

Legal Regulation of the Placing of Hazardous Chemical Substances and Mixtures on the Market in European Union Environmental Law

Abstract:

The aim of the thesis was to explore the main features of the legal regulation of the placing of hazardous chemical substances and mixtures on the market in European Union environmental law, namely those features which significantly affect the achievement of a high level of protection of human health and the environment. In order to fulfil this aim, two regulatory regimes governing the placing on the market of substances and mixtures were analysed: a general one, mainly represented by the REACH Regulation (No. 1907/2006) and the CLP Regulation (No. 1272/2008), and a special one, where the Plant Protection Products Regulation (No. 1107/2009) was the object of analysis. The thesis first deals with general issues of the regulation of hazardous substances and mixtures: the role of private and public law, the phenomenon of the so-called proceduralisation of environmental law and the definition of basic terms (including a detailed analysis of the concepts of hazard, hazardous properties, risk and related terms). This general part is followed by an analysis of the most important legal institutions contained in the mentioned legislation (notably registration, evaluation, authorisation and restriction under REACH, classification and labelling under CLP and approval and authorisation under the Plant Protection Products Regulation). These institutions are divided into two chapters according to their predominant function: hazard and risk assessment and hazard and risk management. The thesis draws attention to the strengths and weaknesses of the analysed institutions in terms of achieving a high level of protection, taking into account the abundant case law of the Court of Justice of the European Union in this area. In the chapter on hazard and risk management, the thesis also deals with the importance of the precautionary principle in the context of the analysed institutions and the possibility of Member States to manage hazards and risks at the national level. The analysis and comparison of the two mentioned regulatory regimes serve as basis for more general conclusions on the current EU legislation governing the placing on the market of hazardous chemical substances and mixtures, including suggestions on possible future changes.

Keywords: *chemical substances – risk regulation – European Union environmental law*