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9. Chemicals strategy

A5-0356/2001

European Parliament resolution on the Commission White Paper on Strategy for a future Chemicals Policy (COM(2001) 88 – C5-0258/2001 – 2001/2118(COS))

The European Parliament,

- having regard to the Commission White Paper (COM(2001) 88 – C5-0258/2001),
- having regard to Articles 6, 95 and 174 of the EC Treaty,
- having regard to the international obligations of the European Community and its Member States under the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, the Helsinki Convention on the Protection of the Baltic Sea Area, and to the upcoming international obligations under the Stockholm Convention on Persistent Organic Pollutants,
- having regard to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,
- having regard to the Community legislation in force on chemicals⁽¹⁾,
- having regard to the Community legislation in force in the field of water policy⁽²⁾,
- having regard to the Community legislation in force on biocides⁽³⁾ and cosmetic products⁽⁴⁾ and to its position at first reading on the proposal for a European Parliament and Council directive amending for the seventh time Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products⁽⁵⁾,
- having regard to the Fourth⁽⁶⁾ and Fifth Community Action Programmes on the Environment⁽⁷⁾, and to its position at first reading on the proposal for a European Parliament and Council decision laying down the Community Environment Action Programme 2001-2010⁽⁸⁾,
- having regard to its resolution of 14 December 2000⁽⁹⁾ on the Commission communication on the precautionary principle and to the Council resolution, annexed to the conclusions of the Presidency on the Nice European Council,
- having regard to its resolution of 26 October 2000⁽¹⁰⁾ and to the Council conclusions of 30 March 2000 on the Commission communication on a Community strategy for endocrine disrupters,
- having regard to the Council conclusions of 7 June 2001 on Chemicals Policy and to the Strategy on Sustainable Development adopted by the Göteborg European Council,
- having regard to the stakeholders meeting organised by the Commission on 2 April 2001, to the workshop on chemicals in products organised by the Swedish Presidency on 5/6 April 2001 and to the submissions received by interested parties,

⁽¹⁾ OJ B 196, 16.8.1967, p. 1; OJ L 200, 30.7.1999, p. 1, p. 14; OJ L 84, 5.4.1993, p. 1; OJ L 262, 27.9.1976, p. 201.

⁽²⁾ OJ L 327, 22.12.2000, p. 1.

⁽³⁾ OJ L 123, 24.4.1998, p. 1.

⁽⁴⁾ OJ L 151, 23.6.1993, p. 32.

⁽⁵⁾ 'Texts Adopted', 3.4.2001, Item 4.

⁽⁶⁾ OJ C 337, 21.12.1992, p. 34.

⁽⁷⁾ OJ L 275, 10.10.1998, p. 1.

⁽⁸⁾ 'Texts Adopted', 31.5.2001, Item 5.

⁽⁹⁾ OJ C 232, 17.8.2001, p. 345.

⁽¹⁰⁾ OJ C 197, 12.7.2001, p. 409.

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- having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinions of the Committee on Legal Affairs and the Internal Market and the Committee on Industry, External Trade, Research and Energy (A5-0356/2001),
- A. whereas the Commission is consulting the European Parliament on the strategy for a future chemicals policy with a view to proposing a new regulatory framework on chemicals; whereas the European Parliament should contribute to the development of this framework in a clear and ambitious way, seeking above all to promote sustainable development, reconfirming that protection of human health and the environment must have priority, taking due account of economic and social considerations,
- B. whereas Article 3 of the EC Treaty calls for the competitiveness of Community industry to be strengthened, research and technological development to be promoted, a high level of health protection to be attained, and a system to be established to ensure that competition in the internal market is not distorted,
- C. whereas Article 6 of the EC Treaty states that environmental protection requirements shall be integrated into the definition and implementation of Community policies and activities referred to in Article 3, in particular with a view to promoting sustainable development,
- D. whereas Article 157 of the EC Treaty requires the Community and the Member States to create the conditions necessary for the competitiveness of the Community's industry and to work to encourage an environment favourable to initiative and to the development of undertakings throughout the Community, particularly small and medium-sized enterprises,
- E. whereas, Article 174(1) of the EC Treaty says that Community policy on the environment shall contribute to pursuit, among other things, of the objectives of preserving, protecting and improving the quality of the environment and protecting human health; whereas paragraph 2 of that Article also stipulates that this policy shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay; and whereas under paragraph 3 of that Article, available scientific data, the benefits and costs of action or lack of action, and the economic and social development of the Community as a whole must be taken into account,
- F. whereas sustainable development should serve both to protect human health and the environment and to promote balanced development of economic activities and hence, in particular, safeguard employment and guarantee a high level of social protection,
- G. whereas public health and the environment need to be protected to the same degree in all the Member States,
- H. whereas, having regard to the Commission communication on the precautionary principle (COM(2000) 1), a further point to repeat is that observance of the precautionary principle — taking into account the criteria laid down by the Commission (proportionality, non-discrimination, consistency, and analysis of costs and benefits and scientific developments) — implies that the most appropriate measure must be taken and that the principle must never be used under any circumstances to justify arbitrary decisions,
- I. whereas, as maintained in that communication, a decision-making authority, before deciding whether to take precautionary measures, needs to have an overall picture of what is known about the potential risk associated with a substance and its use, based on recognised scientific principles,
- J. whereas the Lisbon European Council pointed out that the competitiveness and buoyancy of the markets depend directly on a regulatory framework to encourage investment, innovation, and entrepreneurship,

