
Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods**

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Item 5 of the provisional agenda

Work of the RID/ADR/ADN Joint Meeting

Classification of environmentally hazardous substances**Comments from CEFIC on INF.16 of the secretariat**

1. Cefic appreciates the work of the secretariat in editorially revising the text of 2.2.9.1.10.5 that was adopted at the Joint Meeting in March 2010.
2. Cefic is proposing a further revision, mainly for reasons of user-friendliness by:
 - Making clear that the condition of lacking classification data applies to both cases
 - Keeping a reference to the “old” Directives because this may help readers who are not so familiar with European user legislation, and because both Directives will be repealed with effect from 1 June 2015 only.
3. It is therefore proposed to replace the text of 2.2.9.1.10.5 by the following:

"2.2.9.1.10.5 Substances or mixtures classified as environmentally hazardous substances (aquatic environment) on the basis of Regulation 1272/2008/EC.*

"If data for classification according to the criteria of 2.2.9.1.10.3 and 2.2.9.1.10.4 are not available, a substance or mixture:

 - Shall be classified as environmentally hazardous substance (aquatic environment) if it has to be assigned category(ies) Aquatic Acute 1, Aquatic Chronic 1 or Aquatic Chronic 2 according to Regulation 1272/2008/EC* or, if still relevant according to the said Regulation, risk phrase(s) R50, R50/53 or R51/53 according to the Directives 67/548/EEC** or 1999/45/EC***.
 - May be not classified as environmentally hazardous substance (aquatic pollutant) if it does not have to be assigned such a risk phrase or category according to the said Directives or Regulation".

* Regulation 1272/2008/EC of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (Official Journal of the European Union No. L 353 of 30 December 2008).

** Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Official Journal of the European Communities No. 196 of 16 August 1967, pp. 1 – 5).

*** Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (Official Journal of the European Communities No. L 200, of 30 July 1999, pp. 1 – 68).