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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 May 1983

concerning the conclusion of the Agreement in the form of agreed minutes between the European Economic Community and the Republic of Austria negotiated pursuant to Article XXVIII of the GATT with regard to certain frozen, prepared or preserved vegetables

(83/263/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the Republic of Austria, pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT), announced its intention of modifying or withdrawing tariff concessions in respect of certain frozen, prepared or preserved vegetables for which the Community is Austria's main supplier;

Whereas the Commission has entered into negotiations with Austria under Article XXVIII of the GATT; whereas it has reached a satisfactory agreement with Austria,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of agreed minutes between the European Economic Community and the Republic of Austria negotiated pursuant to Article XXVIII of the GATT with regard to certain frozen, prepared or preserved vegetables is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 16 May 1983.

For the Council

The President

I. KIECHLE

AGREEMENT

in the form of agreed minutes between the European Economic Community and the Republic of Austria negotiated pursuant to Article XXVIII of the GATT with regard to certain frozen, prepared or preserved vegetables

1. The Delegation of the Commission and the Austrian Delegation of the European Communities have concluded their negotiations under Article XXVIII of the GATT, with a view to modifying or withdrawing the concessions provided for in Schedule XXXII-Austria concerning certain frozen, prepared or preserved vegetables, with the following overall agreement:

The concessions set out in Schedule XXXII-Austria as they appear in Part A of Annex I are replaced by:

- (a) the concessions which will be bound under the GATT, as set out in Part C of Annex I;
- (b) the autonomous concessions as set out in the exchange of letters (Annex II).

The provisions contained in this paragraph will enter into force on the same date.

2. If Austria were to consider ending the autonomous concessions as mentioned under 1 (b) above, Austria undertakes to initiate consultations with the Community with a view to compensating the Community. In these consultations, the Community will be able, on a bilateral basis, to assert rights equivalent to those which it would then have under Article XXVIII of the GATT.

Brussels,

*On behalf of the Council
of the European Communities*

*For the Government of the
Republic of Austria*

ANNEX I

To the Director General GATT
Geneva

Negotiations relating to Schedule XXXII-Austria

The Delegations of the Commission of the European Communities and of Austria have concluded their negotiations under Article XXVIII for the modification or withdrawal of concessions provided for in Schedule XXXII-Austria as set out in the report attached.

Brussels,

*For the Delegation of the Commission of the
European Communities*

*For the Delegation of Austria
(subject to ratification)*

Results of negotiations under Article XXVIII for the modification or withdrawal of concessions in the
Schedule XXXII-Austria initially negotiated under the Geneva (1967) Protocol

CHANGES IN SCHEDULE XXXII-AUSTRIA

A. Concessions to be withdrawn

Heading No	Description	Rates of duty bound in existing schedule in % <i>ad valorem</i> or in schillings per 100 kg
ex 07.02	Vegetables (whether or not cooked), preserved by freezing, except potatoes	20 %
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid: A. In airtight containers of a gross weight of 15 kg or less: 5. Other: ex c) Green beans, green peas, carrots and mixtures of vegetables containing at least one of these vegetables, spinach	370,00

C. Reduction or modification of rates bound in the existing schedules

Heading No	Description	Rates of duty bound in existing schedule in % <i>ad valorem</i> or in schillings per 100 kg	Rates of duty to be bound in % <i>ad valorem</i> or in schillings per 100 kg
07.02	Vegetables (whether or not cooked), preserved by freezing: C. Celery, tomatoes, cultivated mushrooms, zucchini, kitchen onions, shallots and cabbages of all kinds except broccoli	20 %	20 % but not less than OS 250,00 per 100 kg
	D. Other	20 %	18 %
16.04	Prepared or preserved fish, including caviar and caviar substitutes: B. Other: 2. Otherwise put up: ex b) Salt water fish, frozen, not covered with batter or breadcrumbs	530,00	500,00