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- K. whereas Parliament is calling for measures to be taken to give encouragement and support, especially to small and medium-sized enterprises, in order to develop facilities to help them surmount technical and organisational obstacles and establish a 'fast track' within the multiannual framework programme 2002-2006 of the European Community for research, technological development and demonstration activities aimed at contributing towards the creation of the European research area (COM(2001) 94),
- L. whereas the substitution principle — the promotion of safer practices and substances to replace hazardous practices and substances — must be implemented as a key aim of EU chemicals policy and as primary risk reduction option; whereas research into and the development of alternative new products whose life cycles conform to the principles set out by the Commission in the Green Paper on Integrated Product Policy (COM(2001) 68) should be fostered,
- M. whereas diffuse sources, such as the use of chemicals in products, are estimated to be the biggest source of exposure for man and the environment; whereas, however, chemicals are used mainly in products from which society derives benefit,
- N. whereas data on basic properties and relevant uses is either missing or not made available to authorities for the large majority of chemicals, despite the fact that 99% of the currently marketed chemicals have been on the market for more than 20 years and that disclosure of existing data would significantly reduce the need for animal testing; whereas information on basic properties and uses must be made publicly accessible, bearing in mind that the data supplied by industry to the European Chemicals Bureau up to 1999 on high-volume existing substances (over 1 000 tonnes a year) satisfied the base set requirements for 14% of these chemicals entirely, for 65% partly and for 21% not at all,
- O. whereas the chemical industry needs to offer greater transparency so as to respond to the public health and consumer protection problems with which citizens are increasingly having to contend,
- P. whereas the Commission's review of current legislation on existing substances revealed the immediate concern that man and the environment are potentially exposed from a large number of sources to a large number of chemical substances the hazardous properties of which have not been identified; whereas this is of particular concern for chemical industry workers; whereas these substances may furthermore have a greater adverse effect when acting together as compared to when acting in isolation, or interact to produce unknown effects; whereas this situation needs to be improved in the interests of protecting human health and the environment,
- Q. whereas many substances suspected of being endocrine disrupters have already been identified and included in other priority chemicals lists because of their negative effect on human health and wildlife without concrete action being taken,
- R. whereas the current system governing existing chemicals is characterised by a lack of transparency for consumers and industry, inconsistencies in cumbersome procedures or rules that have not been harmonised, a large amount of red tape, and an unclear division of responsibilities,
- S. whereas the current system of risk management needs to be replaced by a new and effective instrument within the new system,
- T. whereas the use of chemicals in products manufactured within the European Union is sufficiently monitored, but the necessary supervision is not being exercised over products imported into the European Union,

