EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 94/60/EC  
of 20 December 1994  
amending for the 14th 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF  
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the Economic and Social  
Committee (2),

Acting in accordance with the procedure referred to in  
Article 189b of the Treaty (3),

Whereas measures should be adopted for the achievement  
of the internal market; whereas the internal market is an  
area without internal frontiers in which the free  
movement of goods, persons, services and capital is  
guaranteed;

Whereas work on the internal market should also  
gradually improve the quality of life, health protection  
and consumer safety; whereas the measures proposed by  
this Directive are in line with the Council resolution of  
9 November 1989 on future priorities for relaunching  
consumer protection policy (4);

Whereas the Council and the Representatives of the  
Governments of the Member States, meeting within the  
Council, adopted Decision 90/238/Euratom, ECSC,  

EEC (5) concerning a 1990 to 1994 action plan in the  
context of the ‘Europe against Cancer’ programme;

Whereas the substances which appear in Annex I to  
Council Directive 67/548/EEC (6) and are classified as  
carcinogens category 1 or 2 may cause cancer; whereas to  
improve health protection such substances and  
preparations containing them should not be placed on the  
market for use by the general public;

Whereas the substances which appear in Annex I to  
Directive 67/548/EEC and are classified as mutagens  
category 1 or 2 may cause heritable genetic damage; whereas to  
improve health protection such substances and  
preparations containing them should not be placed on the  
market for use by the general public;

Whereas the substances which appear in Annex I to  
Directive 67/548/EEC and are classified as toxic for  
reproductive purposes category 1 or 2 may cause birth  
defects; whereas to improve health protection such  
substances and preparations containing them should not  
be placed on the market for use by the general public;

Whereas, for reasons of transparency and clarity, such  
substances should be referred to using a recognized  
nomenclature, preferably that of the IUPAC (International  
Union of Pure and Applied Chemistry); whereas Annex I  
to Directive 67/548/EEC (‘List of dangerous substances’)  
is regularly updated by way of adaptation to technical  
progress; whereas the Commission will submit to the  

No C 44, 14. 2. 1994, p. 2), Council common position of 16  
June 1994 (OJ No C 244, 31. 8. 1994, p. 1) and Decision  
of the European Parliament of 26 October 1994 (OJ No C 323,  
21. 11. 1994).  
(5) OJ No L 137, 30. 5. 1990, p. 31.  
European Parliament and the Council, no later than six months after publication of such adaptation to technical progress in the Official Journal of the European Communities, a proposal for a Directive governing the substances newly classified as carcinogenic in categories 1 and 2, mutagenic in categories 1 and 2, and toxic for reproductive purposes in categories 1 and 2, so as to update this Directive;

Whereas the said proposal from the Commission will take account of the risks and advantages of the substances newly classified as well as of the Community legislative provisions on risk analysis;

Whereas Annex I to Directive 67/548/EEC lays down individual concentration limits for such substances and, in the absence of such limits, Table VI of Annex I to Council Directive 88/379/EEC (1), lays down general concentration limits which apply to such substances contained in preparations;

Whereas creosote, as defined in the Annex to this Directive, may be damaging to health because of its content of known carcinogens; whereas for these reasons the use of creosote in wood treatment and the marketing and use of creosote-treated wood should be limited;

Whereas some of the components of creosote are poorly degradable and deleterious to certain organisms in the environment; whereas these components may enter the environment as a result of the use of treated wood;

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

Whereas the restrictions on the use of creosote in wood treatment, on the marketing and use of creosote-treated wood and on the marketing and use of chlorinated solvents laid down by this Directive take into account the current state of knowledge and techniques regarding safer alternatives;

Whereas restrictions already adopted by certain Member States on the marketing and use of the substances mentioned above or the preparations containing them directly affect the establishment and functioning of the internal market; whereas it is therefore necessary to approximate the laws of the Member States in this field and consequently amend Annex I to Council Directive 76/769/EEC (2);


HAVE ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive no later than one year after the date of its adoption and shall forthwith inform the Commission thereof.

They shall apply these provisions as from 20 June 1995.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive is addressed to the Member States.


