

Dangerous substances: carcinogens, mutagens, toxic to reproduction c/m/r (25th amend. Directive 76/769/EEC)

2002/0040(COD) - 21/01/2003 - Council position

The Council has been examining the proposal since spring 2002. The Council's common position is in substance identical to the Commission's proposal. As concerns amendment 5, 3 and 6, second part, the Council, in general, shares the concern of the European Parliament in relation to CMR substances in articles/products. However, the Council cannot agree to an extension of the scope of application of the Directive as proposed by the parliament without basing it on scientific evaluation or a risk assessment. According to the current legislative framework; it is for the Member States and the Commission to determine, on the basis of risk assessment, whether substances and preparations and articles containing them pose a risk to public health or the environment. In this respect, it should be recalled that a very high number of CMR substances exist and that these are contained in an indefinite number of products. A product based approach to CMR substances would this, under the current legislative framework, be impossible to apply in practice. Furthermore, the Council considers that the proposed restrictions on certain CMR substances and preparations containing them provide adequate measures to limit the use of those CMR substances, and that these measures should be adopted without delay. Consequently, the Council cannot endorse these amendments by the Parliament and has rejected them. It should be noted that the issue of chemicals in products will be addressed in the context of the development of a new chemicals policy. It is the view of the Council that the envisaged measures in the new chemicals policy will considerably improve the effectiveness of the management of risks relating to dangerous substances, including CMR substances in articles. Finally, the Council agrees with the aim of the Parliament of ensuring that the CMR substances restricted under the Dangerous Substances Directive should be subject to the same restrictions in cosmetic products. However, the Council is of the opinion that CMR substances in cosmetics should be dealt with in the framework of the Cosmetics Directive (Directive 76/768/EEC) and therefore cannot accept the amendments proposed by the Parliament.