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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2560/77

of 7 November 1977

amending the nomenclature for certain agricultural products, various Regulations concerning these products and the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽²⁾, as last amended by Regulation (EEC) No 1707/73 ⁽³⁾, and in particular Articles 14 (2) and 15 (3) thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽⁴⁾, as last amended by Regulation (EEC) No 559/76 ⁽⁵⁾, and in particular Article 14 (6) thereof,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar ⁽⁶⁾, as last amended by Regulation (EEC) No 1110/77 ⁽⁷⁾, and in particular Article 9 (5) thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common

organization of the market in cereals ⁽⁸⁾, as last amended by Regulation (EEC) No 1386/77 ⁽⁹⁾, and in particular Articles 14 (3), 16 (5), 17, 19 (2) and 23 (2) thereof,

Whereas the nine Member States are parties to the Brussels Convention of 15 December 1950 on nomenclature for the classification of goods in customs tariffs; whereas the Common Customs Tariff is based on that nomenclature;

Whereas the Customs Cooperation Council recommended amendments to the Convention, and therefore to the nomenclature which forms part thereof, to its Contracting Parties; whereas these recommendations, having encountered no objection in whole or in part, are deemed to have been adopted on 1 July 1977 and are to be applied from 1 January 1978;

Whereas heading No 05.06 has been deleted by the recommendation of the Customs Cooperation Council; whereas the products which fall within this heading are now classified under subheading 05.15 B; whereas this subheading is part of the common organization of the market in certain products listed in Annex II to the Treaty; whereas the scope of this common organization of the market should not be extended because of the recommendation of the Customs Cooperation Council;

Whereas heading No 17.05 has been deleted by the recommendation of the Customs Cooperation Council; whereas products which fall within these headings are now classified under heading No 17.01 or 17.02, or under subheading 21.07 F;

⁽¹⁾ OJ No C 266, 7. 11. 1977, p. 46.

⁽²⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽³⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽⁶⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽⁷⁾ OJ No L 134, 28. 5. 1977, p. 1.

⁽⁸⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁹⁾ OJ No L 158, 29. 6. 1977, p. 1.

Whereas other amendments to the tariff nomenclature for agricultural products are necessary to ensure its uniform application; whereas it is necessary to amend the relevant Regulations; whereas the tariff nomenclature for agricultural products is incorporated into the Common Customs Tariff;

Whereas the Common Customs Tariff can be simplified;

Whereas certain Regulations should be amended or adapted;

Whereas under Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1034/77 ⁽²⁾, and in particular Article 22 thereof, a countervailing tax may be charged in addition to the customs duty on cucumbers; whereas it is necessary to amend the Common Customs Tariff;

Whereas it is appropriate, for the sake of clarity, to bring the Annexes to the amended Regulations up to date,

HAS ADOPTED THIS REGULATION:

SECTION I

Cereals

Article 1

In Regulation (EEC) No 2727/75, Annex A shall be replaced by Annex I to this Regulation and Annex B is hereby amended as shown in Annex II hereto.

Article 2

Article 6 (2) of Council Regulation (EEC) No 2742/75 of 29 October 1975 on production refunds in the cereals and rice sectors ⁽³⁾, as last amended by Regulation (EEC) No 2139/77 ⁽⁴⁾, is hereby amended as follows:

— '17.05 B' shall be deleted and replaced by '21.07 F II'.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 125, 19. 5. 1977, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁴⁾ OJ No L 249, 30. 9. 1977, p. 1.

Article 3

In Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal based compound feedingstuffs ⁽⁵⁾ Annex I is hereby amended by replacing the text of subheading 23.07 B by the following:

CCT heading No	Description
23.07	Sweetened forage; other preparations of a kind used in animal feeding: B. Other, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II, or milk products (falling within heading No 04.01, 04.02, 04.03 or 04.04, or within subheading 07.02 A or 21.07 F I): I. (No change)

Article 4

Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁶⁾, as last amended by Regulation (EEC) No 832/76 ⁽⁷⁾, is hereby amended as follows:

1. In Articles 5 (1) and 8:

— '11.06 B' shall be deleted and replaced by '11.04 C II',

— '17.05 B' shall be deleted and replaced by '21.07 F II'.

2. In Article 9 (1):

— '11.06 A' shall be deleted and replaced by '11.04 C I',

— '17.05 B' shall be deleted and replaced by '21.07 F II'.

3. In Article 9 (3):

— '11.06 B' shall be deleted and replaced by '11.04 C II'.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁷⁾ OJ No L 100, 14. 4. 1976, p. 1.

4. In Annex I:

(a) The text of columns 1 and 2 in heading Nos 11.02, 11.06 and 17.02 shall be replaced by the following:

CCT heading No	Description	Basic product	Coefficient	Fixed component (u.a./tonne)
(1)	(2)	(3)	(4)	(5)
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled but not further prepared), except rice falling within heading No 10.06; germ of cereals, whole, rolled, flaked or ground ⁽¹⁾: A. } B. } C. } D. } (No change) E. } F. } G. }			No change
11.04	Flour of the dried leguminous vegetables falling within heading No 07.05 or of the fruits falling within any heading in Chapter 8; flour and meal of sago and of roots and tubers falling within heading No 07.06: C. Flour and meal of sago and of roots and tubers falling within heading No 07.06: I. Denatured (a) II. Other: a) For the manufacture of starches (a) b) Other			No change
17.02	Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: B. Glucose and glucose syrup: II. Other: a) Glucose in the form of white crystalline powder, whether or not agglomerated b) Other			No change

⁽¹⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 are those having both of the following:

- a starch content (determined by the modified Ewers polarimetric method) exceeding 45 % by weight referred to dry matter,
- an ash content by weight, referred to dry matter (after deduction of any added mineral matter) not exceeding 1.6 % for rice, 2.5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals. However, germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

(b) Heading No 17.05 shall be deleted and replaced by a new subheading 21.07 F, the text of which is as follows:

CCT heading No	Description	Basic product	Coefficient	Fixed component (u.a./tonne)
(1)	(2)	(3)	(4)	(5)
21.07 F	Flavoured or coloured sugar syrups: II. Glucose syrup	Maize	1.61	55.00

Article 5

In Council Regulation (EEC) No 2747/75 of 29 October 1975 laying down general rules to be applied in the event of the cereals market being disturbed ⁽¹⁾, Article 3 (2) is hereby amended as follows:

— '17.05 B' shall be deleted and replaced by '21.07 F II'.

Article 6

In Council Regulation (EEC) No 2758/75 of 29 October 1975 laying down general rules concerning the components designed to ensure, within the cereals and rice sectors, the protection of the processing industry and fixing those components in respect of the new Member States ⁽²⁾, Annex I is hereby amended as follows:

1. Heading Nos 11.02, 11.06 and 17.02 shall be replaced by the following:

CCT heading No	Description	Fixed component (u.a./tonne)
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled but not further prepared), except rice falling within heading No 10.06; germ of cereals, whole, rolled, flaked or ground: A. B. C. D. E. F. G. } (No change)	No change

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 82.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 109.

CCT heading No	Description	Fixed component (u.a./tonne)
11.04	Flour of the dried leguminous vegetables falling within heading No 07.05 or of the fruits falling within any heading in Chapter 8; flour and meal of sago and of roots and tubers falling within heading No 07.06: C. Flour and meal of sago and of roots and tubers falling within heading No 07.06: I. Denatured (a) II. Other: a) For the manufacture of starches (a) b) Other	No change
17.02	Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: B. Glucose and glucose syrup: II. Other: a) Glucose in the form of white crystalline powder, whether or not agglomerated b) Other	No change

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

2. Heading No 17.05 shall be deleted and replaced by a new subheading 21.07 F, the text of which is as follows:

CCT heading No	Description	Fixed component (u.a./tonne)
21.07 F	Flavoured or coloured sugar syrups: II. Glucose syrup	55.00

3. The text of the first two columns in subheading 23.07 B shall be replaced by the following:

CCT heading No	Description	Community as originally constituted	Denmark	Ireland	United Kingdom
		Fixed component (u.a./tonne)			
23.07	Sweetened forage: other preparations of a kind used in animal feeding: B. Other, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II, or milk products (falling within heading No 04.01, 04.02, 04.03 or 04.04, or within subheading 17.02 A or 21.07 F I): I. (No change)	No change			

SECTION II

Wine

Article 7

Annex IV to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2211/77 ⁽²⁾, is hereby amended in accordance with Annex III to this Regulation.

1. The text of item (e) shall be replaced by the following:

'(e) 17.02 Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:

A. (No change).'

2. The text of item (f) shall be replaced by the following:

'(f) 21.07 F Flavoured or coloured sugar syrups:

I. Lactose syrup'.

SECTION III

Milk and milk products

Article 8

In Regulation (EEC) No 804/68, Article 1 is hereby amended as follows:

3. In Regulation (EEC) No 804/68, the Annex shall be amended as follows:

(a) The text of heading No 17.02 shall be replaced by the following:

'17.02 Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:

A. (No change).'

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 256, 7. 10. 1977, p. 1.

- (b) The text of heading No 19.02 shall be replaced by the following:

'19.02 Malt extract; preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa:

B. Other (i.e. not being malt extract)'

Article 9

1. In Council Regulation (EEC) No 823/68 of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1638/77 ⁽²⁾, Annex I is hereby amended as follows:

Group 12: '17.05 A' shall be replaced by '21.07 F I'.

2. In Regulation (EEC) No 823/68, Annex II is hereby amended as follows:

- (a) The text of heading No 17.02 shall be replaced by the following:

CCT heading No	Description
17.02	Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: A. Lactose and lactose syrup: II. Other (than those containing, in the dry state, 99% or more by weight of the pure product)

- (b) The text of heading No 17.05 shall be replaced by the following text for subheading 21.07 F:

CCT heading No	Description
21.07	F. Flavoured or coloured sugar syrups: I. Lactose syrup

- (c) In subheading 23.07 B, '17.05 B' shall be replaced by '21.07 F II'.

- (d) In footnote ⁽³⁾, '17.05 A' shall be replaced by '21.07 F I'.

SECTION IV

Certain products listed in Annex II to the Treaty

Article 10

In Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty ⁽³⁾, as last amended by Regulation (EEC) No 425/77 ⁽⁴⁾, the Annex is hereby amended as follows:

1. The text of subheading 05.15 B shall be replaced by the following:

'05.15 ex B. Other, except sinews and tendons, and parings and similar waste of raw hides or skins'.

2. The text of heading Nos 11.03 and 11.04 shall be replaced by the following:

'11.04 Flour of the dried leguminous vegetables falling within heading No 07.05 or of the fruits falling within any heading in Chapter 8; flour and meal of sago and of roots and tubers falling within heading No 07.06:

A. Flour of the dried leguminous vegetables falling within heading No 07.05

B. Flour of the fruits falling within any heading in Chapter 8'.

3. The text of heading No 12.08 shall be replaced by the following text:

'12.08 Chicory roots, fresh or dried, whole or cut, unroasted; locust beans, fresh or dried, whether or not kibbled or ground, but not further prepared; fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading:

B. Locust beans

C. Locust bean seeds

D. Apricot, peach and plum stones, and kernels thereof

E. Other'.

⁽¹⁾ OJ No L 151, 30. 6. 1968, p. 13.

⁽²⁾ OJ No L 183, 22. 7. 1977, p. 3.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 1.

SECTION V

Sugar and isoglucose

Article 11

Regulation (EEC) No 3330/74 is hereby amended as follows:

1. In Article 1 (1):

(a) In the English version of item (a), heading No 17.01, — the words 'beet sugar and cane sugar, solid' shall be replaced by the words 'beet sugar and cane sugar, in solid form'.

(b) The text of item (c) shall be replaced by the following:

'(c) 17.03 Molasses'.

(c) The text of item (d) shall be replaced by the following:

'(d) 17.02 Other sugars in solid form C, D II, (but not including lactose, glucose or isoglucose); sugar syrups, not containing added flavouring or colouring matter (and not including lactose, glucose or isoglucose); artificial honey, whether or not mixed with natural honey; caramel

21.07 F IV Flavoured or coloured sugar syrups (other than lactose, glucose or isoglucose syrups'.

2. The text of Article 1 (2) shall be replaced by the following:

2. For the purposes of this Regulation:

— "white sugar" means sugar, not flavoured or coloured, containing, in the dry state, 99.5% or more by weight of sucrose, determined by the polarimetric method,

— "raw sugar" means sugar, not flavoured or coloured, containing, in the dry state, less than 99.5% by weight of sucrose, determined by the polarimetric method.'

3. Annex I to Regulation (EEC) No 3330/74 is hereby amended as follows:

In heading No 19.02: the word 'preparations' shall be replaced by the words: 'Extract of malt; preparations'. The following shall be added: 'B. Other'.

Article 12

Council Regulation (EEC) No 765/68 of 18 June 1968 laying down general rules for the production refund on sugar used in the chemical industry ⁽¹⁾, as last amended by Regulation (EEC) No 3138/76 ⁽²⁾, is hereby amended as follows:

1. Annex I

(a) 'ex 17.02 D' shall be deleted and replaced by 'ex 17.02 D II';

(b) 'ex 29.35 T' shall be deleted and replaced by 'ex 29.35 Q';

(c) '38.19 R' shall be deleted and replaced by 'ex 38.19 U'.

2. Annex III

(a) '29.35 L' shall be deleted and replaced by '29.35 IJ';

(b) 'ex 29.35 T' shall be deleted and replaced by 'ex 29.35 Q';

(c) 'ex 32.02' shall be deleted and replaced by 'ex 32.01 B';

(d) 'ex 38.11 C' shall be deleted and replaced by 'ex 38.11 D';

(e) 'ex 38.19 T' shall be deleted and replaced by 'ex 38.19 U';

(f) 'ex 39.01 C VIII' shall be deleted and replaced by 'ex 39.01 C VII'.

Article 13

In Council Regulation (EEC) No 1111/77 of 17 May 1977 laying down common provisions for isoglucose ⁽³⁾, Article 1 is hereby amended as follows:

The text of subheading 17.05 C I shall be replaced by the following subheading:

'21.07 F III Flavoured or coloured isoglucose syrup'.

SECTION VI

Fish

Article 14

Annex V to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products ⁽⁴⁾, as last amended

⁽¹⁾ OJ No L 143, 25. 6. 1968, p. 1.

⁽²⁾ OJ No L 354, 24. 12. 1976, p. 1.

⁽³⁾ OJ No L 134, 28. 5. 1977, p. 4.

⁽⁴⁾ OJ No L 20, 28. 1. 1976, p. 1.

by Regulation (EEC) No 2429/76 ⁽¹⁾, is hereby amended as follows:

1. The text of subheading 03.03 A I shall be replaced by the following text in the English version:

CCT heading No	Description
03.03	A. Crustaceans: I. Crawfish of the genera <i>Palinurus</i> , <i>Panulirus</i> and <i>Jasus</i>

2. The text of subheading 05.15 A shall be replaced by the following:

CCT heading No	Description
05.15	A. Fish, crustaceans and molluscs

SECTION VII

Oils and fats

Article 15

Regulation No 136/66/EEC is hereby amended as follows:

1. Article 1 (2) (b):
'15.17 B' shall be deleted and replaced by '15.17 B II'.
2. Article 1 (2) (d):
in the German version of subheading 07.02 A, the word 'gekocht' shall be replaced by the word 'gegart'.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 November 1977.

3. Article 1 (2) (d):

in the Dutch version of subheading 07.02 A, the words 'of gebakken' shall be added.

4. Article 1 (2) (e):

'15.17 A' shall be deleted and replaced by '15.17 B I'.

Article 16

Council Regulation (EEC) No 443/72 of 29 February 1972 on the levies applicable to refined olive oil ⁽²⁾ is hereby amended as follows:

1. In the first indent of Article 6 (2) and the first indent of Article 7 (2), '15.17 A I' shall be deleted and replaced by '15.17 B I a)'.
2. In the second indent of Article 6 (2) and the second indent of Article 7 (2), '15.17 A II' shall be deleted and replaced by '15.17 B I b)'.
3. In Article 8, '15.17 A' shall be deleted and replaced by '15.17 B I'.

SECTION VIII

General provisions

Article 17

Regulation (EEC) No 950/68 on the Common Customs Tariff is hereby amended as shown in Annex IV hereto.

Article 18

This Regulation shall enter into force on 1 January 1978.

For the Council
The President
A. HUMBLET

⁽¹⁾ OJ No L 276, 7. 10. 1976, p. 5.

⁽²⁾ OJ No L 54, 3. 3. 1972, p. 3.

ANNEX I

ANNEX A

CCT heading No	Description
07.06 A	Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes
ex 11.01	Cereal flours: C. Barley flour D. Oat flour E. Maize flour G. Other
ex 11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled but not further prepared), except rice falling within heading No 10.06; germ of cereals, whole, rolled, flaked or ground: ex A. Cereal groats and cereal meal, except groats and meal of wheat and rice B. Hulled grains (shelled or husked), whether or not sliced or kibbled C. Pearled grains - D. Grains not otherwise worked than kibbled ex E. Rolled grains; flaked grains, except flaked rice ex F. Pellets, except rice pellets G. Germ of cereals, whole, rolled, flaked or ground
11.04 C	Flour and meal of sago and of roots and tubers falling within heading No 07.06
11.07	Malt, roasted or not
ex 11.08 A	Starches: I. Maize starch III. Wheat starch IV. Potato starch V. Other
11.09	Wheat gluten, whether or not dried
17.02 B	Glucose and glucose syrup: II. Other
21.07 F II	Glucose syrup, flavoured or coloured
23.02 A	Bran, sharps and other residues derived from the sifting, milling or working of cereals

CCT heading No	Description
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight
23.07	Sweetened forage; other preparations of a kind used in animal feeding: ex B. Other, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading No 04.01, 04.02, 04.03, or 04.04, or within subheading 17.02 A or 21.07 F I), except preparations and feedingstuffs containing 50 % or more by weight of milk products falling within one or more of the abovementioned headings or subheadings

ANNEX II

(Annex B)

CCT heading No	Description
17.02	Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: B. Glucose and glucose syrup: I. Containing, in the dry state, 99 % or more by weight of the pure product
17.04	Sugar confectionery, not containing cocoa: B. Chewing gum C. White chocolate D. Other
18.06 C	Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
19.02	Malt extract; preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa
19.03	Macaroni, spaghetti and similar products
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.05	Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit; communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
ex 21.02	Roasted chicory and other roasted coffee substitutes; extracts, essences and concentrates thereof: C. Roasted chicory and other roasted coffee substitutes: II. Other (than roasted chicory) D. Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes: II. Other (than extracts, essences and concentrates of roasted chicory)
ex 21.05	Soups and broths, in liquid, solid or powder form
21.07	Food preparations not elsewhere specified or included

ANNEX III

In Annex IV to Regulation (EEC) No 816/70, subheadings 20.07 A I and B I are amended as follows:

1	2	3	4
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit: A. Of a specific gravity exceeding 1.33 at 15 °C: I. Grape juice (including grape must): a) Of a value exceeding 22 u.a. per 100 kg net weight b) Of a value not exceeding 22 u.a. per 100 kg net weight: 1. With an added sugar content exceeding 30 % by weight 2. Other B. Of a specific gravity of 1.33 or less at 15 °C: I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice: a) Of a value exceeding 18 u.a. per 100 kg net weight: 1. Grape juice (including grape must): aa) Concentrated: 11. With an added sugar content exceeding 30 % by weight 22. Other bb) Other: 11. With an added sugar content exceeding 30 % by weight 22. Other 2 and 3. (No change) b) Of a value of 18 u.a. or less per 100 kg net weight: 1. Grape juice (including grape must): aa) Concentrated: 11. With an added sugar content exceeding 30 % by weight 22. Other bb) Other: 11. With an added sugar content exceeding 30 % by weight 22. Other 2, 3 and 4. (No change)	50 (b) 50 + (L) (b) 50 (b) 28 (b) 28 (b) 28 (b) 28 (b) 28 + (L) (b) 28 (b) 28 + (L) (b) 28 (b)	— — — 28 + ads 28 + ads 28 + ads 28 + ads 28 + ads 28 + ads 28 + ads 28 + ads

(b) No change.

ANNEX IV

In Part I, Section I, in Part II, Chapters 3, 4, 7, 10, 11, 17, 19, 21 and 23, and in the Annex to the Common Customs Tariff, the latter itself the Annex to Regulation (EEC) No 950/68, the undermentioned notes and headings are hereby amended, with effect from 1 January 1978, to read as follows:

A. Part I, 'Preliminary provisions'; Section I, 'General rules':

B. General rules concerning duties:

(a) Paragraphs 5 and 6 in the Danish version shall read as follows:

- '5. Et »(I)« i todsatskolonne 3 for visse positioner og underpositioner angiver, at de pågældende varer er underkastet reglerne om importafgift på landbrugsvarer.
6. Et »ve« i todsatskolonnerne 3 og 4 angiver, at der for de pågældende varer kan opkræves et variabelt element, der fastsættes i overensstemmelse med reglerne om handelen med visse forarbejdede landbrugsvarer.'

(b) The following two paragraphs shall be added:

- '7. The symbol "ads" or "adf" in column 4 in Chapters 17, 18 and 19 indicates that the maximum rate of duty consists of an *ad valorem* duty plus an additional duty for certain forms of sugar or for flour. This additional duty is fixed in accordance with the rules concerning trade in certain processed agricultural products.
8. The symbol "ads" in column 4 in Chapter 20 indicates that the Community reserves the right to charge, over and above the bound duty, an additional duty on sugar corresponding to the duty payable on imported sugar and applicable to the quantity of various sugars contained in this product in excess of the percentage by weight laid down in Additional Notes 2 and 3 to Chapter 20, or, in respect of products falling within heading Nos 20.03, 20.04 and 20.05, which exceeds 13 % by weight.'

B. Part II, 'Schedule of Customs Duties':

1. The text of Chapter 4, Note 1 shall be replaced by the following:

- '1. The expression "milk" means full cream or skimmed milk, buttermilk, whey, curdled milk, kephir, yoghurt and other fermented or acidified milk.'

2. In Chapter 4, Additional Note 8, line 3, '17.05 A' shall be replaced by '21.07 F I'.

3. The text of subheading 05.15 A shall be replaced by the following:

1	2	3	4
05.15	A. Fish, crustaceans and molluscs	Free	(a)

(a) See Annex.

4. In the Note to Chapter 7, paragraph (c), '11.03' shall be replaced by '11.04'.

5. The text of subheading 07.01 P shall be replaced by the following:

1	2	3	4
07.01	P. Cucumbers and gherkins: I. Cucumbers: a) From 1 November to 15 May b) From 16 May to 31 October II. Gherkins	16 (a) 20 (a) 16	— 20 —

(a) In certain conditions a countervailing tax is provided for in addition to the customs duty.