ANNEX II

Republik Österreich
Bundesministerium für Handel, Gewerbe und Industrie

Brussels, 12 January 1983

Sir,

I have the honour to inform you that, with reference to the Agreement between the European Economic Community and the Republic of Austria of 21 July 1972, and in particular Article 15 thereof, in which the Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products, the Republic of Austria hereby grants to the European Economic Community, on a unilateral basis, the following tariff concessions:

Heading No	Description	Rate of duty
07.02	Vegetables (whether or not cooked), preserved by freezing:	
ex B	— Green beans, within the limits of an annual tariff quota of 1 480 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Green peas, within the limits of an annual tariff quota of 400 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Carrots, within the limits of an annual tariff quota of 1 260 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Spinach, within the limits of an annual tariff quota of 150 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Sweet peppers, within the limits of an annual tariff quota of 80 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Mixtures of vegetables containing at least green beans or green peas or carrots, within the limits of an annual tariff quota of 370 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
16.04	Prepared or preserved fish, including caviar and caviar substitutes:	
	B. Other:	
	2. Otherwise put up:	
	b) Salt water fish, frozen, not covered with batter or breadcrumbs	Free
ex 16.05	Prepared or preserved snails	15 % <i>ad valorem</i>
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:	
	A. In airtight containers of a gross weight of 15 kg or less:	
	5. Other:	
	a) Asparagus	11 % <i>ad valorem</i>
	B. Otherwise put up:	
	1. Truffles	10 % <i>ad valorem</i>
	2. Olives	OS 70,00 per 100 kg
	3. Capers	OS 55,00 per 100 kg
	6. Other:	
	c) Other	OS 75,00 per 100 kg

⁽¹⁾ The granting of this concession is conditional upon the presentation of a certificate ('Kontingentschein') drawn up by the Bundesministerium für Handel, Gewerbe und Industrie, which is responsible for monitoring and allocating the quota. The quota year begins on 1 January of each year. For 1983, the quota will be fixed on a *pro rata* basis in relation to the annual quota.

The concessions are in addition to those set out in the letter of 21 July 1972 sent by the Head of the Austrian Delegation, Mr A. Marquet, to the Head of the Community Delegation, Mr E. P. Wellenstein.

I should be grateful if you would confirm whether you are in agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

(Subject to ratification)

G. WAAS

Mr Michel Jacquot,
Negotiating Advisor,
Directorate General for Agriculture,
Commission of the European Communities,
Rue de la Loi, 200,
B-1049 Brussels.

Commission of the European Communities

Brussels, 12 January 1983

Sir,

I have the honour to confirm my agreement to the content of your letter of 12 January 1983, which reads as follows:

'I have the honour to inform you that, with reference to the Agreement between the European Economic Community and the Republic of Austria of 21 July 1972, and in particular Article 15 thereof, in which the Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products, the Republic of Austria hereby grants to the European Economic Community, on a unilateral basis, the following tariff concessions:

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ex B	— Green peas, within the limits of an annual tariff quota of 400 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Carrots, within the limits of an annual tariff quota of 1 260 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Spinach, within the limits of an annual tariff quota of 150 tonnes ⁽¹⁾ ..	20 % <i>ad valorem</i>
ex B	— Sweet peppers, within the limits of an annual tariff quota of 80 tonnes ⁽¹⁾	20 % <i>ad valorem</i>
ex B	— Mixtures of vegetables containing at least green beans or green peas or carrots, within the limits of an annual tariff quota of 370 tonnes ⁽¹⁾ ..	20 % <i>ad valorem</i>
16.04	Prepared or preserved fish, including caviar and caviar substitutes:	
	B. Other:	
	2. Otherwise put up:	
	b) Salt water fish, frozen, not covered with batter or breadcrumbs	Free
ex 16.05	Prepared or preserved snails	15 % <i>ad valorem</i>
20.02	Vegetables prepared or preserved otherwise than by vinegar or acetic acid:	
	A. In airtight containers of a gross weight of 15 kg or less:	
	5. Other:	
	a) Asparagus	11 % <i>ad valorem</i>
	B. Otherwise put up:	
	1. Truffles	10 % <i>ad valorem</i>
	2. Olives	OS 70,00 per 100 kg
	3. Capers	OS 55,00 per 100 kg
	6. Other:	
	c) Other	OS 75,00 per 100 kg

⁽¹⁾ The granting of this concession is conditional upon the presentation of a certificate ('Kontingentschein') drawn up by the Bundesministerium für Handel, Gewerbe und Industrie, which is responsible for monitoring and allocating the quota. The quota year begins on 1 January of each year. For 1983, the quota will be fixed on a *pro rata* basis in relation to the annual quota.