For the European Parliament

The President

K. HÄNSCH

For the Council

The President

K. KINKEL


ANNEX

The following is added to Annex I to Directive 76/769/EEC:

'Designation of the substance, of the group of substances or of the preparation

29. Substances which appear in Annex I to Directive 67/548/EEC classified as carcinogen category 1 or carcinogen category 2 and labelled at least as “Toxic (T)” with risk phrase R45: “May cause cancer” or risk phrase R49: “may cause cancer by inhalation”, and listed as follows:

Carcinogen category 1
See List 1 in the Appendix

Carcinogen category 2
See List 2 in the Appendix

Conditions of restriction

May not be used in substances and preparations placed on the market for sale to the general public in individual concentration equal to or greater than:

— either the concentration specified in Annex I to Directive 67/548/EEC, or

— the concentration specified in point 6, Table VI, of Annex I to Directive 88/379/EEC where no concentration limit appears in Annex I to Directive 67/548/EEC.

Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations must be marked legibly and indelibly as follows: “Restricted to professional users. Attention — Avoid exposure — obtain special instructions before use”.

By way of derogation, this provision shall not apply to:

(a) medicinal or veterinary products as defined by Directive 65/65/EEC (1);

(b) cosmetic products as defined by Directive 76/768/EEC (2);

(c) — motor fuels which are covered by Directive 85/210/EEC (3),
    — mineral oil products intended for use as fuel in mobile or fixed combustion plants,
    — fuels sold in closed systems (e.g. liquid gas bottles);

(d) other substances and preparations listed in Annex I to this Directive, under points other than 30 and 31;


30. Substances which appear in Annex I to Directive 67/548/EEC classified as mutagen category 1 or mutagen category 2 and labelled with risk phrase R46: “May cause...
heritable genetic damage”, and listed as
follows:
Mutagen category 1
See List 3 in the Appendix
Mutagen category 2
See List 4 in the Appendix
— either the concentration specified in Annex I to Directive 67/548/EEC, or
— the concentration specified in point 6, Table VI, of Annex I to Directive 88/379/EEC where no concentration limit appears in Annex I to Directive 67/548/EEC.

Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations must be marked legibly and indelibly as follows: “Restricted to professional users. Attention — Avoid exposure — obtain special instructions before use”.

By way of derogation, this provision shall not apply to:
(a) medicinal or veterinary products as defined by Directive 65/65/EEC;
(b) cosmetic products as defined by Directive 76/768/EEC;
(c) motor fuels which are covered by Directive 85/210/EEC:
— mineral oil products intended for use as fuel in mobile or fixed combustion plants,
— fuels sold in closed systems (e.g. liquid gas bottles);
(d) other substances and preparations listed in Annex I to this Directive, under points other than 29 and 31;
(e) artists’ paints covered by Directive 88/379/EEC.

31. Substances which appear in Annex I to Directive 67/548/EEC classified as toxic for reproductive purposes category 1 or toxic for reproductive purposes category 2 and labelled with risk phrase R60: “May impair fertility” and/or R61: “May cause harm to the unborn child”, and listed as follows:
Toxic for reproductive purposes category 1
See List 5 in the Appendix
Toxic for reproductive purposes category 2
See List 6 in the Appendix
May not be used in substances and preparations placed on the market for sale to the general public in individual concentration equal to or greater than:
— either the concentration specified in Annex I to Directive 67/548/EEC, or
— the concentration specified in point 6, Table VI, of Annex I to Directive 88/379/EEC where no concentration limit appears in Annex I to Directive 67/548/EEC.

Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and preparations, the packaging of such substances and preparations must be marked legibly and indelibly as follows: “Restricted to professional users. Attention — Avoid exposure — obtain special instructions before use”.

By way of derogation, this provision shall not apply to:
(a) medicinal or veterinary products as defined by Directive 65/65/EEC;
(b) cosmetic products as defined by Directive 76/768/EEC;
(c) motor fuels which are covered by Directive 85/210/EEC,
   — mineral oil products intended for use as fuel in mobile or fixed combustion plants,
   — fuels sold in closed systems (e.g. liquid gas bottles);
(d) other substances and preparations listed in Annex I to this Directive, under points other
    than 29 and 30;
(e) artists’ paints covered by Directive 88/379/EEC.