6. The text of subheading 08.08 B shall be replaced by the following:

1	2	3	4
08.08	B. Cowberries, foxberries or mountain cranberries (fruit of the species <i>Vaccinium vitis idaea</i>)	9	Free

7. In subheadings 08.08 C, 08.10 A and 08.11 D, after 'bilberries' the following parenthesis shall be added: '(fruit of the species *Vaccinium myrtillus*)'.

8. The text of the Note to Chapter 10 shall be replaced by the following:

'This chapter only covers those grains which have been neither hulled nor otherwise worked. However, rice, husked, milled, polished, glazed, parboiled, converted or broken remains classified in heading No 10.06.'

9. In Note 1 (a) to Chapter 11, '21.01' shall be replaced by '21.02'.

10. The texts of heading Nos 11.02 and 11.04 shall be replaced by the following:

1	2	3	4
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled but not further prepared), except rice falling within heading No 10.06; germ of cereals, whole, rolled, flaked or ground: A. } B. } C. } D. } (No change) E. } F. } G. }		
11.04	Flour of the dried leguminous vegetables falling within heading No 07.05 or of the fruits falling within any heading in Chapter 8; flour and meal of sago and of roots and tubers falling within heading No 07.06: A. Flour of the dried leguminous vegetables falling within heading No 07.05	12	(a)

(a) See Annex.

1	2	3	4
11.04 (cont'd)	B. Flour of the fruits falling within any heading in Chapter 8: I. Of bananas II. Other	17 13	— —
	C. Flour and meal of sago and of roots and tubers falling within heading No 07.06: I. Denatured (b) II. Other: a) For the manufacture of starches (b) b) Other	28 (L) 28 (L) 28 (L)	— — —

(b) Entry under this subheading is subject to conditions to be determined by the competent authorities.

11. Heading Nos 11.03 and 11.06 shall be deleted.
12. In Note 2 to Chapter 12, after 'seeds of vetches', the following parenthesis shall be added: '(other than those of the species *Vicia faba*)'.
13. Heading No 12.05 shall be deleted.
14. The text of heading No 12.08 shall be replaced by the following:

1	2	3	4
12.08	Chicory roots, fresh or dried, whole or cut, unroasted; locust beans, fresh or dried, whether or not kibbled or ground, but not further prepared; fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading: A. Chicory roots B. Locust beans C. Locust bean seeds: I. Not decorticated, crushed or ground II. Other D. Apricot, peach and plum stones and kernels thereof E. Other	2 8 2 9 5 Free	2 — — — 4 Free

15. In Additional Note 3 to Chapter 15, '15.17 A' shall be replaced by '15.17 B P'.
16. The text of heading No 15.17 shall be replaced by the following:

1	2	3	4
15.17	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes: A. Degras B. Residues resulting from the treatment of fatty substances or animal or vegetable waxes:	9	6

1	2	3	4
15.17 (cont'd)	B. I. Containing oil having the characteristics of olive oil: a) Soapstocks b) Other	7 (L) 2 (L)	— —
	II. Other: a) Oil foots and dregs; soapstocks b) Other	7 (a) 2 (a)	5 2

(a) In certain conditions, the collection of a compensatory amount is provided for in addition to the customs duty.

17. In Chapter 17:

(a) The text of Additional Note 1 shall be replaced by the following:

'For the purposes of heading No 17.01:

- "white sugar" means sugar, not flavoured or coloured, containing, in the dry state, 99.5 % or more by weight of sucrose, determined by the polarimetric method,
- "raw sugar" means sugar, not flavoured or coloured, containing, in the dry state, less than 99.5 % by weight of sucrose, determined by the polarimetric method.'

(b) In Additional Note 2, the reference to 'subheadings 17.02 D I and 17.02 C I' shall be replaced by a reference to 'subheading 17.02 D I'.

18. The text of heading No 17.01 shall be replaced by the following:

1	2	3	4
17.01	Beet sugar and cane sugar, in solid form: A. White sugar; flavoured or coloured sugar B. Raw sugar: I. For refining (a) II. Other	80 (L) 80 (L) 80 (L)	— — —

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

19. The text of heading No 17.02 shall be replaced by the following:

1	2	3	4
17.02	Other sugars in solid form; sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: A. } B. } (No change) C. Maple sugar and syrup: I. Maple sugar in solid form, flavoured or coloured II. Other D. Other sugars and syrups: I. Isoglucose II. Other E. } F. } (No change)	 67 (L) 42 (L) 80 (L) 80 (L) 	 — 20 — —

20. The text of heading No 17.03 shall be replaced by the following:

1	2	3	4
17.03	Molasses	65 (L) (b)	—

The following indent shall be added to the footnote listing the rates of autonomous duty for heading N 17.03:

‘— 67% for flavoured or coloured molasses.’

21. Heading No 17.05 shall be deleted.

22. Heading No 19.01 shall be deleted.

23. The text of heading No 19.02 shall be replaced by the following:

1	2	3	4
19.02	Malt extract; preparations of flour, meal, starch or malt extract of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa:		
	A. Malt extract:		
	I. With a dry extract content of 90% or more by weight	16.3 + vc	8 + vc
	II. Other	16.3 + vc	8 + vc
	B. Other:		
	I. Containing malt extract and not less than 30% by weight of reducing sugars (expressed as maltose)	19.6 + vc	11 + vc
	II. Other:		
	a) Containing no milkfats or containing less than 1.5% by weight of such fats:		
	1. Containing less than 14% by weight of starch:		
	aa) Containing no sucrose or containing less than 5% by weight of sucrose (including invert sugar expressed as sucrose)	19.6 + vc	11 + vc
	bb) Containing by weight of sucrose (including invert sugar expressed as sucrose):		
	11. 5% or more but less than 60%	19.6 + vc	11 + vc
	22. 60% or more	19.6 + vc	11 + vc

