Basic information

2002/0206(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Health and environment: use of nonylphenol, nonylphenol ethoxylate and cement (26th amend. Directive 76/769/EEC) **Subject** 4.60.04.02 Consumer security 4.60.08 Safety of products and services, product liability	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	LANNOYE Paul A.A.J.G. (V/ALE)	02/10/2002

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, External Trade, Research, Energy	BOWE David Robert (PSE)	12/11/2002

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2510	2003-05-19

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	

Key events

Date	Event	Reference	Summary
16/08/2002	Legislative proposal published	COM(2002)0459	Summary
02/09/2002	Committee referral announced in Parliament, 1st reading		
19/02/2003	Vote in committee, 1st reading		Summary
19/02/2003	Committee report tabled for plenary, 1st reading	A5-0044/2003	
26/03/2003	Debate in Parliament		
27/03/2003	Decision by Parliament, 1st reading	T5-0122/2003	Summary

19/05/2003	Act adopted by Council after Parliament's 1st reading		Summary
18/06/2003	Final act signed		
18/06/2003	End of procedure in Parliament		
17/07/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0206(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0044/2003	19/02/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0122/2003 OJ C 062 11.03.2004, p. 0019-0145 E	27/03/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0459	16/08/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0003/2003 OJ C 133 06.06.2003, p. 0013-0016	26/03/2003	
EESC	Economic and Social Committee: opinion, report	CES0399/2003	26/03/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2003/0053
OJ L 178 17.07.2003, p. 0024-0027 Summary

Health and environment: use of nonylphenol, nonylphenol ethoxylate and cement (26th amend. Directive 76/769/EEC)

2002/0206(COD) - 16/08/2002 - Legislative proposal

PURPOSE : to introduce harmonised provisions on the marketing and use of NP, NPE and cement (twenty-sixth amendment of Council Directive 76 /769/EEC). CONTENT : Nonylphenol (NP) is used as an intermediate in the production of nonylphenol ethoxylates (NPE) (e.g. for use in detergents and paints), in the production of resins, plastics, stabilisers in the polymer industry, in the manufacture of phenolic oximes, and in some speciality paints. The risks to the health and environment of NP and NPE have been assessed under Council Regulation 793/93/EEC of 23 March 1993 on the evaluation and control of the risks of existing substances. The risk assessment identified a need for reducing the risks from NP and NPE to the environment. On the basis of the risk assessments and recommended risk reduction strategies, the Commission proposes to restrict the marketing and use of NP and NPE and of preparations containing them. It should be added that cement can contain small amounts of watersoluble chromium VI, which is classified as carcinogenic and sensitising. Chromium VI in cement can induce painful, disabling, allergic eczema in people exposed to wet cement preparations. On the basis of existing scientific evidence, the Commission proposes to restrict the marketing and use of cement containing more than 2 ppm chromium VI. The proposed Directive would introduce harmonised provisions on the marketing and use of NP, NPE and cement.

Health and environment: use of nonylphenol, nonylphenol ethoxylate and cement (26th amend. Directive 76/769/EEC)

2002/0206(COD) - 27/03/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution amending the Commission's proposal. The rapporteur was Paul LANNOYE (Greens/EFA, Belgium). The main amendments were as follows: - in order to further protect the environment, the Commission is asked to consider an amendment to Directive 86/278/EEC with a view to establishing a concentration limit value on NP and NPE in sewage sludge that is to be spread on land; - the restriction concerning co-formulants in pesticides and biocides will be without prejudice to the validity of existing national authorisations of plant protection products containing NPE as a co-formulant, which have been granted before the entry into force of the Directive, until they expire; - individual protection measures are necessary but not sufficient to prevent skin contact with cement. The use of cement preparations containing more than 2 ppm Chromium VI is restricted in the case of activities where there is a possibility of contact with the skin. Parliament has added an amendment stating that in controlled closed and totally automated processes, this is not the case, and they are to be exempted. Reducing agents should be used at the earliest possible stage, i.e. at the point of cement production; - in order to further protect human health, the Commission is asked to consider establishing a binding occupational exposure limit value for dust; - the Commission is asked to establish a harmonised testing method for this Directive, without delaying the entry into force of the legislation.

Health and environment: use of nonylphenol, nonylphenol ethoxylate and cement (26th amend. Directive 76/769/EEC)

2002/0206(COD) - 18/06/2003 - Final act

PURPOSE : to introduce harmonise provisions with regard to NP, NPE and cement. COMMUNITY MEASURE : Directive 2003/53/EC of the European Parliament and of the Council amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement). CONTENT : in order to protect the environment, the placing on the market and the use of NP and NPE is restricted for specific uses which result in discharges, emissions or losses to the environment. These are set out in the Annex. The provisions state that NP and NPE must not be placed on the market or used as a substance or constituent of preparations in concentrations equal or higher than 0.1% by mass for certain purposes. These purposes include industrial cleaning (with certain exceptions) and domestic cleaning. However, the restriction concerning co-formulants in pesticides and biocides is without prejudice to the validity of existing national authorisations of pesticides or biocidal products containing NPE as a co-formulant, which have been granted before the entry into force of the Directive, until they expire. Furthermore, in order to protect human health, the Directive restricts the placing on the market and the use of cement. In particular, the placing on the market and the use of cement or cement preparations containing more than 2 ppm chromium VI is restricted in the case of activities where there is a possibility of contact with the skin. In controlled closed and totally automated processes this is not the case, and they are therefore exempted. Reducing agents must be used at the earliest possible stage, i.e. at the point of cement production. The Commission is asked to do the following: - consider an amendment to Annex I to Directive 98/24/EC so as to establish a binding occupational exposure limit value for dust. - consider an amendment to Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil,

when sewage sludge is used in agriculture, with a view to establishing a concentration limit value for NP and NPE in sewage sludge that is to be spread on land. Other uses of chromium VI are being examined in the framework of a risk assessment, and the Commission is invited to propose as soon as possible the appropriate legislation to address any risks identified. The adoption of a harmonised testing method is desirable for the application of this Directive as regards the content of chromium VI in cement. Therefore, the Commission must establish such a method. DATE OF TRANSPOSITION : 17/07/04. DATE APPLICABLE : 17/01/05. ENTRY INTO FORCE : 17/07/03.

Health and environment: use of nonylphenol, nonylphenol ethoxylate and cement (26th amend. Directive 76/769/EEC)

2002/0206(COD) - 19/05/2003

With the Portuguese delegation voting against and the Italian delegation abstaining, the Council, in public session, adopted by qualified majority the Directive relating to restrictions on the marketing and use of nonylphenol, nonylphenol ethoxylates and cement, as amended by the European Parliament at first reading. Poland , Latvia and Lithuania , participating together with the other accession countries as observers in the meeting, expressed concerns about the implementation of the provisions for cement. The Directive, amending Directive 76/769/EEC for the 26th time, introduced harmonised provisions on the marketing and use of NP, NPE and cement. (NP is used as an intermediate in the production of NPE (e.g. for use in detergents and paints), in the production of resins, plastics and stabilisers in the polymer industry, in the manufacture of phenolic oximes, and in some speciality paints.) The proposal was intended to preserve the Internal Market and at the same time ensure a high level of protection of health and the environment.