



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2015) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council
on classification, labelling and packaging of substances and mixtures by adding a new
Annex on harmonised information relating to emergency health response**

(Text with EEA relevance)

DISCLAIMER

Draft document that might be subject to further modification distributed only for discussion purposes

The late distribution of this document is due to the timing of the Commission Inter Service Consultation that was closed on Monday 1st February 2016.

Next 4th February 2016 a presentation and initial discussion on the proposal will take place. In any case full discussion will take place at the next Reach Committee (mid-March 2016).

Thank you for your understanding.

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**amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council
on classification, labelling and packaging of substances and mixtures by adding an
Annex on harmonised information relating to emergency health response**

(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/EEFC and 1999/45/EC, and amending Regulation (EC) No 1907/2006¹, and in particular Article 45(4) thereof,

Whereas:

- (1) In order to carry out their responsibilities, bodies appointed in accordance with Article 45(1) of Regulation (EC) No 1272/2008 need information about mixtures classified as hazardous that are placed on the market. That information is submitted to appointed bodies at national level by importers and downstream users and it commonly includes product identification, hazard identification and toxicological information. Poison centres rely heavily on information provided by those appointed bodies, and sometimes constitute such bodies themselves.

¹ OJ L 353, 31.12.2008, p.1.

- (2) The Commission carried out the review provided for by Article 45(4) of Regulation (EC) No 1272/2008, and its findings, which were based on thorough expert consultation, were published in January 2012. The review concluded that there is considerable variety in the current notification systems, data formats and country-specific requirements regarding the requested information in the Member States. This implies that importers and downstream users placing mixtures on the market in different Member States, need to provide multiple submissions and in different formats, regarding information that is often similar. The review also showed that this diversity leads to inconsistencies in the information available to medical personnel and the general public in cases of poisoning incidents in different Member States.
- (3) The findings of the review were supported by a Commission cost benefit study completed in March 2015², which confirmed that, in addition to improved health response, the harmonisation of information to be provided to appointed bodies would lead overall to significant cost savings.
- (4) The relevant stakeholders, such as the European Association of Poison Centres and Clinical Toxicologists (EAPCCT) have been consulted, in particular in the framework of the cost benefit study and through a number of workshops.
- (5) It is therefore appropriate to harmonise the information to be received by appointed bodies from importers and downstream users, as well as to establish a format for the submission of the information.
- (6) It is necessary to specify which information needs to be submitted to an appointed body. This includes information regarding the identification of the mixture and of the submitter, the hazard identification and the mixture components. Due to the fact that mixtures' formulations can be subject to frequent slight modifications with little or no impact on the emergency health response to be provided, requiring information about the components of the mixture in exact percentages would be disproportionate. Therefore, it should be allowed to provide concentration ranges to inform about mixture components. The width of those ranges should be determined depending on the hazard of the substance and the relevance of the information for the health response.
- (7) Regulation (EC) No 1272/2008 provides that the information to be transmitted to appointed bodies is to include the chemical composition of mixtures placed on the market and classified as hazardous. In view of the fact that mixtures classified as hazardous may also contain non-hazardous components, it is necessary to entitle appointed bodies to receive information on the latter components where needed to formulate preventive or curative action.
- (8) The format for the submission of the information should be harmonised in order to allow users and importers operating in different Member States to use the same submission or submission format in different Member States. The submissions should be made electronically in a harmonised XML format maintained by the European Chemicals Agency.
- (9) In order to facilitate the transmission of information, on the intended use of a mixture and to ease the statistical analysis on related poisoning cases, a European product categorisation system should be developed by the European Chemicals Agency and used in the submission of information.

² Study to support the harmonisation of the information to be submitted to poison centres, according to article 45 of Regulation (EC) No 1272/2008 (CLP Regulation) 03.03.2015

- (10) According to a Commission study, poison centres and other appointed bodies experience problems with the correct identification of the mixture concerned in up to 40 percent of the calls they receive. This can lead to wrong treatment of patients and unnecessary overtreatment and hospitalisation for precautionary reasons. Therefore, as part of the harmonisation of the information, it is necessary to require identification of a mixture by a unique alphanumeric code (Unique Formula Identifier) to be affixed to the product.
- (11) Most calls to poison centres and other appointed bodies concern accidental exposure to hazardous mixtures used by consumers and to a lesser extent by professionals. Only a small number of calls concern mixtures for industrial use, which are used in industrial installations. In addition, on industrial sites there usually is a greater knowledge of the mixtures used and medical treatment is generally available. Therefore, importers and downstream users of mixtures for industrial use should be allowed to fulfil limited information requirements.
- (12) In order to spread the necessary work of adapting the format for data submission, and to prioritise information provision where it is most needed, it is considered reasonable and proportionate to lay down a stepwise applicability of the new information requirements set by this Regulation according to the use of the mixture.
- (13) In order to ensure a smooth transition and avoid disproportionate costs, the submissions provided to appointed bodies before the date of application of this Regulation should remain valid for a certain time after this Regulation starts to apply. However, if significant changes in the formulation, product identifier or toxicology of the mixture occur in the meantime, a submission update pursuant to this Regulation should be required.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 54(1) of Regulation (EC) No 1272/2008,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EC) No 1272/2008, Annex VIII is added as set out in the Annex to this Regulation.

Article 2

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 from 1 July 2019.

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

Done at Brussels,

*For the Commission
The President
Jean-Claude Juncker*