

4414.311 (Dangerous substances)

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Report

on behalf of the Committee on Public Health and the Environment

on the proposal from the Commission of the European Communities to the Council (Doc. 169/73) for a directive amending for the fifth time the Council Directive of 27 June 1967 concerning the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

Rapporteur : Mr A. PREMOLI

PE 34.286/fin.

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By letter of 24 September 1973 the President of the Council of the European Communities consulted the European Parliament, pursuant to Article 100 of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a directive amending for the fifth time the Council Directive of 27 June 1967 concerning the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (Doc. 169/73).

On 4 October 1973 the President of the European Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible and to the Legal Affairs Committee for its opinion.

At its meeting of 25 September 1973 the Committee on Public Health and the Environment appointed Mr PREMOLI rapporteur and made a preliminary examination of the proposal.

At its meeting of 29 October the committee adopted the report and explanatory statement unanimously, with one abstention.

The following were present: Mr Della Briotta, chairman; Mr Scott-Hopkins, vice-chairman; Mr Premoli, rapporteur; Mr Brégégère, Mr Creed, Mr D'Angelosante, Sir Arthur Dodds-Parker, Mr Duval, Mr Gibbons, Mr Kavanagh (deputizing for Mr Christensen), Mr Lagorce, Mr Martens, Mr Müller, Mr Noè, Mr Petersen, Mr Vernaschi and Mr Walkhoff.

The opinion of the Legal Affairs Committee is attached.

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The Committee on Public Health and the Environment 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 amending for the fifth time the Council Directive of 27 June 1967 concerning the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council, pursuant to Article 100 of the EEC Treaty (Doc. 169/73);
 - having regard to the report of the Committee on Public Health and the Environment and the opinion of the Legal Affairs Committee (Doc. 214/73);
1. Approves the proposal from the Commission of the European Communities;
 2. Requests the Commission, however, to carefully review the entire directive of 27 June 1967 with a view to improving it subsequently, particularly as regards the safety of users of these dangerous substances;
 3. Invites the Commission to adopt the following amendments, pursuant to Article 149, second paragraph, of the EEC Treaty;
 4. Invites its committee responsible to check carefully whether the Commission of the European Communities amends its proposal along the lines suggested by the European Parliament and to report to it on the matter as necessary;
 5. Instructs its President to forward this resolution and the accompanying report to the Council and Commission of the European Communities.

¹OJ No.C92, 31 October 1973, p.8

Proposal for a Council Directive amending for the fifth time the Council Directive of 27 June 1967 concerning the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ¹

Preamble, recitals and Article 1 unchanged

Article 2

Article 6(2), first half of the sentence: 'Every package containing a dangerous substance must bear a label mentioning' is replaced by the following text: 'Every package must show clearly and indelibly the following ...'

Article 3

Article 7 is replaced by the following text:

'(1) When the particulars required by Article 6 appear on a label, the latter must be placed on one or more faces of the package so that it can be read horizontally when the package is put down normally. The dimensions of the label must be as follows:

Article 2

1. Article 6(2), first half of the sentence: 'Every package ... must bear a label mentioning ...' is replaced by the following text: 'Every package shall show clearly and indelibly the following ...'

2. Article 6(3) is to be amended as follows:

'The package shall be accompanied by advice on safety precautions relating to the use of the substances, the wording of which shall, in conformity with the references contained in the list in Annex I, be based on Annex IV to this directive.'

Article 3

unchanged

(1) unchanged

¹ OJ No. C92, 31 October 1973, p.8

Capacity of the package	<u>Size</u>
- less than or equal to 3 litres if possible	52 x 74 mm
- greater than 3 litres and not exceeding 50 litres	at least 74 x 105 mm
- greater than 50 litres and not exceeding 500 litres	at least 105 x 148 mm
- greater than 500 litres	at least 148 x 210 mm

Each symbol must occupy at least a tenth of the surface of the label. The entire surface of the label must stick to the package immediately containing the substance.

