

Health and safety at work: aligning certain Directives to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

2013/0062(COD) - 04/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 656 votes to 15, with 5 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Scope of the amendments: the amended Directive seeks to **align the five Directives in force** to the new system laid down in Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Directive) in order to identify hazardous chemicals and inform users about the related hazards by means of standard symbols and phrases on packaging labels, and safety data sheets.

Periodic review of the level of protection of workers: Parliament stated that the proposed amendments should not intend to reduce the level of protection of workers. However, in view of on-going technological progress, the **five Directives should be subject to periodic review** in order to ensure the coherency of legislation and an appropriate level of health and safety protection when hazardous chemical substances and mixtures are present in the working environment. Particular attention should be paid to employees within professions where there is **frequent contact** with hazardous substances and mixtures.

Safety and/or health signs: the amended Directive stated that areas, rooms or enclosures used for the storage of significant quantities of hazardous substances or mixtures must be indicated by a suitable warning sign or marked, unless the labelling of the individual packages or containers is adequate for this purpose.

If there is no equivalent warning sign in Section 3.2 of Annex II to warn about hazardous chemical substances or mixtures, the relevant hazard pictogram, as laid down in Annex V to Regulation (EC) No 1272/2008 of the European Parliament and of the Council, must be used.

Parliament deleted the warning sign 'Harmful or irritant material' and stipulated that the warning sign 'General danger' should not be used to warn about hazardous chemical substances or mixtures, except for cases when it is used to indicate the stores of hazardous substances or mixtures."

Labelling of containers used at work for brief periods: Parliament called for the Directive not to apply to containers used at work for brief periods or to containers whose contents change frequently, unless alternative adequate measures are taken, in particular for information and/or training, which guarantee the same level of protection.

The labelling may take the following forms:

- replaced by warning signs set out in Annex II of the Directive, using the same pictograms or symbols;
- supplemented by additional information, such as the name and/or formula of the hazardous substance or mixture and details of the hazard ;
- signs applicable throughout the Union for the transport of hazardous substances or mixtures.

Pregnant workers and workers who have recently given birth or are breastfeeding: the amended Directive provides that the exposure of these workers should be assessed by the employer as regards substances and mixtures which meet the criteria for classification in one or more of the following hazard classes and hazard categories:

- germ cell mutagenicity, category 1A, 1B or 2;
- carcinogenicity, category 1A, 1B or 2;
- reproductive toxicity, category 1A, 1B or 2 or the additional category for effects on or via lactation;
- specific target organ toxicity after single exposure, category 1 or 2.

Protection of young people at work: Parliament added a **sub-category of substances** to those provided by the Commission in its proposal, essentially in terms of better protecting young people who handle these substances owing to their insufficient attention to safety or lack of experience or training.

This relates to the following substances:

- flammable aerosols;
- unstable explosives;
- self-reactive substances and mixtures;
- organic peroxides, type A or B;
- respiratory sensitisation;
- skin sensitisation.

Small and medium-sized enterprises: the amended text stressed that the Directives aiming to lay down minimum requirements for encouraging improvements, in particular in the working environment, to ensure a better level of protection of the health and safety of workers should avoid holding back the creation and development of small and medium-sized undertakings and their potential to create jobs.

Explanatory guidance in particular for small and medium-sized enterprises was highlighted.

Transposition: Member States should transpose the amended Directive by 1 June 2015.