Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2013/0062(COD)	Procedure completed
Health and safety at work: aligning certain Directives to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures Amending Directive 98/24/EC 1993/0459(SYN) Amending Directive 2004/37/EC 1999/0085(COD) See also Regulation (EC) No 1272/2008 2007/0121(COD) Subject 3.40.01 Chemical industry, fertilizers, plastics 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 4.15.15 Health and safety at work, occupational medicine 4.60.02 Consumer information, advertising, labelling		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs		17/04/2013
		PPE ESSAYAH Sari	
		Shadow rapporteur	
		S&D CHRISTENSEN Ole	
		ALDE HARKIN Marian	
		Verts/ALE DELLI Karima	
		ECR CABRNOCH Milan	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	3295	20/02/2014
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion	ANDOR László	
European Economic and Social Committee			
European Committee of the Regions			

Key events

26/02/2013	Legislative proposal published	COM(2013)0102	Summary
12/03/2013	Committee referral announced in Parliament, 1st reading		
26/09/2013	Vote in committee, 1st reading		
08/10/2013	Committee report tabled for plenary, 1st reading	A7-0319/2013	
03/02/2014	Debate in Parliament		
04/02/2014	Results of vote in Parliament		
04/02/2014	Decision by Parliament, 1st reading	T7-0055/2014	Summary
20/02/2014	Act adopted by Council after Parliament's 1st reading		
26/02/2014	Final act signed		
26/02/2014	End of procedure in Parliament		
05/03/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0062(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 98/24/EC 1993/0459(SYN) Amending Directive 2004/37/EC 1999/0085(COD) See also Regulation (EC) No 1272/2008 2007/0121(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 153-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/12091

Documentation gateway

Legislative proposal		COM(2013)0102	26/02/2013	EC	Summary
Economic and Social Committee: opinion, report		CES2472/2013	17/04/2013	ESC	
Committee draft report		PE513.046	30/05/2013	EP	
Amendments tabled in committee		PE514.764	28/06/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0319/2013	08/10/2013	EP	
Text adopted by Parliament, 1st reading/single		T7-0055/2014	04/02/2014	EP	Summary

reading					
Draft final act		00125/2013/LEX	26/02/2014	CSL	
Commission response to text adopted in plenary		SP(2014)446	20/05/2014	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Directive 2014/27
OJ L 065 05.03.2014, p. 0001 Summary

Health and safety at work: aligning certain Directives to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

PURPOSE: to align certain provisions of Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and 2004/37/EC with Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Regulation.)

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the CLP Regulation entered into force in 2009 in order for the EU to implement the United Nations Globally Harmonised System of Classification and Labelling of Chemicals (GHS). The aim is to protect workers, consumers and the environment by means of labelling and indicating any potential hazardous effects of chemicals. The CLP Regulation is expected to facilitate global trade and harmonised communication of information on hazards posed by chemicals and to promote regulatory efficiency. It will complement the REACH Regulation.

Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC6 and 2004/37/EC contain references to EU chemical classification and labelling legislation. If these Directives are to remain effective, they need to be aligned to the CLP Regulation.

IMPACT ASSESSMENT: since the proposed amendments to the five Directives maintain the current level of worker protection without additional requirements of significant impact, a formal impact assessment was not carried out. A full impact assessment for the CLP Regulation was presented during 2007.

LEGAL BASIS: Article 153(2) of the Treaty on the Functioning of the European Union.

CONTENT: the aim of the Directive is to update references and terminology of the five above-mentioned Directives in order to bring them into line with the applicable EU chemical classification and labelling legislation. In doing so, no changes to the scope or level of protection provided by these Directives are required.

Regarding the non-exhaustive list of agents mentioned in the Annex, Part I, Section 3 of Directive 94/33/EC, an exact correlation between the pre-existing and new chemical classification systems cannot be achieved. The proposal therefore presents an alignment that may result in a limited number of additional substances coming within the scope of the Annex.

BUDGETARY IMPLICATIONS: there are no implications for the EU budget.

Health and safety at work: aligning certain Directives to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

The Committee on Employment and Social Affairs adopted the report by Sari ESSAYAH (EPP, FI) on the proposal for a directive of the European Parliament and of the Council 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 committee recommended that Parliaments position adopted at first reading under the ordinary legislative procedure should be to amend the Commissions proposal as follows:

Scope of the amendments to the directive: the proposed directive seeks to align a certain number of directives in force with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Directive) in order to identify hazardous chemicals and inform users about the related hazards by means of standard symbols and phrases on packaging labels, and safety data sheets.

The alignment of references and terminology of the five Directives to correspond that of CLP Regulation does not necessitate any changes to the scope or level of protection provided by these Directives. The amendments to the five Directives are purely technical in nature to

standardise the level of protection.

Periodic review of the level of protection: it is stipulated that the amendment should not reduce the level of protection of workers. However, in view of on-going technological progress, all five Directives should be subject to periodic review in order to ensure coherent legislation and a proper level of health and safety protection when hazardous chemical substances and mixtures are present in the working environment.

Further attention should be paid to employees within professions where there is daily contact with substances and mixtures, often without adequate protection.

Labelling of containers used at work for brief periods: in the context of the revision of the directive, Members do not want the directive to apply to containers used at work for brief periods or to containers whose contents change frequently, unless alternative adequate measures are taken, in particular for information and/or training, which guarantee the same level of protection.

The labelling may take the following forms:

- replaced by warning signs set out in Annex II of the Directive, using the same pictograms or symbols;
- supplemented by additional information, such as the name and/or formula of the hazardous substance or mixture and details of the hazard ;
- supplemented or replaced by signs applicable throughout the Union for the transport of hazardous substances or mixtures.

