

2015 No. 265

HEALTH AND SAFETY

**The Classification, Labelling and Packaging of Chemicals
(Amendment) Regulations (Northern Ireland) 2015**

Made - - - - *4th June 2015*

Coming into operation - *1st July 2015*

The Department of Enterprise, Trade and Investment(a), being the Department concerned(b), makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (“the 1972 Act”)(c) and Articles 17(1), (2) and (3), 54(1) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(d) (“the 1978 Order”).

The Department was designated for the purposes of section 2(2) of the 1972 Act in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations(e).

The Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department that it is expedient for the references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(f) of the 1978 Order after the Executive has carried out consultations in accordance with Article 46(3)(g).

It appears to the Department that the modifications made by regulation 13 are expedient as set out in Article 54(1) of the 1978 Order. It also appears to the Department not to be appropriate to consult bodies in respect of those modifications for the purposes of Article 54(5) of the 1978 Order.

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- (a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3
- (b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
- (c) 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7)
- (d) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19
- (e) S.I. 1976/897, to which there are amendments not relevant to these Regulations
- (f) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
- (g) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Classification, Labelling and Packaging of Chemicals (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 1st July 2015.

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Petroleum (Consolidation) Act (Northern Ireland) 1929

2.—(1) The Petroleum (Consolidation) Act (Northern Ireland) 1929(b) is amended as follows.

(2) In Section 23(1)—

(a) omit the definition of “the Directive”; and

(b) for the definition of “petroleum-spirit” substitute—

““petroleum-spirit” means petrol, petroleum or a mixture of petroleum with one or more substances which—

(a) is liquid at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

(b) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008(c) (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 21°C;”.

Amendment of the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991

3.—(1) The Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(d) are amended as follows.

(2) In the definition of “highly flammable liquid” in paragraph 24 of Schedule 1 (premises for which a fire certificate is required)—

(a) for sub-paragraph (a) substitute—

“(a) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008(e) (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 32°C except that, if the flash point determined by using one of the non-equilibrium methods referred to in that Part falls within the range 30°C to 34°C, that flash point shall be confirmed by the use of like apparatus using the appropriate equilibrium method referred to in that Part; and”;

(b) omit head (ii).

Amendment of the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996

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

(a) 1954 c. 33 (N.I.), as amended by S.I. 1999/663

(b) 1929 c. 13 (N.I.), the relevant amendment to section 23 was made by S.R. 2003 No. 152

(c) OJ L 142, 31.5.2008, p. 1-739, there are amendments to the Regulation, none of which is relevant

(d) S.R. 1991 No. 446, as amended by S.R. 1991 No. 509, S.R. 1992 No. 413, S.R. 1999 No. 150, S.R. 2001 No. 436 and S.R. 2003 No. 152

(e) OJ L 142, 31.5.2008, p. 1-739, there are amendments to the Regulation, none of which is relevant

(f) S.R. 1996 No. 119, as amended by S.R. 1997 No. 247, S.R. 1999 No. 150, S.R. 2000 No. 388, S.R. 2006 No. 173, S.R. 2010 No. 160 and revoked in part by S.R. 2006 No. 1

(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 December 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;”.

(3) In regulation 3(a)—

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

(4) In Schedule 1—

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

“**12.** Areas, rooms or enclosures used for the storage of significant quantities of hazardous substances or mixtures shall 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 or 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, shall be used.”; and

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

“**2.3.** The “General danger” warning sign shall 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 III of Schedule 1 to these Regulations.”;

- (c) in paragraph 3.2 of Part II, delete the warning sign for ‘Harmful or irritant material’;

(d) in Part III—

- (i) 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, shall 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, as laid down in Annex V to the CLP Regulation shall 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 Union for the transport of hazardous substances or mixtures.”; and

- (ii) in paragraph 5, for “dangerous substances or preparations”, in both places where it occurs substitute “hazardous substances or mixtures”.

Amendment of the Pipelines Safety Regulations (Northern Ireland) 1997

5.—(1) The Pipelines Safety Regulations (Northern Ireland) 1997(**a**) 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 I 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 December 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.”.

Amendment of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997

6.—(1) The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997(**b**) are amended as follows.

(2) In regulation 20(3)—

- (a) omit sub-paragraph (b);
- (b) for sub-paragraph (f) substitute—

“(f) “petroleum-spirit” means petrol, petroleum or a mixture of petroleum with one or more substances which—

- (i) is liquid at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and
- (ii) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008(**c**) (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 21°C; and”.

