

COMMISSION OF THE EUROPEAN COMMUNITIES

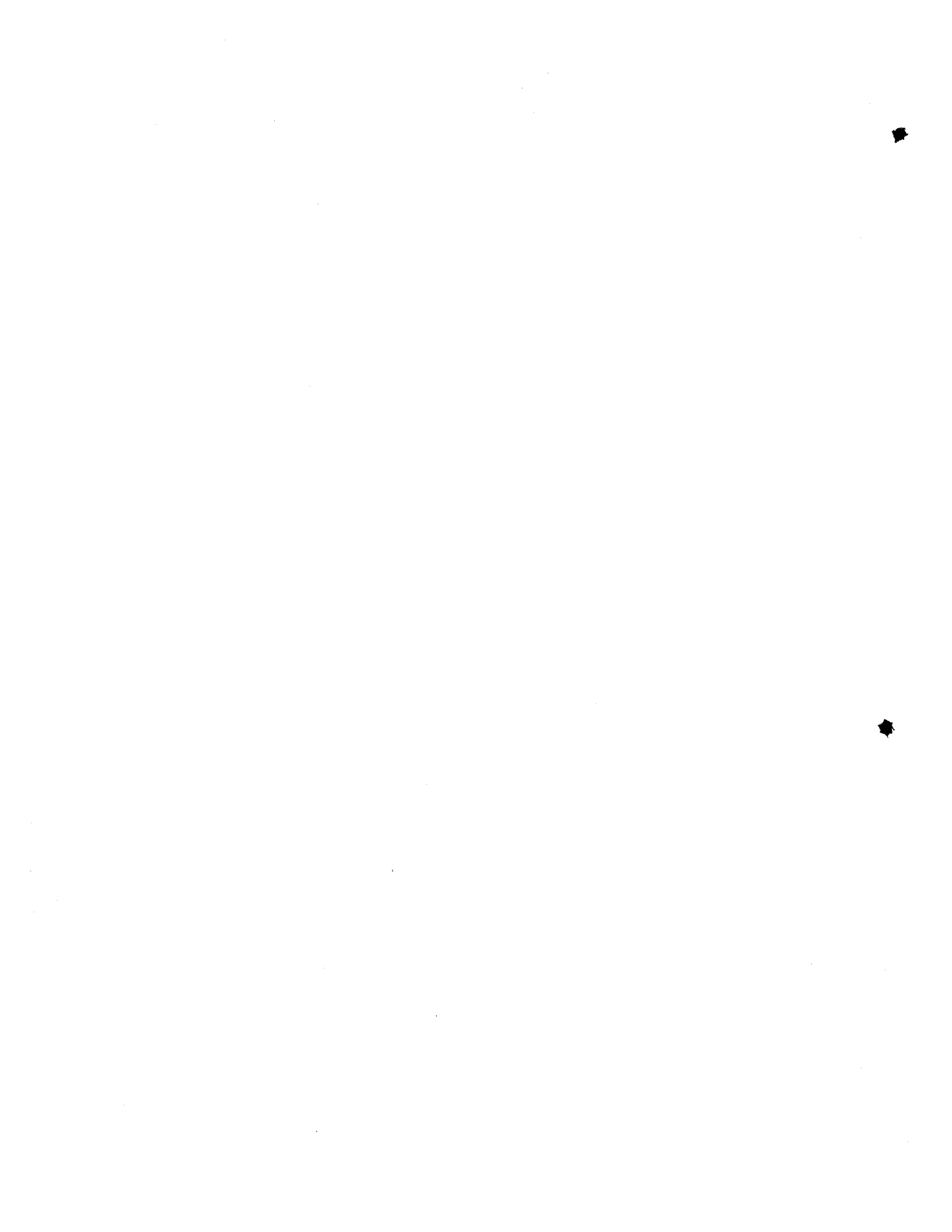
COM(80) 570 final

Brussels, 10 October 1980

Proposal for a
COUNCIL DIRECTIVE

amending for the sixth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (Benzene)

(submitted to the Council by the Commission)



Explanatory Memorandum

I. GENERAL

Benzene is a widely used chemical substance, the toxic properties of which are well established. It affects the central nervous and haematopoietic systems and there are many reported cases of acute and chronic poisoning in humans due to exposure to benzene. Human epidemiological studies, case reports and case control studies now provide sufficient evidence of the carcinogenic effects of benzene in humans; in particular there appears to be a relationship between exposure to benzene and the development of leukaemia (1).

