

SCHEDULE 5

Regulations 3(2), 8 and 9

LABELLING PARTICULARS FOR DANGEROUS SUBSTANCES,  
DANGEROUS PREPARATIONS AND FOR CERTAIN OTHER PREPARATIONS

PART I

GENERAL PROVISIONS RELATING TO LABELS

**Labelling particulars for dangerous substances**

1.—(1) In the case of a dangerous substance which is listed in the approved supply list, the particulars to be shown on the label in accordance with regulation 8(2)(c) shall be the particulars specified for that dangerous substance in the relevant entry in Part I of that list.

(2) Subject to paragraph 4, in the case of a dangerous substance which is not listed in the approved supply list, the particulars required to be shown on the label in accordance with regulation 8(2)(c) shall be determined from the classification of the substance in accordance with regulation 4 in conjunction with the approved classification and labelling guide.

**Labelling particulars for dangerous preparations**

2.—(1) Subject to paragraphs 3 and 4, the provisions of this paragraph shall have effect in relation to the labelling of dangerous preparations.

(2) Subject to sub-paragraph (4), the particulars relating to chemical name required to be shown on the label in accordance with regulation 8(3)(c)(i) shall be shown according to the following rules—

- (a) in the case of a dangerous preparation classified as requiring the indication of danger T+, T or Xn, only substances requiring those indications of danger present in the dangerous preparation in concentrations equal to or greater than—
  - (i) the lowest limit (the Xn limit) for the substance laid down in Part I of the approved supply list, or
  - (ii) where there is no such limit, the relevant limit laid down in Part II of Schedule 3, have to be taken into consideration;
- (b) in the case of a dangerous preparation classified as requiring the indication of danger C, only substances requiring that indication of danger present in the dangerous preparation in concentrations equal to or greater than—
  - (i) the lowest limit (the Xi limit) for the substance laid down in Part I of the approved supply list, or
  - (ii) where there is no such limit, the relevant limit laid down in Part II of Schedule 3, have to be taken into consideration;
- (c) if the dangerous preparation is assigned one or more of the following danger categories:
  - carcinogen category 1, 2 or 3,
  - mutagen category 1, 2 or 3,
  - toxic for reproduction category 1, 2, or 3,
  - very toxic, toxic or harmful due to non-lethal effects after a single exposure,
  - toxic or harmful due to severe effects after repeated or prolonged exposure,

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— sensitising,

the name of any substance causing the dangerous preparation to be so assigned shall be referred to;

(d) as a consequence of the provisions set out in paragraphs (a) to (c), the name of any substance which led to the classification of the dangerous preparation in the following danger categories:

- explosive,
- oxidising,
- extremely flammable,
- highly flammable,
- flammable,
- irritant,
- dangerous for the environment,

need not be referred to on the label unless so required by paragraph (a), (b) or (c).

(3) The chemical name referred to in sub-paragraph (2) shall be—

- (a) in the case of a substance listed in Part I of the approved supply list, the name or one of the names under which that substance is listed; or
- (b) in the case of a substance not so listed, an internationally recognised name.

(4) For the purpose of labelling, no account shall be taken of a substance in the dangerous preparation where the concentration of that substance is less than the concentration referred to in paragraph 22(1) of Part I of Schedule 3.

(5) Subject to sub-paragraph (4), the particulars to be shown on the label in accordance with regulation 8(3)(c)(ii), (iii) and (iv) shall be determined from the classification of the dangerous preparation made in accordance with regulation 4 in conjunction with the approved classification and labelling guide.

(6) As a general rule, a maximum of four chemical names shall suffice to identify the substances primarily responsible for the major health hazards which have given rise to the classification and the choice of the corresponding risk phrases—although in some cases more than four chemical names may be necessary.

