

COMMISSION DIRECTIVE 96/55/EC

of 4 September 1996

adapting to technical progress for the 2nd time Annex I to Council 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 (chlorinated solvents)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/769/EEC ⁽¹⁾ of 27 July 1976 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, as last amended by Directive 94/60/EC ⁽²⁾, and in particular Article 2a thereof, introduced by Council Directive 89/678/EEC ⁽³⁾,

Whereas some chlorinated solvents present a danger to health/environment and should not be marketed to the general public in substances and preparations;

Whereas Directive 94/60/EC of the European Parliament and Council, amending for the 14th time Directive 76/769/EEC specified that eight chlorinated solvents may not be used in substances and preparations placed on the market for sale to the general public;

Whereas it has since come to light that these chlorinated solvents could also present a danger to health/environment if used in place of currently used solvents in diffusive applications, such as in surface cleaning and cleaning of fabrics;

Whereas use of the eight chlorinated solvents should also be prohibited in substances and preparations placed on the market for such diffusive applications;

Whereas the restrictions on the use of chlorinated solvents laid down by this Directive take into account the current state of knowledge and techniques regarding safer alternatives;

Whereas this Directive is based on a preliminary analysis of the risks posed by the chlorinated solvents and the advantages and drawbacks of restrictions, whereas a

general evaluation of the risks to man and the environment of chloroform is being carried out pursuant to Council Regulation (EEC) No 793/93 ⁽⁴⁾ and Commission Regulation (EC) No 1488/94 ⁽⁵⁾;

Whereas this Directive does not affect Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC ⁽⁶⁾ and in individual directives based thereon, in particular Council Directive 90/394/EEC ⁽⁷⁾,

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby adapted to technical progress as set out in the Annex hereto.

Article 2

Member States shall adopt and publish the provisions necessary to comply with this Directive by 31 December 1997 and shall forthwith inform the Commission thereof. They shall apply these provisions as from 30 June 1998.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 201.

⁽²⁾ OJ No L 365, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 398, 30. 12. 1989, p. 24.

⁽⁴⁾ OJ No L 84, 5. 4. 1993, p. 1.

⁽⁵⁾ OJ No L 161, 29. 6. 1994, p. 3.

⁽⁶⁾ OJ No L 183, 29. 6. 1989, p. 1.

⁽⁷⁾ OJ No L 196, 26. 7. 1990, p. 1.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 4 September 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

In Annex I to Directive 76/769/EEC, points 33 to 40 (inclusive) shall be replaced by the following points:

Designation of the substance, of the group of substances or of the preparation	Conditions of restriction
33. Chloroform No CAS No 67-66-3	May not be used in concentrations equal to or greater than 0,1 % by weight in substances and preparations placed on the market for sale to the general public and/or in diffusive applications such as in surface cleaning and cleaning of fabrics.
34. Carbon tetrachloride CAS No 56-23-5	
35. 1,1,2 Trichloroethane CAS No 79-00-5	
36. 1,1,2,2 Tetrachloroethane CAS No 79-34-5	
37. 1,1,1,2 Tetrachloroethane CAS No 630-20-6	Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations containing them in concentrations equal to or greater than 0,1 % shall be legible and indelibly marked as follows: "For use in industrial installations only".
38. Pentachloroethane CAS No 76-01-7	
39. 1,1 Dichloroethylene CAS No 75-35-4	
40. 1,1,1 Trichloroethane CAS No 71-55-6	
	By way of derogation this provision shall not apply to:
	(a) medicinal or veterinary products as defined by Directive 65/65/EEC ⁽¹⁾ , as last amended by Directive 93/39/EEC ⁽²⁾ ;
	(b) cosmetic products as defined by Directive 76/768/EEC ⁽³⁾ , as last amended by Directive 93/35/EEC ⁽⁴⁾ .

⁽¹⁾ OJ No 22, 9. 2. 1965, p. 369/65.

⁽²⁾ OJ No L 214, 24. 8. 1993, p. 22.

⁽³⁾ OJ No L 262, 27. 9. 1976, p. 169.

⁽⁴⁾ OJ No L 151, 23. 6. 1993, p. 32.