

COMMISSION OF THE EUROPEAN COMMUNITIES

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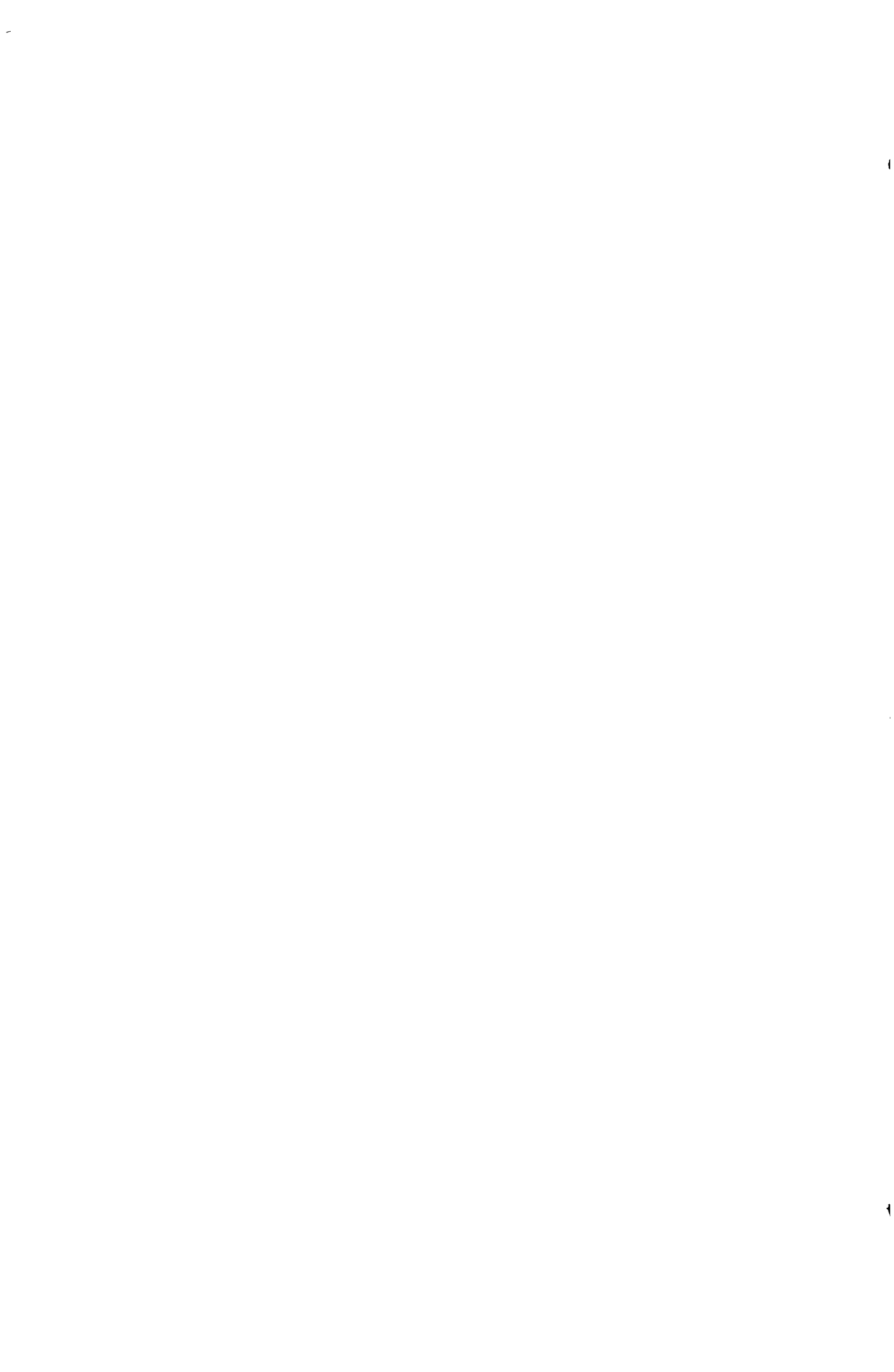
Brussels, 2 June 1981

Proposal for a
COUNCIL DIRECTIVE

amending Directive 77/728/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of paints, varnishes, printing inks, adhesives and similar products

(submitted to the Council by the Commission)

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Explanatory memorandumI. General

Directive 77/728/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of paints, varnishes, printing inks, adhesives and similar products⁽¹⁾ was approved by the Council on 7 November 1977. It has two aims, to secure free trade within the European Community and to protect persons using these products by an adequate labelling.

The abovementioned Directive is based on and refers to the Council Directives 67/548/EEC relating to the classification, packaging and labelling of dangerous substances and 73/173/EEC relating to solvents.

Directive 67/548/EEC on dangerous substances was last amended on 18 September 1979⁽²⁾, and Directive 73/173/EEC relating to solvents on 22 July 1980⁽³⁾.

