

Health and Safety Executive Board		HSE/14/75	
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Type of Paper:	Above the Line	Exemptions:	
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## **Alignment of domestic legislation with the EU direct acting Classification, Labelling and Packaging Regulation - Outcome of Consultation**

### **Purpose of the paper**

1. To provide an update on the outcome of the consultation on the alignment of health and safety regulations with the EU direct acting Classification, Labelling and Packaging Regulation (CLP), which concluded on 5 August, and to seek the Board's agreement to proceed with the necessary regulatory changes to implement the proposals.

### **Background**

2. The CLP Regulation has been progressively introduced across all EU member states since 2009 and comes fully into force on 1 June 2015. When CLP comes fully into force the EU Dangerous Substances Directive, the Dangerous Preparations Directive and the domestic Chemicals (Hazardous Information and Packaging for Supply) Regulations 2009 will be revoked. As a consequence, technical amendments will need to be made to a number of health and safety regulations to replace references to the previous legislation to align them with CLP and to ensure the regulations remain workable.
3. For similar reasons, the European Commission published amending directive 2014/27/EU on 5 March 2014, which amends five worker protection directives to align them with the CLP Regulation. To implement the amending directive technical changes to four sets of regulations are also required. The amending directive has a transposition deadline of the 1 June 2015. In parallel with these changes, the new Seveso III Directive (2012/18/EU) also makes changes to the previous Seveso II Directive to align it with CLP.
4. The Board previously agreed at its 29 January meeting (HSE/14/03) that only the minimum legal changes necessary to align domestic regulation with CLP should be made. A consultation document was prepared on this basis and following the Board's agreement on 21 May (HSE/14/40) an eight-week public consultation on the proposals has been conducted.

## Argument

### Consultation

5. The consultation was published on HSE's website and through a number of HSE's e-bulletins. In addition, emails were sent directly to a range of identified stakeholders. The consultation formally closed on 5 August 2014 and responses were received via a range of media.
6. There were 32 respondents, the majority of which demonstrated in their answers that they were well informed regarding CLP and the health and safety regulations being amended. There was high agreement that the proposed amendments were sufficient to implement the amending directive, the majority of results being in excess of 90% positive. The introduction of CLP is widely supported by business and comments received as part of the consultation welcomed the proposals to ensure clear alignment of relevant domestic regulations with CLP. The consultation analysis is attached as Annex 1.
7. No major issues were raised with regard to the proposals, although a number of helpful comments were made regarding clarification of signage changes which will be taken forward in guidance. For example, clarification that supplementary text can still be used on warning signs and where CLP red diamond pictogram signs and yellow triangle warning signs are needed.

### Impact Assessment

8. The Regulation Policy Committee (RPC) gave the consultation impact assessment a green opinion, but commented that a number of the assumptions made should be tested at consultation. To address this, the consultation document included a range of questions seeking further information from stakeholders, particularly in relation to their use of workplace signage. Based on the information provided and subsequent discussion with respondents on specific issues, the key assumptions in the impact assessment have either been confirmed or, where appropriate, revised to strengthen the analysis.
9. In summary, the decision to exclude micro-businesses from the costs analysis and the assumed costs of replacing signs were confirmed, the list of industry groups affected by the changes was refined, and the number of hazardous substance signs per workplace and the familiarisation costs involved were revised for businesses where the use of hazardous substance signage is commonplace. Our assumption that the technical change in scope to the Dangerous Substances and Explosives Atmosphere Regulations should not result in the need for any additional action by business, which the RPC highlighted, was also tested and confirmed as reasonable by the majority of respondents.

10. The revisions made to the impact assessment result in a revised best estimate total one-off cost to business of £4.5 million and total one-off costs to public sector organisations of £1.2 million. This represents an increase from the consultation stage costs estimates, which were a best estimate total one-off costs to business of £2.9 million, and total one-off costs to public sector organisations of £1.0 million. The final impact assessment is at Annex 3.

### Regulations

11. The draft Statutory Instrument (SI) has been drafted as agreed to only make the minimum legal changes necessary to transpose the amending directive and to make the required consequential amendments.
12. The SI is less complex than initially thought owing to agreements reached that a number of potential consequential amendments in other government department led regulations will be made outside of this SI. Work to agree final drafting with other government departments on the remaining consequential amendments, including with the Maritime and Coastguard Agency, is complete with the exception of some minor details. The draft final SI attached as Annex 2 is still subject to the normal final legal checks but no significant changes are anticipated. Should any significant issues be identified the Board will be informed.

### **Devolved Administrations**

13. A number of the consequential changes required as a result of CLP coming fully into force impact on Scottish and Welsh specific regulations. These changes have been discussed in detail with officials in the Scottish and Welsh Governments and agreement gained on either an amendment to be included in the SI or that the relevant devolved administration or another government department will take responsibility for making the necessary amendments. Advice has also been provided on the proposed approach to make the changes required to transpose the amending directive. The changes required have also been discussed with officials in Northern Ireland and where the legislative structure requires it, draft text has been cleared.

### **Action**

14. To meet the 1 June 2015 transposition deadline the SI must be laid in this parliamentary session. In order to achieve the necessary Ministerial and cabinet committee clearances by the required deadlines, the Board is asked to agree that the regulatory changes required to transpose the amending directive and make the necessary consequential amendments can be made.

