
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend 20 statutory instruments. Regulations 1, 2 (insofar as it relates to regulation 22) and regulation 22 come into force on 31st May 2015. The remainder of the Regulations come into force on 1st June 2015. The majority of the amendments arise from changes to the legislation at European level that regulates the classification, labelling and packaging of chemicals.

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.

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 3, 5, 7 to 9, 12, 13, 16 and 20.

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 (“the 2009 Regulations”), which implemented Directives [67/548/EEC](#) and [1999/45/EC](#), are revoked by regulation 36 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 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 4, 6, 10 to 15, 17 to 19 and 21.

These Regulations make a small number of miscellaneous amendments. The amendments in regulation 18(2)(a) and (c) are consequential on the revocation of the Docks Regulations 1988 by the Health and Safety (Miscellaneous Revocations and Amendments) Regulations 2013.

Regulation 22 replaces regulation 36(c) and (d) of the 2013 Regulations and adds a new regulation 36(e). The effect of this amendment is firstly to revoke regulation 5A of the 2009 Regulations on 1st June 2017. Secondly, regulation 17 to, and Schedule 6 of, the 2009 Regulations continue in force. These changes to regulation 36 of the 2013 Regulations are necessary because amendments contained in Schedule 6 will still be required after the majority of the 2009 Regulations are revoked. Regulation 22 comes into force on 31st May 2015 because regulation 36 of the 2013 Regulations first takes effect on 1st June 2015. It is therefore necessary for the amendment to come into force before that date.

Regulation 23 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after

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that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. The Transposition Note in relation to the implementation of the Directive is published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.