Dangerous substances: marketing and use of pentaBDE in polyurethane foam (24th amend. Directive 76/769/EEC)

2001/0018(COD) - 06/02/2003 - Final act

PURPOSE : to establish uniform rules on Pentabromodiphenyl ether and octabromodiphenyl ether to preserve the Internal Market. COMMUNITY MEASURE : Directive 2003/11/EC of the European Parliament and of the Council amending for the 24th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (pentabromodiphenyl ether, octabromodiphenyl ether). CONTENT : This Directive bans the placing on the market of articles that contain penta BDE and octaBDE. The risks to the environment of pentabromodiphenyl ether (pentaBDE) and octabromo-diphenyl ether (octaBDE) have been assessed under Council Regulation 793/93/EC. The risk assessments on pentaBDE and octaBDE identified a need for reducing risks from these substances to the environment. The Scientific Committee on toxicity, ecotoxicity and the environment (CSTEE) confirmed the conclusions of these assessments of pentaBDE and octaBDE on the need to reduce risks to protect the environment. Furthermore, the CSTEE confirmed the concern about exposure of breast-fed children to pentaBDE and that the increasing levels of pentaBDE in breast milk might be the result of a use not yet identified. The Commission has already adopted Recommendations in the framework of Regulation 793/93/EC on a risk reduction strategy for pentaBDE and octaBDE providing for restrictions on marketing and use to control risks to the environment. They also recommended that any measures should take account of the concerns about infants exposed via milk. In order to protect health and the environment the placing on the market and the use of pentaBDE and octaBDE and the placing on the market of articles containing one or both of these substances is prohibited by this Directive. The presence of pentaBDE or octaBDE in concentrations higher than 0,1% can be identified using standard analytical techniques such as GC-MS (gas chromatography-mass spectrometry. In accordance with the agreement reached by the conciliation committee, a recital is added to the Directive. This recital states that the risk assessment on decaBDE was concluded in August 2002. The assessment revealed a number of uncertainties concerning possible effects on the environment of this substance. A risk reduction strategy has therefore to be established immediately. The Commission expects the results of the risk reduction strategy not later than 30 June 2003. It will immediately assess these results and propose appropriate and strict measures to address risks identified. Restrictions approved by the Community on the marketing and use of decaBDE are to enter into force without further delay, unless the further testing provided for in the above risk assessment resolves the current uncertainties by concluding that decaBDE gives no cause for concern. DATE OF TRANSPOSITION : 15/02/2004. DATE OF APPLICATION : 15/02/2004. ENTRY INTO FORCE : 15/02/2003.