II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 23 July 1991

on dangerous preparations the packaging of which must be fitted with child-resistant fastenings

(91/442/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous dangerous [1], as last amended by Directive 90/492/EEC [2], and in particular Article 6 (3) thereof,

Whereas, pursuant to Article 6 (2) of Directive 88/379/EEC, containers containing certain categories of dangerous preparations offered or sold to the general public are to be fitted with child-resistant fastenings and/or carry a tactile warning of danger; whereas under Article 6 (3) the categories of dangerous preparations the packaging of which have to be fitted with the abovementioned devices are to be defined by the procedure referred to in Article 21 of Council Directive 67/548/EEC [3], as last amended by Directive 90/517/EEC [4];

Whereas Commission Directive 90/35/EEC [5] defines, in accordance with Article 6 of Directive 88/379/EEC, the categories of preparations the packaging of which are to be fitted with child-resistant fastenings;

Whereas certain preparations not falling within these categories of danger may nevertheless, due to their composition, present a danger for children; whereas such preparations should therefore be clearly identified by certain characteristics, and their packaging equipped with child-resistant fastenings;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in Dangerous Substances and Preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Containers, whatever their capacity, containing preparations offered or sold to the general public and having one of the characteristics listed in the Annex hereto shall be fitted with child-resistant fastenings. These fastenings must conform to the specifications in Part A of Annex IX to Directive 67/548/EEC.

Article 2

The provisions of Articles 1 and 2 of Directive 90/35/EEC and those of Article 1 of this Directive, with the exception of the preparations characterized in point (a) of the Annex, shall also apply to preparations offered or sold to the general public in the form of aerosols.

(1) OJ No L 187, 16. 7. 1988, p. 14.
(2) OJ No L 275, 5. 10. 1990, p. 35.
(3) OJ No 196, 16. 8. 1967, p. 1.
(4) OJ No L 287, 19. 10. 1990, p. 37.
(5) OJ No L 19, 24. 1. 1990, p. 14.