
EUROPEAN PARLIAMENT

Working Documents

1978 - 1979

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DOCUMENT 181/78

Report

drawn up on behalf of the Committee on the Environment, Public Health and
Consumer Protection

on the proposal from the Commission of the European Communities to the
Council (Doc. 511/77) for a Directive amending Directive 73/173/EEC of
4 June 1973 on the approximation of Member States' laws, regulations and
administrative provisions relating to the classification, packaging and labelling of
dangerous preparations (solvents)

Rapporteur: Mr J. LAMBERTS

1.2.7

By letter of 25 January 1978 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive amending Directive 73/173/EEC of 4 June 1973 on the approximation of Member States' laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous preparations (solvents).

The President of the European Parliament referred this proposal on 31 January 1978 to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible.

On 20 March 1978 the committee appointed Mr Lamberts rapporteur to replace Lady Fisher who had initially been appointed rapporteur on 23 February 1978.

It considered the proposal at its meeting of 26 April 1978 and unanimously adopted the draft report at its meeting of 19 June 1978.

Present: Mrs Krouwel-Vlam, chairman; Mr Lamberts, rapporteur; Mr Andersen, Mr Brown, Mr Dewulf (deputizing for Mr McDonald), Mr Edwards, Mr E. Muller, Mr Noè, Mr Rivierez, (deputizing for Mr Bouquerel), Mrs Squarcialupi and Mr Veronesi.

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A.

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive amending Directive 73/173/EEC of 4 June 1973 on the approximation of Member States' laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous preparations (solvents)

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council (Doc. 511/77),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 181/78),
1. Welcomes the Commission's proposal which aims to provide increased protection for persons who may come into contact with dangerous solvents;
 2. Considers that the term 'solvent' should be more clearly defined;
 3. Feels that directives of this kind should not only aim primarily at limiting as far as possible any damage to the environment or human health caused by the manufactured substances but also at restricting the harmful effects of these products during their manufacture and local application;
 4. Requests the Commission to review the existing directives and those in preparation and to submit appropriate proposals on them in due course;

¹ OJ No. C 25, 31.1.1978, p.4

5. Is therefore already of the opinion that over a specific period a general registration system similar to that provided for in the American Toxic Substance Control Act must be inserted into directives which govern the marketing and utilization of dangerous substances;
6. Stresses the importance of stipulating that child-proof closures must be used to prevent the all too easy wrongful use of such dangerous substances;
7. Is strongly in favour of the general labelling of dangerous substances with explicit pictorial illustrations;
8. Considers that in order to prevent the very large number of accidents, many of which are unfortunately fatal, each dangerous solvent brought into circulation should bear directions for administering first aid in case of wrongful use;
9. Regrets, however, that the Commission has not made available the opinions of the working party composed of experts in the fields of public health, hygiene and industrial safety, industry and trade and relevant professional organizations;
10. Requests the Commission to give Parliament detailed information as soon as possible on the actual enforcement of all directives relating to the classification, packaging and labelling of dangerous preparations, with particular reference to solvents;
11. Requests the Commission, pursuant to Article 149, second paragraph, of the EEC Treaty, to incorporate the following amendments in its proposal;

Council Directive

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

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

Preamble unchanged

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 the existing Directive of 4 June 1973 (73/173/EEC) on the approximation of Member States' laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous preparations (solvents)¹;

Whereas, for the better protection of the general public and in particular of persons who come into contact with dangerous solvents (one word deleted) in the course of their work or in the pursuit of a hobby, it is necessary to extend the scope of the existing Directive of 4 June 1973 (73/173/EEC) on the approximation of Member States' laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous (one word deleted) solvents¹;

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

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

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

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

¹ OJ No. L 189, 11.7.1973, p.7

* For complete text see OJ no. C 25, 31.1.1978, p.4

Whereas certain provisions of the Directive have also to be brought into line with Council Directive 67/548/EEC of 27 June 1967 on the approximation of Member States' laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances¹ as last amended by Directive 76/907/EEC², notably in respect of the information appearing on the label, the dimensions of the label and the assignment of the various danger symbols;

Whereas it is furthermore necessary to impose upon manufacturers the obligation to notify the poisons information centres of the composition of toxic solvent mixtures in order that prompt and effective aid may be rendered in the event of accidents;

