DIRECTIVE 94/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 7 December 1994

amending for the 13th time 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

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 (1),

Having regard to the opinion of the Economic and Social Committee (2),

Acting in accordance with the procedure referred to in Article 189b of the Treaty (3),

Whereas Article 7a of the Treaty establishes an area without internal frontiers in which it must be possible for goods, persons, services and capital to move freely;

Whereas the progress of the internal market should gradually improve the quality of life, the health protection and the safety of consumers; whereas the measures proposed by this Directive are in line with the Council resolution of 9 November 1989 on future priorities for relaunching consumer protection policy (4);

Whereas certain substances and preparations used in aerosol generators are of a particularly flammable nature;

Whereas risks to consumers arise from the increasing use in aerosol generators of flammable substances in place of chlorofluorocarbons (CFC); whereas such risks are particularly acute in the case of aerosol generators intended for entertainment and decorative purposes;

Whereas these risks can be offset by adapting to technical progress Council Directive 75/324/EEC of 20 May 1975 on the harmonization of the laws of the Member States relating to aerosol dispensers (5) and by limiting thereby the use of flammable substances in aerosol generators intended for entertainment and decorative purposes;

Whereas the limits planned by one Member State on the marketing of certain aerosol generators intended for entertainment and decorative purposes directly affect the completion and functioning of the internal market; whereas it is therefore necessary to approximate the laws of the Member States in this field and consequently amend Annex I to Directive 76/769/EEC (6);

Whereas, according to the scope and effects of the proposed action, the Community measures envisaged by this Directive are not only necessary but also indispensable for the attainment of the stated objectives; whereas these objectives cannot be achieved by Member States individually and whereas, furthermore, their attainment at Community level is already provided for by Directive 76/769/EEC,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby amended in accordance with the Annex hereto.

Article 2

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than:

— either six months after adoption of a Commission Directive adjusting Directive 75/324/EEC on aerosol dispensers to technical progress to cover all testing procedures used to certify the conformity of products with this Directive,

(1) OJ No 306, 12. 11. 1993, p. 14.
(2) OJ No C 133, 16. 5. 1994, p. 15.
(3) Opinion of the European Parliament of 15 December 1993 (OJ No C 20, 24. 1. 1994, p. 77), Council common position of 27 June 1994 (OJ No C 244, 31. 8. 1994, p. 13) and Decision of the European Parliament of 15 September 1994 (not yet published in the Official Journal).
(4) OJ No C 294, 23. 11. 1989, p. 1.
(5) OJ No L 147, 9. 6. 1975, p. 40, Directive as last amended by Directive 94/1/EC (OJ No L 23, 28. 1. 1994, p. 28).
(6) OJ No L 262, 27. 9. 1976, p. 201, Directive as last amended by Directive 91/339/EEC (OJ No L 186, 12. 7. 1991, p. 64).