The concessions are in addition to those set out in the letter of 21 July 1972 sent by the Head of the Austrian Delegation, Mr A. Marquet, to the Head of the Community Delegation, Mr E. P. Wellenstein.

I should be grateful if you would confirm whether you are in agreement with the content of this letter.'

Please accept, Sir, the assurance of my highest consideration.

M. JACQUOT

Mr Gerhard Waas,
Director,
Bundesministerium für Handel, Gewerbe und Industrie,
Stubenring 1,
A-1010 Vienna.

COUNCIL DIRECTIVE**of 16 May 1983****amending for the fourth time 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****(83/264/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 the use of tris (2,3 dibromopropyl)-phosphate to fireproof textile articles was prohibited by Directive 79/663/EEC ⁽⁴⁾ because of the health hazards it presents; whereas subsequent examinations have shown that two other fire-retardant products, tris-(aziridinyl)-phosphin oxide and polybrominatedbiphenyls (PBB), are harmful to health and, consequently, should not be employed in textile articles which come into contact with the skin;

Whereas 3,3 dimethoxybenzidine is used in the manufacture of sneezing powder; whereas, even though the information concerning the mutagenic and carcinogenic properties of this substance is not conclusive, the affinity of the structure of this substance to benzidine, which has a definitely established carcinogenic effect on man, suggests that great caution should be exercised in respect of its potential risks to health; whereas it is clear that

sneezing powder is mainly used by children who, in principle, represent a group which is sensitive to toxic chemicals and who should, consequently, receive special protection against health hazards; whereas, therefore, the use of this substance should be prohibited in jokes and hoaxes such as sneezing powder;

Whereas some plant-based sneezing powders present dangers to those who use them, especially children, and are already banned for this reason in some Member States;

Whereas ammonium polysulphides have a corrosive effect and may cause serious, lasting damage, particularly to the eyes; whereas these compounds, which are sold in particular to children as jokes or hoaxes are especially dangerous; whereas their use should, consequently, be banned;

Whereas the volatile esters of bromoacetic acid are used as tear gas; whereas they have an irritant effect upon and may be harmful to the respiratory system and the eyes; whereas, in strong concentrations they produce a corrosive effect and can cause irreversible damage to the eyes; whereas they should not be used by children and their use as a joke or hoax should, therefore, be prohibited;

Whereas the restrictions already introduced by some Member States in respect of the abovementioned substances directly affect the establishment or functioning of the common market; whereas it is therefore necessary to harmonize existing legislation in this field in the Member States and to amend accordingly the Annex to Directive 76/769/EEC ⁽⁵⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following items shall be added to the Annex to Directive 76/769/EEC:

*8. Tris-(aziridinyl)-phosphin oxide
CAS No 5455-55-1

9. Polybrominatedbiphenyls (PBB)
CAS No 59536-65-1

} May not be used in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin

⁽¹⁾ OJ No C 288, 10. 11. 1981, p. 7.

⁽²⁾ OJ No C 125, 17. 5. 1982, p. 148.

⁽³⁾ OJ No C 112, 3. 5. 1982, p. 42.

⁽⁴⁾ OJ No L 197, 3. 8. 1979, p. 37.

⁽⁵⁾ OJ No L 262, 27. 9. 1976, p. 201.