Whereas the necessary amendment and amplification of the Annex to the Council Directive 73/173/EEC of 4 June 1973 (solvents) will be effected under the procedure provided for in Article 10 thereof;

Unchanged

Whereas it is furthermore necessary to impose upon manufacturers the obligation to notify the poisons information centres of the composition of toxic solvent mixtures and to supply directions for first aid in case of wrongful use in order that prompt and effective aid may be rendered in the event of accidents;

Whereas the necessary amendment and amplification of the Annex to basic directive (73/173/EEC) on solvents will be effected under the procedure provided for in Article 10 thereof;

¹ OJ No. 196, 16.8.1967, p. 1

² OJ No. L 360, 30.12.1976, p.1

Article 1 unchanged

Article 2

Article 2

1. Article 1 (1), (2) and (3) a) shall be replaced by the following:

'(1) This Directive concerns:

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

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

- (a) preparations intended for use as solvents and containing only the constituents listed in the Annex hereto, including those which contain impurities in quantities exceeding the limits laid down in Article 2 (5);
- (b) preparations intended for use as solvents and containing, in addition to the constituents listed in the Annex hereto, other non-dangerous substances within the meaning of Article 2(2) of Council Directive 67/548/EEC of 27 June 1967 (hereinafter referred to as 'the Directive of 27 June 1967').

1. Article 1 (1), (2) and (3) a) shall be replaced by the following:

'(1) This Directive concerns:

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

of dangerous solvents which are placed on the market in the Member States of the Community and are regarded as dangerous within the meaning of Article 2 of this Directive:

- (a) dangerous solvents containing only the constituents listed in the Annex hereto, including those which contain impurities in quantities exceeding the limits laid down in Article 2 (5);
- (b) dangerous solvents containing, in addition to the constituents listed in the Annex hereto, other non-dangerous substances within the meaning of Article 2 (2) of Council Directive 67/548/EEC of 27 June 1967 (hereinafter referred to as 'the Directive of 27 June 1967').
- (c) (New) For the purposes of this Directive, a solvent shall be defined as a liquid capable of absorbing other substances to form a single dangerous liquid phase.

Rest of Article 2 unchanged

Articles 3 and 4 unchanged

Article 5

Article 5

Paragraph 1, subparagraphs (1) to (3) unchanged

- (4) The packaging shall be accompanied by safety advice relating to the use of the substance where it is materially impossible for this to be given on the label or package itself. Such advice shall be selected by the manufacturer or any other person placing the preparation on the market from among the items set out in Annex IV to the Directive of 27 June 1967.

Unchanged

- (4a) (New) Directions for first aid in case of wrongful use of dangerous solvents shall be added to the packaging after consultation with the poisons information centres.

Paragraph 5 unchanged

Articles 6 - 11 unchanged

B.

EXPLANATORY STATEMENT

I. SUMMARY OF THE CONTENT OF THE PROPOSAL

1. The Commission intends, by means of these proposed amendments, substantially to strengthen the existing EEC standards relating to the packaging and labelling of solvents.

2. These amendments principally concern:

- extension of the scope of the basic directive to cover mixtures of solvents with other non-hazardous substances;
- better coordination with other EEC directives on similar subjects (dangerous substances, medicines, fuels, cosmetics etc.);
- the use of symbols to indicate whether a preparation must be treated as explosive, oxidizing, easily flammable, toxic, corrosive, harmful to health or irritant;
- obligation on manufacturers to notify the poisons information centres of the composition of toxic solvents so as to enable first aid to be administered quickly and effectively to accident victims.

II. GENERAL

3. This directive follows the basic directive of 4 June 1973 and contains a number of references to a general Council directive of 27 June 1967 on the approximation of Member States' laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

4. This general directive has already been amended five times - the Council is still deliberating on a sixth amendment - principally in order to take account of technical progress. Because of the number of substances to be considered and, more particularly, the lack of crucial background material, i.e. the references needed in order to be sure which provisions and additions to the original articles are now in force, study of the present specific directive on solvents has been extremely difficult.

