

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.