10. Soap bark powder (*Quillaja saponaria*) and its derivatives containing saponines

Powder of the roots of *Helleborus viridis* and *Helleborus niger*

Powder of the roots of *Veratrum album* and *Veratrum nigrum*

Benzidine and/or its derivatives

o-nitrobenzaldehyde

CAS No 552-89-6

Wood powder

11. Ammonium sulphide and ammonium hydrogen sulphide

CAS No 12135-76-1

CAS No 12124-99-1

Ammonium polysulphide

CAS No 12259-92-6

12. Volatile esters of bromoacetic acids:

Methyl bromoacetate

CAS No 96-32-2

Ethyl bromoacetate

CAS No 105-36-2

Propyl bromoacetate

Butyl bromoacetate

May not be used in jokes and hoaxes or in objects intended to be used as such, for instance as a constituent of sneezing powder and stink bombs

However, Member States may tolerate on their territory stink bombs containing not more than 1,5 ml'

Article 2

Member States shall bring into force the provisions necessary to comply with this Directive within 18 months of notification ⁽¹⁾. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 16 May 1983.

For the Council

The President

I. KIECHLE

⁽¹⁾ This Directive was notified to the Member States on 19 May 1983.

COUNCIL DIRECTIVE

of 16 May 1983

amending Directive 77/728/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of paints, varnishes, printing inks, adhesives and similar products
(83/265/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 it has been considered desirable that the rules embodied in the separate Directives on preparations and in particular in Directives 73/173/EEC ⁽⁴⁾, as last amended by Directive 80/781/EEC ⁽⁵⁾, and 77/728/EEC ⁽⁶⁾ should be replaced by a single Directive concerning all preparations; whereas it is not yet possible to adopt such a Directive; whereas it is necessary in the meantime to amend Directive 77/728/EEC;

Whereas paints, varnishes, printing inks and adhesives subject to the provisions of Directive 77/728/EEC frequently contain solvents covered by the provisions of Directive 73/173/EEC; whereas, during the transposition of these two Directives into national law, difficulties have appeared in several Member States because different terms describing the same thing have been used in both texts; whereas it is, therefore, necessary to harmonize the text and scope of both Directives as far as possible;

Whereas, in different Articles of Directives 77/728/EEC, account should be taken of the amendments made to Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous sub-

stances ⁽⁷⁾ by Directive 79/831/EEC ⁽⁸⁾, particularly the newly introduced danger categories 'very toxic' and 'extremely flammable';

Whereas Article 3 of Directive 77/728/EEC contains provisions for classification of the preparations according to the degree of risk; whereas, for the classification of the preparations as toxic or harmful, reference is made *inter alia* to Directive 73/173/EEC; whereas, since the original version of Directive 73/173/EEC made no reference to corrosive and irritant solvents, it was unable to provide any details concerning these categories;

Whereas, now that the scope of Directive 73/173/EEC has been extended to cover corrosive and irritant solvents, Article 3 (3) (c) and (d) of Directive 77/728/EEC should be amended accordingly;

Whereas the wording of the third indent of Article 3 (3) (a) of Directive 77/728/EEC has proved difficult to interpret and should, therefore, be drafted more precisely and supplemented; whereas, for the same reason, additions should be made to the last indent of Article 3 (3) (b), (c) and (d), respectively, of that Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Articles 1 to 11 of Directive 77/728/EEC shall be replaced by the following text:

'Article 1

1. This Directive shall concern:

- the classification,
- the packaging,
- the labelling,

⁽¹⁾ OJ No C 156, 25. 6. 1981, p. 8.
⁽²⁾ OJ No C 125, 17. 5. 1982, p. 148.
⁽³⁾ OJ No C 310, 30. 11. 1981, p. 31.
⁽⁴⁾ OJ No L 189, 11. 7. 1973, p. 7.
⁽⁵⁾ OJ No L 229, 30. 8. 1980, p. 57.
⁽⁶⁾ OJ No L 303, 28. 11. 1977, p. 23.

⁽⁷⁾ OJ No 196, 16. 8. 1967, p. 1.
⁽⁸⁾ OJ No L 259, 15. 10. 1979, p. 10.

of preparations intended to be used as:

- paints, varnishes, printing inks, coatings, adhesives, jointing compounds, putties, sealants, undercoats, paint strippers, degreasing agents, artists' colours or release agents,
- preservatives and primers not covered by other Community regulations,

and of dangerous preparations used in the manufacture of the aforesaid products.

