II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 1 October 1985

amending for the sixth time (PCBs/PCTs) 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

(85/467/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

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

Whereas polychlorinated biphenyls (PCBs) and polychlorinated terphenyls (PCTs) may constitute serious risks to health and to the environment;

Whereas it has been ascertained that, despite the restriction on the use of PCBs and PCTs introduced by Directive 76/769/EEC (3), as last amended by Directive 83/478/EEC (4), there is generally no indication that pollution of the environment by PCBs and PCTs has lessened significantly; whereas highly toxic substances may be given off in the event of fires; whereas therefore the threshold laid down in Directive 76/769/EEC of 0,1 % by weight of PCBs and PCTs in preparations must be substantially lowered;

Whereas, since Directive 76/769/EEC was adopted, substitutes have been developed which are considered less dangerous to human beings and the environment; whereas the continued marketing of PCBs and PCTs is therefore no longer justified under present circumstances, except in certain exceptional cases of limited duration;

Whereas the use of PCBs and PCTs in certain plant and equipment in service at present should continue to be authorized until they have been disposed of or until the end of the service life of the plant and equipment; whereas Member States may nevertheless ban the use of PCBs and PCTs within their territory before the end of the service life of the plant and equipment;

Whereas the Member States should be permitted to authorize exceptions to the ban on the use of PCBs and PCTs as primary and intermediate products were certain conditions are fulfilled, in particular where they consider that there is no danger to public health and the environment;

Whereas a more general ban on the use of PCBs and PCTs is not feasible at this stage; whereas, however, this Directive constitutes an important step towards such a ban,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Point 1 of Annex I to Directive 76/769/EEC is hereby replaced by the text in the Annex to this Directive.

(1) OJ No C 141, 10. 6. 1985, p. 76.
(2) OJ No C 104, 25. 4. 1985, p. 1.
(3) OJ No L 262, 27. 9. 1976, p. 201.
(4) OJ No L 263, 24. 9. 1983, p. 33.