while all other classes covered by the earlier opinion should be included.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1221. (See end of Document for details)*

(4) With regard to the substance phenol, dodecyl-, branched (EC number: 310-154-3), the RAC is in the process of adopting a new opinion for the specific concentration limits to be applied to the hazard class 'toxic for reproduction'. Therefore, this hazard class should not be included in Annex VI to Regulation (EC) No 1272/2008 until that opinion is finalised.

(5) Compliance with the new harmonised classifications should not be required immediately, as a certain period of time will be necessary to allow suppliers to adapt the labelling and packaging of substances and mixtures to the new classifications and to sell existing stocks. In addition, a certain period of time will be necessary to allow suppliers to comply with the registration obligations resulting from the new harmonised classifications for substances classified as carcinogenic, mutagenic or toxic to reproduction, categories 1A and 1B (Table 3.1) and categories 1 and 2 (Table 3.2), or as very toxic to aquatic organisms which may cause long term effects in the aquatic environment, in particular with those set out in Article 23 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council[(3)].

(6) 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 harmonised classifications and of adapting the labelling and packaging accordingly on a voluntary basis before the deadline for compliance.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EC) No 1272/2008 is amended in accordance with the Annex to this Regulation.

Article 2

By way of derogation from Article 3(2), the harmonised classifications set out in Annex to this Regulation may be applied before the date referred to in Article 3(2).

Article 3

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

2 Article 1 shall apply in respect of substances and mixtures from 1 January 2017.

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) 2015/1221. (See end of Document for details)*

Done at Brussels, 24 July 2015.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1221. (See end of Document for details)*

ANNEX

Part 3 of Annex VI to Regulation (EC) No 1272/2008 is amended as follows:

(1) Table 3.1 is amended as follows:

(a) the entries corresponding to index numbers 007-004-00-1, 015-003-00-2, 031-001-00-4, 050-008-00-3, 603-102-00-9, 603-197-00-7, 606-054-00-7, 607-197-00-8, 613-042-00-5, 613-057-00-7, 613-133-00-X, and 613-149-00-7 are replaced by the following corresponding entries:

Index No	International Chemical Identification	EC No	CAS No	Classification		Labelling			Specific Conc. Limits, M-factors	Notes
				Hazard Class and Category Code(s)	Hazard statement Code(s)	Pictogram, Signal Word Code(s)	Hazard statement Code(s)	Suppl. Hazard statement Code(s)		
007-004-00-1	nitric acid … %	231-714-2	7697-37-2	Ox. Liq. 2 Skin Corr. 1A	H272 H314	GHS03 GHS05 Dgr	H272 H314	EUH071	Skin Corr. 1A; H314: C ≥ 20 % Skin Corr. 1B; H314: 5 % ≤ C < 20 % Ox. Liq. 2; H272: C ≥ 99 % Ox. Liq. 3; H272: 99 % > C ≥ 65 %	B
015-003-00-2	calcium phosphide; tricalcium diphosphide	215-142-8	1305-99-3	Water-react. 1 Acute Tox. 2	H260 H300 H311 H330 H318 H400	GHS02 GHS06 GHS05 GHS09 Dgr	H260 H300 H311 H330 H318 H400	EUH029 EUH032	M = 100	

				Acute Tox. 3 Acute Tox. 1 Eye Dam. 1 Aquatic Acute 1						
031-001-00-4	gallium arsenide	215-114-8	1303-00-0	Repr. 1B Carc. 1B STOT RE 1	H360F H350 H372 (respiratory and haematopoietic systems)	GHS08 Dgr	H360F H350 H372 (respiratory and haematopoietic systems)			
050-008-00-3	3-butyl-1-in compounds, with the exception of those specified elsewhere in this annex	—		Repr. 1B Acute Tox. 3 Acute Tox. 4* STOT RE 1 Skin Irrit. 2 Eye Irrit. 2 Aquatic Acute 1 Aquatic Chronic 1	H360FD H301 H312 H372** H315 H319 H400 H410	GHS08 GHS06 GHS09 Dgr	H360FD H301 H312 H372** H315 H319 H410	* STOT RE 1; H372: C ≥ 1 % STOT RE 2; H373: 0,25 % ≤ C < 1 % Skin Irrit. 2; H315: C ≥ 1 % Eye Irrit. 2; H319: C ≥ 1 % M = 10		A 1
603-102-00-5	1,2-epoxybutane	203-438-8	106-88-7	Flam. Liq. 2	H225 H351 H302	GHS02 GHS08 GHS07	H225 H351 H302			