2. This Directive shall apply to the preparations listed in paragraph 1 which are placed on the market in the Member States and are classified as dangerous under both Article 2 (2) of Directive 67/548/EEC and Article 3 of this Directive.

3. This Directive shall also apply to the preparations listed in Annex II hereto.

4. The definitions specified in Article 2 of Directive 67/548/EEC shall apply to this Directive, with the exception of those in (1) (c) and (d) and in (2) (k).

Article 2

1. This Directive shall not apply to:

- (a) the carriage of dangerous preparations by rail, road, inland waterway, sea or air;
- (b) preparations for export to third countries;
- (c) preparations in transit subject to customs supervision, provided that they are not altered or treated in any way;
- (d) 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⁾;
- (e) additives for foodstuffs and animal feed, fertilizers and pesticides 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;
- (f) substances which are in the form of waste and which are covered by Council Direc-

tive 75/442/EEC of 15 July 1975 on waste ⁽²⁾ and Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste ⁽³⁾.

2. Articles 5 to 7 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⁾.

⁽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 3

1. In preparations covered by this Directive, concentrations of the dangerous substances listed in Annex I to Directive 67/548/EEC, whether present as impurities or additives, must be taken into account if they exceed the limits laid down in the following paragraphs.

2. The concentrations expressed below in percentages by weight refer to the total weight of the preparation.

3. (a) Preparations shall be considered toxic if they contain:

- a solvent or mixture of solvents classified as toxic by Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation as referred to in paragraph 2 above, or
- one or more of the substances classified as toxic in Annex I to this Directive, in a concentration exceeding the limit value corresponding to the classification 'toxic' for that substance, or

- one or more of the substances listed in neither Annex I to this Directive nor Directive 73/173/EEC, but classified as very toxic or toxic in Annex I to Directive 67/548/EEC and the total concentration of which is in excess of 1 %. Each substance shall be taken into consideration to calculate the total concentration only when its concentration is in excess of 0,2 %.
- (b) Preparations shall be considered harmful if they contain:
- a solvent or mixture of solvents classified as harmful by Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation as referred to in paragraph 2 above, or
 - one or more of the substances classified as harmful in Annex I to this Directive, in a concentration falling within the limit values corresponding to the classification 'harmful' for that substance, or
 - one or more of the substances listed in neither Annex I to this Directive nor Directive 73/173/EEC but classified as harmful in Annex I to Directive 67/548/EEC and the total concentration of which is in excess of 10 %. Each substance shall be taken into consideration to calculate the total concentration only when its concentration is in excess of 1 %.
- (c) Preparations shall be considered corrosive if they contain:
- a solvent or mixture of solvents classified as corrosive by Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation as referred to in paragraph 2, or
 - one or more of the substances classified as corrosive in Annex I to this Directive in a concentration exceeding the limit values corresponding to the classification 'corrosive' for that substance, or
 - one or more of the substances listed in neither Annex I to this Directive nor Directive 73/173/EEC but classified as corrosive in Annex I to Directive 67/548/EEC and the total concentration of which is in excess of 5 %. Each substance shall be taken into consideration to calculate the total concentration only when its concentration is in excess of 1 %.
- (d) Preparations shall be considered irritant if they contain:
- a solvent or mixture of solvents classified as irritant by Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation as referred to in paragraph 2, or
 - one or more of the substances classified as irritant in Annex I to this Directive in a concentration falling within the limit values corresponding to the classification 'irritant' for that substance, or
 - one or more of the substances listed in neither Annex I to this Directive nor Directive 73/173/EEC but classified as irritant in Annex I to Directive 67/548/EEC and the total concentration of which is in excess of 5 %. Each substance shall be taken into consideration to calculate the total concentration only when its concentration is in excess of 2 %.
- (e) Preparations shall be considered oxidizing if they contain:
- one or more of the substances classified as oxidizing in Annex I to this Directive, in a concentration exceeding the limit values corresponding to the classification 'oxidizing' for that substance, or
 - one or more of the substances not listed in Annex I to this Directive but classified as oxidizing in Annex I to Directive 67/548/EEC

and the total concentration of which is in excess of 25 %.