Addition of certain hazardous substances: Members added some sub-categories of substances to those proposed by the Commission, with a view to protecting young people who handle these substances owing to their insufficient attention to safety or lack of experience or training.

This relates to the following substances:

- unstable explosives;
- self-reactive substances;
- organic peroxides type A and B;
- certain toxic, corrosive or explosive substances with specific target organ toxicity (repeated exposure, for example);
- certain self-reactive substances and mixtures of types C&D, E&F that may cause fire when heated:
- oxidising liquids that may intensify fire ;
- and oxidising solids (category 3) that may intensify fire.

Members also made a series of technical amendments with a view to adapting and improving the terminology used in the proposal.

Entry into force: Members called for the amended directive to enter into force on 1 June 2015.

Health and safety at work: aligning certain Directives to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

The European Parliament adopted by 656 votes to 15, with 5 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council 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.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Scope of the amendments: the amended Directive seeks to align the five Directives in force to the new system laid down in Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Directive) in order to identify hazardous chemicals and inform users about the related hazards by means of standard symbols and phrases on packaging labels, and safety data sheets.

Periodic review of the level of protection of workers: Parliament stated that the proposed amendments should not intend to reduce the level of protection of workers. However, in view of on-going technological progress, the five Directives should be subject to periodic review in order to ensure the coherency of legislation and an appropriate level of health and safety protection when hazardous chemical substances and mixtures are present in the working environment. Particular attention should be paid to employees within professions where there is frequent contact with hazardous substances and mixtures.

Safety and/or health signs: the amended Directive stated that areas, rooms or enclosures used for the storage of significant quantities of hazardous substances or mixtures must be indicated by a suitable warning sign or marked, unless the labelling of the individual packages or containers is adequate for this purpose.

If there is no equivalent warning sign in Section 3.2 of Annex II to warn about hazardous chemical substances or mixtures, the relevant hazard pictogram, as laid down in Annex V to Regulation (EC) No 1272/2008 of the European Parliament and of the Council, must be used.

Parliament deleted the warning sign Harmful or irritant material and stipulated that the warning sign General danger should not be used to warn about hazardous chemical substances or mixtures, except for cases when it is used to indicate the stores of hazardous substances or mixtures."

Labelling of containers used at work for brief periods: Parliament called for the Directive not to apply to containers used at work for brief periods or to containers whose contents change frequently, unless alternative adequate measures are taken, in particular for information and/or training, which guarantee the same level of protection.

The labelling may take the following forms:

- replaced by warning signs set out in Annex II of the Directive, using the same pictograms or symbols;
- supplemented by additional information, such as the name and/or formula of the hazardous substance or mixture and details of the hazard ;
- signs applicable throughout the Union for the transport of hazardous substances or mixtures.

Pregnant workers and workers who have recently given birth or are breastfeeding: the amended Directive provides that the exposure of these workers should be assessed by the employer as regards substances and mixtures which meet the criteria for classification in one or more of the following hazard classes and hazard categories:

- germ cell mutagenicity, category 1A, 1B or 2;
- carcinogenicity, category 1A, 1B or 2;
- reproductive toxicity, category 1A, 1B or 2 or the additional category for effects on or via lactation;
- specific target organ toxicity after single exposure, category 1 or 2.

Protection of young people at work: Parliament added a sub-category of substances to those provided by the Commission in its proposal, essentially in terms of better protecting young people who handle these substances owing to their insufficient attention to safety or lack of experience or training.

This relates to the following substances:

- flammable aerosols;
- unstable explosives;
- self-reactive substances and mixtures;
- organic peroxides, type A or B;
- respiratory sensitisation;
- skin sensitisation.

Small and medium-sized enterprises: the amended text stressed that the Directives aiming to lay down minimum requirements for encouraging improvements, in particular in the working environment, to ensure a better level of protection of the health and safety of workers should avoid holding back the creation and development of small and medium-sized undertakings and their potential to create jobs.

Explanatory guidance in particular for small and medium-sized enterprises was highlighted.

Transposition: Member States should transpose the amended Directive by 1 June 2015.

Health and safety at work: aligning certain Directives to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

PURPOSE: to align certain provisions of five Directives that aim to protect workers health and safety with Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Regulation.)

LEGISLATIVE ACT: Directive 2014/27/EU of the European Parliament and of the Council 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

CONTENT: the aim of the Directive is to update five Directives on health and safety at work in order to bring them into line with the new system of classification and labelling of substances and mixtures in the Union:

- Council Directive 92/58/EEC (provision of safety and/or health signs);
- Council Directive 92/85/EEC (safety of pregnant workers and workers who have recently given birth or are breastfeeding)
- Council Directive 94/33/EC (protection of young people at work);
- Council Directive 98/24/EC (protection of the health and safety of workers from the risks related to chemical agents at work);
- Directive 2004/37/EC (protection of workers from the risks related to exposure to carcinogens or mutagens at work).

These amended Directives contain references to the previous classification and labelling system and needed to be amended in order to align them to Regulation (EC) No 1272/2008. That Regulation established a new classification and labelling system for substances and mixtures in the Union, based on the United Nations Globally Harmonised System of Classification and Labelling of Chemicals (GHS) at international level, within the framework of the United Nations Economic Commission for Europe.

The aim of this Directive is not to change the scope of those Directives. This Directive intends to maintain and not reduce the level of protection of workers that is provided by those Directives.

However, in view of on-going technological progress, those Directives should be subject to periodic review in order to ensure the coherence of legislation and an appropriate level of health and safety protection when hazardous chemical substances and mixtures are present in the working environment. Particular attention should be paid to employees within professions where there is frequent contact with hazardous substances and mixtures.

ENTRY INTO FORCE: 25/03/2014.

TRANSPOSITION: 01/06/2015.