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- U. whereas the current system cannot achieve the objective of sustainable development,
- V. whereas the need for a complete structural reform of Community legislation on chemicals is fully supported,
- W. whereas the many and varied legal requirements applying to chemicals need as a matter of urgency to be formed into a unified whole so as to improve transparency for all concerned in order to achieve coherent, harmonised, and comprehensive legislation in the European Union,
- X. whereas the new chemicals policy should contribute to sustainable development and ensure a high level of protection for human health, including workers' health, and the environment,
- Y. whereas the new policy should cover the entire life cycle of chemicals, including the point at which chemicals and products which consist of or contain chemicals become waste,
- Z. whereas the competitiveness of the chemicals industry and its associated industries is a legitimate political objective in itself, which draws its legitimacy from its potential to achieve a higher quality of life for present and future generations, but only insofar as this potential is actually fulfilled, whereas the development of safer products in an environmentally sensitive manner, enhanced transparency and consumer information and promotion of sustainable development are positive marketing benefits which can enhance the competitiveness of the European chemicals industry,
- AA. whereas the chemicals industry in Europe directly employs 1,7 million people and several million jobs depend on it,
- AB. whereas most of the firms operating in both the chemical industry and the downstream processing industry are small and medium-sized enterprises, which in numerical terms make up 96 % of the total,
- AC. whereas it is unclear from the available empirical evidence that the impact of environmental regulation on the competitiveness of the EU chemicals industry is adverse, indeed, the impact on the competitiveness of proactive firms that have already set themselves the goal of sustainable development may be positive; whereas, despite the additional requirements imposed on firms and on small and medium-sized enterprises in particular, the new regulatory framework, once implemented, could boost innovation and growth in the European chemicals industry,
- AD. whereas the creation of a single system for existing and new substances will facilitate innovation, as new substances will no longer undergo stricter regulation than do existing substances,
- AE. whereas the new policy should aim to achieve the target of cessation of emissions, discharges and losses of hazardous substances to the marine environment within one generation (2020), with hazardous substances being defined as substances that are persistent, bioaccumulative and toxic, or of equivalent concern, in line with the water framework directive and with commitments that the European Community and its Member States have undertaken in international fora,
- AF. whereas the principles of environment policy laid down in the EC Treaty, as well as the substitution principle — the promotion of safer practices and substances to replace hazardous practices and substances — should be fully applied in the new policy as key drivers to stimulate innovation towards a sustainable chemicals industry,
- AG. whereas the new policy should be designed in a way that it is transparent, proportional, and comprehensive in scope, practicable and effective in action,
- AH. whereas the smooth operation of the single market implies that there should be no discrepancies in the Member States' perceptions of the risks associated with a product,

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- AI. whereas, given international competition, employees, especially in small and medium-sized enterprises, are anxious in the interest of their livelihood to see as practicable, efficient, and cost-effective arrangements as possible, sufficient data protection, confidentiality as regards applications, and protection of property rights,
- AJ. whereas the new policy should guarantee the safe use of all chemicals and provide for effective supervision of chemicals whose use gives cause for concern,
- AK. whereas imported products should fulfil the same requirements as EU products and whereas the international standard-setting requirements applying to trade should be observed by the Commission and the Member States, not least within the World Trade Organisation,
- AL. whereas animal toxicity tests should be reduced to the absolute minimum required for an adequate assessment of chemical substances,
1. Welcomes the Commission's initiative to propose a strategy for the new Chemicals Policy as a first step towards a complete reform of European chemicals policy to achieve the goal of sustainable development which meets the criteria of improving consumer and environmental protection, promoting the competitiveness and innovative capacity of industry while taking account of the social context within the European Union, and supports the Council conclusions of 7 June 2001;
2. Calls on the Commission to assess carefully the impact of a modified chemicals policy on the number of jobs and social standards in the Community — with particular reference to the special situation of small and medium-sized business and their employees — and to ensure that no disproportionate, adverse effects are to be expected and, if necessary, to propose environmental protection support measures, and restructuring aid or measures;
3. Is of the opinion that in a single system for existing and new substances called REACH (Registration, Evaluation, and Authorisation of Chemicals), all efforts should be made to assign priority to chemicals which meet the criteria for concern in use; considers that priority may be assigned by means of rapid and cost-effective screening methods (QSAR, Read Across, Common Sense) using existing data and information on user patterns, production volumes and potential exposure; considers that the data on the properties of chemicals should be published;
4. Welcomes the intended closure of continuing gaps in the knowledge of some 30 000 existing substances in a manageable time-frame and on the basis of the extensive data already in the possession of Member State authorities and chemical-industry enterprises;
5. Calls for clearly specified allocations of Commission and Member State assessment activities to be guaranteed by maintaining a centralised approach to registration, evaluation and authorisation laying down binding deadlines for the various stages of the REACH procedure;
6. Considers it essential to draw attention to the need for close coordination of the work of the European body that will be called upon to administer the REACH system with the activities of the various existing scientific expert groups (which deal with classification and labelling of substances, limit values, health effects, the environmental impact of pesticides, etc.);
7. Calls on the Commission to present as soon as possible in sufficient time to meet the target dates laid down in the White Paper, its first proposal for a new, comprehensive, effective, practicable and transparent regulatory framework for chemicals, in the form of one regulation; calls on the Commission not to delay its proposal because of the studies it commissioned on the business impact and the central entity or any other studies, but rather to take them into account in the further decision-making process with the European Parliament and the Council;

