

(2004/C 84 E/0421)

WRITTEN QUESTION E-0332/04**by Erik Meijer (GUE/NGL) to the Commission***(10 February 2004)*

Subject: Mislabelling of arsenic acid as pentoxide by the Netherlands as a result of mistakes in 'unambiguous' new nomenclature for hazardous chemicals

1. Is the Commission aware that the Ethiopian ship *Andinet*, which sank in the North Sea in late 2003 twenty miles off the coast of the Dutch island Texel, was loaded with vats of the carcinogenic and highly toxic chemical arsenic acid, a substance which damages the skin and lungs if touched or inhaled, and is used as an ingredient of the wood preservative CCA?
2. Is the Commission aware that since 1992 the Government of the Netherlands has listed the chemical compound 'arsenic acid' referred to in paragraph 1 as 'arsenic pentoxide', that this name change was defended in 1995 by the then Minister of the Environment vis-à-vis the Dutch Parliament, and that the choice of the name was justified by the desire to give substances clearer names at European level? When did the Commission become aware of this new, misleading name in Dutch?
3. Can the Commission confirm that dealing with arsenic acid pollution and arsenic pentoxide pollution calls for quite different approaches and security measures, and that misleading labelling poses an increased danger to human life when transferring loads and in emergency and cleaning operations?
4. Does the Commission agree with the view stated on Dutch and Flemish television by the Flemish Member of Parliament Johan Malcorps (of the Flemish Green party *Agalev*) that, given the misleading labelling, the ship should never have been allowed to leave the port of Antwerp with this cargo on board?
5. How will the Commission prevent differing and misleading names for hazardous chemicals from continuing to be used by the individual Member States? When will a clear nomenclature that cannot give rise to any misunderstandings be introduced?

Sources: TV Nederland 2, 'Twee vandaag' 23.1.2004 + TV Vlaanderen 1, 'VRT Journaal', 24.1.2004.

Answer given by Mrs Wallström on behalf of the Commission*(23 March 2004)*

1. The Commission is indeed aware of the accident in question. The drums transported by the '*Andinet*' definitely contained a mixture of arsenic pentoxide, chromium trioxide and copper oxide (which are also the ingredients of CCA), according to the information provided by the producer and the shipping agent, in particular through the Material Safety Data Sheet. Arsenic acid was not transported.
2. The Commission is not aware of any such change of name. According to chemical experts, arsenic pentoxide may easily form arsenic acid. This may be the explanation for the change of name.
3. As regards maritime transport of chemicals, there are particular Guidelines for the categorization of noxious liquid substances in Appendix I of Annex II to the *Marpol 73/78* Convention, which are relevant irrespective of the labelling applied by the Member States. In addition, the International Maritime Dangerous Goods (IMDG) Code, which is the standard guide to all aspects of handling dangerous goods and marine pollutants in sea transport, entered into force on 1 January 2004. It is mandatory for Governments to adopt this Code or to use it as the basis for national regulations when they put the requirements of SOLAS 1974 and *Marpol 73/78* Conventions into effect. The IMDG Code lays down basic principles; detailed recommendations for individual substances, materials and articles; and a number of recommendations for good operational practice including advice on terminology, packing, labelling stowage, segregation and handling, and emergency response action.

4. Directive 2002/59/EC of the Parliament and of the Council of 27 June 2002 setting up a Community vessel traffic and information system⁽¹⁾ includes provisions concerning notification of ships' movements and their cargoes. In particular, it requires operators of vessels leaving a port in the Community to notify the competent port authority and to provide certain pieces of information, including the correct technical names of the dangerous or polluting goods as well as the United Nations (UN) numbers or International Maritime Organisation (IMO) hazard classes.

The Commission cannot have a formal position on a third party's alleged comments on TV or in the press. Nevertheless, it has to be noted that the authorisation to leave a port is an exclusive competence of the authorities of the Member States.

5. The nomenclature for chemicals has been internationally agreed for decades under the rules of the International Union of Pure and Applied Chemistry (IUPAC). In addition, CAS numbers (Chemical Abstracts Services) and EC numbers provide assistance in identifying chemicals. The EU uses such nomenclature and numbering systems for dangerous chemicals, including for arsenic acid and arsenic pentoxide.

⁽¹⁾ OJ L 208, 5.8.2002.

(2004/C 84 E/0422)

WRITTEN QUESTION P-0336/04

by Hiltrud Breyer (Verts/ALE) to the Commission

(4 February 2004)

Subject: Embryo research financed from the EU budget

1. Why did the Commission, in the person of Mr Busquin, agree to the Portuguese compromise proposal, but later call it a misunderstanding? What prompted the Commissioner to withdraw his initial agreement?
2. Does the Commission agree that the moratorium was agreed upon because differing views on ethically controversial issues cannot be handled in exactly the same way as other disagreements in the Council, so that a compromise must be found to which all the Member States can agree?
3. Can the author of this question assume that the statement made by Commission President Prodi on 11 December 2002 to Bundestag President Thierse to the effect that it is for the Council to take the decision on embryo research is correct, and cannot be overruled by the individual opinions of a Commissioner who thinks differently?
4. In view of the rising number of ethically controversial issues, should consideration not be given to disregarding European Union measures when the Member States are not unanimous in their responses to ethical questions?

Answer given by Mr Busquin on behalf of the Commission

(1 March 2004)

1. The Honourable Member appears to be referring to informal discussions of a purely exploratory nature which took place in the margins of the Council of Ministers of 26 November 2003. The Commission has defended its proposal throughout the legislative procedure.
2. The Commission does not agree with this interpretation and would point out that decisions on these issues need to be taken in accordance with the qualified majority rules.
3. The Council was due to decide on this matter and the Commission can only lament the failure to reach a decision on this item on 3 December 2003. Nonetheless, the Commission proposal remains on the Council's table.