### **Paper clearance**

15. Jane Willis, Director, Cross Cutting Interventions Directorate.

## **Analysis of responses received to Statutory Consultation on the proposals on the alignment of health and safety regulations with the EU direct acting Classification, Labelling and Packaging regulation**

### **Introduction**

This is a summary report of the outcome of HSE's formal statutory consultation to the proposals on the alignment of health and safety regulations with the EU direct acting Classification, Labelling and Packaging regulation. It is designed to be read in conjunction with the consultation document CD269 (CD).

The consultation exercise was published on HSE's website and through a number of HSE's e-bulletins. In addition, emails were sent directly to identified stakeholders. The consultation formally closed on 5 August 2014 and responses were received via a range of media.

This report is based on the 32 responses to the CD. As some respondents may have offered a number of opinions in relation to some, but not all, of the questions, total percentages under any one question are expressed as a measure of those answering each question, not as a measure of all respondents.

The breakdown of respondents is as follows:

<b>Type of organisation</b>	<b>Number</b>	<b>Percentage</b>
Consultancy	5	16%
Industry	11	34%
Local government	2	6%
Member of the public	1	3%
National government	2	6%
Non-governmental organisation	1	3%
Trade association	4	13%
Trade union	1	3%
Blank/other	5	16%
<b>Total</b>	<b>32</b>	<b>100%</b>

### Responses received by capacity:

Capacity	Number	Percentage
An employer	4	13%
An employee	4	13%
Health and safety professional	15	47%
Trades union official	1	3%
Training provider	1	3%
Blank/other	7	21%
<b>TOTAL</b>	<b>32</b>	<b>100%</b>

### Background

In January 2009 the European Union direct acting Classification, Labelling and Packaging of Substances and Mixtures Regulation (EC) No 1272/2008 (CLP Regulation) was introduced in all EU member states. The CLP Regulation progressively replaces the Dangerous Substances Directive (DSD) and the Dangerous Preparations Directive (DPD), which deal with the classification, hazard communication and packaging of chemicals, and will come fully into force on 1 June 2015 (subject to some minor transitional arrangements continuing until 2017).

The CLP Regulation adopts across Europe the United Nations Globally Harmonised System (GHS) on the classification and labelling of chemicals. This means the existing European classification system and hazard warning symbols will be replaced by GHS and a new set of hazard pictograms.

The changes proposed to the affected regulations are the minimum legally required to implement the amending directive. This approach has been taken with the aim of ensuring any additional costs of implementation to business are kept to the minimum possible.

### Overview

There were 32 respondents to the consultation, the majority of which demonstrated in their answers that they were well informed regarding CLP and the health and safety regulations being amended. There was high agreement that the proposed amendments were sufficient to implement the amending directive, the majority of results being in excess of 90% positive.

No major issues were raised with regard to the proposals, although a number of helpful comments were made regarding clarification of signage changes which will be taken forward in guidance.

The consultation successfully tested and confirmed a number of assumptions and estimates made in the impact assessment. A number of revisions to the impact assessment were made on the basis of information received during the consultation

including an increase in the familiarisation costs associated with signage changes and wage estimates, and the inclusion of sign replacement due to wear and tear.

### Summary of responses

The document was divided into four sections, A to D, which explained the amendments required to each of the four sets of regulations affected. Each section contained questions relating specifically to the amendments required to comply with the amending directive and the implementation of the H&S directives being amended. In addition, the questions asked were designed to test the assumptions and estimated costs made in the impact assessment.

It was not necessary for respondents to complete the questions for every section, only those sections that were relevant to them. The following table shows the breakdown of sections that were answered. There were 75% of respondents who chose to answer all of the sections.

Option	Results	Count
A) Health and Safety (Safety Signs and Signals) Regulations 1996	13%	4
B) Control of Substances Hazardous to Health Regulations 2002	6%	2
C) Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002	3%	1
D) Management of Health and Safety at Work Regulations 1999	0%	0
B) C) and D)	3%	1
All of the above regulations	75%	24
<b>TOTAL</b>	<b>100%</b>	<b>32</b>

## A) Health and Safety (Safety Signs and Signals) Regulations 1996

**Q1. Do you think that the amendments proposed to the Health and Safety (Safety, Signs and Signals) Regulations 1996 are sufficient to implement the amending directive?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
27	23 (85%)	4 (15%)

The majority of respondents, 85%, agreed that the proposed amendment implemented the amending directive. Those who disagreed did not raise concerns directly relevant to the question as the comments did not relate to the implementation of the amending directive.

One respondent who answered yes and demonstrated a high level of familiarisation with CLP and SSSR, requested that guidance on where warning signs and pictogram signs should be used be made available. The comments made by those who disagreed related to similar themes and were helpful in identifying issues that would need to be taken forward as guidance, including:

- Clarification of where to use warning signs and pictograms, including moderate health hazard and other human health pictograms
- Clarification that supplementary text can still be used on signs

### **Impact on business**

**The following questions relate to the Impact Assessment at annex 3. Please note, where the word sign is used it should be read to mean sign or label.**

**Q2. HSE has excluded micro units (1-9 employees) from the estimate of costs as they are assumed to have less complex premises and processes and therefore are more likely to rely on the labelling provided on packaging and containers by suppliers to provide necessary warning information.**

**If they do use signage it was considered likely that this would be a *General* danger warning sign on a storeroom containing a number of chemicals, which is not affected by these changes. Do you think this assumption is realistic?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
27	21 (78%)	6 (22%)

The assessment assumes no costs to micro businesses warning information. Even where micro businesses, are required to update workplace hazardous substance signage, we expect the number of signs to be replaced and corresponding costs to be very low. These assumptions were tested at consultation and 78% agreed that they were reasonable.