24. Heading No 19.06 shall be deleted.

25. The text of heading No 19.07 shall be replaced by the following:

1	2	3	4
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit; communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:		
	A. Crispbread	24 + vc	9 + vc with a maximum of 24 + adf
	B. Matzos	20 + vc	6 + vc with a maximum of 20 + adf
	C. Communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	19.5 + vc	7 + vc
	D. Other, containing by weight of starch:		
	I. Less than 50%	26.5 + vc	14 + vc
	II. 50% or more	26.5 + vc	14 + vc

26. The texts of subheadings 20.07 B II a) 1 and 2 and 20.07 B II b) 1 and 2 shall be replaced by the following:

1	2	3	4
20.07	B. II. Other:		
	a) Of a value exceeding 30 u.a. per 100 kg net weight:		
	1. Orange juice	21	19 + ads
	2. Grapefruit juice	21	15 + ads
	b) Of a value of 30 u.a. or less per 100 kg net weight:		
	1. Orange juice:		
	aa) With an added sugar content exceeding 30% by weight	21 + (L)	19 + ads
	bb) Other	21	19 + ads
	2. Grapefruit juice:		
	aa) With an added sugar content exceeding 30% by weight	21 + (L)	15 + ads
	bb) Other	21	15 + ads

27. In Chapter 21:

(a) The following new item (e) shall be added to Note 1:

'(e) Prepared enzymes of heading No 35.07'.

(b) The heading 'Additional Note' to Chapter 21 shall be replaced by the heading 'Additional Notes'.

3. Heading No 20.07, the footnote and the note (ads), and the table relating to heading No 20.07 shall be deleted.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 7 November 1977

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

(77/728/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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

Whereas dangerous substances and preparations are subject to rules in the Member States; whereas there are considerable differences between these national rules particularly as regards labelling but equally as regards classification according to the degree of risk; whereas these differences constitute a considerable barrier to trade and directly affect the establishment and functioning of the common market;

Whereas it is therefore necessary to eliminate this obstacle and, in order to attain this objective, to

approximate the relevant legislation existing in the Member States;

Whereas rules relating to dangerous substances have already been laid down in Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽³⁾, as last amended by Directive 76/907/EEC ⁽⁴⁾; whereas rules concerning dangerous preparations (solvents) have also been laid down in Council 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) ⁽⁵⁾;

Whereas it is now necessary to lay down similar rules for preparations intended to be used as paints, varnishes, printing inks, adhesives and similar products, and containing dangerous substances;

Whereas preparations containing one or more of these dangerous substances are frequently used for industrial, farming, craft and domestic purposes, it

⁽¹⁾ OJ No C 28, 9. 2. 1976, p. 34.

⁽²⁾ OJ No C 35, 16. 2. 1976, p. 26.

⁽³⁾ OJ No 196, 16. 8. 1967, p. 1.

⁽⁴⁾ OJ No L 360, 30. 12. 1976, p. 1.

⁽⁵⁾ OJ No L 189, 11. 7. 1973, p. 7.

is necessary to protect those using these preparations, in particular by specifying the hazards involved;

Whereas it may happen that these dangerous preparations, although conforming to the provisions of this Directive, endanger health or safety; whereas it is therefore advisable to provide a procedure intended to remove this danger,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall concern:

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

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 in Article 2 of Directive 67/548/EEC are applicable to this Directive.

Article 2

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 control, provided that they are not altered or treated in any way.

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 toxic in Annex I to Directive 67/548/EEC, each substance having a total concentration in excess of 0.2% or the total concentration in the preparation exceeding 1%.

(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%.

(c) Preparations shall be considered corrosive if they contain:

- 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%.

(d) Preparations shall be considered irritant if they contain:

- 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%.

(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 highly flammable:

preparations in liquid form having a flash-point, determined in accordance with the test method laid down in Annex V to Directive 67/548/EEC, of less than 21 °C.

(g) The following shall be considered flammable: preparations in liquid form having a flash-point, determined in accordance with the test method laid down in Annex V to Directive 67/548/EEC, between 21 and 55 °C.

4. The provisions concerning flammability criteria contained in 1.8 of the Annex to Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers⁽¹⁾ shall apply to aerosol preparations.

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 thereto.

Article 5

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 packaging satisfies the following requirements:

- (a) the packagings and closures shall be designed and constructed in such a way as to preclude any unintentional loss of the contents; this requirement shall not apply where special safety devices are prescribed;
- (b) the materials constituting the packaging and closures shall not be liable to attack by the contents or liable to form harmful or dangerous compounds with the contents;
- (c) the packagings and closures shall be strong and solid throughout so as to ensure that they will not come apart and that they will safely withstand the stresses and strains of normal handling.

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.

⁽¹⁾ OJ No L 147, 9. 6. 1975, p. 40.

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

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

the name of any irritant constituents, if their concentration exceeds the lowest limits specified in Article 3, where the preparation does not otherwise contain toxic, harmful or corrosive constituents. Instead of giving the names of the various irritant constituents, the term 'irritant solvents' may be used on its own to indicate constituents of that kind.

The provisions of Article 5 (2) (a) of Directive 73/173/EEC shall apply to solvents, the percentage of each solvent being calculated in relation to the total weight of the preparation. The name shall be one of the terms listed in Annex I to Directive 67/548/EEC;

- (b) the name and address of the manufacturer or any other person placing the preparation on the market;

- (c) the symbols prescribed in this Directive and the indication of the dangers attendant upon the preparation, in accordance with Article 6 (2) (c) of and Annex II to Directive 67/548/EEC and, for highly flammable and flammable substances, with Annex V thereto;

- (d) a notice of the special risks involved with the preparation. In the case of preparations containing harmful, irritant, highly flammable, flammable or oxidizing substances, it shall not be necessary to indicate the special risks if the contents of the package do not exceed 125 millilitres.

3. On the basis of the main risks involved, the nature of the special risks shall be specified by the competent authorities where the preparation is subject to approval and in other cases by the manufacturer or any other person putting the preparation on the market.

This specification shall conform to the indications given in Annex III to Directive 67/548/EEC.