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8. Insists that the whole new chemicals policy strategy must be developed at European level so as to guarantee a high level of protection and prevent splintering of the European internal market;
9. Calls on the Commission to ensure that it takes a high level of protection for health, safety, the environment and consumers as its basis for creating a common legislative framework, taking account in particular of any new development based on scientific findings pursuant to Article 95 of the EC Treaty, and extending these criteria to cover imports;
10. Calls for the measures to be adopted in order to lay down the new comprehensive regulatory framework to allow for the precautionary principle, whereby the advantages and costs resulting from action or failure to act would have to be considered, to be commensurate with the degree of protection being sought, enforced without discrimination, and consistent with steps already taken in similar situations, following similar approaches, and to be reviewed and, if necessary, altered in the light of the findings of scientific research and assessment of their impact;
11. Calls on the Commission to develop effective measures to ensure that imported products (including end products) comply with the same high safety standard with regard to protection of consumers and the environment and health and safety at work as will apply to substances and products within the EU, and to enforce these measures; this will require, inter alia, clear monitoring and review methods, penalties and international agreements;
12. Calls on the Commission to issue a regulation as soon as possible requiring all manufacturers and importers to report forthwith on an annual basis to the ECB the volumes of chemicals they produce and import so that it is possible to determine exactly which substances are still on the market at all and how many substances would fall below which quantity thresholds, should a quantity threshold system be retained;
13. Welcomes the fact that industry is responsible for data collection, risk assessment and risk management, subject to evaluation by the authorities, and registration as a condition for importing and placing on the market;
14. Asks the Commission to ensure a clear division of responsibilities between the Commission and the Member States in regard to evaluation and, at the same time, to maintain a central approach to registration, evaluation and authorisation;
15. Asks the Commission to ensure that all chemicals produced in, or imported into, the European Union as substances, preparations, or in products above 1 tonne be registered in the new system, in order to obtain an overview of the basic properties and actual use of these chemicals from which to establish priorities for further risk evaluation and/or risk reduction; for chemicals above 1 tonne that are exclusively used in research and development activities or exclusively used as intermediates in manufacturing processes within closed systems that prevent all releases to the environment, a simplified registration should be envisaged consisting of a minimum standard of information concerning their hazardous properties in order to protect workers' health as well as the environment in the event of accidents;
16. Welcomes the merging of legislative provisions applicable to existing and new substances, and the proposed registration and evaluation procedure for all substances produced in excess of 1 tonne annually; rejects calls for an additional register for all substances produced at under 1 tonne annually;
17. Calls for the introduction of a registration requirement for all chemicals irrespective of production volume, in respect of which the following minimum data must be supplied:
 - physical and chemical properties,
 - persistence,
 - bioaccumulation,
 - acute oral toxicity,

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- acute aquatic toxicity,
 - corrosive and irritant effect,
 - Ames test (for carcinogenicity and mutagenicity),
 - intended uses;
18. Requests that scientific information from sources other than industry be fully considered in the REACH system;
19. Endorses the Council's conclusions of 7 June 2001 that manufacturers should be subject to a general requirement to obtain sufficient knowledge and take the necessary measures to guarantee the safety of chemicals (the precautionary principle) irrespective of production volume and even if no specific information requirements have been laid down. To check that the precautionary principle has been observed, manufacturers should keep registers of the data, including data concerning properties, scope and use for all chemicals manufactured and used, including use in products, and upon request make all these registers available to the authorities;
20. Requests the use of screening procedures based on simplified risk assessment using data modelling, e.g. quantitative structure activity relationships (QSAR) and use patterns to prioritise substances of possible concern for early registration, in addition to tonnage considerations, in order to speed up risk assessments and/or risk management measures of such substances;
21. Believes that the proposed information system on environmental concentrations and releases should take account of the need to detect substances which are not identified through the REACH system itself, and also provide information on concentrations of chemicals in the environment;
22. Emphasises the need to encourage early registration to ensure efficiency of the system;
23. Believes that substances should be registered collectively, an aim to be achieved through, among other means, support to set up appropriate consortia, on the understanding that producers who so wish would have the option of registering substances individually;
24. Calls for the introduction of appropriate and harmonised risk assessments throughout the European Union and appropriate sanction mechanisms as a means of achieving effective implementation of all measures in order to promote efficiency and performance, while avoiding distortions of competition within the European Union;
25. Recommends that all data required for registration and evaluation of substances be based on internationally recognised test methodologies and risk assessment procedures, where available or be recognised by the competent authorities as sufficiently meaningful;
26. Proposes that industry cooperate in the delivery of data/information on the identity and properties of the substances to be registered, so as to share the workload and related costs and to avoid unnecessary duplication of tasks; proposes that the costs related to testing and registration be shared by the respective producers/importers on the basis of market share as the fairest basis;
27. Accepts tonnage thresholds based on production or import volumes by a single producer or importer as a starting point for the future system, but requests that aggregate tonnage be calculated, and that in all cases where aggregate tonnage exceeds the next tonnage threshold for a single producer or importer, the data requirements for that threshold should apply;

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28. Welcomes active participation of downstream users – including non-industrial users – from the outset and considers that time limits for the provision of information should be established at all stages of the production cycle; inclusive of the total product chain and calls for all operators, in particular those at the processing and end-user stages of the production chain and product life-cycle, to be included in the chemicals security scheme;

29. Insists that failure to register a substance as well as incomplete or incorrect registration thereof within the reasonable time limits to be set within the system shall render illegal the production or import of the substance, preparation or article in which it is found (no data – no market);

30. Asks that a mechanism of sanctions be introduced into the system against producers, distributors, professional users or importers who withhold required, or other information which might reasonably be considered to be relevant for risk assessment and management (including information about animals tests, whenever and wherever they took place), or who do not comply with the legislation;

31. Requests that any person who imports into the Community a product for sale, hire, leasing or any form of distributing in the course of his business shall ensure that the chemicals contained in the product meet the requirements laid down in chemicals legislation;

32. Calls for the creation of a working party to deal with the exchange of data and information within the value-added chain with the aim of ensuring safe use of substances through the entire life cycle, respecting the confidentiality of the test data and protecting the company-specific know-how concerning the use and application of substances;

33. Calls on the Commission to ensure that animal testing is reduced to the absolute minimum, firstly by ensuring that all relevant data is made available and considered, secondly by basing further tailor-made tests on exposure and use and thirdly by implementing, as far as possible, a step-wise non-animal testing strategy, that makes full use of computer models that predict hazards based on chemical structure (QSAR), as well as of physico-chemical tests for persistency and bioaccumulation, and cascades of in vitro tests which are recognised by the authorities, also with a view to reducing testing time and costs;

34. Requests that the use of animal tests be prohibited where alternative tests recognised by the authorities are available, in accordance with the principles in Council Directive 86/609/EEC, and that more resources be provided immediately to accelerate the development and validation of further scientifically reliable, recognised and standardised alternative tests to replace animal tests in the implementation of the new system;

35. Requests that substances, as soon as they are shown to meet the criteria for very high concern, either from existing classification including industry self-classification, registration or evaluation, shall be phased out according to strict deadlines, unless it is shown that the use in question is essential to society, that the hazardous properties of the substance in question are essential for the intended use and that no safer alternative exists at substance, material or process level, in which case it may be submitted to the authorisation process;

36. Considers that tailor-making of evaluations for substances marketed in quantities above 100 tonnes or those whose use is of concern should be based on simple categories of use (e.g. industrial/non-industrial/closed systems/open systems/professional users/consumers) and be simplified, to the extent possible, by the use of decision trees to avoid lengthy procedures, while the evaluations themselves shall have clear time limits;

37. Considers that scientifically based evaluations shall be taken as an essential basis for regulatory action, given the major uncertainties resulting from the enormous complexity of ecotoxicological effects and the wide range of sources of exposure;

