

Proposal for a European Parliament and Council Directive amending Council Directive 67/548/EEC as regards the labelling of certain dangerous substances in Austria and Sweden

(98/C 374/05)

(Text with EEA relevance)

COM(1998) 561 final — 98/0290(COD)

(Submitted by the Commission on 30 October 1998)

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 189b of the Treaty,

(1) Whereas 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 Commission Directive 97/69/EC⁽²⁾, provides in its Article 30 that Member States may not prohibit, restrict or impede the placing on the market of substances which comply with the Directive;

(2) Whereas Article 23(2)(c) of Directive 67/548/EEC requires that every package of a substance show danger symbols, which are laid down in Annex II; whereas Article 23(2)(e) requires that every package of a substance show specific S-phrases relating to the safe use of the substance; whereas the wording of those S-phrases is laid down in Annex IV to the Directive;

(3) Whereas Article 69 of the Act of Accession of Austria, Finland and Sweden provides that Article 30 of Directive 67/548/EEC in conjunction with Article 23(2) thereof are not to apply to Austria before 1 January 1999, in that Austria may require the use of labels with additional symbols not

included in Annex II and labels with additional S-phrases not listed in Annex IV to the Directive regarding counter-measures in case of accident, and that those provisions be reviewed in accordance with EC procedures before 31 December 1998;

(4) Whereas Article 23(2)(d) of Directive 67/548/EEC requires that every package of a substance show specific R-phrases indicating the special risk arising from the dangers involved in using the substance; whereas the wording of those R-phrases is laid down in Annex III to the Directive;

(5) Whereas Article 112 of the Act of Accession of Austria, Finland and Sweden provides that Article 30 of Directive 67/548/EEC in conjunction with Article 23(2)(d) thereof are not to apply to Sweden before 1 January 1999, in that Sweden may require the use of the additional R-phrases 'R-322' and 'R-340' not listed in Annex III to the Directive, and that those provisions be reviewed in accordance with EC procedures before 31 December 1998;

(6) Whereas Directive 98/.../EC of ... of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations provides for certain specific conditions of application of the Directive as regards, amongst others, additional symbols, R-phrases and S-phrases for Austria and Sweden in order to take account of the level of their standards for the protection of health and the protection of the environment; whereas those specific conditions are limited to the period of two years from 1 January 1999 to 31 December 2000; whereas during that period the coherence of the marketing conditions of dangerous substances and preparations should be sought;

(7) Whereas scientific and technical progress is foreseeable in the framework of international negotiations on the harmonisation of classification of dangerous substances with regard to 'R-322';

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

⁽²⁾ OJ L 343, 13.12.1997, p. 19.

whereas in the light of the ongoing international negotiations on labelling of dangerous substances, Member State experts agreed to consider the in-depth revision of existing Community legislation with regard to 'R-340' as an immediate priority;

- (8) Whereas Community legislation will have to be reviewed in the light of the outcome of the negotiations on the international harmonisation of classification and labelling of dangerous substances; whereas it can be expected that the outcome will lead to an approximation of standards in this respect in the entire Community;
- (9) Whereas Resolution (90/C 329/03) of the Council and of the representatives of the Governments of the Member States, meeting within the Council of 3 December 1990 on improving the prevention and treatment of acute human poisoning ⁽¹⁾ calls for the harmonisation of the procedures for collecting clinical toxicology data for all the poison centres in the Community in order to facilitate the development of a policy for toxic risk prevention; whereas to that end, the relevant competent authorities, in cooperation with the Commission, will set up between the poison centres or, where appropriate, other competent services, a Community system of information and collaboration concerning the availability of antidotes;
- (10) Whereas a symbol showing that residues of certain dangerous substances should be collected separately from other waste could reduce the potential release of dangerous substances to the environment by improving the use of special waste collection systems by the general public; whereas due to the lack of some elements, certain time is still required for considering the necessity of such symbol;
- (11) Whereas the review of Community legislation with regard to the provisions on dangerous substances referred to in the Act of Accession of Austria, Finland and Sweden cannot be completed by 31 December 1998;
- (12) Whereas the provisions covered by this Directive should continue to be reviewed within the prescribed period for exemption, in accordance with EC procedures; without prejudice to the outcome of that review, at the end of that period, the EC acquis will be applicable to Austria and Sweden under the same conditions as in the other Member States;

- (13) Whereas Community legislation can provide for derogation for limited periods for certain Member States because of the specificity of their situations,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The following paragraphs are added to Article 23 of Directive 67/548/EEC:

'5. Austria may from 1 January 1999 until 31 December 2000 require the use of:

- the additional symbol "crossed out dustbin" concerning waste disposal, not included in Annex II, and
- the additional S-phrase "Antidote exists, medical staff contact Poisons Information Centre" regarding counter-measures in the case of accident, not listed in Annex IV.

6. Sweden may from 1 January 1999 until 31 December 2000 require the use of the following additional R-phrases, not listed in Annex III:

- "R-322" for substances which present acute toxic effects not covered by criteria for classification of Annex VI (Swedish category "moderately harmful"), and
- "R-340" for substances classified as carcinogenic, category 3, instead of R-phrase R40.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1998 at the latest. They shall forthwith inform the Commission thereof.

2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive is addressed to the Member States.

⁽¹⁾ OJ C 329, 31.12.1990, p. 6.