Those that disagreed raised the issue of micro businesses needing to familiarise themselves with the signage not that they would need to take any additional practical action. Given micro businesses will be low users of signs, HSE believes it is reasonable to assume it is unlikely they will familiarise themselves with the changes. When they need to replace a sign they are likely to be advised by their supplier about the changes. On this basis, HSE’s view is that it is not proportionate to include familiarisation costs for micro businesses in the analysis.

**Q3. HSE has assumed that hazardous chemicals signage is commonly used in the following broad industry groups (see Impact Assessment Appendix A para A4):**

- All classifications related to mining, manufacturing, agriculture, and aquaculture;
- Energy generation, water treatment, sewerage and remediation activities;
- Wholesale, distribution and transport activities (where hazardous chemicals may be transported and stored);
- Scientific, research, testing and engineering activities;
- Defence, education and human health.

**Do you think this is reasonable?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
26	22 (85%)	4 (15%)

**If not, please explain which other industry groups should be included or excluded**

Whilst 85% of respondents agreed with this, those that disagreed provided useful information e.g. a photograph was provided showing flammable signs on a storage container on a construction site. Large construction sites have now been included in the impact assessment. Some elements of the retail sector were also suggested and have now been included.

**Q4. Are you aware of any common scenarios in which the *harmful or irritant* yellow and black warning sign (black X, see Table 1) is currently used?**

Number of Responses	Yes	No
26	15 (58%)	11 (42%)

**If so, please describe.**

Whilst 58% of respondents said that they were aware of where the yellow and black warning signs are currently used some of the answers were not directly relevant to the question. In addition, a third of those who responded 'yes' did not make any further comments.

This question was intended to test the assumptions made in the impact assessment about percentage of signs that need to change, the scenarios described were limited in scope and did not demonstrate the need to revise the assumptions around signage replacement.

**Q5. To the best of your knowledge are signs other than the *general danger* yellow and black warning sign (exclamation mark, see Table 1) commonly used on stores of hazardous chemicals?**

Number of Responses	Yes	No
26	22 (85%)	4 (15%)

**If so, which other signs are used and in which circumstances?**

The vast majority, 85% of the respondents, said that they were aware of other signs being used. The majority of respondents who gave examples referred to flammable signs which are available as yellow triangle warning signs and CHIP pictograms so it was not clear what proportion of these would be subject to change. Only two respondents gave examples of CHIP pictogram signs being used and these corresponded with sectors identified as being high sign users in the impact assessment. CLP signs are already being supplied and one respondent described that *CLP Red Diamond Pictograms are now commonplace*.

Taken together with the answers to Q5 and Q9, the evidence broadly confirms HSE's assumptions around the percentages of signs that need to change, although the estimates of total number of hazardous signs in business units has been increased to reflect the use of flammable signs which was more common than originally estimated.

**Q6. What do you think the main impacts of the restriction on the use of the *General danger* yellow and black warning sign in relation to hazardous chemicals will be?**

There were a wide range of answers given here, 22 in total. The majority said that there would be no impact whilst several others said that it would lead to confusion and a need for increased training. Two respondents said that the number of signs will increase.

There were also positive comments made. One respondent said that there would be no impact as a smooth transition to GHS (CLP) labels is already happening. Another said that there will be a positive impact as it will give the user more information as to the substance that they are working with and the actual hazard it poses rather than a general symbol which may lower their perceived risk of exposure and harm. This point was reiterated by another respondent who said that the 'General' danger sign is not specific enough to indicate the nature of the material stored.

The impacts of the restriction of the General Danger warning sign that were cited broadly reflect the impacts of signage change identified in the impact assessment. Training is discussed in the response to Q11 regarding familiarisation costs.

**Q7. Is HSE's estimate of the average cost of a single hazardous chemicals sign to be typically between £3 and £7 reasonable?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
25	20 (80%)	5 (20%)

**If not, what would be a reasonable estimate?**

The majority, 80% of respondents, agreed with HSE's estimate and this remains unchanged.

**Q8. To the best of your knowledge how frequently do signs need to be replaced due to wear and tear?**

There were a number of broadly consistent answers to this question from which an estimate of replacement of every five years can reasonably be made.

**Q9. Approximately how many hazardous chemicals signs do you think you will need to change due to these amendments?**

The answers to this varied and in retrospect the question could have been phrased better to relate to chemical signs that need to change per business unit or site. This question was not applicable to some of the respondents and others stated that they would not need to change any signs. Respondents commented on the difficulty of

estimating how many signs would need to be changed and for those that did provide estimates the answers varied widely.

Several comments acknowledged that the number of signs to be changed will depend upon the size of the site and the types of products used or stored there. Even with sites of a similar size and nature, different and equally valid signage may have been chosen as health and safety regulations are focused on assessing risk and communicating it effectively, not prescribing signage.

The increase in the number of hazardous substance signs used, on sites made as a result of the comments demonstrating the widespread use of the flammable sign given in response to Q5, has increased the estimate of number of signs that will need to be changed at sites to broadly reflect the answers given to this question.

