



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.1.2002  
COM(2002) 42 final

2000/0104 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the  
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**amending for the twentieth time Council Directive 76/769/EEC relating to restrictions  
on the marketing and use of certain dangerous substances and preparations  
(Short Chain Chlorinated Paraffins)**

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**1. STATE OF PROCEDURE**

The above mentioned proposal [COM(2000) 260 final] was adopted by the Commission on 20 June 2000 and then transmitted to the Council and European Parliament.

The Economic and Social Committee gave its Opinion on 29 November 2000.

The European Parliament approved the proposal with amendments in the first reading on 1 February 2001.

The Commission's amended proposal [COM(2001) 268 final] was adopted on 17 May 2001 and then transmitted to the Council.

The Council reached a political agreement with a qualified majority on 31 May 2001 and adopted its Common Position on 27 June 2001.

The European Parliament adopted two amendments in its second reading on 29 November 2001.

According to letter c) of the second paragraph of Article 251 of the EC Treaty, the Commission delivers an opinion on the amendments proposed by the European Parliament in its second reading.

**2. OBJECTIVE OF THE DIRECTIVE**

The Proposal, which is based on Article 95 of the Treaty, has the following two objectives:

- to preserve the Internal Market by introducing harmonised provisions with regard to the marketing and use of Short Chain Chlorinated Paraffins (SCCP);
- to provide a high level of protection of the environment by prohibiting the placing on the market of SCCP for use in metalworking and leather processing.

### **3. OPINION OF THE COMMISSION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT**

#### **3.1. Summary of the Commission's position**

The Commission can not accept the two amendments proposed by the European Parliament in its second reading.

#### **3.2. Amendment No. 1**

Amendment No. 1 demands the full implementation of PARCOM Decision 95/1 i.e. an extension of the scope of the proposed ban to include a ban on the use of SCCP as a plasticiser in paints or coating or as flame retardants in rubber, plastics or textiles. To add a ban on these uses, which have not been shown to pose risks by the risk assessment, would not be justified and would undermine the scientific basis of the basis proposed Directive. Furthermore, it would not respect the Community risk assessment.

#### **3.3. Amendment No. 2**

Amendment No. 2 demands the Commission to make proposals to reduce the use of other related substances. Other chlorinated paraffins are currently subject to risk assessment and could, if appropriate, be subject to risk reduction measures once the risk assessments have been finalised.

### **4. CONCLUSION**

Taking account of the above, the Commission delivers a negative opinion on the two amendments and is not amending its proposal.