(a) S.R. 1997 No. 193, as amended by S.R. 1999 No. 150 and S.R. 2009 No. 238

(b) S.R. 1997 No. 248, as amended by S.R. 1998 No. 125, S.R. 1999 No. 150, S.R. 2002 No. 34 and revoked in part by S.R. 2003 No. 152 and S.R. 2006 No. 173

(c) OJ L 142, 31.5.2008, p. 1-739, there are amendments to the Regulation, none of which is relevant

Amendment of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999

7.—(1) The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(a) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “agricultural activities” insert—

““the CLP Regulation” means 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/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 ““construction work” and “contractor”” insert—

““dangerous substance or dangerous preparation” means any hazardous substances or mixtures which meets the criteria for classification within any health hazard or physical hazard class laid down in the CLP Regulation”;

(c) after the definition of “gas system” insert—

““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;”;

(d) omit the definition of “preparation dangerous for supply”; and

(e) omit the definition of “substance dangerous for supply”.

(3) In Schedule 1—

(a) in paragraph 1(b), for “substance or preparation dangerous for supply” substitute “dangerous substance or dangerous preparation”; and

(b) after paragraph 1(b) insert—

“(ba) where the main activity is the sale or storage for wholesale distribution of any hazardous substance or mixture;”.

Amendment of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000

8.—(1) The Management of Health and Safety at Work Regulations (Northern Ireland) 2000(b) 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 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;”.

(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.”.

(a) S.R. 1999 No. 90, as amended by S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 31, S.R. 2007 No. 291, S.R. 2009 No. 238, S.R. 2012 No. 179 and S.R. 2014 No. 224

(b) S.R. 2000 No. 388, as amended by S.R. 2001 No. 348, S.R. 2003 No. 454, S.R. 2006 No. 255, S.R. 2011 No. 350 and revoked in part by S.R. 2007 No. 291

(4) In regulation 16(1)(b), after “breastfeeding”, insert “as amended by Directive 2014/27/EU”.

Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003

9.—(1) The Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(a) 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 on Annex I to the CLP Regulation whether or not the substance or mixture would be required to be classified under the Regulation; or

(b) a substance or mixture which is—

(i) referred to in Schedule 1; or

(ii) released by a process referred to in Schedule 1 and is a substance hazardous to health;”;

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

(c) after the definition of “cell culture”, insert—

““the CLP Regulation” means 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/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) 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 to 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) for the definition of “safety data sheet”, substitute—

““safety data sheet” means a safety data sheet within the meaning of Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals;”;

(i) omit the definition of “risk phrase”; and

(j) in the definition of “substance hazardous to health”—

(i) for “preparation” substitute the word “mixture”; and

(ii) for paragraph (a), substitute—

(a) S.R. 2003 No. 34, as amended by S.R. 2003 No. 288, S.R. 2005 No. 165, S.R. 2006 No. 173, S.R. 2007 No. 31, S.I. 2008/2852, S.R. 2009 No. 238, S.R. 2010 No. 160, S.R. 2012 No. 179, S.I. 2013/1478 and revoked in part by S.I. 2008/2852

“(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 R42/43” substitute “hazard statement H334”.

(4) In Schedule 2, omit the definition of “medicinal product”.

(5) In Schedule 7, for “Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301)”, substitute “the CLP Regulation”.

Amendment of the Control of Lead at Work Regulations (Northern Ireland) 2003

10.—(1) The Control of Lead at Work Regulations (Northern Ireland) 2003(a) are amended as follows.

(2) In regulation 2(1), for the definition of “safety data sheet”, substitute—

““safety data sheet” means a safety data sheet within the meaning of Regulation (EC) 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals;”.

(3) In Schedule 2, for “Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R.2002 No. 301);” substitute “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/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 Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 2003

11.—(1) The Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 2003(b) are amended as follows.

(2) In regulation 2(1)—

(a) before the definition of “the Directives” insert—

““the CLP Regulation” means 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/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) in the definition of “the Directives”, omit paragraphs (fa) and (m).

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

Amendment of Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003

12.—(1) The Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003(c) are amended as follows.