**Q10. HSE has estimated the labour cost of replacing a sign as £2.40 per sign based on it taking 15 minutes with a wage of £9.50/hr, is this reasonable?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
26	18 (69%)	8 (31%)

**If not, what would be a reasonable estimate?**

There were eight respondents, 31% who disagreed with this assumption with some of these estimating that both the duration of time and wage rate will be higher. The revised impact assessment uses a higher wage rate.

**Q11. HSE has assumed that the most significant costs associated with the proposed changes to signage is the cost of familiarisation with the changes. Is the estimated familiarisation cost per business of £15 (based on it taking 30 minutes to an hour to become sufficiently familiar to make decisions on whether new signs may be required, with a wage of £20/hr) reasonable?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
26	11 (42%)	15 (58%)

**If not, what would be a reasonable estimate?**

Some respondents to the consultation commented on the need to include additional familiarisation costs for employees more generally. The wider costs of the introduction of the CLP Regulation have already been accounted for the impact assessment carried out in 2007 (see paragraph 8 of the impact assessment). Comments made by other stakeholders confirm that the long lead in time for CLP means there is a growing awareness of CLP and the CLP pictograms. The current proposals are limited to a small number of specific changes to workplace signage. Of the 58% of those who disagreed, the cost of labour/wage was cited by 3 (20%), time was cited by 8 (53%), and 2 (13%) referred just to training and no other

familiarisation costs. One respondent stated that familiarisation costs would be negligible compared to signage costs. The wage and familiarisation costs have been increased in line with the comments made. Having considered the points made regarding training, HSE's view is that the changes can be effectively communicated as part of routine team meetings/briefings and other existing workplace communication channels.

**Q12. Do you have any other comments on the Impact Assessment, including other assumptions made, that are not covered by questions 2 – 11?**

Some comments were made but these were covered by questions 2 – 11 and these have been taken into account in the analysis of the responses.

**B) Control of Substances Hazardous to Health Regulations 2002**

**Q13. Do you agree or disagree that the changes described in the consultation document for the COSHH Regulations will not change the scope of the regulations or impose any new requirements?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
26	25 (96%)	1 (4%)

There were 96% of respondents who agreed with this. Favourable feedback was received by one respondent representing a large industry association who said that based on the feedback received from their members to date, they did not believe that the changes described in the consultation document would change the scope of the regulations or impose new requirements.

**If you disagree, please explain**

One respondent commented that risk assessments would need to be amended to correct the new terminology in CLP, there is no requirement to amend risk assessments solely to update terminology, if this were necessary it could be done when the risk assessment is up for review as part of the normal review process.

**Q14. Do you have any more general comments to make about how the COSHH Regulations implement the Carcinogens and Mutagens Directive and the Chemical Agents Directive, in relation to your business? If so please explain.**

The majority of respondents did not have any further general comments to make. One respondent stated their support for COSHH as a proven and effective legislative vehicle for implementation of the directives, while another confirmed the changes were minor and technical and would have no impact on their large site. A considered comment was made regarding the COSHH definition of a hazardous substance which gave a reference point of Table 3.2 of CLP. It was suggested as there would no longer be a reference point HSE should promote the use of the CLP inventory on the ECHA website. Whilst this is a valid point, we would expect that duty holders would obtain the information they require from the safety data sheets

and/or other reliable sources, and we don't think that it is necessary to promote the ECHA CLP inventory. We believe that for most users this would be rather confusing, however we will monitor developments on this matter.

**C) Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002**

**Q15. Do you think that the amendments to DSEAR are sufficient to implement the amending directive?**

Number of Responses	Yes	No
24	23 (96%)	1 (4%)

The proposed amendments to DSEAR were highly supported with 96% of respondents in agreement.

**If not, please explain**

There was no comment from the respondent who disagreed.

**Q16. Do you agree or disagree with the statement in paragraph 40 that assuming businesses are already complying with their general duties, they will not need to take any additional action?**

Number of Responses	Yes	No	Yes/No
23	14 (61%)	8 (35%)	1 (4%)

**This assumption has been confirmed with a majority of 61% of respondents agreeing with this.**

**If you disagree, please explain why**

Of those that did not agree the main issue raised was the need to check that existing risk assessments were sufficient to address the changes. No respondents indicated they anticipated needing to take any additional practical action beyond this to revise procedures etc. It is a legal requirement to regularly review risk assessments both under DSEAR and under the more general requirements of the Management of Health and Safety Regulations so, assuming duty holders are complying with this requirement there will be no significant additional costs involved in reviewing risk assessments to take account of these changes.

**Q17. Do you have any more general comments to make about how DSEAR implements the Chemical Agents Directive, in relation to your business? If so please explain**

Several comments were made. One response indicated that it would be useful to remove the overlap between DSEAR Regulation 10 and the Health and Safety Signs Regulations in order to reduce confusion. However, there is no overlap in the Regulations. The purpose of Regulation 10 applies to dangerous substances that are not subject to the requirements of other legislation such as The Health and Safety (Safety Signs and Signals) Regulations 1996.

**D) Management of Health and Safety at Work Regulations 1999**

**Q18. Do you agree or disagree that the changes to the MHSW Regulations described in the consultation will not impose any new requirements?**

<b>Number of Responses</b>	<b>Yes</b>	<b>No</b>
24	22 (92%)	2 (8%)

The proposed amendments to MHSW were highly supported with 92% of respondents in agreement.

