

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 July 1979

supplementing the Annex to Council 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

(79/663/EEC)

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⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas certain types of lamps, ashtrays and other ornamental objects have glass containers holding liquids (e.g. carbon tetrachloride, trichloroethylene or tetrachloroethylene) which are highly toxic, harmful or highly flammable;

Whereas these objects are not always sufficiently stable and are easily overturned especially by young children, with the result that the glass container breaks, the liquid escapes and fumes are emitted which are toxic or harmful and to which the children fall first victim; whereas at least two deaths have occurred in this type of accident;

Whereas the breaking of such objects may also cause fires or explosions;

Whereas in order to obviate further accidents, and especially fatalities, it is imperative to introduce as

quickly as possible at Community level a prohibition on the marketing and use of such objects containing dangerous liquids;

Whereas prohibitions already adopted by individual Member States affect the functioning of the common market; whereas it is therefore necessary to harmonize the relevant legal provisions of the Member States and consequently to amend the Annex to Council Directive 76/769/EEC of 27 July 1976 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⁽⁴⁾;

Whereas, furthermore, thorough investigations have shown that the substance tris (2,3 dibromopropyl) phosphate [CAS No 126-72-7], which is used to fire-proof textiles and garments, and especially children's garments, presents health hazards; whereas its use should therefore be restricted;

Whereas the substances referred to above is subject to regulations in some Member States; whereas these regulations differ as regards the conditions for marketing and use; whereas these differences represent a barrier to trade and have a direct impact on the establishment and functioning of the common market;

Whereas it is consequently necessary to amend the Annex to Directive 76/769/EEC for this purpose also,

⁽¹⁾ OJ No C 96, 12. 4. 1979, p. 3.

⁽²⁾ OJ No C 127, 21. 5. 1979, p. 69.

⁽³⁾ Opinion delivered on 27 June 1979 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 262, 27. 9. 1976, p. 201.

HAS ADOPTED THIS DIRECTIVE :

Article 1

The Annex to Directive 76/769/EEC shall be supplemented as follows :

(a) the following points are added :

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| <p>3. Liquids as such or as preparations as listed in Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾, as last amended by Directive 79/370/EEC⁽²⁾, in the following categories :</p> <ul style="list-style-type: none">— highly toxic— toxic— harmful— corrosive— explosive— extremely flammable— highly flammable— flammable <p>and any liquid with a flashpoint below 55 °C</p> | <p>May not be used in ornamental objects intended to produce light or colour effects by means of different phases, for example in ornamental lamps and ashtrays.</p> |
| <p>4. Tris (2,3 dibromopropyl) phosphate
CAS No (Chemical Abstract Service Number) 126-72-7</p> | <p>May not be used in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.'</p> |

(b) the following footnotes are added :

- '(1) OJ No 196, 16. 8. 1967, p. 1.
(2) OJ No L 88, 7. 4. 1979, p. 1.'

Article 2

1. Member States shall bring into force the provisions necessary to comply with this Directive within 12 months of its notification and shall forthwith inform the Commission thereof.
2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1979.

For the Council
The President
M. O'KENNEDY