### **Confidentiality of chemical names**

3.—(1) Subject to sub-paragraph (2), where the supplier of a dangerous preparation is able to demonstrate to the Executive that the disclosure on the label or safety data sheet of the chemical identity of a substance which is exclusively classified as—

- (a) irritant with the exception of those assigned R41 or irritant in combination with one or more of the other properties mentioned in paragraph (2)(2)(d); or
- (b) harmful or harmful in combination with one or more of the properties mentioned in paragraph 2(2)(d) presenting acute lethal effects alone,

will put at risk the confidential nature of his intellectual property, he shall, in accordance with the provisions of Annex VI to Council Directive 1999/45/EC<sup>(1)</sup>, be permitted to refer to that substance either by means of a name that identifies the most important functional chemical groups or by means of an alternative name.

<sup>(1)</sup> OJNo. L200, 30.7.1999, p.1.

(2) The derogation in sub-paragraph (1) shall not apply in respect of a substance which has been assigned a Community exposure limit.

(3) Where a supplier wishes to take advantage of the derogation contained in sub-paragraph (1), he shall make application to the Executive accordingly, enclosing the information specified in Annex VI to Council Directive 1999/45/EC.

(4) The Executive may require such further information from the supplier as is necessary to determine the validity of an application made under sub-paragraph (3).

(5) Regulation 18 of the NONS Regulations (which relates to confidentiality of information notified) shall apply to information provided in accordance with sub-paragraph (2) as it applies to information notified under those Regulations.

### **Indications of danger and symbols for dangerous substances and dangerous preparations**

4.—(1) Except in the case of a dangerous substance which is listed in the approved supply list, where a dangerous substance or dangerous preparation is required to have more than one indication of danger in either of the following groups listed in decreasing order of severity, namely—

- (a) explosive, oxidising, extremely flammable and highly flammable; or
- (b) very toxic, toxic, corrosive, harmful and irritant,

only one of the indications of danger with its symbol from each group corresponding to the most severe indication of danger in that group need be shown.

(2) The risk phrases R12 (extremely flammable) and R11 (highly flammable) need not be used if they repeat the indication of danger shown on the label.

## **PART II**

### **PARTICULAR PROVISIONS CONCERNING CERTAIN PREPARATIONS**

#### **A**

#### **SPECIAL PROVISIONS FOR DANGEROUS PREPARATIONS**

#### **Dangerous preparations to be supplied to the general public**

1.—(1) The labels on packages of dangerous preparations intended to be supplied to the general public must bear relevant safety phrase S1, S2, S45 or S46 in accordance with the approved classification and labelling guide.

(2) When the dangerous preparations referred to in sub-paragraph (1) are classified as very toxic, toxic or corrosive and where it is physically impossible to give the information on the package itself, packages containing such preparations must be accompanied by precise and easily understandable instructions for use including, where appropriate, instructions for the destruction of the empty package.

#### **Dangerous preparations intended for use by spraying**

2. The labels on packages containing dangerous preparations intended to be used for spraying shall bear the safety phrase S23 and safety phrase S38 or S51 assigned in accordance with the approved classification and labelling guide.

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**Dangerous preparations containing a substance affected by the risk phrase R33 (danger of cumulative effects)**

3. When a dangerous preparation contains at least one substance required to show the risk phrase R33, that phrase must be shown on the label of the dangerous preparation when the concentration of that substance is equal to or higher than 1% unless a different value is shown for that substance in the approved supply list.

**Dangerous preparations containing a substance affected by the risk phrase R64 (may cause harm to breast-fed babies)**

4. When a dangerous preparation contains at least one substance required to show the risk phrase R64, that phrase must be shown on the label of the dangerous preparation when the concentration of that substance is equal to or higher than 1% unless a different value is shown for that substance in the approved supply list.

**B**

**SPECIAL PROVISIONS APPLYING TO ANY PREPARATION**

**Paints and varnishes containing lead**

1.—(1) Labels of packages of paints and varnishes containing lead in quantities exceeding 0.15% (expressed as weight of lead out of the total weight of the preparation and determined in accordance with ISO Standard 6503/1984) shall bear the following inscription—

“Contains lead. Should not be used on surfaces that are liable to be chewed or sucked by children.”.