32. Substances and preparations containing one or more of the following substances:
   (a) Creosote Einecs No 232-287-5
       CAS No 8001-58-9
   (b) Creosote oil Einecs No 263-047-8
       CAS No 61789-28-4
   (c) Distillates (coal tar), naphthalene oils
       Einecs No 283-484-8
       CAS No 84630-04-4
   (d) Creosote oil,acenaphthene fraction
       Einecs No 292-605-3
       CAS No 90640-84-9
   (e) Distillates (coal tar), upper Einecs No
       266-026-1 CAS No 65996-91-0
   (f) Anthracene oil Einecs No 292-602-7 CAS
       No 90640-80-5
   (g) Tar Acids, Coal, Crude Einecs No
       266-019-3 CAS No 65996-85-2
   (h) Creosote, wood Einecs No 232-419-1
       CAS No 8021-39-4
   (i) Low temperature tar oil, alkaline Einecs
       No 310-191-5 CAS No 122384-78-5

32.1. May not be used for wood treatment if they contain:
   (a) benzo-a-pyrene at a concentration of greater than 0,005 % by mass; or
   (b) water extractable phenols at a concentration of greater than 3 % by mass or both (a) and (b).

Furthermore wood so treated may not be placed on the market.
However by way of derogation:
   (i) Relating to the substances and preparations: these may be used for wood treatment in industrial
       installations if they contain:
       (a) benzo-a-pyrene at a concentration of less than 0,05 % by mass; and
       (b) water extractable phenols at a concentration of less than 3 % by mass.

Such substances and preparations:
   — may be placed on the market only in packaging of a capacity equal to or greater than 200 litres,
   — may not be sold to the general public.

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 shall be legible and indelibly marked as follows: “For use in industrial installations only”.

(ii) Relating to wood treated according to (i) which is placed on the market for the first time: this is permitted for professional and industrial use only, e.g. on railways, in electric power transmission and telecommunications, for fencing and in harbours and waterways.

However, such wood may not be used:
inside buildings whether for decorative purposes or not, whatever their purpose (residence, employment, leisure),

for the manufacture of containers intended for growing purposes and any re-treatment and the manufacture of packaging which may come into contact with, or of other materials which may contaminate, raw, intermediate and/or finished products intended for human and/or animal consumption, and any re-treatment,

in playgrounds and in other outdoor places of public pleasure or in other situations where there is a risk that it may come into contact with skin.

(iii) Relating to old treated wood: the prohibition shall not apply where this is placed on the second-hand market. However, such wood may not be used:

inside buildings whether for decorative purposes or not, whatever their purpose (residence, employment, leisure),

for the manufacture of containers intended for growing purposes and any re-treatment and the manufacture of packaging which may come into contact with, or of other materials which may contaminate, raw, intermediate and/or finished products intended for human and/or animal consumption, and any re-treatment,

in playgrounds and in other outdoor places of public pleasure.

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.

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: "Restricted to professional users".

By way of derogation this provision shall not apply to:

(a) medicinal or veterinary products as defined by Directive 65/65/EEC, as last amended by Directive 89/381/EEC;

(b) cosmetic products as defined by Directive 76/768/EEC, as last amended by Directive 89/679/EEC.

33. Chloroform CAS No 67-66-3
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
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
APPENDIX

Point 29 — Carcinogens

List 1, category 1

2-naphthylamine; β-naphthylamine; CAS No 91-5999-8
biphenyl-4-ylamine; CAS No 92-67-1
benzidine; 4,4'-diaminobiphenyl; CAS No 92-87-5
chromium trioxide; CAS No 133-82-0
arsenic acid and its salts; CAS No 1303-28-2
diarsenic trioxide; arsenic trioxide; CAS No 1327-53-3
asbestos; CAS No 132207-32-0
benzene; CAS No 71-43-2
bis(chloromethyl)ether; CAS No 542-88-1
chloromethyl methyl ether, chlorodimethyl ether; CAS No 107-30-2
dinickel trioxide; CAS No 12035-36-8
erionite; CAS No 12510-42-8
nickel dioxide; CAS No 1313-99-1
nickel subsulphide; CAS No 12035-72-2
nickel sulphide; CAS No 16812-54-7
salts of 2-naphthylamine; CAS No —
salts of biphenyl-4-ylamine; CAS No —
salts of xenylamine; CAS No —
salts of 4-aminobiphenyl; CAS No —
salts of benzidine; CAS No —
vinyl chloride; chloroethylene; CAS No 75-01-4
zinc chromates including zinc potassium chromate; CAS No —