- (f) The following shall be considered extremely flammable:

preparations in liquid form having a flash point, determined in accordance with one of the test methods laid down in Part A of Annex V to Directive 67/548/EEC, lower than 0 °C and the boiling point of which is lower than or equal to 35 °C.

- (g) The following shall be considered highly flammable:

preparations in liquid form having a flash point, determined in accordance with one of the test methods laid down in Part A of Annex V to Directive 67/548/EEC, below 21 °C.

- (h) The following shall be considered flammable:

preparations in liquid form having a flash point, determined in accordance with one of the test methods laid down in Part A of Annex V to Directive 67/548/EEC, equal to or greater than 21 °C and less than or equal to 55 °C.

4. 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 4

Member States shall take all necessary measures to ensure that the preparations referred to in Article 1 shall not be placed on the market unless they comply with the provisions of this Directive and the Annexes hereto.

Article 5

Member States shall take all necessary measures to ensure that dangerous preparations (paints, varnishes, printing inks, adhesives and similar products) are not placed on the market unless their packages and fastenings comply with the requirements of Article 15 of Directive 67/548/EEC.

Article 6

1. Member States shall take all necessary measures to ensure that the preparations

referred to in Article 1 shall not be placed on the market unless their package complies with the following labelling requirements.

2. Any package of a preparation considered dangerous within the meaning of Article 3 shall show clearly and indelibly the following:

- (a) the trade name or designation of the preparation;
- (b) the chemical name(s) of the very toxic, toxic, harmful and/or corrosive constituent(s) of the preparation, if its/their concentration exceeds the lowest limits specified in Article 3;

the chemical name of any irritant constituents, if their concentration exceeds the lowest limits specified in Article 3, where the preparation does not otherwise contain very toxic, toxic, harmful or corrosive constituents;

the chemical name(s) of the very toxic or toxic solvent(s) of which more than 0,2 % is present in the preparation and the chemical name(s) of the harmful, corrosive and irritant solvents in accordance with the Article 5 (2) (b) of Directive 73/173/EEC, the percentage of each solvent being calculated in relation to the total weight of the preparation;

the chemical name shall be one of the terms listed in Annex I to Directive 67/548/EEC;

the chemical name(s) of the substance(s) referred to in the preceding subparagraphs need not be stated if the preparation is classified only as extremely flammable, highly flammable or flammable;

- (c) the name and address of the manufacturer or of any other person placing the preparation on the market;
- (d) symbols where specified in this Directive and indications of the dangers involved in the use of the preparation in accordance with Article 16 (2) (c) of Directive 67/548/EEC, read in conjunction with Annex V thereto, and in the case of aerosol preparations, in accordance with paragraphs 1.8 and 2.2 (c) of the Annex to Directive 75/324/EEC where flammability hazards are concerned;

- (e) one or more standard phrases indicating the special risks involved in the use of the preparation;
- (f) one or more standard phrases indicating the safety advice relating to the use of the preparation.

3. The indications concerning special risks shall conform to the wording in Annex III to Directive 67/548/EEC and shall be selected by the manufacturer or any other person placing the preparation on the market, or, in the case of a preparation subject to approval, by the competent authority. If the preparation falls within several danger categories, these indications shall cover all the principal hazards associated with the preparation. No more than four standard indications need be shown.

4. The indications concerning safety advice shall conform to the wording in Annex IV to Directive 67/548/EEC and shall be selected by the manufacturer or any other person placing the preparation on the market, or, in the case of a preparation subject to approval, by the competent authority. No more than four standard indications need be shown.

5. The package shall be accompanied by safety advice on the use of the preparation where it is physically impossible for this to be given on the label or package itself.