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38. Believes that effects on children's health and also on the unborn child shall be used as reference for human health risk assessments, (outside the occupational health framework), given the enhanced sensitivity to chemical exposure;
39. Believes that the authorisation procedure should primarily apply to substances that are proven to be carcinogenic, mutagenic and toxic to reproduction for human beings and animals; suggests therefore that the authorisation procedure should be limited to CMR (categories 1 and 2) and POP substances as defined in Annex D of the Stockholm Convention; asks the Commission to study whether it is necessary to extend the authorisation procedure to other substances such as PBTs, whose use is of high concern;
40. Considers that the only acceptable kind of authorisation procedure is one under which decisions by the authorities will be made as directly as possible on the basis of the information obtained at the registration and evaluation stage; calls for consistent adherence to the precautionary principle advocated by the Commission, which provides for risk-management measures, scientific risk-assessment, proportionality and a cost-benefit analysis;
41. Urges the Commission to ensure that substances of very high concern only receive temporary authorisation subject to regular review for specific applications, including their use in preparations and products, upon proof by industry;
42. Requests that the Community's chemicals policy also include authorisation of pesticides (plant protection products and biocides);
43. Insists that authorisation, in the sense of dispensation for the use of particularly hazardous substances on which, ultimately, there will be a total ban, should be granted only as an absolute exception for a short, temporary period and only where there is documentation to show that development work is in progress to find alternatives or alternative methods;
44. Insists that no uses of substances of very high concern shall be authorised in consumer products as soon as appropriate safer alternatives are available and at the latest after 2012, and that, in principle no other uses of substances of very high concern which lead to releases to the environment during their life-cycle shall be authorised after 2020; in other words, such substances may then only be used as intermediate products in manufacturing processes within closed cycles that prevent all releases to the environment;
45. Considers that authorisations should, in general, be taken at Community level;
46. Insists that all national differentiations and particularities in the overall procedure which are required of Member States should be adequately justified by them before they adopt national provisions, in accordance with the EU standards in force, and stresses that the Commission must examine and decide on all applications for national differentiations and particularities in relation to the overall procedure on the basis of EU law, taking all circumstances into account;
47. Calls for the authorisation exemption arrangements allowed for certain uses to be strictly supervised and for concepts such as 'controlled industrial use' to be assessed and defined in advance;
48. Believes that an authorisation decision should go hand in hand with specific risk management measures (conditions for the use of the product, timetable for reassessments, etc.);
49. Stresses that the substitution principle — the promotion of safer practices and substances to replace hazardous practices and substances — should apply to all chemicals of concern, not just those subject to authorisation; chemicals that are of concern should be substituted with safer chemicals, or with materials or safer technologies not entailing the use of such chemicals, especially where safer alternatives already

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exist, taking account of socio-economic aspects in the choice of the best substitute; substitution should become a duty for manufacturers and downstream users to avoid risks to workers as well as to human health and the environment in general; firms should be required to publish annually a list of all substances of concern which they have not yet replaced; considers that Integrated Product Policy (IPP) should be an additional tool to the new chemicals policy to promote sustainable consumption;

50. Calls for intensified research into alternatives in the sense not only of alternative chemicals but also other material and alternative methods; also calls on the Commission to encourage and support small and medium-sized firms working on alternative solutions;

51. Calls for the assessment with a view to replacement to be performed on the basis of a holistic life cycle analysis; possible alternatives must likewise be subjected to a life cycle analysis in order to ascertain possible risks and dangers and to facilitate an integrated assessment;

52. Suggests that the Commission further encourages the promotion of safer practices and substances to replace hazardous practices and substances by facilitating the creation of a publicly accessible database containing meaningful and relevant information for the purpose of protecting human health and the environment, drawing on the best available knowledge on processes and materials that reduce or eliminate the use of substances of concern;

53. Calls on the Commission to provide the means required for flexible coordination of the European databases to be set up in the future with those existing in other parts of the world so as to allow a continuous exchange of information and experiences among the different countries which manufacture and market chemical substances and preparations that might pose dangers;

54. Calls on the Commission to develop criteria to put substances, which do not fall under the authorisation system, in categories of concern based on hazard criteria and use pattern, which then trigger consistent and rapid risk reduction measures;