List 2, category 2

1-methyl-3-nitro-1-nitrosoguanidine; CAS No 70-25-7
1,2-dibromo-3-chloropropene; CAS No 96-12-8
1,2-dimethylhydrazine; CAS No 540-73-8
1,3-butadiene, buta-1,3-diene; CAS No 106-99-0
1,3-dichloro-2-propanol; CAS No 92-23-1
1,3-propanesultone; CAS No 1116-54-7
3-propanol; 1,3-propiolactone; CAS No 1120-71-4
1,4-dichlorobut-2-ene; CAS No 764-41-0
2-nitronaphthalene; CAS No 581-89-5
2-nitropropane; CAS No 79-46-9
2,2'-dichloro-4,4'-methylenedianiline; 4,4'-methylenedianiline; CAS No 101-14-4
bis(2-chloroaniline); CAS No 1116-54-7
3,3'-dichlorobenzidine; 3,3'-dichlorobiphenyl-4,4'-ylenediamine; CAS No 91-94-1
3,3'-dimethoxybenzidine; 3,3'-dichlorobenzidine; CAS No 119-90-4
4-aminoazobenzene; CAS No 119-93-7
4-amino-3-fluorophenol; CAS No 399-95-1
4-methyl-4'-phenylenediamine; CAS No 95-80-7
4-nitrophenyl; CAS No 92-93-3
4,4'-methylenedi-o-toluidine; CAS No 838-88-0
4,4'-diaminodiethylaminomethane; 4,4'-methylenedianiline; CAS No 101-77-9
5-nitroacenaphthen; CAS No 602-87-9
4-o-tolylazo-o-toluidine; 4-amino-2',3-dimethylaniline; fast garnet GBC base, AAT; CAS No 16071-86-6
o-aminoazothouene; disodium[5[(4'-(2,6-dihydroxy-3-(2-hydroxy-5-sulphophenyl)azo)phenyl)azo][1,1'-biphenyl]-4-yl]azo]salicylato(4-)cuprate(2-); CI Direct Brown 95; cadmium oxide; CAS No 1306-19-0
Extracts (petroleum), heavy naphthenic distillate solvent; CAS No 64742-11-6
Extracts (petroleum), heavy paraffinic distillate solvent; CAS No 64742-04-7
Extracts (petroleum), light naphthenic distillate solvent; CAS No 64742-03-6
Extracts (petroleum), light paraffinic distillate solvent
Extracts (petroleum), light vacuum gas oil solvent
Hydrocarbons, C26-55-, arom-rich
N,N-dimethyldihydrazine
acrylamide
acrylonitrile
α,α,α-trichlorotoluene; benzotrichloride
benzo[a]anthracene
benzo[a]pyrene; benzo[de,fl]chrysene
benzo[b]fluoranthene; benzo[e]acenaphthylene
benzo[j]fluoranthene
benzo[k]fluoranthene
beryllium
beryllium compounds with the exception of aluminium beryllium silicates
cadmium chloride
cadmium sulphate
cadmium chromate
captfol (ISO);
1,2,3,6-tetrahydro-N-(1,1,2,2-tetrachloroethylthio)phthalimide
carbadox (INN); methyl-3-(quinoxalin-2-ylmethylene)carbazate
1,4-dioxide; 2-[(methoxy carbonyl)hydrazonomethyl]quinoxaline
1,4-dioxide
cromium III chromate; chromic chromate
diazomethane
dibenz[a,h]anthracene
diethyl sulphate
dimethyl sulphate
dimethylcarbamoyl chloride
N-nitrosodimethylamine; dimethylnitrosamine
dimethylsulphamoyl chloride
1-chloro-2,3-epoxypropane; epichlorohydrin
1,2-dichloroethane; ethylene dichloride
eythylene oxide; oxirane
eythyleneimine; aziridine
hexachlorobenzene
hexamethylphosphoric triamide; hexamethylphosphoramid hydratze
hydrazobenzene; 1,2-diphenylhydratze
methyl acrylamidomethoxyacetate (containing ≥0,1 % acrylamid)
methyl ONN-azoxymethyl acetate; methyl azoxy methyl acetate
nitrofen (ISO); 2,4-dichlorophenyl 4-nitrophenyl ether
nitrosodipropylamine
2-methoxylaniline; o-anisidine
potassium bromate
propylene oxide; 1,2-epoxypropane; methylxirane
o-toluidine
2-methylaziridine; propyleneimine
salts of 2,2'-dichloro-4,4'-methylenedianiline; salts of 4,4'-methylenebis(2-chloroaniline)
salts of 3,3'-dichlorobenzidine; salts of 3,3'-dichlorobiphenyl-4,4'-ylenediamine
salts of 3,3'-dimethoxybenzidine; salts of o-dianisidine
salts of 3,3'-dimethylbenzidine; salts of o-tolidine
strontium chromate
styrene oxide; (epoxyethyl)benzene; phenylxirane
sulfate (ISO); 2-chlorallyl diethylthiocarbamate
thioacetamide
urethane (INN); ethyl carbamate

