II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 May 1973

amending the Directive of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

(73/146/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;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Article 2 of the Council Directive 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 the Directive of 22 March 1971 (2), classifies flammable liquids by their flash point; whereas in the current absence of specification of the methods used for determining the flash point, it appears advisable to adopt the same methods of analysis as those already laid down in the international agreements on the transport of dangerous goods;

Whereas technical progress necessitates a rapid adaptation of the technical requirements laid down by the Directives on dangerous substances and preparations; whereas, to facilitate the introduction of the necessary measures, a system should be set up providing for close collaboration between the Member States and the Commission by means of a Committee for the adaptation, in the light of technical progress, of the Directives on the removal of technical barriers to trade in dangerous substances and preparations;

Whereas Annex I of the Council Directive of 27 June 1967 contains a list of dangerous substances classified by the atomic number of the element most characteristic of their properties, and the methods for labelling each substance in the form of a reference to Annexes II, III and IV;

Whereas examination of the list of dangerous substances has revealed that adaptation is necessary in the light of the latest scientific and technical knowledge; whereas it has been pointed out furthermore that the chemical formula or designation of several of the dangerous substances is not set down accurately; whereas this list should therefore be rectified;

Whereas it would appear necessary to annex a descriptive list of the particular risks involved;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Council Directive of 27 June 1967 shall be amended according to the Articles below.

(1) OJ No 196, 16. 8. 1967, p. 1.
(2) OJ No L 74, 29. 3. 1971, p. 15.

Article 2

In the Italian text, the words 'punto di scintilla' shall be replaced by the words 'punto di infiammabilitá'.

Article 3

Article 2 shall be supplemented by the following subparagraph:

'3. The flash point of the flammable liquid substances and preparations mentioned in subparagraph 2 (c) and (d) shall be determined according to the methods and with the apparatus laid down in Annex V.'

Article 4

Article 6 shall be supplemented by the following subparagraph:

'4. However, for a period of three years from the notification of this Directive and by way of derogation from the provisions of this Article, Denmark, Ireland and the United Kingdom may allow the marketing on their territory of dangerous substances of which the packaging and labelling are in accordance with the conditions in force on their territory at the date of accession.'

Article 5

The Articles below shall be added to Article 8:

Article 8a

The amendments necessary to adapt the Annexes to technical progress shall be adapted in accordance with the procedure laid down in Article 8 (c).

Article 8b

1. A Committee shall be established for the adaptation to technical progress of Directives for removing technical barriers to trade in the sector of dangerous substances and preparations, hereinafter called 'Committee', which shall consist of representatives of the Member States under the Chairmanship of a representative of the Commission.

2. The Committee shall establish its internal regulations.

Article 8c

1. In the event that reference is made to the procedure laid down in this Article, the matter shall be referred to the Committee by the Chairman, either on his initiative, or at the request of the representative of a Member State.

2. The representative from the Commission shall submit a draft of the measures to be taken to the Committee. The Committee shall express its Opinion on this draft within a period specified by the Chairman in the light of the urgency of the matter in question. A majority of 41 votes shall suffice for a Decision, the votes of the Member States being weighted as laid down in Article 148 subparagraph 2 of the Treaty. The Chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged when they are in accordance with the Opinion of the Committee.

(b) When the measures envisaged have not been agreed on by the Committee, or in the absence of an Opinion, the Commission shall submit to the Council without delay a proposal on the measures to be taken. The Council shall give judgement by the qualified majority.

(c) If, after the matter has been before the Council for a period of three months, there has been no Decision by the Council, the proposed measures shall be adopted by the Commission.'

Article 6

Annexes I to IV shall be replaced by the new Annexes I to IV as annexed to this Directive.

Article 7

An Annex V shall be inserted, as annexed to this Directive.

The norms and methods to which this Annex shall refer shall be those in force on the date of notification of this Directive to the Member States.

Article 8

1. The Member States shall introduce the provisions necessary to comply with this Directive within six months from its communication and shall inform the Commission immediately of this.

