

PUBLISHED REPLACEMENT EU ACT ASSESSMENT OF IMPACT

DSC REF: DSC/22/2024

Published Replacement EU Act

Regulation (EU) 2024/2865 of the European Parliament and of the Council of 23 October 2024 amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures. OJ L, 2024/2865, 20.11.2024 [\[link\]](#)

This Regulation will replace 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 ('EU CLP Regulation'), amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) [\[link\]](#); Protocol Annex 2, Heading 23 on Chemicals and related.

Summary of the Act

The EU are of the view that the current legislation (Regulation (EC) No 1272/2008) fails to sufficiently protect humans and the environment from the hazards of chemicals moving freely within the EU single market. This is their underpinning rationale on why modifications are needed to facilitate enforcement.

Department of Health (DoH) holds a special interest in the application of this legislation given its enforcement responsibilities under CLP.

The CLP responsibilities placed on the Department represent new and novel work and new inspection activity. DoH has inspection, surveillance, reporting and enforcement responsibilities in relation to CLP in registered premises in NI.

Department(s) Responsible

- **Department for Economy, Minister Murphy (Lead)**
- **Department of Justice, Minister Long (Interest)**
- **Department of Health, Minister Nesbitt (Interest)**

Chemicals policy is a devolved matter. The Department for the Economy (DfE) and the Department of Justice (DoJ) share joint competence for CLP. However, the remit of DoJ only extends to civil explosives. Department of Health (DoH) holds a special interest in the application of this legislation given its enforcement responsibilities under CLP.

Assessment of Impact

Q: Does it appear likely that the application of the proposed replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

A: Not known.

Q: Does it appear likely that not applying the proposed replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

A: Not known.

UK Government Explanatory Memorandum

The relevant UKG Explanatory Memorandum (EM) was submitted by the Department for Work and Pensions on 1 February 2023 (**Annex A**).

The Department of Health and Social Care (DHSC) did not provide any input.

Analysis by the European Commission on its Impact Assessment

The EC provided an Impact Assessment Summary (**Annex B**).

A full package of impact assessments and consultation responses can be viewed at - [European Commission Impact Assessment of EU CLP Revision](#). The assessments do not mention NI or NI stakeholder input.

Environmental and Health Benefits

The EC impact assessment observed that benefits of the proposed amendments mainly related to improvements to protection of health and the environment. The benefits included:

- Improved communication on chemical hazards will support consumers supported to make informed choices and avoid unnecessary risks to health or the environment.
- Changes to classification would support chemicals suppliers, users and public authorities to take measures to manage chemicals risks.
- Closing legal gaps related to online sales and poison centres will support compliance and ultimately lead to better implementation and easier enforcement.

- Savings to public health systems and depollution schemes could amount to more than €300 million per year.
- No significant additional cost to national budgets.

Departmental Engagement

DoH has had limited engagement with other Departments on this matter but will continue to engage and seek clarification on matters where necessary.