In the United Kingdom, benzene was detected in the solvent mixture provided in balloon-making kits intended for use by children. The levels of benzene in the solvent ranged up to 40 %, and the final mixture used in making the balloons contained up to 4 % of benzene. Having reviewed the possible health hazards to children resulting from these kits, the United Kingdom prohibited their sale. The ban became operative on 18 January 1979.

The Scientific Advisory Committee on the Toxicity and Ecotoxicity of Chemical Compounds (CSTE), consulted by the Commission, was strongly opposed to the use of benzene in the solvents supplied with these kits. The Committee was also of the opinion that, in view of its toxicity, the presence of benzene was generally undesirable in toys.

Since prohibition of these products by means of unilateral and disparate measures may distort the Community market and directly affect its functioning, the European Community must find ways of harmonizing the relevant national provisions at Community level.

(1) IARC Monograph on the Evaluation of the Carcinogenic Risk of Chemicals to Humans (1979) Supplement I - 15-24

To this end, it is proposed that the use of benzene for such purposes should be prohibited at Community level.

II. EXPLANATION OF THE ARTICLES

Article 1

This Article provides that a new section on benzene shall be added to the Annex to Council Directive 76/769/EEC of 27 July 1976 (1) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations. The section prohibits the use of benzene in products intended as toys.

Article 2 and 3

These Articles are common to all Directives.

III. PREPARATION OF THE DRAFT DIRECTIVE

The proposal for a Directive was drawn up following notification received from the government of a Member State, after the matter had been referred to a working party consisting of experts in the fields of public health, hygiene and industrial safety, and trade and industry and after consultation with the CSTE and the industrial organizations concerned.

IV. CONSULTATION OF THE EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE

Since implementation of the provisions in the proposal for a Directive will entail amendment of the legal provisions of Member States, the Opinion of both bodies is essential and must be obtained, as required by Article 100 (2) of the EEC Treaty.

(1) OJ No L 263, 27.9.1976, p. 201

PROPOSAL FOR A COUNCIL DIRECTIVE

amending for the sixth time Directive 76/769/EEC

on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

(Benzene)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas benzene is recognized to be highly toxic and liable to affect the central nervous and hematopoietic systems and to induce cancer and in particular leukaemia;

Whereas benzene is used, inter alia, as a constituent of one of the chemicals for manufacturing toys and in particular children's balloons; whereas the way the latter are used makes it possible to absorb benzene by inhalation, ingestion or through the skin, thereby exposing children to the abovementioned hazards;

Whereas benzene is governed by rules in certain Member States; whereas these rules differ as to the conditions of its marketing and use; whereas these differences constitute a barrier to trade and directly affect the establishment and functioning of the common market;

Whereas the Annex to Council Directive 76/769/EEC⁽¹⁾, as last amended by Directive⁽²⁾, should be amended accordingly,

Whereas the Scientific Advisory Committee to Examine the Toxicity and Ecotoxicity of Chemical Compounds has delivered an opinion on the matter;

(1) OJ L 262, 27 September 1976, p. 201,

(2) OJ L , 1980, p. .

HAS ADOPTED THIS DIRECTIVE :

Article 1

The following is hereby added to the Annex to Directive 76/769/EEC:

"7. Benzene May not be used in products
CAS No (Chemical Abstract intended for use as toys."
Service Number) 71-32-2

Article 2

The Member States shall bring into force the provisions necessary to comply with this Directive before 1 March 1981. They shall immediately inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.