COUNCIL DIRECTIVE

of 22 July 1980

amending Directive 73/173/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (solvents)

(80/781/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, for the better protection of the general public and, in particular, of persons who come into contact with dangerous solvent preparations in the course of their work or in the pursuit of a hobby, it is necessary to extend the scope of Council Directive 73/173/EEC of 4 June 1973 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (solvents) (3);

Whereas the Directive will henceforth apply to not only mixtures of two or more dangerous solvents but also mixtures of solvents with other non-dangerous substances when they are intended to be used as solvents; whereas corrosive, irritant, highly flammable and flammable solvents are now likewise brought within the scope of the Directive;

Whereas it is desirable that the scope of this Directive be more clearly defined with respect to other Directives relating to products which likewise contain dangerous solvents;

Whereas the provisions concerning the information appearing on the label, the dimensions of the label and the assignment of the various danger symbols have also to be brought into line with Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances (4), as last amended by Directive 79/831/EEC (5);

Whereas the necessary amendment and amplification of the Annex to Directive 73/173/EEC will be carried out under the procedure provided for in Article 10 thereof,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Articles 1 to 10 of Directive 73/173/EEC shall be replaced by the following:

'*Article 1*

1. This Directive shall concern:

— the classification

— the packaging

— the labelling

of the following preparations which are placed on the market in the Member States of the Community and are considered as dangerous within the meaning of Article 2:

(a) preparations intended for use as solvents and containing only the substances listed in the Annex hereto, including those which contain impurities or additives as defined in Article 2 (5);

(b) preparations intended for use as solvents and containing, in addition to the substances listed in the Annex hereto, liquid substances classified as extremely flammable, highly flammable or flammable as defined in Article 2 (2) of Directive 67/548/EEC of 27 June 1967 (hereinafter referred to as "the Directive of 27 June 1967") and/or substances not defined as dangerous in the same Article of that Directive.

(1) OJ No C 182, 31. 7. 1978, p. 62.
(2) OJ No C 269, 13. 11. 1978, p. 35.
(3) OJ No L 189, 11. 7. 1973, p. 7.
(4) OJ No 196, 16. 8. 1967, p. 1/67.
(5) OJ No L 259, 15. 10. 1979, p. 10.

2. This Directive shall not apply to cosmetic preparations coming under Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products (1).

3. Furthermore, this Directive shall not apply to the following:

(a) medicines, narcotics, radioactive substances, foodstuffs and animal feed;

(b) additives for foodstuffs and animal feed, fertilizers, pesticides and paints, varnishes, printing inks, adhesives and similar products where Community Directives on the classification, packaging and labelling of such preparations are in force, except where the Directives in question refer specifically to this Directive;

(c) the carriage of dangerous preparations (solvents) by rail, road, inland waterway, sea or air;

(d) munitions and explosives placed on the market with a view to producing a practical effect by explosion or a pyrotechnic effect;

(e) dangerous preparations exported to third countries;

(f) preparations in transit subject to customs supervision, provided that they do not undergo any treatment or processing;

(g) substances which are in the form of waste and which are covered by Council Directive 75/442/EEC of 15 July 1975 relating to waste (2) and Council Directive 78/319/EEC of 20 March 1978 relating to toxic and dangerous waste (3).

4. Articles 4 to 6 of this Directive shall not apply to containers for gaseous preparations which are compressed, liquefied or dissolved under pressure, with the exception of aerosols as defined in Article 2 of Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (4).

5. The definitions specified in Article 2 of the Directive of 27 June 1967 shall apply to this Directive, with the exception of those in (1) (c) and (d) and in (2) (k).

(1) OJ No L 262, 27. 9. 1976, p. 169.
(2) OJ No L 194, 25. 7. 1975, p. 39.
(3) OJ No L 84, 31. 3. 1978, p. 43.
(4) OJ No L 147, 9. 6. 1975, p. 40.

Article 2

1. Dangerous substances as defined in the Directive of 27 June 1967 and used as solvents shall be divided into classes and sub-classes in accordance with the Annex hereto.

