

Swedish Presidency CLP Team



Discussion paper on the question of classification of forms

Following the discussion initiated by one Member State on the issue of classification of specific forms of a substance or mixture, the Presidency will during the Working Party on the 2nd of May ask for the Member States' guidance on the way forward.

To steer the discussion, the Presidency presents draft amendments to Article 4(3) and Article 13, which seek to codify the current CLP practice as outlined in the Commission's intervention during the Working Party meeting on 5 April 2023.

The Presidency will ask whether the Member States prefer to:

1. Proceed, based on the draft amendments to Article 4(3) and Article 13 presented by the Presidency, seeking to codify the current practice.
2. Not seek to address the concerns regarding the issue of classification of specific forms of a substance or mixture.

Draft amendments to Article 4(3) and Article 13:

Article 4(3):

3. If a substance is subject to harmonised classification and labelling in accordance with Title V, through an entry in part 3 of Annex VI, that substance shall be classified in accordance with that entry, and a classification of that substance in accordance with Title II shall not be performed for the hazard classes, differentiations and forms or physical states covered by that entry.

The harmonised classification of that substance shall apply to all its forms and physical states unless the entry in Part 3 of Annex VI covers specific forms or physical states.

However, where the substance also falls within one or more hazard classes or differentiations or it is in a form or physical state not covered by an entry in Part 3 of Annex VI, classification under Title II shall be carried out for those hazard classes or, differentiations and forms or physical states.

Article 13:

If the evaluation undertaken pursuant to Article 9 and Article 12 shows that the hazards associated with the substance or mixture meet the criteria for classification in one or more hazard classes or differentiations in Parts 2 to 5 of Annex I, manufacturers, importers and downstream users shall classify the substance or mixture appropriate or, if scientifically justified, specific forms or physical states thereof, in relation to the relevant hazard class or classes or differentiations by assigning the following:



Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0432 (COD)**

Brussels, 26 April 2023

WK 5466/2023 INIT

LIMITE

ENT

MI

IND

ENV

SAN

CHIMIE

CONSOM

CODEC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	Presidency
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
N° prev. doc.:	CM 2562/23 WK 1806/23
N° Cion doc.:	ST 16258 2022 ADD 1 - 8
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Revision) - Discussion Paper on the Question of Classification of Forms

Delegations will find in the Annex a discussion paper for the Working Party Meeting on 2 May, related to the comments by Belgium as in document WK 1806/2023.