Dangerous substances and preparations: restrictions on the marketing and use of 2-(2-methoxyethoxy)ethanol, 2-(2-butoxyethoxy) ethanol, methylenediphenyl diisocyanate, cyclohexane and ammonium nitrate

2007/0200(COD) - 16/12/2008 - Final act

PURPOSE: to restrict the marketing of five chemicals that are potentially harmful to health.

LEGISLATIVE ACT: Decision No 1348/2008/EC of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of 2-(2-methoxyethoxy)ethanol, 2-(2-butoxyethoxy)ethanol, methylenediphenyl diisocyanate, cyclohexane and ammonium nitrate.

CONTENT: following an agreement reached with the Parliament at first reading, this Decision will impose restrictions on the conditions for use and sale to the public in specific applications for:

- 2-**(2-methoxyethoxy)ethanol, also known as "DEGME"**, which is a constituent part of certain paints, paint strippers, cleaning agents, sealants etc.: this substance shall not be placed on the market after 27 June 2010, for supply to the general public, as a constituent of paints, paint strippers, cleaning agents, self-shining emulsions or floor sealants in concentrations equal to or greater than 0.1% by mass;
- 2-(2-butoxyethoxy)ethanol, also known as "DEGBE", used mainly as a cosolvent in a wide range of applications: this substance shall not be placed on the market for the first time after 27 June 2010, for supply to the general public, as a constituent of spray paints or spray cleaners in aerosol dispensers in concentrations equal to or greater than 3% by mass. Spray paints and spray cleaners in aerosol dispensers containing DEGBE and not conforming to the aforementioned point shall not be placed on the market for supply to the general public after 27 December 2010;
- **methylenediphenyl diisocyanate, also known as "MDI"**, used widely in the production of polyurethane foam: this substance shall not be placed on the market after 27 December 2010, as a constituent of preparations in concentrations equal to or greater than 0.1% by mass for supply to the general public, unless the packaging: (a)contains protective gloves; (b)is marked visibly, legibly and indelibly as follows: (i) persons already sensitised to diisocyanates may develop allergic reactions when using this product; (ii) persons suffering from asthma, eczema or skin problems should avoid contact, including dermal contact, with this product; (iii) this product should not be used under conditions of poor ventilation unless a protective mask with an appropriate gas filter (i.e. type A1 according to standard EN 14387) is used;
- **cyclohexane, used inter alia as a solvent in glues and adhesives**: this substance shall not be placed on the market for the first time after 27 June 2010, for supply to the general public, as a constituent of neoprene-based contact adhesives in concentrations equal to or greater than 0.1% by mass in package sizes greater than 350 g;
- **ammonium nitrate**, which is used mainly as a fertiliser: this substance shall not be placed on the market for the first time after 27 June 2010 as a substance, or in preparations that contain more than 28% by mass of nitrogen in relation to ammonium nitrate, for use as a solid fertiliser, straight or compound, unless the fertiliser complies with the technical provisions for ammonium nitrate fertilisers of high nitrogen content set out in Annex III to Regulation (EC) No 2003/2003.

Moreover, it shall not be placed on the market as a substance, or in preparations that contain 16% or more by mass of nitrogen in relation to ammonium nitrate except for supply to farmers and natural or legal persons engaged in professional activities. However, Member States may until 1 July 2014, for socioeconomic reasons, apply a limit of up to 20% by mass of nitrogen in relation to ammonium nitrate for substances and preparations placed on the market within their territories. They shall inform the Commission and other Member States thereof.

The risk assessment for these substances identified the need to limit the risks posed to the health of workers and consumers. Those conclusions were confirmed by the Scientific Committee on Toxicity, Ecotoxicity and the Environment.

The provisions of the Decision will be incorporated in the European REACH system for the registration, evaluation and authorisation of chemicals.

The Decision also amends Directive 76/769/EEC on restrictions on the marketing and use of certain dangerous substances and preparations, which lays down a framework of harmonised rules applicable throughout the EU.

ENTRY INTO FORCE: 27/12/2008.