Very toxic and toxic substances are under class I, harmful substances under class II. Each sub-class shall be given a classification index I_1 and an exemption index I_2, as in the table below:

Class of substance		Classification index I_1	Exemption index I_2
Very toxic and toxic	I/a	500	500
	I/b	100	100
	I/c	25	25
Harmful	II/a	5	20
	II/b	2	8
	II/c	1	4
	II/d	0·5	2

2. Preparations containing one or more of the substances listed in the Annex hereto shall be considered toxic if the sum of the products obtained by multiplying the weight percentage of each toxic or harmful substance in a preparation by its respective I_1 index exceeds 500, that is:

$$\Sigma [P \times I_1] > 500;$$

where,

P is the weight percentage of each substance in the preparation, I_1 is the index corresponding to the class of the substance.

3. Preparations containing one or more substances listed in the Annex hereto shall be considered harmful if:

(a) the sum of the products specified in paragraph 2 is less than or equal to 500 that is:

$$\Sigma [P \times I_1] \leq 500$$

and

(b) the sum of the products obtained by multiplying the weight percentage of each toxic or harmful

substance in a preparation by its respective I_2 index exceeds 100, that is:

$$\Sigma [P \times I_2] > 100;$$

where,

P is the weight percentage of each substance in the preparation, I_1 and I_2 are the indices corresponding to the class of the substance.

4. Preparations containing one or more of the substances listed in the Annex hereto shall not be classified as toxic or harmful if the sum of the products obtained by multiplying the weight percentage of each toxic or harmful substance in a preparation by its respective I_2 index is less than or equal to 100, that is:

$$\Sigma [P \times I_2] \leq 100;$$

where,

P is the weight percentage of each substance in the preparation, I_2 is the index corresponding to the class of the substance.

5. No account shall be taken of substances listed in the Annex hereto, whether existing as impurities or as additives in preparations covered by this Directive, if their concentration by weight is less than the following values:

— 0·2 % in the case of class I substances;

— 1 % in the case of class II substances or substances classified as corrosive;

— 2 % in the case of substances classified as irritant.

Impurities or additives which are not mentioned in the Annex to this Directive but which are given in Annex I to the Directive of 27 June 1967 shall be considered as follows:

— as belonging to class I/a, in the case of substances classified as very toxic or toxic;

— as belonging to class II/a, in the case of substances classified as harmful.

6. Preparations shall be considered

(a) corrosive:

if they contain one or more of the substances classified as corrosive in the Annex in an individual concentration which exceeds the limit specified therein or in a total concentration which exceeds the limits also specified therein;

(b) irritant:

if they contain one or more of the substances classified as irritant or corrosive in the Annex in an individual concentration which exceeds the limit specified therein or in a total concentration which exceeds the limits also specified therein.

7. Preparations shall be considered extremely flammable:

if they are in liquid form and their flash point, as determined by one of the methods laid down in Annex V (A) to the Directive of 27 June 1967, is below 0 °C and their boiling point is less than 35 °C.

8. Preparations shall be considered highly flammable:

if they are in liquid form and their flash point, as determined by one of the methods laid down in Annex V (A) to the Directive of 27 June 1967, is below 21 °C.

9. Preparations shall be considered flammable:

if they are in liquid form and their flash point, as determined by one of the abovementioned methods, is equal to or greater than 21 °C and less than or equal to 55 °C.

10. Preparations in the form of aerosols shall be subject to the flammability criteria set out in paragraphs 1.8 and 2.2 (c) of the Annex to Directive 75/324/EEC.

Article 3

Member States shall take all necessary measures to ensure that dangerous preparations (solvents) are not placed on the market unless they comply with the provisions of this Directive and the Annex thereto.

Article 4

Member States shall take all necessary measures to ensure that dangerous preparations (solvents) are not placed on the market unless their packages and fastenings comply with the requirements of Article 15 of the Directive of 27 June 1967.

Article 5

1. Member States shall take all necessary measures to ensure that preparations classified as dangerous