
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations consolidate, revoke and re-enact with amendments the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002.
2. These Regulations, as respects Northern Ireland—
 - (a) provide for the enforcement 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 (O.J. No. L353, 31.12.08, p.1) (“the CLP Regulation”), in addition to the enforcement of these Regulations;
 - (b) implement parts of Directive 2006/121/EC (O.J. No. L396, 30.12.06, p.850) of the European Parliament and of the Council of 18 December 2006 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances in order to adapt it to Regulation (EC) No 1907/2006 (O.J. No. L142, 31.5.08, p.1) concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency;
 - (c) implement Council Directive 1992/32/EEC (O.J. No. L154, 5.6.92, p.1) amending for the 7th time Council Directive 67/548/EEC (O.J. No. L196, 16.8.67, p.1), in so far as its provisions relate to the classification, packaging and labelling of dangerous substances (“the substances Directive”); and
 - (d) implement Council Directive 1999/45/EC (O.J. No. L200, 30.7.99, p.1) on the classification, packaging and labelling of dangerous preparations (“the preparations Directive”).
3. These Regulations also implement the Directives referred to below which adapt to technical progress and modify the substances Directive and the preparations Directive. These Directives are—
 - (a) Commission Directive 91/410/EEC (O.J. No. L228, 17.8.91, p.67) 14th adaptation to technical progress of the substances Directive;
 - (b) Commission Directive 93/21/EEC (O.J. No. L110, 4.5.93, p.20) 18th adaptation to technical progress of the substances Directive;
 - (c) Commission Directive 2000/32/EC (O.J. No. L136, 8.6.2000, p.1) 26th adaptation to technical progress of the substances Directive;
 - (d) Commission Directive 2001/59/EC (O.J. No. L225, 21.8.2001, p.1) 28th adaptation to technical progress of the substances Directive;
 - (e) Commission Directive 2004/73/EC (O.J. No. L152, 30.4.04, p.1) 29th adaptation to technical progress of the substances Directive;
 - (f) Commission Directive 2001/60/EC (O.J. No. L226, 22.8.2001, p.5) 1st adaptation to technical progress of the preparations Directive; and
 - (g) Commission Directive 2006/8/EC (O.J. No. L19, 24.1.2006 p.12) amending, for the purposes of their adaptation to technical progress, Annexes II, III and V to the preparations Directive.
4. The main purpose of the CLP Regulation is to adopt within the European Community the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) published by the UN Social and Economic Council (Second Revised Edition ISBN-13:978-92-1-116957-7). The

Changes to legislation: There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009. (See end of Document for details)

UN GHS is the result of an international agreement made at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, and the World Summit on Sustainable Development in Johannesburg in 2002. It sets out internationally accepted definitions and criteria to identify the hazards of chemicals and to communicate those hazards via labels and safety data sheets. The GHS is a voluntary international agreement and countries may keep national requirements that are not covered by the GHS provided that they do not contradict it.

5. The CLP Regulation progressively replaces, with transitional arrangements, the current Community classification and labelling system for hazardous chemicals with a new system based on the GHS. It replaces certain provisions of the substances Directive and the preparations Directive relating to the classification, packaging and labelling of substances and preparations through a two-stage process, first for substances and then for mixtures (currently referred to as “preparations”). Whilst many of the classification criteria, hazard symbols and labelling phrases are similar to the existing system, there are also some differences. The CLP Regulation requires dutyholders to classify, label and package hazardous chemicals before placing them on the market in accordance with its provisions.

6. Council Directive 2006/121/EC of Regulation (EC) No 1907/2006 (“REACH”) amends the substances Directive in order to adapt it to REACH. The major changes effected by Council Directive 2006/121/EC are to remove the provisions on the notification of new substances and on the provision of safety data sheets from the substances Directive. These provisions are now included in REACH and the changes are implemented by the REACH Enforcement Regulations 2008 (S.I. 2008/2852). The remaining changes effected by Council Directive 2006/121/EC are to delete references to Annex V of the substances Directive and replace references to it with references to the relevant parts of Commission Regulation (EC) No 440/2008 (O.J. No. L142, 31.5.08, p.1) laying down test methods pursuant to REACH and to amend certain other references. These remaining changes are implemented in these Regulations by the approved classification and labelling guide.

7. The terms and expressions used in the Regulations are defined in regulation 2 and the scope of the Regulations is described in regulation 3.

8. Regulations 4 to 10 implement the substances Directive and the preparations Directive. Regulation 11 implements the preparations Directive.

9. Regulation 4 describes the procedures for classifying dangerous substances and dangerous preparations. Regulation 5 refers to the safety data sheet provisions of REACH. Regulation 6 imposes requirements relating to the packaging of dangerous substances and dangerous preparations.

10. Regulation 7 imposes requirements in respect of the particulars that shall be shown on the labels for dangerous substances and dangerous preparations. Special labelling requirements are imposed in regulations 8 and 9. Regulation 10 imposes requirements in respect of the methods of marking and labelling of packages that contain dangerous substances or dangerous preparations.

11. Regulation 11 requires that the packaging of certain substances and preparations be provided with child resistant fastenings or tactile warning devices or both, and sets out the standards to which they shall conform.

12. Regulation 12 requires a person who classifies a dangerous preparation to retain the data used for the classification for at least three years after the preparation was last supplied.

13. Regulation 13 provides for transitional periods for compliance with the CLP Regulation. According to these arrangements, suppliers shall classify both substances and mixtures according to regulation 4 until 1st June 2015, and shall classify, label and package according to the CLP Regulation from 1st December 2010 for substances and 1st June 2015 for mixtures. However they may choose to classify, label and package in accordance with the CLP Regulation before 1st December 2010 for substances and 1st June 2015 for mixtures, in which case the requirements in regulations 6 to 11 on labelling and packaging cease to apply. Regulations 6 to 11 in any case cease

to apply from 1st December 2010 for substances and 1st June 2015 for mixtures. Regulation 13 also describes the transitional arrangements for retention of data for dangerous preparations.

14. Regulation 14 makes provision for the enforcement of the Regulations and the CLP Regulation. Regulation 15 provides for a defence in specific circumstances in the case of contravention of the Regulations. Provision is made in regulation 16 to specify an activity within the territorial sea of the United Kingdom adjacent to Northern Ireland to which the Regulations apply. Revocations and amendments are set out in regulations 17 and 18.

15. Copies of the publications referred to in the Regulations are obtainable as follows—

- (a) the approved classification and labelling guide is available from the Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast BT6 9FR or online (<http://www.hse.gov.uk/chip/classification.pdf>).
- (b) The British and International Standards referred to in regulation 11 and Schedule 5 (relating to child resistant fastenings and tactile warning devices) from the British Standards Institution, 389 Chiswick High Road, London W4 4AL or online (<http://www.bsi-global.com/upload/Standards%20&%20Publications/shop.html>).

16. In Great Britain the corresponding Regulations are the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 ([S.I. 2009/716](#)). The Great Britain Health and Safety Executive (GB HSE) has prepared a regulatory impact assessment in respect of those Regulations and a copy of that assessment, together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland, is held at the offices of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained. A copy of the transposition note in relation to the implementation of the Directives set out in paragraphs 2 and 3 is also available at that office.

17. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.

Changes to legislation:

There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009.