- (2) A label is not required when the package itself bears in a conspicuous manner the particulars specified in paragraph 1. (2) unchanged
- (3) The Member States may make the placing on the market of dangerous substances in their territory subject to the use of the national language(s), for the drafting of the label. (3) The Member States shall make the placing on the market of dangerous substances in their territory subject to the use of the national language(s), for the drafting of the label.
- (4) The labelling requirements of the present directive shall be deemed to be satisfied: (4) unchanged
- a) In the case of an outer package containing one or more inner packages:
Where the outer package is labelled in accordance with international rules on the transport of dangerous substances and the inner package(s) are labelled in accordance with this Guideline.
- b) In the case of a single package:
Where the latter is labelled in accordance with international rules on the transport of dangerous substances and with Article 6, paragraph 2(a), (b) and (d).

Articles 4, 5 and 6 unchanged

EXPLANATORY STATEMENT1. Introduction

Council Directive 67/548 of 27 June 1967¹ was followed by the directive of 4 June 1973 on the approximation of Member States' legislative provisions on solvents². The present Commission proposal is prompted by the need to standardize the provisions on labelling contained in the various directives and to bring the provisions on the labelling of dangerous substances for sale and use into line with those on the labelling required for the carriage of such substances. The present situation impedes in practice

- the free movement of goods within the European Community
- adequate protection of human health and life.

2. Comments on the proposal for a directive

1. The proposal does not substantially amend the original Council Directive of 27 June 1967. The only important amendments are to Articles 6 and 7.
2. The amendment to Article 6(2) of the 1967 directive is an improvement in that it makes it compulsory for every package to be labelled clearly and indelibly with the symbols indicated in Article 6.
3. Article 7 of the old directive is replaced by a new text stipulating that the size of the label must vary with the size of the packaging. This, too, is an improvement.
4. Some criticisms could be levelled at the Commission for its decision to leave paragraph 3 of Article 7 of the 1967 directive unchanged. Under this Article, Member States may make the placing on the market of dangerous substances in their territory subject to the use of the national language(s), for the drafting of the label. Presumably most people handling dangerous substances will not understand warnings printed in a foreign language. Therefore, in the interests of public safety, the word 'may' should be replaced by the word 'shall' in this Article.

¹ OJ No. 196, 16 August 1967, p.1.

² OJ No. L 189, 11 July 1973, p.7.

5. Article 6 (3) of the 1967 directive begins with the words:
'If the packaging is accompanied by advice on safety precautions relating to the use of the substances'. It seems most important for this advice on safety precautions to accompany such packagings to be made obligatory. It is unthinkable that the Commission should leave manufacturers free to decide for themselves whether or not to indicate possible risks. Article 3 of the Commission's present proposal should therefore be amended.
6. The provisions of Article 7 (4) (see Article 3 of the present proposal), which aim at harmonizing the labelling for the sale and use of dangerous substances with the labelling for their carriage, may be approved without reservation. However, to lessen the difference between these two types of labelling, it should be made obligatory to comply with the international regulations on the shapes and colours of labelling for carriage, which have been in use throughout the world since 1 July 1973.
7. Most of the criticisms made above were already expressed by the European Parliament in 1965, when it delivered its opinion on the original proposal for a directive. Even after such a long interval these criticisms are still valid and it is regrettable that no action has been taken on them by the Commission.

Conclusions

While it welcomes the amendments to the 1967 text, the Committee on Public Health and the Environment feels that it should draw the Commission's attention to its objections to the directive at present in force and insist on later amendments. The present proposal would make for improvement in certain aspects relating to safety, but it would in practice only prolong the existing situation.

The Commission's proposal was also examined by the Legal Affairs Committee which finds that the proposal does not present any particular legal problems.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the Chairman of the Legal Affairs Committee to the Chairman
of the Committee on Public Health and the Environment

Brussels, 25 October 1973

Dear Mr Chairman,

At its meeting of 25 October 1973 in Brussels, the Legal Affairs Committee examined the proposal for a directive amending for the fifth time the Council Directive of 27 June 1967 concerning the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

The committee finds that the proposal raises no legal problems and has therefore approved it unanimously¹ without reservations.

Yours sincerely,

(-) Willem J. SCHUIJT

¹ The following were present: Mr Schuijt, chairman, Mr Jozeau-Marigné and Mr Bermani, vice-chairmen, Mr Brewis, Mr Broeksz, Mr Brugger, Mr Duval, Mr Nielsen, Mr Rivierez, Mr Springorum, Mr Vermeylen and Mr Yeats.

