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 (Text with EEA relevance)

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

(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) 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 (hereinafter ‘GHS’) of the United Nations (UN).

(3) The classification criteria and labelling rules of the GHS are periodically reviewed at UN level. The fourth revised edition of the GHS results from changes adopted in December 2010 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, new hazard categories for chemically unstable gases and non-flammable aerosols and further rationalisation of precautionary statements. It is therefore necessary to adapt the technical provisions and criteria in the Annexes to Regulation (EC) No 1272/2008 to the fourth revised edition of the GHS.

(4) The GHS allows authorities to adopt labelling derogations for substances or mixtures classified as corrosive to metals but not corrosive to skin and/or eyes. It also allows the possibility to omit certain label elements from the packaging where the volume of the substance or mixture is below a certain amount. Provisions should be included to implement those measures at the Union level.

(5) The terminology of different provisions in the Annexes and certain technical criteria should also be amended to facilitate implementation by operators and enforcement authorities, to improve consistency of the legal text and to enhance clarity.

(6) To ensure that suppliers of substances can adapt to the new classification, labelling and packaging provisions introduced by this Regulation, a transitional period should be provided and the application of this Regulation should be deferred. This 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 under 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) in Article 14(2), point (c) is deleted;

(2) in Article 23, the following point (f) is added:

(f) substances or mixtures classified as corrosive to metals but not corrosive to skin and/or eyes.;

(3) Annex I is amended in accordance with Annex I to this Regulation;

(4) Annex II is amended in accordance with Annex II to this Regulation;

(5) Annex III is amended in accordance with Annex III to this Regulation;

(6) Annex IV is amended in accordance with Annex IV to this Regulation;

(7) Annex V is amended in accordance with Annex V to this Regulation;

(8) Annex VI is amended in accordance with Annex VI to this Regulation;

(9) Annex VII is amended in accordance with Annex VII to this Regulation.

Article 2

1 By way of derogation from the second paragraph of Article 3, substances and mixtures may, before 1 December 2014 and 1 June 2015 respectively, be classified, labelled and packaged in accordance with Regulation (EC) No 1272/2008 as amended by this Regulation.

2 By way of derogation from the second paragraph of Article 3, substances classified, labelled and packaged in accordance with Regulation (EC) No 1272/2008 and placed on the market before 1 December 2014, shall not be required to be relabelled and repackaged in accordance with this Regulation until 1 December 2016.

3 By way of derogation from the second paragraph of Article 3, mixtures classified, labelled and packaged in accordance with Directive 1999/45/EC of the European Parliament and of the Council[(3)] or Regulation (EC) No 1272/2008 and placed on the market before 1 June 2015, shall not be required to be relabelled and repackaged in accordance with this Regulation until 1 June 2017.

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*.

It shall apply in respect of substances from 1 December 2014 and in respect of mixtures from 1 June 2015.

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

Done at Brussels, 8 May 2013.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 487/2013. (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 following section 1.3.6 is inserted:

1.3.6. ***Substances or mixtures classified as corrosive to metals but not corrosive to skin and/or eyes***

Substances or mixtures classified as corrosive to metals but not corrosive to skin and/or eyes which are in the finished state as packaged for consumer use do not require on the label the hazard pictogram GHS05.

(2) The following sections 1.5.2.4 and 1.5.2.5 are inserted:

1.5.2.4. *Labelling of inner packaging where the contents do not exceed 10 ml*

1.5.2.4.1. The label elements required by Article 17 may be omitted from the inner packaging where:

(a) the contents of the inner packaging do not exceed 10 ml;

(b) the substance or mixture is placed on the market for supply to a distributor or downstream user for scientific research and development or quality control analysis; and

(c) the inner packaging is contained within outer packaging that meets the requirements of Article 17.

1.5.2.4.2. Notwithstanding sections 1.5.1.2 and 1.5.2.4.1, the label on the inner packaging shall contain the product identifier and, where appropriate, the hazard pictograms “GHS01”, “GHS05”, “GHS06” and/or “GHS08”. Where more than two pictograms are assigned, “GHS06” and “GHS08” may take precedence over “GHS01” and “GHS05”.

1.5.2.5. Section 1.5.2.4 shall not apply to substances or mixtures within the scope of Regulation (EC) No 1107/2009 or (EU) No 528/2012.

B. Part 2 is amended as follows:

(1) The second sentence in section 2.1.2.1 is replaced by the following:

‘The test methods are described in Part I of the UN RTDG, Manual of Tests and Criteria.’;

(2) In point (f) of section 2.1.2.2, the word ‘detonating’ is deleted;

(3) In section 2.1.2.3 and in the column entitled ‘Criteria’ of Table 2.1.1 the words ‘UN Recommendations on the Transport of Dangerous Goods’ are replaced by ‘UN RTDG’;

(4) In section 2.1.3, the column entitled ‘Unstable Explosive’ of Table 2.1.2, the precautionary statement ‘P281’ is replaced by ‘P280’;

(5) In the first paragraph and in the footnote to Figure 2.1.1 of section 2.1.4.1, the words ‘UN Recommendations on the Transport of Dangerous Goods’ are replaced by ‘UN RTDG’;

(6) In the first paragraph of section 2.1.4.2, the words ‘UN Recommendations on the Transport of Dangerous Goods’ are replaced by ‘UN RTDG’;

(7) In point (a) of section 2.1.4.3, the words ‘UN Recommendations on the Transport of Dangerous Goods’ are replaced by ‘UN RTDG’;

(8) Sections 2.2 to 2.3.4.1 are replaced by the following:

2.2. **Flammable gases (including chemically unstable gases)**

2.2.1. ***Definitions***

2.2.1.1. Flammable gas means a gas or gas mixture having a flammable range with air at 20 °C and a standard pressure of 101,3 kPa.

2.2.1.2. A chemically unstable gas means a flammable gas that is able to react explosively even in the absence of air or oxygen.

2.2.2. ***Classification criteria***

2.2.2.1. A flammable gas shall be classified in this class in accordance with Table 2.2.1:

Table 2.2.1

Criteria for flammable gases

Category	Criteria
1	Gases, which at 20 °C and a standard pressure of 101,3 kPa: (a) are ignitable when in a mixture of 13 % or less by volume in air; or (b) have a flammable range with air of at least 12 percentage points regardless of the lower flammable limit.
2	Gases, other than those of Category 1, which, at 20 °C and a standard pressure of 101,3 kPa, have a flammable range while mixed in air.

Note:
Aerosols shall not be classified as flammable gases; see section 2.3.

2.2.2.2. A flammable gas that is also chemically unstable shall additionally be classified in one of the two categories for chemically unstable gases using the methods described in Part III of the UN RTDG, Manual of Tests and Criteria according to the following table: