COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.10.1995
COM(95) 531 final

94/0287 (COD)

Amended proposal for a

# EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

amending for the sixteenth 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

(presented by the Commission pursuant to Article 189 a (2) of the EC-Treaty)

# EXPLANATORY MEMORANDUM

Further to the opinion given by the European Parliament[1] on 20th September 1995 on the proposal for a Council Directive amending for the sixteenth time Directive 76/769/EEC[2] 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 and in accordance with the second paragraph of Article 189a of the Treaty on European Union, the Commission has decided to amend the aforementioned proposal.

The Commission has approved the following amendments:

- that entry into force should correspond to entry into force of the later PARCOM Decision (No 93/1)

- that an exemption to the proposed ban, subject to review, should also be given to aluminium foundries using small quantities of hexachloroethane

The Commission has not rejected any amendments.

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[1]

[2] OJ C 382 31.12.94 p. 35

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Further to the opinion given by the European Parliament[1] on 20th September 1995 on the proposal for a Council Directive amending for the sixteenth time Directive 76/769/EEC[2] 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 and in accordance with the second paragraph of Article 189a of the Treaty on European Union, the Commission has decided to amend the aforementioned proposal as follows:

1. The text of the first paragraph of Article 2 is replaced by the following text:

   "Member States shall bring into force and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 1997. They shall immediately inform the Commission thereof. They shall apply the provisions from 1 January 1998."

2. The text of the right hand column of the Annex is replaced by the following text:

   "May not be used in the manufacturing or processing of non-ferrous metals.

   By way of derogation, Member States may allow on their territories the use of hexachloroethane (HCE):

- in non-integrated foundries casting aluminium consuming no more than 1,5 kilogramme per day HCE. In view of the development in knowledge and techniques in the field of substitutional products the Commission will carry out in agreement with the Member States a review of this exceptional rule before 31 December 1996;

- for grain refining in the production of the magnesium alloys AZ 81, AZ 91 and AZ 92. In view of the development in knowledge and techniques in the field of substitutional products the Commission will carry out in agreement with the Member States a review in 1996 of this exceptional rule."

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[1]

[2] OJ C 382 31.12.94 p.35

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