

# European Communities

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EUROPEAN PARLIAMENT

Working Documents

1976 - 1977

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446.63  
(wrapping,  
packaging)  
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4414.311  
dangerous  
substances

23 December 1976

DOCUMENT 463/76

## Report

drawn up on behalf of the Committee on the Environment, Public Health and  
Consumer Protection

on the proposal from the Commission of the European Communities to the  
Council (Doc. 339/76) for a directive on the sixth modification of the Council  
directive of 27 June 1967 on the approximation of the laws of the Member States  
relating to the classification, packing and labelling of dangerous substances

Rapporteur: Lady FISHER of REDNAL

1. 2. 4

PE 46.472/fin.



By letter of 30 September 1976, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the sixth modification of the Council Directive of 27 June 1967 on the approximation of the laws of the Member States relating to the classification, packing and labelling of dangerous substances.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection for its opinion.

On 19 October 1976 the committee on the Environment, Public Health and Consumer Protection appointed Lady Fisher of Rednal rapporteur.

It considered this proposal at its meetings of 19 October and 25 November 1976. At its meeting of 25 November 1976 the committee unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Jahn, Chairman; Lord Bethell and Mrs Kruchow, Vice-Chairmen, Lady Fisher of Rednal, rapporteur, Mr Brégégère, Mr Covelli (deputizing for Mr P. Bertrand), Mr Didier, Sir Peter Kirk, Mr Willi Müller, Mr Noè, Mr Plebe, Mrs Squarcialupi and Mr Veronesi

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the sixth modification of the Council Directive of 27 June 1967 on the approximation of the laws of the Member States relating to the classification, packing and labelling of dangerous substances

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 339/76),
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 463/76),
1. Welcomes the Commission's proposal which aims at reinforcing the controls provided for in the original directive of 27 June 1967;
  2. Agrees that the introduction of the notification procedure for new substances is necessary in order to control the effects on man and the environment;
  3. Notes with satisfaction that in its proposal, the Commission has taken into account the view expressed by the European Parliament<sup>2</sup> that the use of safety advice should be made obligatory;
  4. Regrets that the Commission has not seen fit to accept the modification already proposed by the European Parliament<sup>2</sup> on the use of national language(s) for labelling;
  5. Requests the Commission to incorporate the following amendments in its proposal, pursuant to Article 149, second paragraph of the EEC Treaty.

<sup>1</sup>OJ No. C 260, 5.11.1976, p.4

<sup>2</sup>OJ No. C 2, 9.1.1974, p.60

Proposal for a Council Directive on the sixth modification of the Council Directive of 27 June 1967 on the approximation of the laws of the Member States relating to the classification, packing and labelling of dangerous substances<sup>1</sup>

Preamble and recitals unchanged

'Articles 1 to 13' unchanged

'Article 14(4)'

When more than one danger symbol is assigned to a preparation:

- the obligation to indicate the symbol T makes, in general, the symbols X and C optional;
- the obligation to indicate the symbol C makes the symbol X optional
- the obligation to indicate the symbol E makes the symbols F and O optional.

'Article 15(4)'

Member States may make the placing on the market of dangerous substances in their territories subject to the use of the national language or languages in respect of the labelling thereof.

'Article 14(4)'

When more than one danger symbol is assigned to a preparation:

- the obligation to indicate the symbol T makes the symbol C, in general, optional and the symbol X entirely optional;
- the obligation to indicate the symbol C makes the symbol X optional;
- the obligation to indicate the symbol E makes the symbols F and O optional.

'Article 15(4)'

Member States shall make the placing on the market of dangerous substances in their territories subject to the use of the national language or languages in respect of the labelling thereof.

'Articles 16 to 22' unchanged

Articles 2 and 3 unchanged

<sup>1</sup> OJ No. C 260, 5.11.1976, p.4

EXPLANATORY STATEMENTIntroduction

1. The present proposal aims at updating and reinforcing the controls provided for in the original directive of 27 June 1967. It provides that any placing on the market of a new substance will imply the carrying out of a prior study by the manufacturer and notification to the competent authorities when the substance was first placed on the market in a Member State. To this end, Articles 1 to 11 of the original directive have been replaced by a completely new text.
2. The European Parliament has already pronounced on the original directive<sup>1</sup> and it has also given its opinion on the various amendments that have intervened since that date. Your committee considers that it would be superfluous to repeat the arguments put forward in these various reports and has confined itself to commenting on those aspects of the proposal which have not already been dealt with in the past. However, where amendments or objections have been raised in the past, which have not been taken into account by the Commission, your committee repeats them in this report.
3. Article 14(2) (e) has been modified to make the use of safety advice obligatory. Your committee fully endorses this modification which takes up a proposal made in a previous report<sup>2</sup>. The Commission's modification does not go quite as far as Parliament's original suggestion but your committee can, nevertheless, accept this amendment.
4. Article 14(4): This paragraph is concerned with the obligation to use certain symbols and indications of danger. In the first indent, the Commission states that 'the obligation to indicate the symbol T makes, in general, the symbols X and C optional'. T means 'toxic', the symbols X and C mean 'harmful' and 'corrosive' respectively. Your committee does not agree that the term 'toxic' also covers the term 'corrosive' as 'toxic' could suggest that a substance should not be swallowed whereas 'corrosive' could mean, must not come in contact with skin or clothing. An amendment has therefore been proposed.

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<sup>1</sup> Doc. 104/65

<sup>2</sup> Doc. 214/73

5. Article 15(3): This paragraph provides that the colour and presentation of the label or package must be such that the danger symbol stands out clearly from the background. In accordance with Article 14(1) (c) the symbol must be printed in black on an orange/yellow background. Your committee considers that paragraph 3 of Article 15 should be reworded for greater precision and that it should be stipulated that the colour of the label or package should be neither orange, yellow nor a mixture of these two colours.

6. Article 15(4): This paragraph provides that the Member States may make the placing on the market of dangerous substances in their territories subject to the use of the national language or languages in respect of the labelling thereof. Your committee here repeats what it has already stated in the report drawn up by Mr Premoli - Doc. 214/73, when it said that this paragraph should be amended replacing the word 'may' by the word 'shall'. This amendment is proposed in the interest of public safety as it is quite reasonable to expect that a worker, handling dangerous substances, will not be capable of reading safety advice in a language other than his own. On 14 December 1973, Mr GUNDELACH, member of the Commission of the European Communities, stated 'that the Commission considers that it would be too strict a requirement to demand that these labels must always be written in the language of the country of sale. We think that there should be more latitude in this matter.' Your committee, on the contrary, thinks that in the field of dangerous substances, explosives, flammable, toxic and other, the strictest regulations possible should be enforced. It, therefore, maintains this amendment.

### Conclusions

7. Your committee welcomes this proposal which will ensure greater protection for those handling dangerous substances in the Community and it feels that the introduction of the notification procedure will serve to reinforce the control on new substances placed on the market.

8. There are, however, one or two points which it finds unacceptable and has proposed amendments to the Commission's text.

9. Finally, your committee would ask the Commission to present the European Parliament with the up-dated text after the Council has taken its decision. Your committee finds it extremely confusing to have to deal with a directive drawn up nine years ago and amended five times, without having an amended up-to-date version to hand.

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<sup>1</sup> Debates of the European Parliament No. 169, December 1973, p.263