

Amended proposal for a Directive of the European Parliament and of the Council amending for the twentieth time Council Directive 1976/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (Short Chain Chlorinated Paraffins)

(2001/C 213 E/20)

(Text with EEA relevance)

COM(2001) 268 final — 2000/0104(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 18 May 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 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 laid down in Article 251 of the Treaty,

Whereas:

- (1) Limitations already adopted or planned by certain Member States on the use of Short Chain Chlorinated Paraffins (SCCP) following PARCOM (Convention for the Prevention of Marine Pollution from Land-based Sources) decision 95/1 directly affect the completion and functioning of the internal market; it is therefore necessary to approximate the laws of the Member States in this field and consequently to amend Annex I to Directive 1976/769/EEC ⁽³⁾.
- (2) SCCP is classified as dangerous to the environment, being very toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment.
- (3) The Commission has adopted a Recommendation in the framework of Council Regulation (EEC) No 793/1993 on the evaluation and control of the risks of existing substances, recommending to take specific measures to restrict the use of SCCP, in particular in metal working fluids and leather finishing products in order to protect the aquatic environment.
- (4) In the light of new scientific knowledge, other known uses of SCCP will be reviewed, in particular with regard to emissions from articles containing SCCP.
- (5) On 27 November 1998, the Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) delivered its opinion on the risks of SCCP identified by the Recommendation.

- (6) The provisions of this Directive apply without prejudice to Community legislation on safety and health protection of workers at work, in particular Council Directive 1989/391/EEC ⁽⁴⁾ on the introduction of measures to encourage improvements in the safety and health of workers at work and Council Directive 1998/24/EC ⁽⁵⁾ on the protection of the health and safety of workers from the risk related to chemical agents at work,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 1976/769/EEC is hereby amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 2001 [one year after the date of its entry into force]. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 July 2002 [eighteen months after the entry into force of this Directive].

2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 138.

⁽²⁾ OJ C 116, 20.4.2001, p. 27.

⁽³⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 1999/77/EC (OJ L 207, 6.8.1999, p. 18).

⁽⁴⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁵⁾ OJ L 131, 5.5.1998, p. 11.

ANNEX

The following point is added to Annex I of Directive 1976/769/EEC:

<p>'XXX Alkanes, C₁₀-C₁₃, Chloro (Short Chain Chlorinated Paraffins)</p> <p>CAS No 85535-84-8</p>	<ol style="list-style-type: none">1. May not be placed on the market for use as substances or as constituents of preparations<ul style="list-style-type: none">— in metalworking;— for fat liquoring of leather.2. Before 1 January 2003, other known uses of SCCP will be reviewed by the European Commission in cooperation with the Member States and the OSPAR Commission in the light of any relevant new scientific data on risks to health and the environment of SCCP. The European Parliament will be informed of the outcome of this review.'
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