**If you disagree, please explain**

One of the respondents who disagreed referred to the introduction of the new CLP Hazard class of flammable aerosols (Category 1) in Regulation 3(5)g which describes elements to be included in the risk assessment for young people and expanded in the response to Q19 described below.

**Q19. Do you have any more general comments to make about how the MHSW Regulations implement the Pregnant Worker Directive and Young People at Work Directive, in relation to your business? If so please explain**

One respondent with a high level of familiarity with CLP commented that implementing the change to the list of chemical agents in the Young People at Work Directive (94/33/EC) and the proposed subsequent implementation into Regulation 3(5)g of the MHSW Regulations may result in confusion for organisations who employ young workers, as the inclusion of Category 1 aerosols brings into scope a large number of household aerosols. As the risk from these substances to young people has not changed with the change in classifications in the Annex of 94/33/EC, companies are not expected to take any different action concerning the provisions they put in place for young people. HSE does not expect that this change will result in confusion as these substances are widely familiar and the low risk associated with them is common knowledge.

## **Other**

**Is there anything you particularly like or dislike about this consultation?**

**Please provide comments.**

The majority of respondents had no further comments.

There were several comments from respondents stating that it had been useful for them to have had the opportunity to comment.

In the main, comments were provided regarding the amending directive rather than the proposals in the consultation itself.

There was a criticism that the consultation did not begin early enough so that the changes to SIs will have been made and published in time to provide for a realistic transitional period. There was also one criticism that HSE had assumed that the long lead in time for implementation of CLP has already led to a high level of familiarisation which according to the respondent is not the case. The timing of the implementation is set by the amending directive.

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 STATUTORY INSTRUMENTS
 

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2015 No.

**HEALTH AND SAFETY**
**The Classification, Labelling and Packaging of Chemicals  
(Amendments to Secondary Legislation) Regulations 2015**

<i>Made</i> - - - -	2015
<i>Laid before Parliament</i>	2015
<i>Coming into force</i> - -	1 <sup>st</sup> June 2015

The Secretary of State is a Minister designated for the purposes of section 2(2) in relation to—

- (a) the regulation and control of classification, packaging and labelling of dangerous substances and preparations<sup>(1)</sup>; and
- (b) measures relating to the safety of ships, and the health and safety of persons in them<sup>(2)</sup>.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act, sections 15(1), (2), 80(1) and 82(3)(a) of the Health and Safety at Work, etc. Act 1974<sup>(3)</sup> (“the 1974 Act”) and sections 55 and 85 of the Merchant Shipping Act 1995<sup>(4)</sup>.

These Regulations, apart from the modifications referred to in the next paragraph, give effect without modifications to proposals submitted by the Health and Safety Executive under section 11(3)<sup>(5)</sup> of the 1974 Act after carrying out consultation in accordance with section 50(3)<sup>(6)</sup> of that Act.

[Recital for consultation under the Merchant Shipping Act 1995.]

It appears to the Secretary of State that the following are expedient as set out in section 80(1) of the 1974 Act—

- (a) [to follow].

**Citation and commencement**

**2.—**(1) These Regulations may be cited as the Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015.

- 
- (1)
  - (2)
  - (3)
  - (4)
  - (5)
  - (6)

(2) These Regulations come into force on 1<sup>st</sup> June 2015.

### **Extent**

**3.**—(1) Subject to paragraphs (2) to (4), these Regulations extend to the United Kingdom.

(2) The amendments made by regulations 4 to 8, 10 to 12, 14 to 18, 20, 23 and 24 have the same extent as the provisions that they amend.

(3) The amendments made by regulations 9, 13, 19, 21 and 22 extend to England, Wales and Scotland only.

(4) The revocation made by regulation 25 has the same extent as the regulation it revokes.

### **Amendment of the Health and Safety (Safety Signs and Signals) Regulations 1996**

**4.**—(1) The Health and Safety (Safety Signs and Signals) Regulations 1996 are amended as follows.

(2) In regulation 2(1), after the definition of “acoustic signal”, insert—

“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”.

(3) In regulation 3(1)(a)—

- (a) for “dangerous” substitute “hazardous”; and
- (b) for “preparation” substitute “mixture”.

(4) In Schedule 1—

- (a) for paragraph 12 in Part 1, substitute—

“**12.** Areas, rooms or enclosures used for the storage of significant quantities of hazardous substances or mixtures must be indicated by a suitable warning sign taken from paragraph 3.2 of Part II, or marked as provided in paragraph 1 of Part III, unless the labelling of individual packages of containers is adequate for this purpose. If there is no equivalent warning sign in paragraph 3.2 of Part II to warn about hazardous chemical substances or mixtures, the relevant hazard pictogram, as laid down in Annex V to the CLP Regulation, must be used.”; and

- (b) after paragraph 2.2 in Part 2, insert—

“**2.3.** The “General danger” warning sign must not be used to warn about hazardous substances or mixtures, except for cases where the warning sign is used to indicate stores of a number of hazardous substances or mixtures in accordance with paragraph 5 of Part 3 of Schedule 1 to these Regulations.”.

(5) In paragraph 3.2 of Part 2 of Schedule 1, delete the warning sign for ‘Harmful or irritant material’.

