

New Chemicals Law

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A U S T R I A

New Chemicals Law - Really in the Interest of Consumers ?

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On May 15, 1997 a new Chemicals Law was enacted in Austria. With this new law, the Austrian Chemicals Law of 1987 became abrogated. As the old law, also the new one is relevant for the marketing of a large number of consumer products, like detergents and household cleaners.

According to some statements of representatives of the legislator and political parties, the object of the new law is to adapt the Austrian Chemicals Law with the European Union legislation in this field, these are the Dangerous Substances and the Dangerous Preparations Directives. However, it is doubtful if the new law achieves this goal.

One practical consequence of the old law was, that contrary to the situation in other European countries, detergents were qualified as dangerous products and therefore their label had to carry a St. Andrew's Cross. This was a clear obstacle to the free flow of goods within the European Union, because it was not possible to market a detergent produced in an other European country than Austria in Austria with the same label. But for the Austrian legislator this was the consequence of the so-called higher standard of the Austrian legal framework in the field of environment legislation and consumer protection compared to the European Union. Although not all ordinances which are provided for in the new law are published so far, it looks like, that with the new law nothing will change in this respect. It seems, that the arguments of consumer protection are used as an excuse to create hidden non tariff trade barriers, to protect local industries at the cost of higher consumer prices.