

Export and import of hazardous chemicals.

Recast

2011/0105(COD) - 16/01/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by

Dan JØRGENSEN (S&D, DK) on the proposal for a regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals (recast).

The committee recommends that the European Parliament adopt its position in first reading following the ordinary legislative procedure, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

According to the Consultative Working Party, the proposal in question does not include any substantive amendments other than those identified as such in the proposal. As regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

The committee recommends the following amendments to the proposal :

Preventive approach: Members stress the need to prevent chemicals having any harmful effects on human health and the environment.

Participation of the Union in the Convention: the Commission proposal deletes text stating that it is the Commission and Member States that represents the EU in the Rotterdam Convention. With this deletion it is only the Commission and not Member States that can represent the EU in the Convention. Members consider that this amendment is not justified as the PIC (prior informed consent procedure applicable to certain dangerous chemicals)) regulation is based on both an environmental legal basis and a commercial legal basis. **As there is an environmental legal basis, Member States have the right to represent themselves** and also to implement the Convention in a stricter way than is required by the EU-legislation.

Members also made certain amendments in order to **clarify the Commission's responsibilities.**

Tasks of the European Chemicals Agency: as in REACH, ECHA should be responsible for providing assistance and technical guidance and tools for industry and authorities without a legally binding obligation to have a formal agreement of the Commission. **Such an obligation would be an excessive burden to ECHA,** leading most probably to unnecessary delays in providing these tools and services.

Export notifications forwarded to Parties and other countries: when an exporter is due to export a chemical referred to in paragraph 1 from the Union to a Party or other country for the first time on or after the date on which it becomes subject to this Regulation, the exporter shall notify the designated national authority of the Member State in which he is established, **no later than 30 days** (rather than 20 working days) before the export of the chemical is due to take place, unless the exporter has previously given such notification in accordance with Regulation (EC) No 689/2008. Thereafter the exporter shall notify the designated national authority of the first export of such chemical each calendar year **no later than 15 days** (rather than 20 working days) before the export takes place, unless the exporter has previously given such notification in accordance with Regulation (EC) No 689/2008.

Obligations in relation to exports of chemicals other than export notification requirements: in the case of chemicals listed in Parts 2 or 3 of Annex I, the designated national authority of the exporter may decide that the export may proceed **if one of the two following conditions is met:**

(1) there is evidence from official sources in the importing Party or other country that the chemical is licensed, registered or authorised; or

(2) for the chemical concerned:

- there is evidence from official sources that it has in the last 5 years been used in or imported into the importing Party or importing other country;
- there is no evidence from official sources of the importing Party or other country having taken regulatory action to ban or severely restrict the chemical in the category for which it is intended to be used; and
- the intended use declared in the export notification is not in a category for which the chemical is listed in Part 2 or 3 of Annex I.

When deciding on the export of chemicals listed in Part 3 of Annex I, the designated national authority in consultation with the Commission assisted by the Agency shall document that it considered the possible impact on human health or the environment of the use of the chemical in the importing Party or other country.

Information regarding chemicals for export: packaging and labelling under the Classification, Labelling and Packaging Regulation depend on classification. As such, **all relevant provisions of the CLP Regulation have to apply to the export of chemicals, and not just those on packaging and labelling.**

Fees: the Commission shall examine whether it is appropriate for the Agency to charge a fee for the services provided to exporters within three years (rather than five years) of the date of application of the Regulation.

Transitional provisions: under the Classification, Labelling and Packaging Regulation there are transitional arrangements that permit labelling and packaging of mixtures under the old EU system until 1 June 2015. These arrangements should also apply to exports. As that Regulation itself applies only to chemicals placed on the EU market, and not to chemicals for export, Members have clarified that all references to the CLP Regulation in PIC should be read as if the CLP Regulation applied to the exports concerned.

Entry into force: Members propose that the Regulation shall apply as from 1 October 2013 (rather than 1 April 2013). Additional time is needed to give Member States sufficient opportunity to adapt their national enforcement regulations in order to take account of the recast PIC Regulation.