Basic information

2002/0040(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Dangerous substances: carcinogens, mutagens, toxic to reproduction c /m/r (25th amend. Directive 76/769/EEC) **Subject** 4.20.05 Health legislation and policy 4.60.04.02 Consumer security	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	SCHÖRLING Inger (V /ALE)	20/02/2002

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	SCHÖRLING Inger (V /ALE)	20/02/2002

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2480	2003-01-21
Competitiveness (Internal Market, Industry, Research and Space)	2451	2002-09-30

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	

Key events

Date	Event	Reference	Summary
12/02/2002	Legislative proposal published	COM(2002)0070	Summary
27/02/2002	Committee referral announced in Parliament, 1st reading		
23/05/2002	Vote in committee, 1st reading		Summary
23/05/2002	Committee report tabled for plenary, 1st reading	A5-0181/2002	
11/06/2002	Decision by Parliament, 1st reading	T5-0284/2002	Summary

30/09/2002	Debate in Council		
21/01/2003	Council position published	15703/2/2002	Summary
30/01/2003	Committee referral announced in Parliament, 2nd reading		
25/03/2003	Vote in committee, 2nd reading		Summary
25/03/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0099/2003	
10/04/2003	Decision by Parliament, 2nd reading	T5-0180/2003	Summary
10/04/2003	Debate in Parliament		
26/05/2003	Final act signed		
26/05/2003	End of procedure in Parliament		
25/06/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0040(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/16387

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0181/2002	23/05/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0284/2002 OJ C 261 30.10.2003, p. 0027-0086 E	11/06/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0099/2003	25/03/2003	
Text adopted by Parliament, 2nd reading		T5-0180/2003 OJ C 064 12.03.2004, p. 0391-0503 E	10/04/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15299/2/2002	18/12/2002	
Council position	15703/2/2002 OJ C 064 18.03.2003, p. 0006-0012 E	21/01/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0070 OJ C 126 28.05.2002, p. 0398 E	12/02/2002	Summary
Commission communication on Council's position	SEC(2003)0130	28/01/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0675/2002 OJ C 221 17.09.2002, p. 0008	29/05/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2003/0036
OJ L 156 25.06.2003, p. 0026-0030 Summary

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

2002/0040(COD) - 11/06/2002 - Text adopted by Parliament, 1st reading/single reading

Using its procedure without debate, the European Parliament adopted a resolution drafted by Inger SCHORLING (Greens, EFA, Sweden) on substances classified as carcinogens, mutagens or substances toxic to reproduction. (Please refer to the document dated 23/05/02.) The Commission is required to submit a proposal by the end of 2002 to phase out the use of such substances in articles for use by the general public.

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

2002/0040(COD) - 10/04/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution by Inger SCH·RLING (Greens/EFA, S) approving the Council's common position without amendment.

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

2002/0040(COD) - 12/02/2002 - Legislative proposal

PURPOSE: To include an updated list of carcinogens, mutagens and substances toxic to reproduction (c/m/r) to Community legislation relating to the marketing and use thereof. CONTENT: Commission Directive 67/548/EEC deals with the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances. An Annex attached to this Directive lists all the c/m/r substances banned for use in the EU. It is updated on a regular basis depending on technical progress. It was last amended in 2001 for the twenty-eighth time. Added to the Annex were: - two new substances newly classified as carcinogenic (category 1), - nineteen substances newly classified as carcinogenic (category 2), - five substances newly classified as mutagenic (category 2), - one substance newly classified as toxic to reproduction (category 1), and - sixteen substances newly classified as toxic to reproduction (category 2). Complementing Directive 67/548/EEC is Directive 76/769 /EEC on the approximation of the laws regulations and administrative provision of the Member States relating to restriction on the marketing and use of certain dangerous substances and preparations. The aim of this Directive is to establish uniform rules for the circulation of substances and preparations classified as c/m/r. The purpose of the present Commission proposal is to update Directive 76/769/EEC in line with the amendments to Directive 67/548/EEC. In other words incorporating the newly labelled substances outlined above into the Annex of Directive 76/769/EEC. The estimated costs are low due to their limited use by the general public.

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

2002/0040(COD) - 28/01/2003 - Commission communication on Council's position

The common position corresponds with the Commission's proposal and the Council rejects the five amendments adopted by the European Parliament as the Commission has done. The Commission supports the common position, adopted by the Council unanimously.

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.

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

2002/0040(COD) - 26/05/2003 - Final act

PURPOSE : to amend for the 25th time the directive on the limited use of certain dangerous substances and preparations. COMMUNITY MEASURE : Directive 2003/36/EC of the European Parliament and of the Council amending, for the 25th time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction - c/m/r). CONTENT : In order to improve health protection and consumer safety, substances classified as carcinogenic, mutagenic or toxic to reproduction, and preparations containing them must not be placed on the market for use by the general public. Council Directive 76/769/EEC lays down restrictions on the marketing and use of certain dangerous substances and preparations. Annex I to Directive 76/769/EEC contains a list containing substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2. Commission Directive 2001/59/EC which adapted to technical progress for the 28th time Council Directive 67/548/EEC, lists: - two substances newly classified as carcinogenic category 1; - 19 substances newly classified as carcinogenic category 2; - five substances newly classified as mutagenic category 2; - one substance newly classified as toxic to reproduction category 1 and, - 16 substances newly classified as toxic to reproduction category 2. Those substances are added to the list in the appendix to Annex I to Directive 76/769/EEC. DATE OF TRANSPOSITION : 25/06/2004. DATE APPLICABLE : 25/12/2004. ENTRY INTO FORCE : 25/06/2003.