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MEMORANDUM

Via E-Mail

DATE: September 10, 2008

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: European Parliament Adopts Globally Harmonized System

Last week, the European Parliament (EP) voted to adopt the compromise version of the European Commission (EC)-proposed Globally Harmonized System of Classification and Labelling of Chemicals (GHS) regulation and two measures amending various existing European Union (EU) directives and regulations for the purpose of adapting them to the GHS regulation. This action has been expected since late June 2008, when representatives of the EP, the EC, and the Council of the EU reached agreement on a compromise package pertaining to EU implementation of the United Nations' GHS.¹ The three legislative texts approved by the EP are available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+20080903+ITEMS+DOC+XML+V0//EN&language=EN>. All three texts now await adoption by the Council.

According to the EP's Press Release, "[t]he new regulation will replace the existing EU directives on classification and labelling of substances which set forth an extensive system (3 key directives), but the current rules and the GHS are conceptually similar."² The Press Release further explains that the GHS regulation:

¹ See EC, "GHS Legislation - CLP-Regulation: News from co-decision," available at http://ec.europa.eu/enterprise/reach/ghs_legislation_en.htm.

² EP, "UN Level Classification of Hazardous Substances To Be Incorporated into EU Law" (Sept. 3, 2008), available at http://www.europarl.europa.eu/news/expert/infopress_page/066-35971-245-09-36-911-20080902IPR35970-01-09-2008-2008-false/default_en.htm.



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- harmonizes the classification, labelling, and packaging rules for substances and mixtures;
- requires companies to classify substances and mixtures themselves and to notify the classifications;
- establishes a harmonized list of substances classified at the EU level in Annex VI; and
- establishes a classification and labelling inventory comprised of the notifications and harmonized classifications referenced above.

Under the regulation, reclassification and labelling will have to be completed by December 1, 2010, for substances, and by June 1, 2015, for mixtures. The existing EU directives on classification, labelling, and packaging will remain in place until June 1, 2015. Prior to that date, “both systems will be applied.”³

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We hope this information is helpful. As always, please let us know if you have any questions.

³ *Id.*