6. For irritant, highly flammable, flammable and oxidizing preparations, it is not necessary to indicate the special risks and safety advice if the package contains no more than 125 ml. This shall also apply in the case of harmful preparations of the same volume not retailed to the general public. Unless otherwise indicated, this limit shall not apply to the preparations listed in Annex II hereto.

In the case of preparations containing substances listed in Annex II, the indications specified therein shall also be shown.

The safety advice required for preparations intended for spraying shall be indicated.

7. Where a preparation is assigned more than one danger symbol:

- “X” and “C” symbols are not necessarily required if a “T” symbol is indicated, unless Annex I provides otherwise,
- an “X” symbol is not necessarily required if a “C” symbol is indicated,
- “F” and “O” symbols are not necessarily required if an “E” symbol is indicated.

8. If a preparation is classified as both harmful and irritant, it shall be labelled harmful and attention shall be drawn to its harmful and irritant characteristics by appropriate warnings in accordance with Annex III to Directive 67/548/EEC.

9. Indications such as “non-toxic” and “non-harmful” or any other similar indications must not appear on the label or packaging of preparations subject to this Directive.

Article 7

1. Where the particulars required by Article 6 appear on a label, that label shall be firmly affixed to one or more surfaces of the packaging so that these particulars can be read horizontally when the package is set down normally. The dimensions of the label shall be as follows:

Capacity of the package:
Dimensions (in millimetres) if possible

- not exceeding three litres:
at least 52×74 ,
- greater than three litres but not exceeding 50 litres:
at least 74×105 ,
- greater than 50 litres but not exceeding 500 litres:
at least 105×148 ,
- greater than 500 litres:
at least 148×210 .

Each symbol shall cover at least one tenth of the surface area of the label but not be less than 1 cm^2 . The entire surface of the label shall

adhere to the package immediately containing the preparation.

These dimensions are intended solely for provision of the information required by this Directive and if necessary of any supplementary health or safety indications.

2. A label is not required where the particulars are clearly shown on the package itself, as specified in paragraph 1.

3. The colour and presentation of the label — or, in the case of paragraph 2, of the package — shall be such that the danger symbol and its background stand out clearly from it.

4. Member States may make the placing on the market of dangerous preparations in their territories subject to the use of the official language or languages in respect of the labelling thereof.

5. For the purpose of this Directive, labelling requirements shall be deemed to be satisfied:

- (a) in the case of an outer package containing one or more inner packages, if the outer package is labelled in accordance with international rules on the transport of dangerous substances and the inner package or packages are labelled in accordance with this Directive:
- (b) in the case of a single package, if such a package is labelled in accordance with international rules on the transport of dangerous substances and with Article 6 (2) (a), (b), (c), (e) and (f).

Where dangerous preparations do not leave the territory of a Member State, labelling may be permitted which complies with national rules instead of with international rules on the transport of dangerous substances.

Article 8

1. Member States may:

- (a) permit the labelling required under Article 6 to be applied in some other appropriate manner on packages too small, or

otherwise unsuitable, to allow labelling in accordance with Article 7 (1) and (2);

- (b) by way of derogation from Articles 6 and 7, permit the packages of preparations other than very toxic or toxic preparations to be labelled in some other way if they contain small quantities presenting no danger to persons handling the preparation or otherwise concerned.

2. Member States acting under the foregoing paragraph 1 shall immediately inform the Commission thereof.

Article 9

Member States shall not prohibit, restrict or impede, on the grounds of classification, packaging or labelling as defined in this Directive, the placing on the market of dangerous preparations which satisfy the requirements of this Directive and the Annexes hereto.

Article 10

1. Where a Member State has detailed grounds for establishing that a dangerous preparation, although satisfying the requirements of this Directive, presents a health or safety risk, it may, provisionally, prohibit the sale of that preparation or subject it to special conditions within its territory. It shall immediately inform the Commission and the other Member States thereof and give reasons for its decision.

2. The Commission shall, within six weeks, consult with the Member States concerned, express its opinion without delay and take appropriate steps.

3. If the Commission is of the opinion that technical amendments to the Directive are required, these amendments shall be adopted, by either the Commission or the Council, in accordance with the procedure laid down in Article 21 of Directive 67/548/EEC. In this event, the Member State which has introduced safeguard measures may maintain them until such amendments enter into force.

