

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DIRECTIVE

of 22 November 1982

amending, for the second time (benzene), 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

(82/806/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<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas benzene is recognized as being 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 in the manufacture of certain toys, making it possible for

children to absorb benzene by inhalation, ingestion or through the skin, thereby exposing them to the above-mentioned hazards;

Whereas the fixing of a maximum concentration limit of benzene in the free state enables these hazards to be excluded;

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, in order to eliminate these differences, the Annex to Directive 76/769/EEC<sup>(4)</sup>, as last amended by Directive 79/663/EEC<sup>(5)</sup>, should be supplemented;

Whereas the Scientific Advisory Committee on the Toxicity and Eco-Toxicity of Chemical Compounds has delivered an opinion on this point,

<sup>(1)</sup> OJ No C 285, 4. 11. 1981, p. 2.

<sup>(2)</sup> OJ No C 346, 31. 12. 1980, p. 95.

<sup>(3)</sup> OJ No C 353, 31. 12. 1980, p. 31.

<sup>(4)</sup> OJ No L 262, 27. 9. 1976, p. 201.

<sup>(5)</sup> OJ No L 197, 3. 8. 1979, p. 37.

HAS ADOPTED THIS DIRECTIVE :

*Article 1*

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

'5. Benzene	Not permitted in toys or parts of toys as
CAS No (Chemical Abstract	placed on the market where the concentra-
Service Number) 71-43-2	tion of benzene in the free state is in excess
	of 5 mg/kg of the weight of the toy or part
	of toy.'

*Article 2*

Member States shall take the measures necessary to comply with this Directive within 12 months of its notification. They shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 22 November 1982.

*For the Council*

*The President*

U. ELLEMANN-JENSEN

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