COMMISSION DIRECTIVE 2001/60/EC

of 7 August 2001

adapting to technical progress Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations [1], and in particular Article 20 thereof,

Whereas:

(1) Commission Directive 98/98/EC [2] adapting to technical progress for the 25th time Council Directive 67/548/EEC [3], as last amended by Directive 2000/33/EC [4], provides for new criteria and a new R phrase (R67) for vapours which may cause drowsiness and dizziness. The provisions set out in Annex V to Directive 1999/45/EC should therefore be supplemented.

(2) Commission Directive 2001/59/EC [5] introduces new wording for R phrase R40 when it is assigned to carcinogens of category 3. Consequently, the old wording of R phrase R40 will now be referred to as R68 and will continue to be used for mutagens of category 3 and for certain substances with non-lethal irreversible effects. It is therefore necessary to amend the references to R40 in Annex II to Directive 1999/45/EC.

(3) Directive 2001/59/EC introduces into Annex VI to Directive 67/548/EEC clearer advice on the classification of substances and preparations for corrosive effects. It is therefore necessary to supplement Annex II to Directive 1999/45/EC accordingly.

(4) It is known that cement preparations containing chromium (VI) may cause allergic reactions in certain circumstances. It is therefore desirable to require such preparations to display a warning label by supplementing Annex V to Directive 1999/45/EC.

(5) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations established under Article 20 of Directive 1999/45/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 1999/45/EC is amended as follows:

1. In Annex II, Part A:
   - in paragraph 3.3, the term 'R40' is replaced by 'R68',
   - in paragraph 8.2, the term 'R40' is replaced by 'R68' each time it occurs.

2. In Annex II, Part B:
   - in paragraph 2.1 (including Table II), the term 'R40' is replaced by 'R68' each time it occurs,
   - in paragraph 2.2 (including Table II A), the term 'R40' is replaced by 'R68' each time it occurs,
   - in paragraph 6.1, the term 'R40' is replaced by 'R68' the second time it occurs (i.e. in relation to mutagenic category 3),
   - in Table VI, the term 'R40' is replaced by 'R68' in the fourth row, columns 1 and 3 (i.e. in relation with mutagenic category 3),
   - in paragraph 6.2, the term 'R40' is replaced by 'R68' the second time it occurs (i.e. in relation to mutagenic category 3),
   - in Table VI A, the term 'R40' is replaced by 'R68' in the fourth row, columns 1 and 3 (i.e. in relation with mutagenic category 3).

3. In Annex II, Part B, Tables IV and IV A are supplemented with the following note:

   'NB: Simple application of the conventional method to preparations containing substances classified as corrosive or irritant may result in under-classification or over-classification of the hazard, if other relevant factors (e.g. pH of the preparation) are not taken into account. Therefore, in classifying for corrosivity, consider the advice given in paragraph 3.2.5 of Annex VI to Directive 67/548/EEC and in the second and third indents of Article 6(3), of this Directive.'

[1] OJ L 200, 30.7.1999, p. 1.
[2] OJ L 355, 30.12.1998, p. 1.
[3] OJ 196, 16.8.1967, p. 1.
[4] OJ L 136, 8.6.2000, p. 90.
[5] OJ L 225, 21.8.2001, p. 1.