(a) S.R. 2003 No. 35, as amended by S.R. 2005 No. 165, S.R. 2006 No. 173, S.R. 2009 No. 238 and S.R. 2010 No. 160

(b) S.R. 2003 No. 52, as amended by S.R. 2007 No. 403 and S.R. 2009 No. 296

(c) S.R. 2003 No. 152, as amended by S.R. 2006 No. 173, S.R. 2010 No. 160 and S.R. 2012 No. 177

- (2) In regulation 2—
- (a) omit the definition of “approved classification and labelling guide”;
 - (b) omit the definition of “the CHIP Regulations”;
 - (c) before the definition of “dangerous substance” insert—
 - “the CLP Regulation” means 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/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) for the definition of “dangerous substance”, substitute—
 - ““dangerous substance” means—
 - (a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, whether or not the substance is classified 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 sub-paragraph (a); or
 - (c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere, not being a substance or mixture falling within sub-paragraphs (a) or (b);”;
 - (e) 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 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” is to be construed accordingly;”;
 - (f) after the definition of “hazard”, insert—
 - ““mixture” means a mixture or solution composed of two or more substances;”;
 - (g) omit the definition of “preparation”.
- (3) In Schedule 5, for “Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301)”, substitute “the CLP Regulation”.

Amendment of the Fire Safety Regulations (Northern Ireland) 2010

- 13.—**(1) The Fire Safety Regulations (Northern Ireland) 2010(a) 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 December 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),

(a) S.R. 2010 No. 325

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 of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC”.

Amendment of the Control of Asbestos Regulations (Northern Ireland) 2012

14.—(1) The Control of Asbestos Regulations (Northern Ireland) 2012(a) are amended as follows.

(2) In Schedule 2, for paragraph 1(1)(a) 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 December 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 (Northern Ireland) 2010;”.

Amendment of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013

15.—(1) The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013(b) are amended as follows.

(2) In regulation 24—

(a) in paragraph (c) delete “and” at the end of the paragraph;

(b) for paragraph (d) substitute—

“(d) regulation 5A, with effect from 1st June 2017; and”; and

(c) after paragraph (d) insert—

“(e) regulations 2, 3 and 12, with effect from 1st June 2018.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 4th June 2015.

(a) S.R. 2012 No. 179

(b) S.R. 2013 No. 206



Eugene Rooney
A senior officer of the Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend 1 Act and 13 Statutory Rules. The majority of the amendments arise from changes to legislation at European level that regulates the classification, labelling and packaging of chemicals.

2. Regulation EC 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/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (“the CLP Regulation”) entered into force in January 2009. The CLP Regulation adopts within the European Union the Globally Harmonised System on the Classification and Labelling of Chemicals (“GHS”), which is published by the UN Social and Economic Council on a biennial basis. This means that the existing European classification system and hazard warning symbols, and the two Directives on the classification, labelling and packaging of dangerous substances and dangerous preparations (Directives 67/548/EEC and 1999/45/EC), will be replaced. The CLP Regulation comes fully into force on 1st June 2015, subject to transitional arrangements.

3. A number of European Directives refer to the existing classification system. These references have been updated by 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 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 (“the Directive”). The Directive amends five worker protection Directives to bring them into line with the CLP Regulation. As a consequence, the legislation that implements those 5 Directives requires amendment. These amendments are in regulations 4, 8, 9 and 12.

4. The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”), which implemented Directives 67/548/EEC and 1999/45/EC, are revoked by regulation 24 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (“the 2013 Regulations”). The revocations take place according to a timetable that is aligned with the transition to the CLP Regulation. These Regulations make a number of amendments that are consequential on the revocation of the 2009 Regulations. The relevant amendments are in regulations 2 to 3, 5 to 7 and 9 to 14.

5. Regulation 15 amends regulation 24(c) and replaces regulation 24(d) of the 2013 Regulations and adds a new regulation 24(e). The effect of this amendment is to revoke regulation 5A of the 2009 Regulations on 1st June 2017.

6. In Great Britain the corresponding Regulations are the Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21). The Great Britain Health and Safety Executive has prepared a full impact assessment in relation to these Regulations. A copy of that assessment together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request. A copy of the transposition note in relation to the implementation of the Directive can also be obtained from the same address. Copies of both these documents are annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

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STATUTORY RULES OF NORTHERN IRELAND

2015 No. 265

HEALTH AND SAFETY

The Classification, Labelling and Packaging of Chemicals
(Amendment) Regulations (Northern Ireland) 2015

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