55. Requests that a tiered approach be used for risk management decisions under the accelerated risk management system: a committee procedure may be used to allow for quick adoption of temporary measures; the Commission shall thereafter make proposals for permanent measures on each of the temporary measures subject to co-decision to ensure that the European Parliament is fully involved in the decision-making;

56. Welcomes the intention to create a publicly accessible database containing meaningful and relevant information about chemicals and their regulatory status with reference to human health and environment protection; considers that key information such as production volumes, use patterns and sources of exposure, shall not remain confidential but be included in the database, and calls on the Commission to propose arrangements for the publication of data from past animal tests (whenever and wherever they took place) where this may reduce the need for further animal testing;

57. Considers that manufacturers, importers, downstream users and distributors should have a duty to provide publicly available, meaningful and relevant information on the content and properties of chemicals in products with reference to human health and environmental protection (including data from animal tests, whenever and wherever they took place); in this connection, an appropriate balance must be found between the need for transparency to allow consumer choice and the need to respect justified business secrets;

58. Insists that the proposed right of public access to information about substances must be so structured as to reflect both consumers' needs for information and producers' needs for protection of confidential information;

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59. Requests that an information service should be set up by industry to be reached via a toll free number in all European countries to provide consumer information about chemicals in products;
60. Insists that labelling of consumer products with regard to the content of substances of concern is imperative as long as they are still contained in them, to allow consumers to make informed choices, and that realistic and practical provisions on that matter be included in the future proposal;
61. Considers that small and medium-sized enterprises cannot be expected to cope with too great a burden of red tape, and that risk information and warning measures should in any event be strengthened by way of product labelling;
62. Takes the view that the improvement in consumer protection to which the White Paper aspires is not precise enough; the precautionary principle should be applied in accordance with the guidelines adopted by the Commission and the European Parliament: in the case of chemicals policy consumer protection should, apart from risk prevention, be a matter of clear and comprehensible information;
63. Suggests that the Commission facilitates the compilation of such information in publicly available product registers, starting with the most relevant consumer product categories, based on the registers available in Member States and countries of the European Economic Area;
64. Calls upon the Commission not to restrict harmonised classification to CMR properties but to retain the same range as hitherto and at the same time to simplify the classification in order to make the system more effective and practical;
65. Calls on the Commission, especially in view of the compulsory registration of new substances that will result from the White Paper, to intensify still further the Community efforts to promote proper training for workers who have to handle hazardous products;
66. Calls for the assessment of the additional resources necessitated by the new chemicals policy proposed in the White Paper to be spelt out in fuller detail, especially as regards the resources to be mobilised in Member States and fee systems;
67. Believes that the new Chemicals Policy should provide the basis for the regulation, evaluation and authorisation of all chemicals and consequently impact all consumer product legislation and calls on the Commission to make provision for the recast of all relevant community legislation, including legislation on pesticides, in line with the future chemicals directive;
68. Requests that future Community legislation on environment liability is based on strict liability for damages to human health and the environment, covering all chemicals and their uses, as an additional driver towards safer chemicals and products;
69. Requests the Commission to carry out a detailed analysis of the relationship between chemicals legislation and Community legislation on waste;
70. Urges the Commission to take more account of international aspects in developing the REACH system and to work for worldwide convergence of the essential systems of law regulating chemicals (at least those in the EU, the USA and Japan); the recognition of findings from tests in OECD countries is one important aspect;
71. Advocates, in the interests of international convergence, that the OECD's definition of endocrine disrupters be adopted as soon as agreement has been reached there;
72. Calls on the Commission to involve the Eastern European applicant countries in the development of the new EU law on chemicals at an early stage;

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73. Calls for the conditions necessary for the competitiveness of the Community's industry to be created, and for efforts to be directed towards encouraging an environment favourable to initiative and towards the development of enterprises throughout the Community, particularly small and medium-sized enterprises, in accordance with Article 157 of the EC Treaty;

74. Calls on the Commission to advise and assist small and medium-sized enterprises with registration and assessment procedures;

75. Calls on the Commission to establish a fast track within the multiannual framework programme 2002-2006 of the European Community for research, technological development and demonstration activities aimed at contributing towards the creation of the European research area, with a view to encouraging small and medium-sized enterprises in particular to develop new products that will protect health, safety, and the environment to an increasingly greater degree;

76. Calls on the Commission to encourage the Member States to provide means of financial support for small and medium-sized enterprises with a view to developing facilities and operating arrangements to help them cope with the technical and organisational burdens stemming from REACH;