No more than four risk phrases need be indicated. Health risk phrases shall be given priority over warnings of a fire or explosion risk.

4. The package shall be accompanied by safety advice on the use of the preparation when it is physically impossible to affix it to the label or to the package itself. Such advice shall be selected by the manufacturer or any other person putting the preparation on the market, or, in the case of a preparation subject to approval, by the competent authority, and shall comply with the indications laid down in the list contained in Annex IV to Directive 67/548/EEC.

Safety advice need not be shown on packages containing harmful, irritant, highly flammable, flammable or oxidizing preparations if the contents of the package do not exceed 125 millilitres. 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.

The requirements of 2.2 of the Annex to Directive 75/324/EEC shall also apply to aerosol preparations placed on the market.

5. Where a preparation is assigned more than one warning 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.

Article 7

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

<i>Package contents</i>	<i>Dimensions</i>
— less than or equal to 3 l (litres):	if possible, at least 52 × 74 mm
— greater than 3 l and not exceeding 50 l:	at least 74 × 105 mm

- | | |
|---|--------------------------|
| — greater than 50 l and
not exceeding 500 l: | at least
105 × 148 mm |
| — greater than 500 l: | at least
148 × 210 mm |

Each symbol shall cover at least one-tenth of the surface area of the label and shall not be smaller than 1 cm². The entire surface of the label shall adhere to the package immediately containing the preparation. The colour and the layout of the label — and, in the case referred to in paragraph 2 below, of the package — shall be such that the danger symbol and its orange-yellow background stand out clearly.

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

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

4. For the purposes of this Directive, labelling requirements shall be deemed to be satisfied:

- (a) if an outer package containing one or more inner packages is labelled in accordance with the international regulations on the transport of dangerous substances, and if the inner package or packages are labelled in accordance with this Directive;
- (b) if a single package is labelled in accordance with the international regulations on the transport of dangerous substances and with Article 6 (2), (a), (b) and (d), and Article 6 (4).

For dangerous substances remaining within the territory of a Member State, authorization may be given to label the package in accordance with national provisions instead of with international provisions 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 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 thereto.

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 the 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 8c 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 procedure laid down in Article 8c of Directive 67/548/EEC.

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

Article 12

1. Member States shall introduce the laws, regulations and administrative provisions necessary to comply with this Directive within 24 months of its notification and shall inform the Commission immediately thereof.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 7 November 1977.

For the Council

The President

A. HUMBLET

ANNEX I

CLASSIFICATION OF DANGEROUS SUBSTANCES

Explanatory notes

- (¹) The concentrations stated are percentages by weight calculated with reference to the total weight of the preparation.
- (²) The concentrations stated are percentages by weight of the metallic element calculated with reference to the total weight of the preparation.
- (³) The given concentrations of isocyanates are percentages by weight of free monomer calculated with reference to the total weight of the isocyanate groups (monomers and polymers).

Reference number in Directive 67/548/EEC	Substance	Concentration at which preparation takes symbol indicated (¹)	
		T %	Xn %
	TOXIC SUBSTANCES		
	A. Heavy metal compounds (²)		
	Alkyl mercury compounds	> 0.1	0.05 — 0.1
080-002-00-8	Mercury compounds (inorganic) with the exception of mercurous chloride (calomel) and mercuric sulphide	> 0.5	0.1 — 0.5
080-004-00-1	Mercury compounds (organic) with the exception of alkyl mercury, mercuric oxycyanide and mercuric fulminate compounds	> 0.5	0.05 — 0.5
	Trimethyl tin compounds	> 0.1	0.05 — 0.1
	Triethyl tin compounds	> 0.1	0.05 — 0.1
	Tripropyl tin compounds	> 0.1	0.05 — 0.1
	Triamyl tin compounds	> 1.0	0.25 — 1.0
	Tri-N-butyl tin compounds	> 1.0	0.25 — 1.0
	Tri-N-hexyl tin compounds	> 1.0	0.25 — 1.0
	Tri-N-pentyl tin compounds	> 1.0	0.25 — 1.0
033-002-00-5	Arsenic compounds	> 0.1	0.05 — 0.1
082-002-00-1	Lead alkyls	> 0.1	0.01 — 0.1
	B. Other substances		
	Vinylcyclohexane diepoxide	> 0.1	0.025 — 0.1
	Butadiene diepoxide	> 0.1	0.025 — 0.1
	Resorcinol diglycidyl ether	> 0.1	0.025 — 0.1
	Butanediol diglycidyl ether	> 0.1	0.025 — 0.1
608-003-00-4	Acrylonitrile (³)	> 1.0	0.2 — 1.0
	Isophorone diisocyanate (³)	> 3.0	0.7 — 3.0
612-028-00-6	Phenylenediamines (o,m,p)	> 5.0	1.0 — 5.0
	Hexamethylene diisocyanate (³)	> 3.0	0.7 — 3.0

