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Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
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Delegations will find attached document D037855/02.

Encl.: D037855/02



EUROPEAN
COMMISSION

Brussels, **XXX**
Revision Annex II REACH
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[...] (2015) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council
on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EC¹, and in particular Article 131 thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1907/2006 lays down requirements for the compilation of safety data sheets, used to provide information on chemical substances and mixtures in the European Union.
- (2) The Globally Harmonised System of Classification and Labelling of Chemicals (GHS), developed within the United Nations structure, sets out internationally harmonised criteria for the classification and labelling of chemicals and rules for safety data sheets.
- (3) The requirements for safety data sheets in Annex II to Regulation (EC) No 1907/2006 should be adapted in accordance with the fifth revision of the GHS rules for safety data sheets.
- (4) On 1 June 2015, two conflicting amendments of Annex II to Regulation (EC) No 1907/2006, one made by Article 59(5) of Regulation (EC) No 1272/2008 of the European Parliament and of the Council² and one made by Commission Regulation (EU) No 453/2010³, will come into force simultaneously. To avoid confusion as to which version of Annex II applies, this Annex, in its amended form, needs to be replaced by a new Annex II.
- (5) To require economic operators who have already compiled safety data sheets to update these immediately in accordance with the amended Annex II to Regulation (EC) No 1907/2006 would impose a disproportionate burden. Accordingly, operators should be

¹ OJ L 396, 30.12.2006, p. 1.

² OJ L 353, 31.12.2008, p. 1.

³ OJ L 133, 31.5.2010, p. 1.

allowed to continue to use safety data sheets provided to any recipient before 1 June 2015 for a certain period.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1907/2006, as amended by Article 59(5) of Regulation (EC) No 1272/2008 and by Regulation (EU) No 453/2010, is replaced by the text set out in the Annex to this Regulation.

Article 2

Without prejudice to Article 31(9) of Regulation (EC) No 1907/2006, safety data sheets provided to any recipient before 1 June 2015 may continue to be used and need not comply with the Annex to this Regulation until 31 May 2017.

Article 3

This Regulation shall enter into force on the 3rd day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 June 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President
Jean-Claude Juncker*