

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,801 of 29th July, 2010**

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**B.22/10**

**BILL**

**FOR**

**AN ACT** to partly transpose into the law of Gibraltar Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Solvent Emissions (Amendment) Act 2010.

**Commencement and expiry.**

2.(1) Section 3(1) comes into operation on 1 December 2010 and shall cease to have effect on 1 June 2015.

(2) Section 3(2) comes into operation on 1 June 2015.

**Amendment of Act.**

3.(1) For paragraph 6 of Schedule 3 to the Solvent Emissions Act 2002 substitute—

“6. Substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to

reproduction under 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 are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61 shall be replaced, as far as possible and by taking into account the guidance referred to in Article 7(1), by less harmful substances or mixtures within the shortest possible time.”.

(2) Schedule 3 of the Solvent Emissions Act 2002 is amended as follows—

(a) for paragraph 6 substitute—

“6. Substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under 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 are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F shall be replaced, as far as possible and by taking into account the guidance as mentioned in Article 7(1), by less harmful substances or mixtures within the shortest possible time.”;

(b) in paragraph 8—

(i) for the words “the risk phrases R40 or R68” substitute the words “the hazard statements H341 or H351”; and

(ii) for the words “the labelling R40 or R68” substitute the words “the hazard statements H341 or H351”;

(c) in paragraph 9 for the words “risk phrases” substitute the words “hazard statements”.

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**EXPLANATORY MEMORANDUM**

This Bill amends the Solvent Emissions Act 2002 to partly transpose Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

Section 3(1) effects changes to Schedule 3 to the Act which come into operation on 1 December 2010. These amendments will cease to have effect on 1 June 2015, the day that section 3(2) comes into operation.

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