Reference number in Directive 67/548/EEC	Substance	Concentration at which preparation takes symbol indicated ⁽¹⁾	
		T %	Xn %
615-006-00-4	Toluene-2,4-diisocyanate ⁽³⁾	> 3.0	0.7 — 3.0
615-006-00-4	Toluene-2,4-diisocyanate mixture with toluene-2,6-diisocyanate ⁽³⁾	> 3.0	0.7 — 3.0
	2,4,4-Trimethylhexamethylene diisocyanate mixture with 2,2,4-trimethylhexamethylene diisocyanate	> 3.0	0.7 — 3.0
604-002-00-8	Pentachlorophenol	> 5.0	0.5 — 5.0
604-003-00-3	Alkali pentachlorophenol salts	> 5.0	0.5 — 5.0
605-001-01-2	Formaldehyde	> 30.0	5.0 — 30.0
612-016-00-0	NN-Dimethylaniline	> 5.0	1.0 — 5.0
612-054-00-8	NN-Diethylaniline	> 5.0	1.0 — 5.0
612-056-00-9	NN-Dimethyl- <i>p</i> -toluidine	> 5.0	1.0 — 5.0
607-003-00-1	Chloroacetic acid	> 5.0	1.0 — 5.0
	Glyoxal	> 5.0	1.0 — 5.0
009-003-00-1	Hydrofluoric acid	All concentrations	
	C. Oxidizing substances (for the record)		
	HARMFUL SUBSTANCES		
	A. Heavy metal compounds which are soluble in HCl 0.07 N ⁽²⁾		
	Cadmium compounds		≥ 0.1
	Antimony compounds		≥ 0.25
056-002-00-7	Barium compounds		≥ 1.0
082-001-00-6	Lead compounds		≥ 1.0
	B. Other substances		
607-006-00-8	Oxalic acid		≥ 5.0
607-007-00-3	Oxalic acid salts		≥ 5.0
	Dimethyl maleate		≥ 25.0
	Tri(2-chloroethyl)phosphate		≥ 25.0
	N-Butyl methacrylate		≥ 25.0
603-038-00-1	Allyl glycidyl ether		≥ 25.0
603-039-00-7	N-butyl glycidyl ether		≥ 25.0
615-005-00-9	Diphenylmethane-4,4'-diisocyanate ⁽³⁾		≥ 3.0
015-017-00-4	Tricresyl phosphate (mixtures containing not more than 1% esterified o-cresol)		≥ 25.0
612-006-00-6	Ethylenediamine		1.0 — 10.0

Reference number in Directive 67/548/EEC	Substance	Concentration at which preparation takes symbol indicated (*)	
		C %	Xi %
	CORROSIVE SUBSTANCES		
	3-(Dimethylamino)-propylamine	> 10.0	1.0 — 10.0
	3-(Diethylamino)-propylamine	> 10.0	1.0 — 10.0
	Diethylenetriamine	> 10.0	1.0 — 10.0
	Dipropylenetriamine	> 10.0	1.0 — 10.0
	4,4'-Diaminodicyclohexylmethane	> 10.0	1.0 — 10.0
	4,4'-Di(aminomethyl)dicyclohexylmethane	> 10.0	1.0 — 10.0
	Isophoronediamine	> 10.0	1.0 — 10.0
	Tetraethylenepentamine	> 10.0	1.0 — 10.0
	Triethylenetetramine	> 10.0	1.0 — 10.0
607-001-00-0	Formic acid	> 25.0	10.0 — 25.0
607-002-00-6	Acetic acid	> 25.0	10.0 — 25.0
607-004-00-7	Trichloroacetic acid	> 5.0	1.0 — 5.0
009-003-00-1	Hydrofluoric acid	All concentrations	
017-002-01-X	Hydrochloric acid	> 25.0	10.5 — 25.0
016-020-00-2	Sulphuric acid	> 15.0	5.0 — 15.0
007-004-00-1	Nitric acid	> 20.0	5.0 — 20.0
607-061-00-8	Acrylic acid	> 25.0	2.0 — 25.0
015-011-00-6	Phosphoric acid	> 25.0	10.0 — 25.0
009-010-00-X	Fluoroboric acid	> 25.0	10.0 — 25.0
009-011-00-5	Fluorosilicic acid	> 25.0	10.0 — 25.0
019-002-00-X	Potassium hydroxide	> 5.0	1.0 — 5.0
011-002-00-6	Sodium hydroxide	> 5.0	1.0 — 5.0
607-008-00-9	Acetic anhydride	> 25.0	10.0 — 25.0
024-001-00-0	Chromium trioxide	> 5.0	0.5 — 5.0
	2,3-Epoxypropanol	> 5.0	1.0 — 5.0
	IRRITANT SUBSTANCES		
	Acrylates $[\text{CH}_2 = \text{CH} - \text{COO R} - \text{R} = \text{C}_n\text{H}_{2n} + 1; n = 1-8]$		≥ 25.0
	Methacrylates $[\text{CH}_2 = \text{CCH}_3 - \text{COO R} - \text{R} = \text{C}_n\text{H}_{2n} + 1; n = 1-8]$		≥ 25.0
	Phenyl glycidyl ether		≥ 25.0
	Cresyl glycidyl ether		≥ 25.0
	2-Ethylhexyl glycidyl ether		≥ 2.0
	Diglycidylaniline		≥ 25.0
	4-Aminophenyl triglycidyl ether		≥ 25.0

Reference number in Directive 67/548/EEC	Substance	Concentration at which preparation takes symbol indicated ⁽¹⁾	
		C %	Xi %
	4-Tolyl isocyanate		≥ 5.0
	B-Naphthyl isocyanate		≥ 25.0
	Dichlorohydrin		≥ 25.0
	2,2-Bis-(4-hydroxyphenyl)propane		≥ 25.0
602-036-00-8	2-Chlorobuta-1,3-diene(chloroprene)		≥ 25.0
024-002-00-6	Potassium dichromate		≥ 0.5
024-003-00-1	Ammonium dichromate		≥ 0.5
024-004-00-7	Sodium dichromate		≥ 0.5
605-001-00-5	Formaldehyde (solutions) 5 to 30% HCHO		> 5.0

ANNEX II

SPECIAL PROVISIONS CONCERNING THE LABELLING OF CERTAIN PREPARATIONS

1. Paints and varnishes containing lead

Labels of packages of paints and varnishes containing lead in quantities exceeding 0.5% expressed as weight of metal, in the total weight of the preparation, shall show the following particulars:

'Contains lead. Should not be used on surfaces liable to be chewed or sucked by children.'

In the case of packages the contents of which are less than 125 millilitres, the particulars may be as follows:

'Warning. Contains lead.'

2. Cyanoacrylate-based glues

The immediate packaging of cyanoacrylate-based glues shall show the following particulars:

'Cyanoacrylate.
Danger.
Bonds skin and eyes in seconds.
Keep out of reach of children.'

Full advice on safety shall accompany the package.