Commission Regulation (EU) No 758/2013 of 7 August 2013 correcting Annex VI to 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) No 758/2013

of 7 August 2013

correcting Annex VI to 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 thereof,

Whereas:

(1) Verification has revealed errors in Annexes I, II, IV and V to Commission Regulation (EC) No 790/2009 of 10 August 2009 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[(2)]. Those errors should therefore be corrected.

(2) The corrected harmonised classification and labelling of substances should apply from the day of the entry into force of this Regulation. Suppliers should not be required to relabel and repackage substances and mixtures already placed on the market in accordance with Regulation (EC) No 1272/2008, before the entry into force of this Regulation. Suppliers should nevertheless have the possibility of applying the provisions of this Regulation to substances and mixtures already placed on the market on a voluntary basis.

(3) 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 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[(3)],

HAS ADOPTED THIS REGULATION:

Article 1

In Part 3 of Annex VI to Regulation (EC) No 1272/2008, the entries in Table 3.1, as amended by Annexes I and II to Regulation (EC) No 790/2009, corresponding to the entries set out in Annex I to this Regulation are replaced by the entries set out in that Annex.

Article 2

In Part 3 of Annex VI to Regulation (EC) No 1272/2008, the entries in Table 3.2, as amended by Annexes IV and V to Regulation (EC) No 790/2009, corresponding to the entries set out in Annex II to this Regulation are replaced by the entries set out in that Annex.

Article 3

The entries set out in Annex III to this Regulation are added to Table 3.1 in Part 3 of Annex VI to Regulation (EC) No 1272/2008.

Article 4

The entries set out in Annex IV to this Regulation are added to Table 3.2 in Part 3 of Annex VI to Regulation (EC) No 1272/2008.

Article 5

Suppliers are not required to relabel or repackage substances listed in the annexes to this Regulation, or substances or mixtures containing them, that they have already placed on the market in accordance with Regulation (EC) No 1272/2008 before entry into force of this Regulation.

Article 6

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

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

Done at Brussels, 7 August 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

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)		
‘005-006-00-7	dihydroxyethyltin hydrogen borate	401-040-5	75113-37-0	Repr. 1B Muta. 2 STOT RE 1 Acute Tox. 4 * Acute Tox. 4 * Eye Dam. 1 Skin Sens. 1 Aquatic Acute 1 Aquatic Chronic 1	H360FD H341 H372** H312 H302 H318 H317 H400 H410	GHS05 GHS08 GHS07 GHS09 Dgr	H360FD H341 H372** H312 H302 H318 H317 H410			
005-007-00-2	boric acid; [1] boric acid; [2]	233-139-2 [1] 234-343-4 [2]	10043-35-3 [1] 11113-50-1 [2]	Repr. 1B	H360FD	GHS08 Dgr	H360FD		Repr. 1B; H360FD: C ≥ 5,5 %	
005-017-00-7	sodium perborate; [1] sodium peroxometaborate; [2] sodium peroxoborate; [containing < 0,1 % (w/w) of particles	239-172-9 [1] 231-556-4 [2]	15120-21-5 [1] 7632-04-4 [2]	Ox. Sol. 2 Repr. 1B Acute Tox. 4 * STOT SE 3 Eye Dam. 1	H272 H360Df H302 H335 H318	GHS03 GHS05 GHS08 GHS07 Dgr	H272 H360Df H302 H335 H318		Repr. 1B; H360Df: C ≥ 9 % Repr. 1B; H360D: 6,5 % ≤ C < 9 % Eye Dam. 1; H318: C ≥ 22 %	

	with an aerodynamic diameter of below 50 µm]								Eye Irrit. 2; H319: 14 % ≤ C < 22 %
005-017-00-4	sodium perborate; [1] sodium peroxometaborate; [2] sodium peroxoborate; [containing ≥ 0,1 % (w/w) of particles with an aerodynamic diameter of below 50 µm]	239-172-9 [1] 231-556-4 [2]	15120-21-5 [1] 7632-04-4 [2]	Ox. Sol. 2 Repr. 1B Acute Tox. 3 * Acute Tox. 4 * STOT SE 3 Eye Dam. 1	H272 H360Df H331 H302 H335 H318	GHS03 GHS06 GHS05 GHS08 Dgr	H272 H360Df H331 H302 H335 H318		Repr. 1B; H360Df: C ≥ 9 % Repr. 1B; H360D: 6,5 % ≤ C < 9 % Eye Dam. 1; H318: C ≥ 22 % Eye Irrit. 2; H319: 14 % ≤ C < 22 %
005-018-00-2	perboric acid (H3BO2(O2)), monosodium salt trihydrate; [1] perboric acid, sodium salt, tetrahydrate; [2] perboric acid (HBO(O2)), sodium salt, tetrahydrate [3] sodium peroxoborate hexahydrate; [containing < 0,1 %	239-172-9 [1] 234-390-0 [2] 231-556-4 [3]	13517-20-9 [1] 37244-98-7 [2] 10486-00-7 [3]	Repr. 1B STOT SE 3 Eye Dam. 1	H360Df H335 H318	GHS05 GHS08 GHS07 Dgr	H360Df H335 H318		Repr. 1B; H360Df: C ≥ 14 % Repr. 1B; H360D: 10 % ≤ C < 14 % Eye Dam. 1; H318: C ≥ 36 % Eye Irrit. 2; H319: 22 % ≤ C < 36 %

	(w/w) of particles with an aerodynamic diameter of below 50 µm]									
005-019-00-8	perboric acid, sodium salt; [1] perboric acid, sodium salt, monohydrate; [2] perboric acid (HBO(O2)), sodium salt, monohydrate; [3] sodium peroxoborate; [containing < 0,1 % (w/w) of particles with an aerodynamic diameter of below 50 µm]	234-390-0 [1] 234-390-2 [2] 231-556-4 [3]	11138-47-9 [1] 12040-72-1 [2] 10332-33-9 [3]	Ox. Sol. 3 * Repr. 1B Acute Tox. 4 * STOT SE 3 Eye Dam. 1	H272 H360Df H302 H335 H318	GHS03 GHS05 GHS08 GHS07 Dgr	H272 H360Df H302 H335 H318		Repr. 1B; H360Df: C ≥ 9 % Repr. 1B; H360D: 6,5 % ≤ C < 9 % Eye Dam. 1; H318: C ≥ 22 % Eye Irrit. 2; H319: 14 % ≤ C < 22 %	
005-019-01-5	perboric acid, sodium salt; [1] perboric acid, sodium salt,	234-390-0 [1] 234-390-2 [2] 231-556-4 [3]	11138-47-9 [1] 12040-72-1 [2] 10332-33-9 [3]	Ox. Sol. 3 * Repr. 1B Acute Tox. 3 * Acute Tox. 4 *	H272 H360Df H331 H302 H335 H318	GHS03 GHS06 GHS05 GHS08 Dgr	H272 H360Df H331 H302 H335 H318		Repr. 1B; H360Df: C ≥ 9 % Repr. 1B; H360D: 6,5 % ≤ C < 9 % Eye Dam.	