5. The committee assumes that the drafting of the present proposal was based entirely on the opinion of the working party of experts in the fields of public health, hygiene, industrial safety, industry and trade. The Commission also claims to have worked in close cooperation with the main professional organizations. Nevertheless it is to be regretted that the committee was not provided with this extremely important opinion since political responsibility cannot be taken on a mere presumption of technical accuracy.

6. Chemical compounds play a role in most human activities and the list of them becomes longer every year. The danger of these compounds is that substances are produced which can have immediate or delayed harmful effects on man and the environment. Increasing concern about these harmful effects is felt by governments and public opinion, particularly because thousands of new chemical substances appear every year and it is not always certain that sufficient preventive research has been done to rule out the possibility of their having a harmful effect on man or the environment.

7. At present the registration of new substances is under discussion in various countries (including the USA and Japan) and international organizations (OECD). The importance of the subject and the need for international harmonization is generally recognized. Unfortunately discussions on this in the Council of Ministers of the European Communities have been extremely slow. This is partly because of the unwillingness of industry and a number of countries to allow their national autonomy to be limited by European legislation.

8. We therefore have cause to fear the emergence of a compromise solution which, because of its minimal character, will indeed present no difficulties for industry but will be of little value for the protection of public health and the environment. In addition, the administrative workload involved in any system requiring the registration of all new chemical substances will be quite considerable and only justifiable if all this effort has a clearly favourable effect on health protection. The present proposal leaves room for doubt on both these issues.

9. The various amendments to the 1967 directive and perhaps the directive itself demonstrate how those concerned with the internal market have come into conflict with the guardians of the direct interests of man and the environment. It is also true that in countries where the influence of the latter group is greatest it has been extremely difficult to arrive at rules making greater provision for the protection of public health.

10. Since it is impossible for the European man in the street to consult the numerous articles, amendments to articles and voluminous annexes to know what action to take in emergency situations involving dangerous substances once they have been analysed, your committee wonders what the best solution is to this problem. What, in other words, is the immediate value of the classification, packaging and labelling of hundreds of dangerous products?

11. Doctors, policemen and those working in hospital casualty departments will certainly find the annexes to the basic directives very useful provided they happen to have them to hand! However, you cannot expect everyone (persons using toxic washing agents, do-it-yourselfers handling all sorts of dangerous products) to immediately grasp the significance of the puzzling chemical formulae which manufacturers are required to provide.

Is it not often the case that a doctor, called to the scene of asphyxiation by toxic vapours for example, is powerless to do anything when water has been added to a particular dangerous substance? It is therefore necessary that every person should have readily understandable instructions at hand.

12. Your committee considers that more effective health protection against household preparations should be given high priority. Enormous quantities of chemical preparations with which severe immediate or deferred harmful effects are associated are used in the home today. The small print on a bottle, tin or box warning against the danger is usually so minute that only few people read it closely. It would be better to investigate what clearly visible symbols could be put on the packaging to give the public an immediate indication of danger. The protection of public health should take precedence over the difficulties it may cause to industry.

13. Of course, the circumstances in which these products are used vary widely. Nevertheless, no practical method has been found for differentiating between the various kinds of users.

One of the consequences of this is that labelling and the criteria used are oriented largely to the professional user. As a result, no standard has yet been laid down in respect of, for example, corrosives swallowed by children. Standards only apply to corrosive action on the skin. Yet in every country there are thousands of cases of lack of parental care where small children drink such liquids from any available bottle and thereby burn their throats, generally causing permanent damage.

14. These accidents could be prevented by the use of clear and comprehensible pictorial illustrations and child-proof closures. This is difficult to enforce but technically quite feasible and is so urgent that work must be put in hand without delay. There should in addition be a much more intensive information campaign about all these dangers. It is not difficult to do this with the means of communication available today, particularly if attention is focussed on the symbols mentioned above for dangerous household and do-it-yourself preparations.

15. However, a directive on chemical products used in the home on which the Commission began work around 1970 has been shelved several times. At present the Commission cannot consider it because of internal problems of competence on account of the dispute as to whether it involves trade or health protection. The directives cover the safety of everyone who uses these dangerous substances whether in a professional or private capacity (for household or do-it-yourself purposes).

16. Your committee feels that these priorities also have a place in the new directives on paint and pesticides. They should also be incorporated in the sixth amendment to directive 67/548/EEC since these directives on the classification, packaging and labelling of dangerous preparations are all closely related.