(6) In Part 3 of Schedule 1, for paragraph 1 substitute—

“**1.** Containers used at work for chemical substances or mixtures classified as hazardous according to the criteria for any physical or health hazard class in accordance with the CLP Regulation, and containers used for storage of such hazardous substances or mixtures, together with the visible pipes containing or transporting such hazardous substances or mixtures, must be labelled with the relevant hazard pictograms in accordance with that Regulation.

Paragraph 1 does not apply to containers used at work for brief periods nor to containers whose contents change frequently, provided that alternative adequate measures are taken, in particular for information and/or training which guarantee the same level of protection.

The labels referred to in paragraph 1 may be:

—replaced by warning signs as provided for in Part II, using the same pictograms or symbols. If there is no equivalent warning sign in Schedule 1, Part II, the relevant hazard pictogram set out in Annex V of the CLP Regulation must be used.

—supplemented by additional information, such as the name and/or formula of the hazardous substance or mixture and details of the hazard.

—for the transporting of containers at the place of work, supplemented or replaced by signs applicable throughout the Community for the transport of hazardous substances or mixtures.”.

(7) In paragraph 5 of Part 3 of Schedule 1, for “Stores of a number of dangerous substances or preparations may be indicated by the warning sign for general danger.”, substitute “Stores of a number of hazardous substances or mixtures may be indicated by the warning sign for general danger.”.

### **Amendment of the Pipelines Safety Regulations 1996**

**5.**—(1) The Pipelines Safety Regulations 1996 are amended as follows.

(2) In Schedule 2, for paragraph 10 substitute—

“**10.**—(1) For the purposes of this Schedule—

- (a) a liquid is oxidising if it meets the criteria set out in Annex 1 to the CLP Regulation (“the Annex”) for classification in either of the following hazard classes—
  - (i) oxidising liquids of category 1, 2 or 3; or
  - (ii) organic peroxides Types C to F;
- (b) a fluid is toxic if it meets the criteria set out in the Annex for classification in either of the following hazard classes—
  - (i) acute toxicity category 3, or
  - (ii) specific target organ toxicity (repeated exposure) category 1; and
- (c) a fluid is very toxic if it meets the criteria set out in the Annex for classification in either of the following hazard classes—
  - (i) acute toxicity category 1 or 2, or
  - (ii) specific target organ toxicity (single exposure) category 1.

(2) In this paragraph, “CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time.”

### **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997**

**6.**—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 are amended as follows.

(2) In regulation 2(2), after the definition of “Declaration of Maritime Labour Compliance”, insert—

““Directive 2014/27/EU” means Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC in order to align them to Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures;”.

(3) In regulation 8(1)(b), after “Council Directive 92/85/EEC”, insert “, as amended by Directive 2014/27/EU,”.

## **Amendment of the Health and Safety (Enforcing Authority) Regulations 1998**

7.—(1) The Health and Safety (Enforcing Authority) Regulations 1998 are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “bus” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(b) after the definition of “guided transport” add—

““hazardous substance or mixture” means a substance or mixture which meets the criteria for classification within any health hazard or physical hazard class laid down in the CLP Regulation;”.

(3) In paragraph 1(b) of Schedule 1, for “substance or preparation dangerous for supply”, substitute “hazardous substance or mixture”.

## **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998**

8.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998 are amended as follows.

(2) In regulation 2(2), after the definition of “the Act”, insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”.

(3) In the Schedule—

(a) for paragraph 2(a) of Part I, substitute—

“(a) Biological agents of risk groups 3 and 4 within the meaning of points 3 and 4 of second paragraph of Article 2 of Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks relating to exposure to biological agents at work.”

(b) for paragraph 3(a) of Part I, substitute—

“(a) Substances and mixtures which meet the criteria for classification under the CLP Regulation in one or more of the following hazard classes and hazard categories with one or more of the following hazard statements:

—acute toxicity, category 1,2 or 3 (H300, H310, H330, H301, H311, H331);

—skin corrosion, category 1A, 1B or 1C (H314);

—flammable gas, category 1 or 2 (H220, H221);

—flammable aerosols, category 1 (H222);

—flammable liquid, category 1 or 2 (H224, H225);

—explosives, categories ‘Unstable explosive’, or explosives of Divisions 1.1, 1.2, 1.3, 1.4, 1.5 (H200, H201, H202, H203, H204, H205);

—self-reactive substances and mixtures, type A,B,C or D (H240, H241, H242);

—organic peroxides, type A or B (H240, H241);

—specific target organ toxicity after single exposure, category 1 or 2 (H370, H373);

- specific target organ toxicity after repeated exposure, category 1 or 2 (H372, H373);
  - respiratory sensitisation, category 1, subcategory 1A or 1B (H334);
  - skin sensitisation, category 1, subcategory 1A or 1B (H317);
  - carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351);
  - germ cell mutagenicity, category 1A, 1B or 2 (H340, H341);
  - reproductive toxicity, category 1A or 1B (H360, H360F, H360FD, H360Fd, H360D, H360Df);”;
- (c) omit paragraphs 3(b) and (c);
- (d) for paragraph 3(d), substitute—
- “(d) Substances and mixtures referred to in point (ii) of point (a) of Article 2 of Directive 2004/37/EC of the European parliament and of the Council on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC);”;
- (e) In paragraph 1 of Part II, for “Directive 90/394/EEC”, substitute “Directive 2004/37/EC”.

