

COMMISSION DELEGATED REGULATION (EU) 2021/1962**of 12 August 2021****correcting Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council
on classification, labelling and packaging of substances and mixtures****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 ⁽¹⁾, and in particular Article 37(5) thereof,

Whereas:

- (1) Verification has revealed errors in Annex VI to Regulation (EC) No 1272/2008. Commission Delegated Regulation (EU) 2020/217 ⁽²⁾, which amended that Annex, added a number of substances in Table 3 of Part 3 thereof. The entries concerning the substances pentapotassium 2,2',2'',2''',2''''(ethane-1,2-diylnitrilo)pentaacetate, N-carboxymethyliminobis(ethylenenitrilo)tetra (acetic acid) and pentasodium (carboxylatomethyl)iminobis(ethylenenitrilo)tetraacetate contain errors related to the signal word. Those substances are classified, inter alia, as specific target organ toxicant repeated exposure category 2 and should therefore be labelled by using the signal word 'Warning' corresponding to the signal word code 'Wng' in accordance with Table 3.9.5 of Part 3 of Annex I to Regulation (EC) No 1272/2008. Delegated Regulation (EU) 2020/217 however mistakenly introduced the signal word code 'Dgr' (an abbreviation of 'Danger') for those substances. Those errors should be corrected.
- (2) Regulation (EC) No 1272/2008 should therefore be corrected accordingly.
- (3) As the provisions of Delegated Regulation (EU) 2020/217 containing the mistake apply from 1 October 2021, the correction thereof should also apply from that date.
- (4) Similarly, in order to reflect the provisions of Delegated Regulation (EU) 2020/217, suppliers should be allowed to apply the corrections made by this Regulation to substances and mixtures before its date of application on a voluntary basis.
- (5) Suppliers should not be required to change the labels and packages of substances and mixtures which have been placed on the market before the entry into force of this Regulation in accordance with Regulation (EC) No 1272/2008, to avoid unnecessary costs. As the erroneous signal word code corresponds to a more severe hazard class maintaining the corresponding signal word on the label does not decrease the level of protection of human health,

HAS ADOPTED THIS REGULATION:

Article 1

The signal word code 'Dgr' in the seventh column 'Pictogram, Signal Word Code(s)' of Table 3 in Part 3 of Annex VI to Regulation (EC) No 1272/2008 regarding the entries concerning pentapotassium 2,2',2'',2''',2''''(ethane-1,2-diylnitrilo)pentaacetate, N-carboxymethyliminobis(ethylenenitri lo)tetra (acetic acid) and pentasodium (carboxylatomethyl)iminobis(ethylenenitrilo)tetraacetate is replaced by the signal word code 'Wng'.

⁽¹⁾ OJ L 353, 31.12.2008, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/217 of 4 October 2019 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation (OJ L 44, 18.2.2020, p. 1).

Article 2

Suppliers shall not be required to change, as indicated in Article 1, the label or the packaging of substances or mixtures containing them, which they have placed on the market in accordance with Regulation (EC) No 1272/2008 before 15 November 2021.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2021.

By way of derogation from the second paragraph of this Article, the substances referred to in Article 1 of this Regulation and the substances and mixtures containing them may, before 1 October 2021, be classified, labelled and packaged in accordance with Regulation (EC) No 1272/2008 as corrected by this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 August 2021.

For the Commission
The President
Ursula VON DER LEYEN
