COUNCIL DIRECTIVE

of 4 December 1990

on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market

(90/660/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 the European Economic Community has adopted a set of rules concerning the protection of the environment;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas, however, with regard to the specific situation existing in that territory, it is necessary to allow the Federal Republic of Germany to lay down a specific time limit within which certain rules in force in that territory must be brought into conformity with Community law;

Whereas this applies more especially in the case of the Community system established by the Directives on the classification, packaging and labelling of dangerous substances and also in the case of the sulphur content of certain combustible liquids;

Whereas any derogations provided for in that connection must be temporary and cause the least possible disturbance to the functioning of the common market;

Whereas information on the rules in force in the former German Democratic Republic and on the state of the environment is insufficient to permit the extent of the derogations to be definitively established; whereas, in order to allow for changes in the situation, a simplified procedure must be laid down in accordance with the third indent of Article 145 of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. By way of derogation from 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 Directive 90/517/EEC (2), the Federal Republic of Germany is authorized to take the measures necessary to ensure compliance with the provisions of that Directive in the territory of the former German Democratic Republic by 31 December 1992 at the latest.

2. The Federal Republic of Germany shall take the measures necessary to ensure that substances and preparations which do not comply with Directive 67/548/EEC are not placed on the territory of the Community other than the territory of the former German Democratic Republic. These measures must be compatible with the Treaty, and in particular with the objectives of Article 8a thereof, and must not create checks and formalities at the borders between the Member States.

Any substance which does not appear on the Einecs list provided for in Article 13 of Directive 67/548/EEC must be notified in accordance with the provisions of that Directive. The conditions governing the notification of substances existing on the market of the former German Democratic Republic prior to 18 September 1981 which do not appear on the Einecs list shall be laid down by the Commission.

Article 2

1. By way of derogation from Article 2 (1) of Council Directive 75/716/EEC of 24 November 1975 on the

(1) OJ No L 263, 26. 9. 1990, p. 40, as amended on 25 October 1990 and on 28 November 1990.
(2) Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).
(3) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

(4) OJ No 196, 16. 8. 1967, p. 1.
(5) OJ No L 289, 19. 10. 1990, p. 32.