These amendments must now be taken into account. They make it necessary to adapt the scope of Directive 77/728/EEC and in particular to bring it in line with Directive 73/173/EEC.

Advantage should also be taken of this opportunity to clear up difficulties of interpretation in the existing text, some passages of which need to be supplemented and drafted more precisely.

II. Comments on the articlesArticle 1

This article amends various parts of Article 3 in the existing Directive which governs the classification of preparations according to degree of risk.

Article 3 (3) (a), now includes the newly introduced category of "very toxic". It is also drafted more precisely

(1) OJ N° L 303, 28.11.1977, p. 23

(2) OJ N° L 259, 15.10.1979, p. 10

(3) OJ N° L 229, 30.8.1980, p. 57

and in agreement with Directive 73/173/EEC on solvents lays down a limit for impurities that are not to be taken into account for classification purposes.

Article 3 (3) (b), (c) and (d) governing classification as "harmful", "corrosive" and "irritant" is brought into line with Directive 73/173/EEC in respect of the limits for the volumes of the substances to be taken into account. Finally, additions are made to paragraphs (c) and (d) so as to define the scope of the categories "corrosive" "irritant" as in the abovementioned Directive.

Articles 2 and 3

These Articles are common to all Directives.

III. Consultation of the parties concerned

The proposal for a Directive was drafted in close cooperation with experts from the Member States and representatives of the relevant industries.

IV. Consultation of the European Parliament and of the Economic and Social Committee

Pursuant to the second paragraph of Article 100 of the EEC Treaty, the opinions of these two bodies are required.

PROPOSAL FOR A COUNCIL DIRECTIVE

amending Directive 77/728/EEC of
on the approximation of the
laws, regulations and administrative provisions
of the Member States relating to the
classification, packaging and labelling of
paints, varnishes, printing inks, adhesives and
similar products

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 Article 3 of Council Directive 77/728/EEC⁽¹⁾ contains provisions for the classification of the preparations according to the degree of risk; whereas for the classification of the preparations as toxic or harmful reference is made to Council Directive 73/173/EEC⁽²⁾ on solvents as last amended by Directive 80/81/EEC⁽³⁾; whereas there is no such reference for preparations regarded as corrosive and irritant because the original version of Directive 73/173/EEC did not cover corrosive and irritant solvents;

(1) OJ N° L 303, 28.11.1977, p. 23

(2) OJ N° L 189, 11. 7.1973, p. 7

(3) OJ N° L 229, 30. 8.1980, p. 57

Whereas now that the scope of Directive 73/173/EEC has been extended to cover corrosive and irritant solvents, Article 3(3)(c) and (d) of Directive 77/728/EEC must be amended accordingly;

Whereas in the wording of the third indent of Article 3(3)(a) of Directive 77/728/EEC account should be taken of the amendments made to Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾ by Directive 79/831/EEC⁽²⁾;

Whereas the wording of the third indent of Article 3(3)(a) of Directive 77/728/EEC has proved difficult to interpret and should therefore be drafted more precisely and added to; whereas for the same reason additions should be made to the third indents of Article 3(3)(b), (c) and (d) respectively of that Directive;

Whereas the Member States should bring into force the provisions necessary to comply with this Directive by the date specified for the adoption of a Directive to supplement the amendments made to Directive 73/173/EEC by Directive 80/781/EEC,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 77/728/EEC is hereby amended as follows :

1. The text of Article 3(3)(a), third indent, shall be replaced by the following
"- one or more of the substances listed in neither Annex I to this Directive nor Directive 73/173/EEC, but classified as very toxic or toxic in Annex I to Directive 67/548/EEC, if the concentration of the individual substances is in excess of 0,2 % or, whatever the individual concentration, if the total concentration in the preparation is in excess of 1%. Impurities shall be taken into consideration only when their concentration is in excess of 0,2 %"
2. The following sentence shall be added to Article 3(3)(b), third indent, and (c), last indent: "Each substance shall be taken into consideration to calculate the total concentration only when its concentration is in excess of 1%."

(1) O.J. N° 196, 16.08.1967, p. 1

(2) O.J. N° L 259, 15.10.1979, p. 10

3. The following text shall be inserted as the first indent in Article 3(3)(c)
"- a solvent or mixture of solvents classified as corrosive by Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation as referred to in paragraph 2, or"
4. The following text shall be inserted as the first indent in Article 3(3)(d):
"- a solvent or mixture of solvents classified as irritant by Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation as referred to in paragraph 2, or"
5. The following sentence shall be added to Article 3(3)(d), last indent:
" Each substance shall be taken into consideration to calculate the total concentration only when its concentration is in excess of 2%."

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by the date specified for compliance with the first Directive based on Article 10 of Directive 73/173/EEC.

They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