Article 11

The amendments required for adapting the Annexes to this Directive to technical progress shall be adopted in accordance with the proce-

dure laid down in Article 21 of Directive 67/548/EEC.

Methods of analysis shall also be adopted by the same procedure.'

Article 2

1. Member States shall introduce the laws, regulations and administrative provisions necessary to comply with this Directive within 12 months of its notification and shall inform the Commission immediately thereof ⁽¹⁾.

2. Member States shall communicate to the Commission the text of the provisions of national law

which they adopt in the field governed by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 16 May 1983.

For the Council

The President

I. KIECHLE

⁽¹⁾ This Directive was notified to the Member States on 19 May 1983.

COMMISSION

FORTY-SECOND COMMISSION DIRECTIVE

of 16 May 1983

amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs

(83/266/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by the Forty-first Commission Directive 82/822/EEC ⁽²⁾, and in particular Article 6 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge;

Whereas the use of the coccidiostats 'meticlorpindol/methylbenzoquate' and 'arprino-cide', hitherto authorized at national level, has been widely tested; whereas the experience gained and the studies carried out indicate that the use of these additives may now be authorized under certain conditions throughout the Community;

Whereas new uses for the antibiotic 'virginiamycin', the coccidiostat 'halofuginone' and the colouring agent 'canthaxanthin' have been tested successfully in some Member States; whereas these new uses should be permitted at national level at least, provisionally, until such time as they are permitted at Community level;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 347, 7. 12. 1982, p. 16.

Article 1

The Annexes to Directive 70/524/EEC are hereby amended as follows:

1. In Part of Annex I ‘Coccidiostats and other medicinal substances’, the following items are added:

EEC No	Additives	Chemical formula, description	Species of animal	Maximum age	Mini-mum content	Maxi-mum content	Other provisions
					ppm of complete feedingstuff		
E 761	Meticlorpindol/methyl-benzoquate mixture of 100 parts of (a) and 8,35 parts of (b)	(a) 3,5-dichloro-2,6-dimethyl-4-pyridinol	Chickens for fattening	—	110	110	Use prohibited at least five days before slaughter
		(b) 7-benzyloxy-6,n-butyl-3-methoxy-carbonyl-4-quinolone	Chickens reared for laying	16 weeks	110	110	—
E 762	Arprinocid	9-(2-chloro-6-fluorophenylmethyl)-9H-purine-6-amine	Chickens for fattening	—	60	60	Use prohibited at least five days before slaughter
			Chickens reared for laying	16 weeks	60	60	—

2. In Annex II:

(a) in Part A ‘Antibiotics’, item No 21 ‘Virginiamycin’ is supplemented as follows:

EEC No	Additives	Chemical formula, description	Species of animal	Maximun age	Mini-mum content	Maxi-mum content	Other provisions	Period of authorization
					ppm of complete feedingstuff			
			Laying hens		10	20		30 November 1985

(b) in Part B ‘Coccidiostats and other medicinal substances’, item No 22 ‘Halofuginone’ is supplemented as follows:

EEC No	Additives	Chemical formula, description	Species of animal	Maximun age	Mini-mum content	Maxi-mum content	Other provisions	Period of authorization
					ppm of complete feedingstuff			
			Turkeys	12 weeks	2	3	Use prohibited at least seven days before slaughter	30 November 1983

(c) in Part E 'Colouring matters including pigments', the following item shall be added:

EEC No	Additives	Chemical formula, description	Species of animal	Maximum age	Minimum content	Maximum content	Other provisions	Period of authorization
					ppm of complete feedingstuff			
2	Canthaxanthin	C ₄₀ H ₅₂ O ₂	Salmon, trout	—		200		30 November 1985

Article 2

Member States shall, not later than 30 November 1983, bring into force the laws, regulations or administrative provisions necessary to comply with Article 1 (1). They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 16 May 1983.

For the Commission
Poul DALSAGER
Member of the Commission