

CLP Regulation

8th and 9th Adaptations to Technical Progress (ATP)

The “CLP” Regulation has been modified recently by two Commission Regulations, respectively 8th and 9th ATPs. These adaptations could impact the classification and labelling of some products manufactured and used in the Flavour Industry.

Background

Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of dangerous substances and mixtures (“CLP-Regulation”) is regularly modified, especially its Annexes, in order to adapt it to technical progress. Those regulations that modify the “CLP” Regulation are called “ATPs”. This information letter aims at informing EFA members regarding the publication of the 8th and 9th ATPs.

Publication of the 8th ATP

Commission Regulation (EU) 2016/918 (8th ATP) has been adopted on 19 May 2016 and published in the Official Journal on 14 June 2016 (L 156/1):

- **Commission Regulation (EU) 2016/918** of 19 May 2016 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures
<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1471590594830&uri=CELEX:32016R0918>

This Commission Regulation entered into force on the 20th day following its publication, i.e. on 4 July 2016. **It shall apply from 1 February 2018.**

The 8th ATP aligns the EU legislation to the fifth revised edition of the GHS¹ adopted in December 2012.

The main modifications are :

- New alternative method for the classification of oxidising solids.
- Changes to the provisions on classification for the hazard classes for skin corrosion/irritation and serious eye damage/eye irritation, and aerosols.
- Changes to several precautionary statements, as well as changes in the order of some precautionary statements.

Publication of the 9th ATP

Commission Regulation (EU) 2016/918 (9th ATP) has been adopted on 19 July 2016 and published in the Official Journal on 20 July 2016 (L 195/1).

¹GHS : Globally Harmonised System of Classification and Labelling of Chemicals

- **Commission Regulation (EU) 2016/1179** of 19 July 2016 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures
<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1471591806627&uri=CELEX:32016R1179>

This Commission Regulation entered into force on the 20th day following its publication, i.e. on 9 August 2016. **It shall apply from 1 March 2018, except for Article 1(2) which will apply on 1 June 2017.**

This 9th ATP introduces, updates or deletes harmonised classification and labelling of several substances.

Planned ATPs

See also Annex page 3

ATP #	Features	Planned publication
10 th	Annex VI: Translation into all official languages	First quarter 2017
11 th	New entries/changes of Annex VI	First quarter 2017
12 th	Implementation of the sixth revised edition of the UN GHS (the edition includes, among others, new tables for the safety data sheet - a change of REACH Annex 2 will also be required)	First preparations are underway

➔ Classification of Linalool

Companies should be informed about the future harmonised classification of Linalool as skin sensitizer 1B (SS1B – H317). As a consequence, linalool as such and mixtures containing a concentration greater than or equal to 1% of linalool will have to be classified as a SS1B. After its inclusion into the Annex VI of the CLP, the SS1B classification of linalool and its mixtures will be legally mandatory for each manufacturer, importer and user in the EU. According to IFRA information, **this harmonised classification of linalool will be introduced in the 11th ATP.** Please, note that some suppliers of linalool are already applying the SS1B classification in their labelling and safety data sheet.

If you have further questions, please do not hesitate to contact EFFA at info@effa.eu or your respective national association.

EFFA Secretariat – 30 August 2016

Enclosures:

Commission Regulation (EU) 2016/918 of 19 May 2016 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures. (FL/16/27)

Commission Regulation (EU) 2016/1179 of 19 July 2016 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures. (FL/16/28)

ANNEX – Overview of ATPs publications / planned publications

ATP #	Regulations	Features	Date of publication / planned publication
1 st	Commission Regulation (EC) No 790/2009	It brings the entries from the 30 th ATP & 31 st ATP of Directive 67/548/EEC into Annex VI of CLP, resulting in the update of harmonized classifications in annex VI of CLP.	5 September 2009 [L 235/1]
2 nd	Commission Regulation (EU) No 286/2011	It includes various scientific-technical changes to the Annexes to the CLP Regulation. The main purpose of this regulation is to align CLP Regulation with the 3rd revised edition of UN GHS.	30 March 2011 [L 83/1]
3 rd	Commission Regulation (EU) No 618/2012	It updates the classifications of 16 substances in Tables 3.1 and 3.2 of Annex VI of CLP Regulation.	11 July 2012 [L 179/3]
4 th	Commission Regulation (EU) No 487/2013	It brings the CLP Regulation into line with the 4 th revised edition of the UN Globally Harmonised System (GHS).	1 June 2013 [L 149/1]
5 th	Commission Regulation (EU) No 944/2013	It updates the classifications of over 40 substances in Tables 3.1 and 3.2 of Annex VI of CLP Regulation.	3 October 2013 [L 261/5]
6 th	Commission Regulation (EU) No 605/2014	It updates the list of substances with harmonised classification and labelling in Part 3 of Annex VI to CLP Regulation	6 June 2014 [L 167/36]
7 th	Commission Regulation (EU) 2015/1221	It updates the list of substances with harmonised classification and labelling in Part 3 of Annex VI to CLP Regulation	25 July 2015 [L 197/10]
8 th	Commission Regulation (EU) 2016/918	It brings the CLP Regulation into line with the 5 th revised edition of the GHS adopted in December 2012	14 June 2016 [L 156/1]
9 th	Commission Regulation (EU) 2016/1179	It introduces, updates or deletes harmonised classification and labelling of several substances	20 July 2016 [L 195/1]
10 th	/	Annex VI: Translation into all official languages	<i>First Quarter 2017</i>
11 th	/	New entries/changes of Annex VI	<i>First Quarter 2017</i>
12 th	/	Implementation of the sixth revised edition of the UN GHS (the edition includes, among others, new tables for the SDS - a change of REACH Annex 2 will also be required)	<i>First preparations are underway</i>