### **Amendment of the Management of Health and Safety at Work Regulations 1999**

- 9.**—(1) The Management of Health and Safety at Work Regulations 1999 are amended as follows.
- (2) In regulation 1(2), after the definition of “child”, insert—
- ““Directive 2014/27/EU” means Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC in order to align them to Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures;”
- (3) In regulation 3(5), for sub-paragraph (g), substitute—
- “(g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC on the protection of young people at work, as amended by Directive 2014/27/EU.”.
- (4) In regulation 16(1)(b), after “Council Directive 92/85/EEC”, insert “,as amended by Directive 2014/27/EU,”.

### **Amendment of the Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001**

- 10.**—(1) The Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001 are amended as follows.
- (2) In regulation 2(1), after the definition of “the Act”, insert—
- ““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”.
- (3) In regulation 3(3)(a)—
- (a) for “dangerous” substitute “hazardous”; and
- (b) for “preparation” substitute “mixture”.

### **Amendment of the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002**

- 11.**—(1) The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002 are amended as follows.
- (2) In regulation 2—

- (a) before “the Directives” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”; and

- (b) omit paragraphs (fa) and (m); and

- (3) In regulation 3, after “the Directives”, insert “or by the CLP Regulation”.

### **Amendment of the Control of Lead at Work Regulations 2002**

**12.**—(1) The Control of Lead at Work Regulations 2002 are amended as follows.

(2) In the definition of “safety data sheet” in regulation 2(1) for “the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002;” substitute “Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.”;

(3) In Schedule 2—

(a) for “The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002;” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”; and

(b) for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007”, substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.”.

### **Amendment of the Control of Substances Hazardous to Health Regulations 2002**

**13.**—(1) The Control of Substances Hazardous to Health Regulations 2002 are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “carcinogen” substitute—

““carcinogen” means—

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set out in Annex 1 of the CLP Regulation whether or not the substance or mixture would be required to be classified under the Regulations; or

(b) a substance or mixture—

(i) referred to in Schedule 1; or

(ii) released by a process referred to in Schedule 1;”;

(b) omit the definition of “the CHIP Regulations”;

(c) before the definition of “control measure” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation 1907/2006 of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(d) after the definition of “hazard” insert—

““hazard statement” has the meaning that it has in Article 2 of the CLP Regulation”;

(e) after the definition of “mine”, insert—

- ““mixture” means a mixture or solution composed of two or more substances;”;
- (f) for the definition of “mutagen” substitute—  
 ““mutagen” means a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutation set out in Annex 1 of the CLP Regulation, whether or not the substance or mixture would be required to be classified under that Regulation;”;
- (g) omit the definition of “preparation”;
- (h) omit the definition of “risk phrase”;
- (i) in the definition of “safety data sheet” for regulation 5 of the CHIP Regulations;” substitute  
 “Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals;”;
- (j) in the definition of “substance hazardous to health”—  
 (i) for “preparation” substitute the word “mixture”;  
 (ii) for paragraph (a), substitute—  
 “(a) which meets the criteria for classification as hazardous within any health hazard class laid down in the CLP Regulation whether or not the substance is classified under that Regulation;”;
- (3) In regulation 7(7)(c)—  
 (a) in paragraph (i), for “risk phrase R45,R46 or R49”, substitute “hazard statement H340, H350 or H350i”; and  
 (b) in paragraph (ii), for “risk phrase R42 or R42/32” substitute “hazard statement H334”;
- (4) In Schedule 2, where the word “preparation” appears in the definition of “medicinal product”, substitute the word “mixture”; and
- (5) In Schedule 7—  
 (a) for “The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002”, substitute “the CLP Regulation;”; and  
 (b) for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007”, substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009”.

### **Amendment of the Dangerous Substances and Explosive Atmospheres Regulations 2002**

**14.**—(1) The Dangerous Substances and Explosive Atmospheres Regulations 2002 are amended as follows.

- (2) In regulation 2—  
 (a) omit the definition of “approved classification and labelling guide”;  
 (b) omit the definition of “the CHIP Regulations”;  
 (c) for the definition of “dangerous substance”, substitute—  
 ““dangerous substance” means—  
 (a) a substance or mixture which meets the criteria for classification as hazardous, whether or not the substance is classified as hazardous under that regulation;  
 (b) a substance or mixture which because of its physico-chemical or chemical properties and the way it is used or is present in the workplace creates a risk, not being a substance or mixture falling within subparagraph (a) above; or  
 (c) any dust, whether in the form of solid particles of fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere, not being a substance or mixture falling within subparagraphs (a) or (b) above;”;
- (d) for the definition of “hazard” substitute—  
 ““hazard” means the physico-chemical or chemical property of a dangerous substance which has the potential to—

- (a) give rise to a fire, explosion or other events which can result in harmful physical effects of a kind similar to those which can be caused by fire or explosion; or
- (b) be corrosive to metals,  
affecting the safety of a person, and references in these regulations to “hazardous” shall be construed accordingly;”;
- (e) before the definition of “offshore installation”, insert—  
““mixture” means a mixture or solution composed of two or more substances;”;
- (f) omit the definition of “preparation”;
- (3) In the definition of “safety data sheet” for “regulation 5 of the CHIP Regulations;” substitute “Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals;”;
- (4) In Schedule 5—
  - (a) for “The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002”, substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 2008 on the 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;
  - (b) for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007.”, substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.”.

