II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 March 1991

amending for the ninth 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

(91/173/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas measures should be adopted with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market comprises an area without internal frontiers on which the free movement of goods, persons, services and capital is ensured;

Whereas both pentachlorophenol (CAS No 87-86-5) and its compounds are substances that are dangerous to man and the environment, and in particular the aquatic environment; whereas the use of those substances should be regulated;

Whereas restrictions which have already been imposed by certain Member States on the use of marketing of the abovementioned substances or of preparations containing those substances directly affect the establishment and operation of the internal market; whereas it is therefore necessary to approximate the laws of the Member States in this field and, consequently, to amend Annex I to Directive 76/769/EEC (4), as last amended by Directive 89/678/EEC (5);

Whereas the Commission will be developing a coordinated Community strategy regarding the placing on the market and use of chemical products used for the preservation of wood; whereas this strategy will be based on information supplied to it by the Member States and in particular on the assessment of the risks for man and the environment while taking into account the various problems posed by wood preservation in the Member States;

Whereas currently Community legislation concerning the possible adoption by Member States of more stringent restrictions on the use of the substances and preparations in question at the workplace remains unaffected by this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following point is hereby added to Annex I to Directive 76/769/EEC:

(1) OJ No C 117, 4. 5. 1988, p. 14.
(2) OJ No C 291, 20. 11. 1989, p. 58 and OJ C 48, 25. 2. 1991.
(3) OJ No C 208, 8. 8. 1988, p. 55.

(4) OJ No L 262, 27. 9. 1976, p. 201.
(5) OJ No L 398, 30. 12. 1989, p. 24.