II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 22 November 1982

amending, for the second time (benzene), 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

(82/806/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 (1),

Having regard to the opinion of the European Parliament (2),

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

Whereas benzene is recognized as being highly toxic and liable to affect the central nervous and hermatopoietic systems and to induce cancer and in particular leukaemia;

Whereas benzene is used *inter alia* as a constituent in the manufacture of certain toys, making it possible for children to absorb benzene by inhalation, ingestion or through the skin, thereby exposing them to the above-mentioned hazards;

Whereas the fixing of a maximum concentration limit of benzene in the free state enables these hazards to be excluded;

Whereas benzene is governed by rules in certain Member States; whereas these rules differ as to the conditions of its marketing and use; whereas these differences constitute a barrier to trade and directly affect the establishment and functioning of the common market;

Whereas, in order to eliminate these differences, the Annex to Directive 76/769/EEC (4), as last amended by Directive 79/663/EEC (5), should be supplemented;

Whereas the Scientific Advisory Committee on the Toxicity and Eco-Toxicity of Chemical Compounds has delivered an opinion on this point,

(1) OJ No C 285, 4. 11. 1981, p. 2.
(2) OJ No C 346, 31. 12. 1980, p. 95.
(3) OJ No C 353, 31. 12. 1980, p. 31.
(4) OJ No L 262, 27. 9. 1976, p. 201.
(5) OJ No L 197, 3. 8. 1979, p. 37.