Point 30 — Mutagens

List 3, category 1
No substances classified in this category

List 4, category 2
1,2-dibromo-3-chloropropane
acrylamide
benzo[a]pyrene; benzo[d,e,f]chrysene  
CAS No 50-32-8

diethyl sulphate  
CAS No 64-67-5

ethylene oxide; oxirane  
CAS No 75-21-8

ethylenimine, aziridine  
CAS No 151-36-4

hexamethylyphosphoric triamide; hexamethylphosphoramid  
CAS No 680-31-9

methyl acrylamidomethoxyacetate (containing ≥0,1% acrylamid)  
CAS No 77402-03-0

Point 31 — Toxic for reproduction

List 5, category 1

lead hexafluorosilicate  
CAS No 23808-74-6

lead acetate  
CAS No 1335-32-6

lead alkyls  
CAS No —

lead azide  
CAS No 13424-46-9

lead chromate  
CAS No 7758-97-6

lead compounds with the exception of those specified elsewhere in this Annex  
CAS No —

lead di(acetate)  
CAS No 301-04-2

lead 2,4,6-trinitroresorcinoxide; lead stypnate  
CAS No 15245-44-0

lead(II)methanesulphonate  
CAS No 17570-76-2

trilead bis(orthophosphate)  
CAS No 7446-27-7

warfarin (*); 4-hydroxy-3-(3-oxo-1-phenylbutyl)coumarin  
CAS No 81-81-2

List 6, category 2

2-ethoxyethanol; ethylene glycol monoethyl ether  
CAS No 110-80-5

2-ethylhexyl 3,5-bis[1,1-dimethylethyl]-4-hydroxyphenyl methyl thio acetate  
CAS No 80387-97-9

2-methoxyethanol, ethylene glycol monomethyl ether  
CAS No 109-86-4

benzo[a]pyrene; benzo[d,e,f]chrysene  
CAS No 50-32-8

binapacryl (ISO); 2-sec-butyl-4,6-dinitrophenyl-3-methylcrotonate  
CAS No 485-31-4

N,N-dimethylformamide; dimethyl formamide  
CAS No 68-12-2

dinoseb; 6-sec-butyl-2,4-dinitrophenol  
CAS No 88-85-7

dinoterb; 2-tert-butyl-4,6-dinitrophenol  
CAS No 1420-07-1

ethylene thiourea; imidazolidine-2-thione; 2-imidazoline-2-thiol  
CAS No 96-45-7

2-ethoxyethyl acetate; ethylglycol acetate  
CAS No 111-15-9

methyl-ONN-azoxy methyl acetate; methyl azoxy methyl acetate  
CAS No 592-62-1

2-methoxyethyl acetate; methylglycol acetate  
CAS No 110-49-6

nickel tetracarbonyl  
CAS No 13463-39-3

nitrofen (ISO); 2,4-dichlorophenyl 4-nitrophenyl ether  
CAS No 1836-73-6

salts and esters of dinoseb, with the exception of those specified elsewhere in this Appendix  
CAS No —

salts and esters of dinoterb  
CAS No —

(*) The name "Warfarin" is not authorized in France.