Dangerous substances: carcinogens, mutagens or toxic to reproduction, c/m/r (23rd amend. Directive 76/769/EEC)

2001/0110(COD) - 03/06/2002 - Council position

The European Parliament adopted 2 amendments, proposing to extend the restrictions to products. The Council has rejected both amendments. The Council cannot agree to an extension of the scope of the application of the Directive without basing it on a 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 a risk assessment, whether substances and preparations, and products 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 exists and that these are contained in an indefinite number of products. A product based approach to CMR substances would thus 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. It has therefore rejected the Parliament's amendments.