(2) In the case of packages containing less than 125 millilitres of the preparations referred to in sub-paragraph (1), the inscription on the label may be—

“Warning. Contains lead.”.

**Cyanoacrylate based adhesives**

2.—(1) The immediate packages of glues based on cyanoacrylates shall bear the following inscription—

“Cyanoacrylate.

Danger.

Bonds skin and eyes in seconds.

Keep out of the reach of children.”.

(2) Appropriate safety advice shall accompany the package.

**Preparations containing isocyanates**

3. The package labels of preparations containing isocyanates (whether as monomers, oligomers, prepolymers etc. or as mixtures thereof) shall bear the following inscriptions—

“Contains isocyanates.

See information supplied by the manufacturer.”.

**Certain preparations containing epoxy constituents**

4. The package labels of preparations containing epoxy constituents with an average molecular weight  $\leq 700$  shall bear the following inscription—

“Contains epoxy constituents.  
See information supplied by the manufacturer.”.

#### **Preparations intended to be sold to the general public that contain active chlorine**

5. The package labels of preparations containing more than 1% of active chlorine which are intended to be sold to the general public shall bear the following inscription—

“Warning. Do not use with other products. May release dangerous gases (chlorine).”.

#### **Preparations containing cadmium (alloys) intended to be used for brazing or soldering**

6. The package labels of preparations containing cadmium (alloys) intended to be used for brazing or soldering shall bear the following inscriptions—

“Warning! Contains cadmium.  
Dangerous fumes are formed during use.  
See information supplied by the manufacturer.  
Comply with the safety instructions.”.

#### **Preparations containing substances not yet tested completely**

7. Where a preparation contains at least one substance which, in accordance with regulation 6(7) of the NONS Regulations, bears the inscription “Caution—substance not yet fully tested”, the label of the preparation must bear the inscription “Warning—this preparation contains a substance not yet tested completely” if that substance is present in a concentration  $\geq 1\%$ .

#### **Preparations not classified as sensitising but containing at least one sensitising substance**

8. The packaging of preparations containing at least one substance classified as sensitising and being present in a concentration  $\geq 0.1\%$  or in a concentration greater than or equal to that specified under a specific note for the substance in the approved supply list must bear the inscription—

“Contains (name of sensitising substance). May produce an allergic reaction.”.

#### **Liquid preparations containing halogenated hydrocarbons**

9. For liquid preparations which show no flashpoint or a flashpoint higher than 55°C and contain a halogenated hydrocarbon and more than 5% flammable or highly flammable substances, the packaging must bear the following inscription as appropriate—

“Can become highly flammable in use” or  
“Can become flammable in use”.

#### **Preparations containing a substance assigned the risk phrase R67**

10. When a preparation contains one or more substances assigned the risk phrase R67, the label of the preparation must bear the following inscription—

“Vapours may cause drowsiness and dizziness”,

when the total concentration of such substances present in the preparation is  $\geq 15\%$ , unless:

- the preparation is already classified with phrases R20, R23, R26, R68/20, R39/23 or R39/26, or
- the preparation is in a package not exceeding 125 ml.

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### **Cement and cement preparations**

**11.** The packaging of cements and cement preparations containing more than 0.0002% soluble chromium (VI) of the total dry weight of the cement must bear the inscription:

“Contains chromium (VI). May produce an allergic reaction”

unless the preparation is already classified and labelled as a sensitizer with phrase R43.

C

### **SPECIAL PROVISIONS APPLYING TO CERTAIN OTHER PREPARATIONS**

#### **Preparations not intended for the general public**

**1.** The label on the packaging of a preparation of the type specified in regulation 5(3) must bear the following inscription—

“Safety data sheet available for professional user on request.”.