COMMISSION DIRECTIVE 94/1/EC

of 6 January 1994

adapting some technicalities of Council Directive 75/324/EEC on the approximation of the laws of the relating Member States to aerosol dispensers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (1), as last amended by the Act of Accession of Spain and Portugal, and in particular Article 10 (3) thereof,

Whereas the safeguard clause provided for in Article 10 of Directive 75/324/EEC has been applied by one Member State;

Whereas the safeguard measures adopted are justified in view of the risks associated with the increased use in aerosol dispensers of extremely flammable propellants as substitutes for chlorofluorocarbons (CFCs);

Whereas certain substances and/or preparations contained in certain aerosol dispensers are particularly flammable;

Whereas the provisions currently in force are not sufficient to prevent certain aerosol dispensers from constituting a safety hazard; whereas these provisions should therefore be adapted;

Whereas some aerosol dispensers, while containing flammable substances and/or preparations, do not present any risk of ignition, whereas a derogation from certain labelling requirements should therefore be provided;

Whereas the provisions contained in this Directive are in accordance with the opinion of the committee on adaptation to technical progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/324/EEC is hereby amended as follows:

1. Article 8 (1) (d) is replaced by the following:

   '(d) the details referred to in points 2.2 and 2.3 of the Annex;'

2. The following Article is inserted after Article 9:

   'Article 9a

   Where the person responsible for the marketing of aerosol dispensers is in possession of test results or other data showing that although those aerosol dispensers have flammable contents they do not present any risk of ignition under normal or reasonably foreseeable conditions of use, he may on his own responsibility decide not to apply the provisions of points 2.2 (b) and 2.3 (b) of the Annex.

   He shall make a copy of such documents available to the Member States.

   In such a case the quantity of flammable material contained in the aerosol dispenser must be stated cleraly on the label, in the form of the following legible and indelible wording: "X % by mass of the contents are flammable".'

3. The Annex is amended as shown in the Annex hereto.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 1994. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

They shall apply the provisions as from 1 April 1995.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities.*

Done at Brussels, 6 January 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

(1) OJ No L 147, 9. 6. 1975, p. 40.