17. One further important deficiency is that despite the extension of the scope of the Directive on solvents, a large number of household preparations are still not covered. Serious consideration must therefore be given to the possible introduction of a kind of authorization system, (in addition to labelling), restricting the purchase and/or utilization of dangerous solvents to certain categories of user. Germany has in principle a regulation of this kind. Switzerland has limited the market with its 'Poisons Act' (Giftgesetz) and only allows the least dangerous substances to be freely marketed.

18. Your committee would also point out that in the directive - about to be adopted - on the labelling of pesticides a clause is included which entitles the Member States to prescribe in certain cases that child-proof closures must be used. Not only is there no such provision in the draft directive amending the Directive on solvents; your committee must also call for the inclusion in all draft legislation of the obligation to use child-proof closures in order to prevent the numerous accidents to children.

19. Finally, as already suggested in point 12, we cannot over-emphasize the importance of using symbols or pictorial illustrations. Not only is it important in view of existing language barriers, the free movement of persons and the large number of foreign workers in our countries, but apart from that good pictograms are much more effective than a few cautionary phrases hidden away between the advertising slogans. The size of print, the eye-catching colour to be used and the like are not laid down. Your committee feels that the greatest emphasis must be laid on these pictograms or pictorial illustrations. This will demonstrate whether the present Europe still places some value on health protection or merely on trade promotion and the producers' interests.

20. In the light of all these considerations there is also one positive feature, namely that Article 5(2), paragraph (f) lays down an obligation to notify the poisons information centre of the full composition of toxic preparations and to quote the reference number which is given. However, this is still not enough.

III. OBSERVATIONS ON THE INDIVIDUAL ARTICLES

21. In general the specific amendments to the articles are either designed to take account of technical progress or represent a simplification of the provisions of the basic directive of 27 June 1967. This is true of Articles 2, 3, 4, 5, 6, 7 and 9.

22. Article 8 lays down that the list of poisons information centres shall be published in the Official Journal of the European Communities which is logical in view of the provisions of Article 5(2), sub-paragraph (f).

23. Your committee would nevertheless like to see the following amendments made to the present proposal:

a) a clear description of the scope of application

The scope of this proposal is wider than that suggested in the basic directive of 4 June 1973 (73/173/EEC) but is not sufficiently clear. To be precise, there is no exact definition of a solvent. This could be remedied by adding the following:

'For the purposes of this Directive, a solvent shall be defined as a liquid capable of absorbing other substances to form a single dangerous liquid phase'.

In order to avoid confusion resulting from conflicting technical definitions, it is suggested that this definition be included in the text of the proposal.

b) addition of instructions for first aid in case of wrongful use

Having made an objective analysis of several fatal accidents, your committee considers it nevertheless necessary that, for every dangerous solvent brought on to the market, there should be, in addition to safety recommendations, advice on how to apply first aid in the case of wrongful use. Should it not be practical to put this on the packaging itself, a special accompanying leaflet in a characteristic, identifying colour could be added - this after consultation with the poison information centre. The inclusion of this provision in the recitals and as Article 5(2), sub-paragraph (h), of the present proposal is therefore suggested.

24. Your committee also wishes to point out that the real impact on national legislation of Community directives on dangerous substances and solvents is not altogether satisfactory. The Commission is therefore requested to provide Parliament as soon as possible with detailed information on the actual enforcement of all directives concerning the classification, packaging and labelling of dangerous preparations and, more particularly, solvents.

25. Finally, reference should be made to a Notice to Members (PE 53.943) concerning regulations either existing or in preparation on the classification, packaging and labelling of dangerous substances in which the Commission is requested to examine the current directives and those in preparation to see if they apply to all dangerous substances and to submit new proposals in due course.

IV. CONCLUSION

26. With the above reservations your committee supports the present proposal. It regrets that the opinions of the expert committee have not been made available. It stresses that more attention must be given to the protection of the consumer against dangerous substances in general and solvents in particular. A large number of accidents, many of them fatal, are unfortunately due to the insufficient information given to the public. Therefore clear labelling instructions such as the introduction of large danger symbols should be adopted and enforced in practice . The industry directly concerned and also the packaging industry have nothing to lose by this.