**Amendment of the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 2004**

**15.** In regulation 2(2) of the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 2004—

- (a) omit paragraph (a); and
- (b) in paragraph (d), omit the words “(m) Commission Directive 2001/60/EC adapting to technical progress Directive 1999/45/EC of the European Parliament and of the Council on the approximation of laws, regulations and administrative provisions of the Member State relating to the classification, labelling and packaging of dangerous preparations”.

**Amendment of the Regulatory Reform (Fire Safety) Order 2005**

**16.—**(1) The Regulatory Reform (Fire Safety) Order 2005(7) is amended as follows.

(2) In article 2—

- (a) omit the definition of “approved classification and labelling guide”;
- (b) omit the definition of “the CHIP Regulations”;
- (c) after the definition of “child” insert—  
““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;
- (d) in the definition of “dangerous substance”—
  - (i) for paragraph (a) substitute—

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(7) S.I. 2005/1541 [as amended by...]

- “(a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than “corrosive to metals” or “gases under pressure” whether or not the substance or mixture is classified under that Regulation”; and
- (ii) in paragraph (b), for “preparation” substitute “mixture”; and
- (e) in the definition of “safety data sheet”, for “regulation 5 of the CHIP Regulations” substitute “Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals”.

### **Amendment of the Fire Safety (Scotland) Regulations 2006**

**17.**—(1) The Fire Safety (Scotland) Regulations 2006<sup>(8)</sup> are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition of “approved classification and labelling guide”;
- (b) omit the definition of “the CHIP Regulations”;
- (c) after the definition of “child” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(d) in the definition of “dangerous substance”—

(i) for paragraph (a) substitute—

“(a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than “corrosive to metals” or “gases under pressure” whether or not the substance or mixture is classified under that Regulation”; and

(ii) in paragraph (b), for “preparation” substitute “mixture”; and

(e) in the definition of “safety data sheet”, for “regulation 5 of the CHIP Regulations” substitute “Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals”.

### **Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007**

**18.**—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007 are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “carcinogen” substitute—

““carcinogen” means—

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set out in Annex 1 of the CLP Regulation whether or not the substance or mixture would be required to be classified under that Regulation; or

(b) a substance or mixture—

(i) referred to in Schedule 1; or

(ii) released by a process referred to in Schedule 1;”;

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<sup>(8)</sup> S.I. 2006/456 [as amended by...?]

(b) for the definition of “mutagen”, substitute—

““mutagen” means a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutation set out in Annex 1 of the CLP Regulation, whether or not the substance or mixture would be required to be classified under that Regulation”;

#### **Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

**19.**—(1) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 is amended as follows.

(2) Under the heading “Public Health and Safety” in Part 3 of the Schedule, for “Chemicals (Hazard Information and Packaging for Supply) Regulations 2002”, substitute “Chapter 2, and regulations 30 to 33 in so far as they apply to Chapter 2, of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013”.

#### **Amendment of the REACH Enforcement Regulations 2008**

**20.**—(1) The REACH Enforcement Regulations are amended as follows.

(2) In Part 1 of Schedule 3—

(a) after paragraph 1(k), insert—

“(ka) “hazardous substance or mixture” means a substance or mixture which meets the criteria for classification within any health hazard class or physical hazard class laid down in Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time”; and

(b) omit paragraph 1(p).

(3) In paragraph 2(a)(ii) of Part 2 of Schedule 3, for “substance or preparation dangerous for supply”, substitute “hazardous substance or mixture”.

#### **Amendment of the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009**

**21.**—(1) The Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009 is amended as follows.

(2) In Part 4 of Schedule 1, for “Chemicals (Hazard Information and Packaging for Supply) Regulations 2002, substitute “Chapter 2, and regulations 30 to 33, in so far as they apply to chapter 2, of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013”.

#### **Amendment of the Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009**

**22.** In Part 8 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009, omit “Chemicals (Hazard Information and Packaging for Supply) Regulations 2002”.

#### **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010**

**23.**—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “chemical agent” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third subparagraphs and Annexes I to VII are to be read as amended from time to time;”;

(b) in the definition of “the Directive”, after “(fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)” add “,as amended by Directive 2014/27/EU,”;

(c) for the definition of “hazardous chemical agent”, substitute—

““hazardous chemical agent” means—

(a) any chemical agent which meets the criteria for classification as hazardous within any physical and/or health hazard classes laid down in the CLP Regulation, whether or not that chemical agent is classified under that Regulation; or

(b) any chemical agent which, whilst not meeting the criteria for classification as hazardous in accordance with subparagraph (a) may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, presents a risk to the safety and health of workers, including any chemical agent that is assigned an occupational exposure limit value under Article 3 of the Directive;”;

### **Amendment of the Control of Asbestos Regulations 2012**

**24.** For paragraph 1(1)(a) of Schedule 2 to the Control of Asbestos Regulations 2012, substitute—

“(a) raw asbestos, together with the labelling required under—

(i) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 November 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, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time; and

(ii) the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009;”.

### **Revocation of Regulation 5A of the CHIP Regulations**

**25.** Regulation 5A of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 is revoked.

Address  
Date

*Name*  
Minister of State for Disabled People  
Department for Work and Pensions

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

[TO FOLLOW.]