

Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (Text with EEA relevance)

#### *Article 5*

#### **Amendments to Directive 2002/96/EC**

Directive 2002/96/EC is hereby amended as follows:

1. the word ‘preparation’ or ‘preparations’ within the meaning of Article 3(2) of Regulation (EC) No 1907/2006, in its version of 30 December 2006, shall be replaced by ‘mixture’ or ‘mixtures’ respectively throughout the text;
2. from 1 December 2010, in Article 3, point (I) shall be replaced by the following:
  - (I) “dangerous substance or mixture” means any mixture which has to be considered dangerous under Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations<sup>(1)</sup> or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of 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<sup>(2)</sup>:
    - (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
    - (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
    - (iii) hazard class 4.1;
    - (iv) hazard class 5.1.;
3. from 1 June 2015, in Article 3, point (I) shall be replaced by the following:
  - (I) “dangerous substance or mixture” means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures<sup>(3)</sup>:
    - (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

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- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
  - (iii) hazard class 4.1;
  - (iv) hazard class 5.1;;
- 4. in section 1 of Annex II, the thirteenth indent shall be replaced by the following:
  - components containing refractory ceramic fibres as described in part 3 of Annex VI to Regulation (EC) No 1272/2008.

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- (1) [OJ L 200, 30.7.1999, p. 1.](#)
- (2) [OJ L 353, 31.12.2008, p. 1.](#)';
- (3) [OJ L 353, 31.12.2008, p. 1.](#)';