2. The Member States shall ensure that the internal legal provisions to be adopted in the field covered by this Directive are sent to the Commission.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 21 May 1973.

For the Council

The President

E. GLINNE

BILAG I

Liste over farlige stoffer klassificeret efter atomtallet for den bestanddel, der er mest karakteristisk for stoffernes egenskaber

ANLAGE I

Liste der gefährlichen Stoffe, geordnet nach der Ordnungszahl des Elements, das für ihre Eigenschaften charakteristisch ist

ANNEX I

List of dangerous substances classified in the order of the atomic number of the element most characteristic of their properties

ANNEXE I

Liste des substances dangereuses classées en fonction du numéro atomique de l'élément le plus caractéristique de leurs propriétés

ALLEGATO I

Elenco delle sostanze pericolose classificate in base al numero atomico dell'elemento più caratteristico delle loro proprietà

BIJLAGE I

Lijst van gevaarlijke stoffen gerangschikt volgens het atoomnummer van het element dat het meest karakteristiek is voor de eigenschappen van de stof

HYDROGEN — WASSERSTOFF — HYDROGEN — HYDROGÈNE — IDROGENO — WATERSTOF 1.

H_2

1. Hydrogen
Wasserstoff
Hydrogen
Hydrogène
Idrogeno
Waterstof

F R : 23-34
S : 16-22-32-33-37-104

$LiAlH_4$

2. Lithiumaluminiumhydrid
Lithium-Aluminiumhydrid
Aluminium lithium hydride
Hydrure d'aluminium-lithium
Idruro di litio-alluminio
Lithiumaluminiumhydride

F R : 29
S : 12-37-65-103

NaH

3. Natriumhydrid
Natriumhydrid
Sodium hydride
Hydrure de sodium
Idruro di sodio
Natriumhydride

F R : 29
S : 12-37-65-103

CaH_2

4. Calciumhydrid
Calciumhydrid
Calcium hydride
Hydrure de calcium
Idruro di calcio
Calciumhydride

F R : 29
S : 12-37-65-103

BERYLIUM — BERYLLIUM — BERYLLIUM — GLUCINIUM — BERILLIO — BERYLLIUM 4.

1. Beryliumforbindelser
Berylliumverbindungen
Beryllium compounds
Composés du glucinium (Composés du beryllium)
Composti del berillio
Berylliumverbindingen

T R : 52
S : 12-21-51-63-72-78-91-108

BOR — BOR — BORON — BORE — BORO — BOOR 5.

1. Borhalogenforbindelser
Borhalogenverbindungen
Boron halides
Composés halogénés du bore
Composti alogenati del boro
Boorhalogeenverbindingen

T R : 61-84
S · 15-34-63-76-108

KULSTOF — KOHLENSTOFF — CARBON — CARBONE — CARBONIO — KOOLSTOF 6.

CO

1. Carbon-monoxid
Kohlenmonoxid
Carbon monoxide
Oxyde de carbone
Ossido di carbonio
Koolstofmonoxide

F + T R : 23-34-63
S : 16-22-32-33-37-76-104-108

$COCl_2$

2. Carbonylklorid, (fosgen)
Carbonylchlorid (Phosgen)
Carbonyl chloride (Phosgene)
Oxychlorure de carbone (Phosgène)
Ossicloruro di carbonio (Fosgene)
Koolstofoxychloride (fosgeen)

T R : 61
S : 15-34-63-74-108

CS_2

3. Carbondisulfid, (svovlkulstof)
Kohlendisulfid (Schwefelkohlenstoff)
Carbon disulphide
Sulfure de carbone
Solfuro di carbonio
Koolstofdisulfide (zwavelkoolstof)

F + T R : 23-33-67
S : 3-14-21-23-27-36-71-76-101-104-108

CaC_2

4. Calciumkarbid
Calciumcarbid
Calcium carbide
Carbure de calcium
Carburo di calcio
Calciumcarbide

F R : 29
S : 12-35-65-103