77. Emphasises the vital need to take account of the particular difficulties that may arise for small and medium-sized enterprises when they have to comply with future legislative proposals deriving from the White Paper;

78. Insists that the property rights of processing and user enterprises in data and risk assessment must be protected vis-à-vis European and non-European competitors in a way that does not distort competition between small and medium-sized producers and big producers;

79. Calls, in connection with the development of future provisions and implementing measures, for the active and balanced involvement of all societal groups concerned, such as industry, European works councils, workers' representatives and their trade unions, environmental and health NGOs and consumer groups; calls, in particular, for a strengthening of the role and powers of the health and safety committees set up by enterprises;

80. Insists that, before any future regulations are adopted, their socio-economic impact, in particular that on small and medium-sized enterprises, having regard in particular to the possible effects on employment and jobs in European industry as a whole, must be analysed and taken into consideration, and calls consequently on the Commission to engage in permanent dialogue with industry and the trade unions;

81. Calls on the Commission to draw up new proposals with a view to increasing the transparency of data relating to substances manufactured by the chemical industry, without undermining industrial secrecy, so as to deal with public health and consumer protection problems;

82. Calls on the Commission to address a recommendation to the Member States urging them to pay greater attention to the training of more toxicologists so that Europe will in the future have sufficiently well qualified experts to ensure that the White Paper is put into practice;

83. Calls on the Commission to submit a brief annual report of some ten pages outlining the progress made and problems associated with implementing the REACH system so that any misdevelopments are detected by the other Community bodies earlier than in the case of the pesticide review pursuant to Directive 91/414/EEC;

84. Calls on the Commission to submit a comprehensive analysis and study of all substance- and product-related rules by mid-2002, together with proposals as to which of the rules ought to be amended, simplified or even rescinded in the light of the new chemicals policy;

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85. Calls on the Commission to compile a coherent and consolidated collection of all the provisions banning or imposing restrictions on substances or products (including those incorporated under other subject-headings), or to bring them together in a single EU legislative instrument, thereby ensuring legal clarity and certainty (particularly including provisions in the fields of the Water Framework Directive, the directives on electrical appliances and cars for disposal, and health and safety at work), to make those texts available on the Internet and to update them at least once a year;
86. Calls for all new legislation to be as practical and transparent as possible, so that implementation to improve the protection of consumers, the environment, workers and all parties concerned – particularly by the authorities and small and medium-sized enterprises – can be undertaken swiftly;
87. Calls on the Commission to test new legislation and its possible implementation immediately in practice by means of special projects in order to ensure that it is as efficient and practical as possible for all parties concerned in terms of bureaucracy, cost and collection of data, particularly for the authorities and small and medium-sized enterprises;
88. Invites the Commission to consider the possibility that the JRC and in particular the European Chemical Bureau of this centre may become the centralised site for registration, evaluation and authorisation of new chemical substances, thus avoiding heterogeneous criteria in the different Member States;
89. Calls for the approach adopted in the White Paper of a consistent and integrated European substances and products law not to be confined to chemicals, but for acquired data collection and risk assessment procedures to be applied also to other areas of EU legislation on workplace, consumer and environmental protection;
90. Asks the Commission to produce a consistent and clear definition in European law of the so-called 'substitution principle';
91. Calls on the Commission to encourage other countries to (a) make existing and future animal test data publicly available and (b) accept the validity of data from non-animal tests which are accepted within the European Union;
92. Requests the Council and Commission to urge all parties at the UN Rio+10 meeting in Johannesburg to make a commitment to a global chemicals policy built on sustainable development and the precautionary principle, in accordance with the definition of the precautionary principle given by the Commission in its communication on the precautionary principle;
93. Instructs its President to forward this resolution to the Council and Commission.

10. Packaging

A5-0323/2001

European Parliament resolution on implementation of Directive 94/62/EC on packaging and packaging waste (2000/2319(INI))

The European Parliament,

- having regard to Council Directive 75/442/EEC of 15 July 1975 on waste⁽¹⁾,
- having regard to the Council resolution of 7 May 1990 on waste policy⁽²⁾,

⁽¹⁾ OJ L 194, 25.7.1975, p. 47.

⁽²⁾ OJ C 122, 18.5.1990, p. 2.