

Chemicals: classification, labelling and packaging of substances and mixtures. Downstream legislation - Directive

2007/0212(COD) - 16/10/2007 - Legislative proposal

PURPOSE: to amend six existing Directives (Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC) to adapt them to the criteria for the classification and labelling of substances and mixtures laid down in the proposal for a Regulation on classification, labelling and packaging of substances and mixtures.

PROPOSED ACT: Decision of the European Parliament and of the Council.

CONTENT: this proposal accompanies the Commission proposal for a Regulation of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (see [COD/2007/0121](#)). The latter proposal builds on existing chemicals legislation and establishes a new system on classification, labelling and packaging of hazardous substances and mixtures by implementing in the EU the international criteria agreed by the United Nations Economic and Social Council (UN ECOSOC) for the classification and labelling of hazardous substances and mixtures, called the Globally Harmonised System of Classification and Labelling of Chemicals (GHS).

Classification of substances and preparations under the currently applicable Directives 67/548/EEC and 1999/45/EC triggers other obligations in EU legislation, hereinafter referred to as “downstream legislation”.

The Commission services have assessed the potential effects of the implementation of the GHS criteria on downstream legislation. Their analysis concludes that effects are either minimal or can be minimised by appropriate changes to particular downstream acts. This proposed Decision aims to make such changes to a number of downstream acts, through amendments which take account of the effects of the proposal on classification, labelling and packaging of substances and mixtures.

The Commission launched a public stakeholder consultation on the proposal for a Regulation on classification, labelling and packaging of substances and mixtures on the internet: 97% of the responses support the implementation of the GHS in the EU. Overall the draft proposals of the Commission services were well appreciated by Member State authorities and industry. A majority of respondents (59%) supported neither extending nor lowering the level of protection in comparison with the current EU system, except where necessary to ensure consistency with transport legislation or with the GHS.

The main objective of this Decision is to address the effects of the introduction of new classification criteria for substances and mixtures for six Directives which refer to classification of substances or mixtures, so as to prevent undesired changes in scope and obligations. The six existing Directives in the fields of cosmetic products, safety of toys, emissions of volatile organic compounds, end-of-life vehicles and waste electric and electronic equipment already contain substantive legal provisions. Where necessary, it adapts the provisions of those Directives to the new terminology resulting from the new criteria and the new hazard statements introduced by the proposal on classification, labelling and packaging. The term “mixture” is introduced to replace the term “preparation”, in line with the proposal on classification, labelling and packaging of substances and mixtures.

Where the Directives refer in general to the test methods laid down in Directive 67/548/EEC, this proposal updates this reference in line with the recently adopted Regulation 1907/2006 (REACH) which foresees a Commission Regulation containing these methods.

For Directive 1999/13/EC, this proposal contains a change which is consequential to the replacement of the former risk phrase R40 by two new risk phrases called R40 and R68, operated by Directive 2001/59/EC. This replacement had until now not been reflected in the wording of Directive 1999/13/EEC. It is appropriate to make this change now to ensure a correct transition to the corresponding hazard phrases foreseen in the proposal on classification, labelling and packaging of substances and mixtures.

This proposal is presented in parallel with the proposed Regulation aiming to amend an existing Regulation to the provisions of the proposal for a Regulation on classification, labelling and packaging of substances and mixtures (see [COD/2007/0213](#)).